

FINAL
A G E N D A
7:30 PM
2008

CANTON CITY COUNCIL

JULY 14,

ROLL CALL: Ten Councilmembers Present (Member Smith & Prater Absent)

INVOCATION: Patrick Barton, Ward 7 Councilmember

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#2 & 2nd Rdg O#4 - O#12; O#2 Adopted on 1st Rdg; O#15 Adopted as Amended)

PUBLIC HEARINGS: (None)

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

INFORMAL RESOLUTIONS:

- MAJORITY LEADER DON CASAR: EXCUSING MEMBERS. (MEMBER SMITH & PRATER ABSENT)
65. COUNCIL AS A WHOLE: HONORING ERNEST MOLES FOR HIS BRAVERY & SELFLESS ACTS. - ADOPTED
66. COUNCIL AS A WHOLE: COMMENDING ALL INVOLVED IN THE ULSTER PROJECT. - ADOPTED
67. HAWK, G., WARD 1 CNCLMN: URGING NAT'L CREDIT UNION ADMIN, FED RESERVE BD & OFFICE OF THRIFT SUPERVISION TO ADOPT REFORMS PROPOSED FOR FEDERAL TRADE COMMISSION ACT, TRUTH IN SAVINGS ACT & TRUTH IN LENDING ACT TO PROTECT CONSUMERS FROM UNFAIR & ABUSIVE PRACTICES BY CREDIT CARD INDUSTRY. - ADOPTED
68. PERSONNEL COMMITTEE: REQ CONFIRMATION OF APPT OF MASSILLON MAYOR FRANCIS CICCHINELLI JR TO FILL "AT-LARGE" MAYOR'S POSITION ON 9-1-1 PLANNING COMMISSION. - ADOPTED
69. PERSONNEL COMMITTEE: REQ CONFIRMATION OF APPT OF JAMES REINHARD TO STARK AREA REGIONAL TRANSIT AUTHORITY EXPIRING 3/31/09. - ADOPTED

COMMUNICATIONS:

281. AUDITOR MALLONN (CITY): MONTHLY RPT BY FUND FOR 6/1/08 - 6/30/08. - RECEIVED & FILED
282. AUDITOR MALLONN (CITY): YEARLY RPT BY FUND FOR 1/1/08 - 6/30/08. - RECEIVED & FILED
283. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/CCIC TO PROVIDE A GRANT UTILIZING CDBG FUNDS IN AMT NOT TO EXCEED \$500,000.00 FOR GRANTS, LOANS & ADMIN COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
284. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT FR: 1/1/08 - 12/31/08 W/ CANTON REG CHAMBER OF COMMERCE TO PROVIDE A GRANT UTILIZING COMM DEV BLOCK GRANT FUNDS IN AMT NOT TO EXCEED \$175,000.00 FOR COMPREHENSIVE ECONOMIC & DOWNTOWN DEV PROG. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
285. DEVELOPMENT DIRECTOR TORRES: REQ LEGISLATION TO AUTHORIZE FILING OF AN APP TO OHIO DEPT OF DEV FOR A CLEAN OH ASSIST FUND FOR BROWNFIELD REMEDIATION GRANT MONIES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
286. DEVELOPMENT DIRECTOR TORRES: REQ LEGISLATION CONCERNING AN APP FOR BROWNFIELD REMEDIATION GRANT MONIES TO REMEDIATE THE SITE KNOWN AS HERCULES PROJ. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
287. DEVELOPMENT DIRECTOR TORRES: ACCEPT PARCEL OF REAL PROPERTY FR: HABITAT FOR HUMANITY THROUGH RIGHT OF REVERSION CLAUSE; AUTHORIZE ACQUISITION OF PROP LOCATED ON 5TH ST NE (PARCEL #02-48016). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
288. HEALTH BENEFITS ADMIN, BRESSON: JUNE 2008 MO COMPARATIVE RPT OF INSUR CLAIMS & JAN - JUNE 2008 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED
289. HEALTH COMMISSIONER ADAMS: REQ VARIOUS INTERDEPARTMENTAL APPROP TRANSFERS TO HEALTH DEPT'S EXPENSE ACCTS FOR 2008. - FINANCE COMMITTEE

