

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

JANUARY 9, 2012

SWEARING IN CEREMONY: The following are the titles and names of elected officials being sworn into office @ 7:30 PM on Monday, January 9, 2012 in City Council Chambers by Law Director Joseph Martuccio.

JAMES BABCOCK:	COUNCIL-AT-LARGE
MARY CIRELLI:	COUNCIL-AT-LARGE
JOSEPH COLE:	COUNCIL-AT-LARGE
GREGORY HAWK:	WARD 1 COUNCIL MEMBER
THOMAS WEST:	WARD 2 COUNCIL MEMBER
JAMES GRIFFIN:	WARD 3 COUNCIL MEMBER
CHRIS SMITH:	WARD 4 COUNCIL MEMBER
KEVIN FISHER:	WARD 5 COUNCIL MEMBER
DAVID DOUGHERTY:	WARD 6 COUNCIL MEMBER
PATRICK BARTON:	WARD 7 COUNCIL MEMBER
EDMOND MACK:	WARD 8 COUNCIL MEMBER
FRANK MORRIS III:	WARD 9 COUNCIL MEMBER

PRO-TEM OFFICE APPOINTMENTS:

CYNTHIA TIMBERLAKE:	CLERK PRO TEM
MICHELLE SENTER:	COUNCIL STAFF PRO TEM
PATRICIA DOROSKY:	COUNCIL STAFF PRO TEM

ROLL CALL: All Council Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: David Dougherty, Ward 6 Council Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: None

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Richard Drake welcomed new Council Members. He explained what a certified arborist is and how they are able to care for trees. He feels that while a Tree Ordinance or Tree Commission would be nice, what Canton needs is a tree inspector like they had in the past that can maintain the trees all the time. Charles Killens states that the Mayor has City Hall looking very nice and if the new Council Members can do this in their Wards, the whole city will look nicer. He would like the Mayor to get on the Building Code Department and make them do their jobs to start the year right. Cindy Hall has made improvements to her home across from the old Lehman School but it will never be noticed because of the run down, crime ridden area. This has become a neighborhood that only low income renters will live in and they generally cause more problems in a neighborhood. She is afraid that the Wellness Clinic project will cause more problems and she holds the Canton City Schools, Council and the City partially responsible for allowing this all to happen. Dan Fonte speaking to all on the electric aggregation program that the city is now in the process of launching. There have been some bad laws passed at the state level and since there no longer is an Ohio Consumer Council many people are confused about these utilities. The new program will not permit anyone to be on a budget and most seniors need to be on a monthly budget because of their fixed income. He would like Council to get together with other cities, counties, etc and create legislation to force the state to look at the utilities and establish regulations. Michael Swintosky is the President of the North Lehman Neighborhood Alliance and they are very much in support of the Planning Commission's recommendation regarding the project at the old Lehman School. He is concerned about the time frame for the project moving along and is against any type of 24/7 business. They do not want to see any type of housing for clients and would like to verify that there will be off the road parking for individuals using the facility. He is requesting that the Neighborhood Association be invited to all meetings regarding this project in the future. Kathryn Ramsey congratulated new Council Members. She lives by a gentleman that was shot while breaking into a house to steal the copper plumbing. She feels that the city should do more to regulate scappers to stop this type of crime because it brings grief to whole neighborhoods. Pat Kirk asked how many Council Members felt that a Tree Ordinance would cost the city money. She brought along 5 applications for the Tree Academy that Canton will be hosting this year beginning in March. This ODNR course is mainly for people that will be on the Tree Commission but anyone can attend for \$35.00 per class. Mayor Healy is an honored guest and will be able to attend for free. James Parker loves Canton but is concerned about Central Plaza. He does not want the Occupy Wall Street people coming into downtown and feels that both the Safety Director and the Law Director should be making plans for what they will do when these homeless, drunken people come into the square during Hall of Fame week claiming to be demonstrating for their country.

