

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

CANTON CITY COUNCIL

JUNE 30,

**ROLL CALL:** All Councilmembers Present

**INVOCATION:** David Dougherty, Ward 6 Councilmember

**PLEDGE OF ALLEGIANCE:** Led by President Allen Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add O#10 - O#18; O#19 & O#22 Postponed; O#28 Adopted as Amended)

**PUBLIC HEARINGS:**

- 7:30 PM AN ORDINANCE VACATING A PORTION OF WELLS AVENUE NW AND ALL OF LEY PLACE NW; APPROVING ACCEPTING THE REPLATTING ALL OF LOTS NOS. 247, 2753 THRU 2762, PARTS OF LOTS NOS 248 AND 249, PART OF VACATED MCKINLEY AVENUE NW AND THE VACATED PORTIONS OF WELLS AVENUE NW AND LEY PLACE NW; AND DECLARING THE SAME TO BE AN EMERGENCY (HILSCHER CLARK ELECTRIC); ASSIGNED TO WARD 2; PLANNING COMMISSION RECOMMENDED APPROVAL OF SAME  
(No Speakers) **O#84/2008**
- 7:31 PM AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1157, I-1 LIGHT INDUSTRIAL DISTRICT, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (CITY OF CANTON); PLANNING COMMISSION RECOMMENDED APPROVAL OF SAME (No Speakers) **O#85/2008**
- 7:32 PM 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 (MARTHA ANDERSON - 1731 WALLACE AVE NE); ASSIGNED TO WARD 6; PLANNING COMMISSION RECOMMENDED DENIAL OF SAME  
(No Speakers) **POSTPONED**
- 7:33 PM 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 (CYNTHIA WALKER - 1513 15<sup>TH</sup> ST NE); ASSIGNED TO WARD 9; PLANNING COMMISSION RECOMMENDED APPROVAL OF SAME  
(1 Speaker) **O#86/2008**
- 7:34 PM 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 (CYNTHIA WALKER - 1411 15<sup>TH</sup> ST NE); ASSIGNED TO WARD 9; PLANNING COMMISSION RECOMMENDED APPROVAL OF SAME  
(1 Speaker) **O#87/2008**

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

**INFORMAL RESOLUTIONS:**

MAJORITY LEADER DON CASAR: EXCUSING MEMBERS. (Not Necessary)

**COMMUNICATIONS:**

271. AUDITOR MALLONN (CITY): CERTIFICATE OF TOTAL AMT FR: 2008 ALL SOURCES. - RECEIVED & FILED
272. LAW DIRECTOR MARTUCCIO: AUTHORIZE PREPARATION OF TREE COMMISSION ORDINANCE. - PARKS & RECREATION COMMITTEE
273. LIQUOR CONTROL DIVISION (OHIO): REQ RENEWAL OF D5 LIQ PERMIT FOR GOODTIMES PUB & DRIVE THRU INC DBA GOODTIMES PUB & DRIVE THRU @ 1907 - 1911 HARRISBURG RD NE BSMT & PATIO. - RECEIVED & FILED
274. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D5 LIQ PERMIT FOR SPORTS PAGE GROUP LLC DBA SPORTS PAGE @ 2531 FULTON RD. - RECEIVED & FILED
275. MAJORITY LEADER CASAR: RECOMMENDATIONS AS TO THE LOCATION FOR VARIOUS WATER RECREATIONAL FACILITIES. - RECEIVED & FILED
276. MAYOR HEALY: AUTHORIZE APPT OF JAMES REINHARD TO STARK AREA REGIONAL TRANSIT AUTHORITY UNTIL 4/31/09 TO FILL UNEXPIRED TERM OF WILLIAM RUDNER. - PERSONNEL COMMITTEE
277. SAFETY DIRECTOR NESBITT: APPROVE DEMO OF 219 NEWTON NW. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
278. SAFETY DIRECTOR NESBITT: AUTHORIZE SAF DIR TO MAKE APPLICATION & ACCEPT A GRANT NOT TO EXCEED \$15,000.00 FR: THE "FEDERAL COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM" FOR THE PURCHASE OF FORENSIC VIDEO EQUIP FOR POLICE DEPT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
279. SERVICE DIRECTOR BERNABEI: REQ TO REINSTATE O#155/2007 WHICH ORIGINALLY AUTHORIZED MAYOR &/OR SERV DIR TO ENTER INTO 5 YR PARTIAL TAX