COMMUNICATIONS CONTINUED:

290. LAW DIRECTOR MARTUCCIO: REQ APPROVAL OF THE EDITING & INCLUSIONS OF CERTAIN ORDINANCES ADOPTED FR: 6/30/07 TO 6/30/08 TO BE INCORP INTO THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AUTHORIZE LAW DIR TO DISTRIBUTE, FREE OF CHARGE, TO PUBLIC OFFICIALS & PUBLIC INSTITUTIONS, COPIES OF 2008 SUPPLEMENT TO CANTON CITY CODE & TO AFFIX THE PRICE FOR THE SALE OF 2008 SUPPLEMENT TO THOSE HOLDERS OF THE CANTON CITY CODE. - JUDICIARY COMMITTEE
291. MAYOR HEALY: REQ APPROVAL OF APPT OF MICHAEL ABBOTT TO CANTON CONSTRUCTION BD EXPIRING 12/31/08. - PERSONNEL COMMITTEE
292. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED AMENDING OF PB-4 ZONE CHANGE (O#226/2006) @ 1919 11TH ST SW TO ALLOW AN ICE CREAM STAND (WAYNE MARION). - JUDICIARY COMMITTEE
293. PLANNING COMMISSION: RECOMMENDS DENIAL OF PROPOSED REPLAT OF LT 14320 & PART OF LOT 14321, WEST OF ARNOLD AVE NW ON AUBURN PL NW (ROGER RAMBAUD). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
294. PLANNING COMMISSION: RECOMMENDS FIRST TEE ANNEXATION (25TH ST NE) BE DESIGNATED AS OPEN SPACE ZONING & THE AREA BE ASSIGNED TO WARD 6. - ANNEXATION COMMITTEE
295. PLANNING COMMISSION: RECOMMENDS APPROVAL OF REVISITED PROPOSED ZONE CHANGE OF LOTS 30871 - 30873 IN 3500 BLOCK OF W. TUSC ST ON NORTH SIDE TO CONSTRUCT A PHYSICIAN'S OFFICE (ASIF YOUNUS). - JUDICIARY COMMITTEE
296. SAFETY DIRECTOR NESBITT: AUTHORIZE SAF DIR ON BEHALF OF FIRE DEPT TO ACCEPT \$100.00 DONATION FR: MCKINLEY KENNEL CLUB, INC; AUTHORIZE SUPP APPROP TO 2783 FIRE DONATION FUND FOR SAME. - FINANCE COMMITTEE
297. SAFETY DIRECTOR NESBITT: AUTHORIZE SAF DIR ON BEHALF OF FIRE DEPT TO ACCEPT \$4,000.00 GRANT FR: OH DEPT OF PUB SAF FOR EMS TRAINING & EQUIPMENT FOR CITY'S FIRE DEPT; AUTHORIZE SUPP APPROP TO 2812 EMS TRAINING & EQUIPMENT FOR SAME. - FINANCE COMMITTEE
298. SAFETY DIRECTOR NESBITT: REQ PAYMENT OF \$600.00 MORAL OB INCURRED DURING FALL OF 2007 FOR DIVERSITY AWARENESS TRAINING W/FIRE DEPT. - FINANCE COMMITTEE
299. SERVICE DIRECTOR BERNABEI: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF TRAIL UNDERPASS AT NIMISHILLEN CREEK & TUSC ST EAST. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
300. SERVICE DIRECTOR BERNABEI: AUTHORIZE LEASING OF SPACE @ EDWARD L. "PEEL" COLEMAN COMMUNITY CENTER TO NAACP. - FINANCE COMMITTEE
301. STARK COUNTY COMMISSIONERS: RECEIPT OF PERTINENT DOCUMENTS REGARDING FIRST TEE ANNEXATION. - PLANNING COMMISSION
302. TREASURER SCHIRACK: JUNE 2008 PKING MTR REVENUE. - RECEIVED & FILED
303. TREASURER SCHIRACK: JUNE 2008 DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
304. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 6/30/08. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND CHAPTER 917, TREES, OF THE CODIFIED ORDINANCES OF CITY OF CANTON
Referred to Parks & Recreation Committee