INFORMAL RESOLUTIONS:

1. COUNCIL-AS-A-WHOLE: APPROVING & ADOPTING THE RULES OF PROCEDURE FOR CANTON CITY COUNCIL EFFECTIVE JANUARY 9, 2012. - ADOPTED
2. COUNCIL-AS-A-WHOLE: ELECTIONS OF COUNCIL VICE-PRESIDENT AND FIRST VICE-PRESIDENT. - ADOPTED
3. COUNCIL-AS-A-WHOLE: ELECTIONS OF CLERK OF COUNCIL & OFFICE STAFF; CLERK OF COUNCIL: CYNTHIA TIMBERLAKE; ADMINISTRATIVE ASSISTANT V: PATRICIA DOROSKY; ADMINISTRATIVE ASSISTANT V: MICHELLE SENTER. - ADOPTED
4. COUNCIL-AS-A-WHOLE: AUTHORITY TO ADVERTISE ORDINANCES, RESOLUTIONS & NOTICES. - ADOPTED
5. COUNCIL-AS-A-WHOLE: COMMENDING TOM BOWMAN FOR HIS HEROIC ACTIONS. - ADOPTED

INFORMAL RESOLUTIONS CONTINUED:

6. CNCL MBRS BABCOCK, CIRELLI, COLE, WEST, GRIFFIN, SMITH, FISHER, DOUGHERTY, BARTON, MACK AND MORRIS: APPROVING THE APPT OF MAYOR WILLIAM HEALY TO JACKSON TOWNSHIP JEDD AGMT BOARD OF DIRECTORS. - ADOPTED
7. WARD 6 CNL MBR DOUGHERTY: SUPPORT FOR NAMING THE OLD LOBBY SECTION OF CANTON CITY HALL, "THE DELBERT AND VICTORIA SULLIVAN MEMORIAL LOBBY" IN HONOR OF THE LATE DELBERT W. SULLIVAN WHO DIED IN THE CONSTRUCTION OF OUR BLDG ON MAY 3, 1961. - ADOPTED

COMMUNICATIONS:

1. APPLICANT, SCHOOLHOUSE FINANCE, LLC.: REQ ZONE CHG @ 1500 AND 1530 SUPERIOR AVE NE FROM R1-A (SINGLE FAMILY RESIDENTIAL) TO PCS (PLANNED COMMUNITY SERVICE). - PLANNING COMMISSION
2. AUDITOR MALLONN: REQ FOR ADDITIONAL AMENDED CERT DATED 10/19/11. - RECEIVED & FILED
3. AUDITOR MALLONN: REQ FOR ADDITIONAL AMENDED CERT DATED 11/1/11. - RECEIVED & FILED
4. AUDITOR MALLONN: REQ FOR ADDITIONAL AMENDED CERT DATED 12/13/11. - RECEIVED & FILED
5. AUDITOR MALLONN: REQ FOR ADDITIONAL AMENDED CERT DATED 12/21/11. - RECEIVED & FILED
6. AUDITOR MALLONN: MONTHLY RPT BY FUND 12/1/11 - 12/30/11. - RECEIVED & FILED
7. AUDITOR MALLONN: YEARLY RPT BY FUND 1/1/11 - 12/30/11. - RECEIVED & FILED
8. FINANCE DIRECTOR DIRUZZA: AMEND O#220/2011 FOR \$273,300.00 SUPP APPROP FROM UNAPPROP BAL 4510 2006 CONSTR/RECONSTR BND FUND TO 4510 201001 SERVICE DIRECTOR ADMIN TO COMPLETE WORK ON FIRE STATION & CITY HALL PROJECTS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
9. FINANCE DIRECTOR DIRUZZA: REQ ORDINANCE TO RATIFY GRANT ADVANCE NEEDED TO KEEP FUND SOLVENT FOR YR ENDING 12/31/11; AUTHORIZE REPAYMENT OF GRANT ADVANCE FROM 2213 NEIGHBORHOOD STABILIZATION 3 TO 1001 GENERAL FUND; AND REQ \$5,016.05 SUPP APPROP, AMENDING O#220/2011 FROM UNAPPROP BAL 2213 NEIGHBORHOOD STABILIZATION 3 TO 2213 506001 COMMUNITY DEVELOPMENT ADMIN OTHER. - FINANCE COMMITTEE
10. LAW DIRECTOR MARTUCCIO: REQ AUTHORIZATION TO PREPARE (3) ORDINANCES FOR AUTHORIZATION TO PURCHASE EQUIPMENT, SUPPLIES AND SERVICES FROM & THROUGH STATE OF OHIO, DIVISION OF ADMIN SVCS UNDER REVISED CODE SECTION 125.04, STATE COOP PURCHASING AGMT; FROM & THROUGH OHIO DEPT OF TRANSPORTATION UNDER REVISED CODE SECTION 5513.01; AND FROM & THROUGH U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE UNDER REVISED CODE SECTION 9.48. - FINANCE COMMITTEE
11. LAW DIRECTOR MARTUCCIO: REQ AUTHORIZATION AN AMEND AGMT EXTENDING MASTER SERV AGMT W/VECTREN SOURCE (PURCHASED BY DIRECT ENERGY) FOR TWO ADDITIONAL YRS ENDING 3/31/14 FOR GAS AGGREGATION PROGRAM; CITY WILL BE ENTITLED TO UP TO 10 FREE ENERGY AUDITS WITHIN THIS TIME PERIOD. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
12. LAW DIRECTOR MARTUCCIO: REQ AUTHORIZATION TO SUBMIT A REVISED DRAFT OF THE TREE COMMISSION ORDINANCE. - JUDICIARY COMMITTEE
13. LIQUOR CONTROL DIVISION: REQ NEW D1 AND D3 LIQ PERMIT FOR GLENDALE PLAZA INC @ 1210-12 30TH ST NW. - RECEIVED & FILED
14. LIQUOR CONTROL DIVISION: REQ TRANSFER OF C1 C2 LIQ PERMIT FROM SARAI PROPERTIES LLC DBA SARAI MARATHON 4 TO R & J PETROLEUM INC DBA R & J MARATHON @ 2201 9TH ST SW. - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