**** (COUNCIL RECESSED @ 7:52 PM FOR C&ED CMTE TO DISCUSS THE ADOPTION OF O#2; RECONVENED @ 7:53**

PM)

- 92/2008** 2. DECLARING BUILDING @ 219 NEWTON AVE NW TO A PUBLIC NUISANCE; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR DEMO OF SAID BLDG; AUTHORIZE CLERK OF COUNCIL TO CERTIFY COSTS OF DEMO TO STARK CNTY AUDITOR; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 3. AUTHORIZE SAF DIR TO FILE APP FOR & ACCEPT A GRANT FR: FEDERAL COMMERCIAL EQUIPMENT DIRECT ASST PROG FOR SOLE PURPOSE OF PURCHASE OF FORENSIC VIDEO EQUIPMENT FOR POLICE DEPT; EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**(SUSPENDED RULE 22A TO ADD O#4 - O#12)**

- 2ND RDG 4. AUTHORIZE CITY TO ACCEPT DONATION OF REAL PROP FR: THE NILES H. BAUM ESTATE (PARCEL #02-02026 HAMMOND AVE SW) (C&ED)
- 2ND RDG 5. CONSENTING TO TRANSFER OF THE ROBERT J. GASSER COMMUNITY REINVESTMENT AREA AGMT; EMERGENCY (C&ED)
- 2ND RDG 6. AUTHORIZE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGMT W/BROWNSTONE DEVELOPERS, LLC; EMERGENCY (C&ED)
- 2ND RDG 7. AMEND O#55/77, AS AMENDED, KNOWN AS CITY ZONING ORDINANCE; EMERGENCY (NAT'L STEELWORKERS OLDTIMERS FOUNDATION 3825 13TH ST SW)
(JUD) **PUB HRG 7/28/08 @ 7:30 P.M.**
- 2ND RDG 8. APPROVE & ACCEPT REPLAT & RENUMBERING OF OL 1220; EMERGENCY (CITY OF CANTON) (PS&T)
- 2ND RDG 9. AUTHORIZE SAF DIR TO MAKE APPLICATION FOR & ACCEPT GRANT IN AMT NOT TO EXCEED \$35,429.21 FR: STATE FOR SELECTIVE TRAFFIC ENFORCEMENT PROG; EMERGENCY (FIN)
- 2ND RDG 10. AUTHORIZE MAYOR TO ACCEPT OH DEPT OF NATURAL RESOURCES, DIV OF RECYCLING & LITTER PREVENTION GRANT; AUTHORIZE A CASH MATCH FR: COURT FUNDS; AUTHORIZE AUDITOR TO ESTABLISH 2417 LITTER PREVENTION FUND; AMEND APPROP O#1/2008; EMERGENCY (FIN)
- 2ND RDG 11. AMEND APPROP O#1/2008, AS AMENDED, BY MAKING VARIOUS SUPP APPROP, APPROP TRANS & APPROP REDUCTIONS; EMERGENCY (FIN)
- 2ND RDG 12. AMEND O#18/2008 & O#155/2007; EMERGENCY (PARK POULTRY, INC) (C&ED)

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

- DEFEATED** 13. AMEND O#55/77, AS AMENDED, ZONING; EMERGENCY (MARTHA ANDERSON)
PUB HRG: 6/30/08 @ 7:32 PM

- 93/2008** 14. AUTHORIZE SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE PURCHASE OF ONE COMMAND/COMMUNICATIONS VEHICLE FOR POLICE DEPT; AUTHORIZE SAF DIR TO ALTERNATIVELY PURCHASE VEHICLE PURSUANT TO STATE COOP PURCHASE AGMT; EMERGENCY