15. MAYOR WILLIAM HEALY: ADVISING OF APPT OF TERRY PRATER TO CANTON PARK COMM TO REPLACE UNEXPIRED TERM OF FRANK MORRIS III EFFECTIVE 1/1/12 - 12/31/12 AND RE-APPT OF ANDY BLACK TO CANTON PARK COMM FOR TERM OF 1/1/12 - 12/31/14. - RECEIVED & FILED
16. MAYOR WILLIAM HEALY: REQ AUTHORIZATION OF RE-APPT OF RICK GECKLER TO CANTON RECREATION BOARD FOR TERM OF 1/1/12 - 12/31/16. - PERSONNEL COMMITTEE
17. MAYOR WILLIAM HEALY: REQ AUTHORIZATION OF RE-APPT OF NICHOLAS RAMPHOS TO BOARD OF BUILDING APPEALS AS THE REGISTERED ENGINEER FOR TERM OF 1/1/12 - 12/31/14. - PERSONNEL COMMITTEE
18. MAYOR WILLIAM HEALY: REQ AUTHORIZATION OF RE-APPT OF PAULINE DOWNING TO FAIR EMPLOYMENT PRACTICES BOARD FOR RETRO TERM OF 5/1/11 - 4/28/14. - PERSONNEL COMMITTEE
19. MAYOR WILLIAM HEALY: ADVISING OF RE-APPT OF MARILYN FRAZIER TO STARK METRO HOUSING AUTHORITY BOARD FOR TERM OF 2/1/12 - 1/31/16. - RECEIVED & FILED
20. PLANNING COMMISSION: RECOMMEND APPRVL OF ZONE CHG @ 3120 PARKWAY AVE NW FROM PB-1 (PLANNED OFFICE DISTRICT) TO PB-3 (PLANNED GENERAL BUSINESS) (PARCEL #1480024 & #0283460, DR. DOMINGO). - JUDICIARY COMMITTEE
21. PLANNING COMMISSION: RECOMMEND APPRVL OF ZONE CHG @ 1500/1530 SUPERIOR AVE NE FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PCS (PLANNED COMMUNITY SERVICE) (PARCEL #280250, #280301, #280548, #280002, #280004, #284406 AND #280301, SCHOOLHOUSE FINANCE). - JUDICIARY COMMITTEE
22. PLANNING COMMISSION: RECOMMEND APPRVL OF ZONE CHG @ 1120 15TH ST NW FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PCS (PLANNED COMMUNITY SERVICE) WITH CONDITIONS THAT NO CURB CUT BE CREATED ON OXFORD AVE NW, NO HOUSING OF ANY SORT PROVIDED AND THE APPLICANT HAVE 12 MONTHS TO COMPLETE THE PROJ (PARCEL #280008 LEHMAN SCHOOL). - JUDICIARY COMMITTEE
23. SAFETY DIRECTOR REAM: REQ AUTHORIZATION FOR SAF DIR TO ENTER INTO PROF SVC CONTRACT WITH ANGELA CAVANAUGH TO SERVE AS THE CITY'S CHIEF BUILDING OFFICIAL FROM 2/1/12 - 1/31/13 OR UPON TOTAL EXPENDITURES OF \$108,993.00. - PERSONNEL & FINANCE COMMITTEES
24. SAFETY DIRECTOR REAM: REQ AUTHORIZATION FOR SAF DIR TO ENTER INTO PROF SVC CONTRACT WITH PHILIP SEDLACKO FOR ANIMAL CONTROL SERVICE IN AMT NOT TO EXCEED \$27,129.00 FROM 2/1/12 - 1/31/13. - PERSONNEL & FINANCE COMMITTEES
25. SAFETY DIRECTOR REAM: REQ AUTHORIZATION FOR SAF DIR TO ENTER INTO LEASE AGMTS WITH STARK CTY COMMISSIONERS FOR USE OF PARKING SPACES AT MILLENNIUM PARKING GARAGE COMMENCING &/OR RETRO FROM 1/1/12 - 12/31/12 IN AMT NOT TO EXCEED \$6,500.00 FOR JURORS OF STARK COUNTY COMMON PLEAS COURT AND LESSEE AGREES TO PAY THE SUM OF \$50.00 PER MONTH FOR EACH COURT EMPLOYEE UTILIZING THESE SPACES; TOTAL SUM OF CONTRACT SHALL NOT EXCEED \$33,000.00 FOR LENGTH OF AGMT. - FINANCE COMMITTEE
26. SAFETY DIRECTOR REAM: REQ AUTHORIZATION FOR SAF DIR TO ENTER INTO LEASE AGMT WITH CANTON REGIONAL CHAMBER OF COMMERCE FOR USE OF PARKING SPACES AT MILLENNIUM PARKING GARAGE COMMENCING &/OR RETRO FROM 1/1/12 - 12/31/12 FOR LESSEE TO PAY THE SUM OF \$45.00 PER SPACE, PER MONTH FOR STANDARD PARKING & \$50.00 PER SPACE, PER MONTH FOR PREFERRED PARKING. - FINANCE COMMITTEE
27. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR LEASE AGMT BETWEEN CITY OF CANTON AND CANTON JOINT RECREATION DISTRICT (CJRD) FOR CITY OWNED PROPERTY @ 1414 MARKET AVE N. - FINANCE COMMITTEE
28. SERVICE DIRECTOR PRICE: REQ PURCHASE OF EASEMENTS FOR HARTVILLE/LAKE TOWNSHIP WATER MAIN EXT PROJ AND APPROP \$74,525.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207026 APPROP BAL 5201 FUND. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE

COMMUNICATIONS CONTINUED:

29. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ACCEPT A DONATION OF LAND FROM JAMES F RICH REVOCABLE TRUST, JAMES F. RICH, TRUSTEE FOR FUTURE BICYCLE/PEDESTRIAN TRAIL PURPOSE; ENTER INTO AGMT WITH JAMES F RICH REVOCABLE TRUST & MONTABELLO ESTATES HOMEOWNERS ASSOC, INC REGARDING RIGHTS AND RESPONSIBILITIES REGARDING SUBJECT PARCEL; AND AUTHORIZE MAYOR AND/OR SERV DIR TO MAKE MINISTERIAL CHANGES TO CORRECT PROP OWNERS NAMES, PARCEL NUMBERS & OTHER NUMERICAL DESCRIPTIVE OR TYPOGRAPHICAL ERRORS SHOULD THEY OCCUR. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
30. SERVICE DIRECTOR PRICE: AUTHORIZE AUDITOR TO ENTER INTO ANY ADDITIONAL CONTRACTS NECESSARY TO FACILITATE THE \$1,600,000.00 NOTE ISSUANCE FOR PURPOSE OF PROVIDING FUNDS TO PAY COURT-APPROVED SETTLEMENT CLAIM AGAINST CITY. - FINANCE COMMITTEE
31. SERVICE DIRECTOR PRICE AND SAFETY DIRECTOR REAM: REQ AUTHORIZATION FOR MAYOR, SERV DIR AND SAF DIR TO COMPLETE THE EXECUTION FOR 96 ORDINANCES THAT DID NOT GO INTO FULL OPERATION DURING THE TERM FOR WHICH ALL MEMBERS OF SUCH LEGISLATION DID ENACT PURSUANT TO O.R.C. SECTION 731.48. - JUDICIARY COMMITTEE
32. SERVICE DIRECTOR PRICE AND SAFETY DIRECTOR REAM: REQ AUTHORIZATION FOR SERV AND SAF DIR TO ADVERTISE, RECV BIDS AND ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS AND PROF SVCS FOR CITY OF CANTON'S OPERATION DURING 2012 CALENDAR YEAR; REQ AUTHORIZATION TO ALTERNATIVELY ENTER INTO CONTRACT FOR PURCHASE OF SAID ITEMS IN ACCORDANCE WITH O.R.C. SECTION 125.04, STATE COOP PURCHASING AGMT, OHIO REVISED CODE SECTION 5513.01, OHIO DEPT OF TRANSPORTATION PURCHASING AGMT AND OHIO REVISED CODE SECTION 735.05, NONPROFIT AGENCIES . - FINANCE COMMITTEE
33. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 12/30/11. - RECEIVED & FILED
34. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR DECEMBER 2011. - RECEIVED & FILED
35. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX ACCT FOR DECEMBER 2011. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING: (None)**ORDINANCE & FORMAL RESOLUTIONS FOR SECOND READING:** (None)**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE:** (None)**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, JANUARY 23, 2012 in Council Caucus Room**

(None)

MONDAY, JANUARY 23, 2012 in Council Caucus Room at 7:00 P.M.

Democratic Caucus

MISCELLANEOUS BUSINESS: Member Griffin announcing that Canton received three awards at the 80th National Amateur Softball Association Meeting held in Myrtle Beach, SC at the Wilson Sporting Goods ceremony. To receive the James Ferrell Award for excellence a city must achieve a 95% or higher rating and Canton received this for hosting both the Girls Class B fast pitch tournament in July and also the Mens Class C Eastern National Championship tournament over Labor Day weekend. The ASA is considered a national governing body for softball and these tournaments and awards would not have been possible without the renovation of Willig Field. These were Canton's first national championship tournaments and between them they generated approximated \$1,250,000.00 with 65 teams representing 13 states. The hard work and dedication of many have helped Canton District 10 to be awarded with the 2012 National Eastern Coed Tournament and 2013 National C and D tournaments. Member Smith inviting all to a Martin Luther King breakfast on Thursday, January 12, 2012 at 8:00 am at the McKinley Grand Hotel and there will also be a gathering on Monday, January 16, 2012 at noon at the Southeast Community Center where Vince Watts will be the featured speaker. Member Fisher wanted to thank Mr. Bowman for his heroic efforts in Ward 5. He also stated that his children were in the audience and thought everyone but President Schulman was boring. Member West would like all Council Members to receive and review a copy of Communication #22 before the Committee Mtg for those items. He also feels the city is blessed to have Mr. Drake and Pat Kirk caring for the trees in the community. Member Cirelli asked that all family members of both new and old Council Members stand. President Schulman recognized Ryan Brahler for being a newly elected Member of the School Board. Law Director Martuccio responding to Dan Fonte about the aggregation problem for electricity stating that 11 years ago the utilities were deregulated so Canton began to broker for gas. At that time there was no need for electric aggregation but now AEP is beginning to increase prices because of older infrastructure costs

and the city was trying to get out in front of that before the rates jumped. First Energy offered the city 10% off of the current AEP rates for 3 years. All residents will be included unless you choose to opt out which will not cost anything if you do this upon receiving your information. If you wait and then opt out you will have to pay a \$100.00 cancellation fee. AEP will continue to send you one bill but it will be broken down by distribution, generation, transportation, etc costs so there will no longer be any type of budget program, so for those individuals that need to remain on a budget, they can choose to stick with AEP as the supplier. Mayor William Healy congratulating new Council Members and welcoming all to a new year. This is his 5th year and so far this is the best first meeting of the year he has attended. He is looking forward to a great new year with all Members.

ADJOURNMENT: 8:44 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JANUARY 23, 2012 @ 7:30 PM