AMENDED

- 94/2008** 15. AUTHORIZE STARK COUNTY COMMISSIONERS ON BEHALF OF CITY & IN CONJUNCTION W/SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF 25TH ST NE STORM SEWER & ROADWAY RECONSTRUCTION PROJ; AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AGMT W/& REC FUNDS FR: OH PUB WRKS COMM; AUTHORIZE AUDITOR TO ESTABLISH THE 4558 25TH ST NE STORM SEWER PROJ G.P. 1090 FUND; AMEND APPROP O#1/2008; EMERGENCY
- 95/2008** 16. AUTHORIZE REPLACEMENT OF BRIDGE ON SR 172 (TUSCARAWAS) OVER NIMISHILLEN CREEK; EMERGENCY
- 96/2008** 17. AUTHORIZE THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGMT & ACCEPT FUNDS FOR 2009 PROG YR FR: OH PUB WRKS COMM; EMERGENCY
- 97/2008** 18. AMEND O#1/2008, AS AMENDED, BY MAKING \$6,162.12 SUPP APPROP; EMERGENCY (ONASBURG WATER MAIN EXTENSION)
- 98/2008** 19. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMT & REC FUNDS FR: OH PUB WRKS COMM IN AMT OF \$250,860.00 FOR 49TH ST NE (PLAIN CENTER) STORM SEWER & STORM WATER BASIN PROJ; AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF SAID PROJ; AUTHORIZE AUDITOR TO ESTABLISH THE 4555 49TH ST NE &

GARDENDALE NE STORM SEWER PROJ FUND; AMEND APPROP O#1/2008; EMERGENCY

- 99/2008** 20. ESTABLISH FAIR MKT VALUE OF REAL PROP; AUTHORIZE SERV DIR TO ENTER INTO AGMTS FOR PURCHASE & MAINTENANCE OF SAID PROP FR: EASTPOINTE HOMEOWNERS ASSOC & TEMPORARY CONSTRUCTION EASEMENTS; AMEND APPROP O#1/2008;EMERGENCY
- 100/2008** 21. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF 30TH ST NE STORM SEWER, ROADWAY RECONSTRUCTION & STORM WATER BASIN PROJ, G.P. 1083; AUTHORIZE AUDITOR TO ESTABLISH THE 4557 30TH ST NE STORM SEWER, ROADWAY RECONSTRUCTION & STORM WATER BASIN PROJ FUND; AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AGMT & REC FUNDS FR: OH PUB WRKS COMM IN AMT OF \$2,101,300.00 FOR PROJ; AMEND APPROP O#1/2008; EMERGENCY
- 101/2008** 22. ESTABLISH FAIR MKT VALUE OF REAL PROP; AUTHORIZE SERV DIR TO NEGOTIATE & PURCHASE SAID PROPERTY AT THE ESTABLISHED FAIR MKT VALUE; AUTHORIZE THE CITY TO ACCEPT DONATION OF REAL PROP; AUTHORIZE MAYOR OR SERV DIR TO APPLY FOR, ENTER INTO AGMT & REC FUNDS IN AMT OF \$135,000.00 FR: CLEAN OH CONSERV FUND; RESERVE THE PROP FOR PURPOSES OF PRESERVATION OF WATER, FORESTRY & OTHER NATURAL RESOURCES; AMEND APPROP O#1/2008; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, JULY 28, 2008 in Council Caucus @ 6:45 P.M.

- 1) Parks & Recreation Committee
- 2) Finance Committee
- 3) Public Property Capital Improvement Committee
- 4) Personnel Committee

PUBLIC SPEAKS: William Aston re: Urging City Council to consider adopting a law similar to the one Akron has regarding sidewalk programs.

MISCELLANEOUS BUSINESS: Service Director Bernabei re: Advising Mr. Aston that Councilmember Barton has addressed that issue and the City is considering this legislation.

ADJOURNMENT: 8:14 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JULY 28, 2008 @ 7:30 PM