REIMBURSEMENT AGMTS W/PARK POULTRY, INC PURSUANT TO CITY'S JOB CREATION INCENTIVE & NET PROFITS TAX INCENTIVE PROGRAMS; AUTHORIZE PAYMENTS TO PARK POULTRY, INC BASED UPON PAYROLL OF APPROX 303 EMPLOYEES WHO WERE EMPLOYED BY PARK AS OF DATE OF ANNEXATION. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEE

**COMMUNICATIONS CONTINUED:**

280. STARK COUNTY COMMISSIONERS:

REQ APPROVAL TO APPOINT MASSILLON MAYOR FRANCIS CICCHINELLI JR TO FILL "AT-LARGE" MAYOR'S POSITION ON THE 9-1-1 PLANNING COMMITTEE. - PERSONNEL COMMITTEE

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

- 1<sup>ST</sup> RDG 1. AUTHORIZE CITY TO ACCEPT DONATION OF REAL PROP FR: THE NILES H. BAUM ESTATE (PARCEL #02-02026 HAMMOND AVE SW)  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 2. CONSENTING TO TRANSFER OF THE ROBERT J. GASSER COMMUNITY REINVESTMENT AREA AGMT; EMERGENCY  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 3. AUTHORIZE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGMT W/BROWNSTONE DEVELOPERS, LLC; EMERGENCY  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 4. AMEND O#55/77, AS AMENDED, KNOWN AS CITY ZONING ORDINANCE; EMERGENCY (NAT'L STEELWORKERS OLDTIMERS FOUNDATION 3825 13<sup>TH</sup> ST SW)  
Referred to Judiciary Committee **PUB HRC 7/28/08 @ 7:30 P.M.**
- 1<sup>ST</sup> RDG 5. APPROVE & ACCEPT REPLAT & RENUMBERING OF OL 1220; EMERGENCY (CITY OF CANTON)  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 6. 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  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 7. 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  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 8. AMEND APPROP O#1/2008, AS AMENDED, BY MAKING VARIOUS SUPP APPROP, APPROP TRANS & APPROP REDUCTIONS; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 9. AMEND O#18/2008 & O#155/2007; EMERGENCY (PARK POULTRY, INC)  
Referred to Community & Economic Development Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:****(SUSPENDED RULE 22A TO ADD O#10 - O#18)**

- 2<sup>ND</sup> RDG 10. 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 (P&PCI)
- 2<sup>ND</sup> RDG 11. AUTHORIZE STARK COUNTY COMMISSIONERS ON BEHALF OF CITY & IN CONJUNCTION W/SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF 25<sup>TH</sup> 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 25<sup>TH</sup> ST NE STORM SEWER PROJ G.P. 1090 FUND; AMEND APPROP O#1/2008; EMERGENCY (FIN & PPCI)
- 2<sup>ND</sup> RDG 12. AUTHORIZE REPLACEMENT OF BRIDGE ON SR 172 (TUSCARAWAS) OVER NIMISHILLEN CREEK; EMERGENCY (PS&T)
- 2<sup>ND</sup> RDG 13. 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 (FIN)
- 2<sup>ND</sup> RDG 14. AMEND O#1/2008, AS AMENDED, BY MAKING \$6,162.12 SUPP APPROP; EMERGENCY (ONASBURG WATER MAIN EXTENSION) (FIN & E&PU)
- 2<sup>ND</sup> RDG 15. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMT & REC FUNDS FR: OH PUB WRKS COMM IN AMT OF \$250,860.00 FOR 49<sup>TH</sup> 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 49<sup>TH</sup> ST NE &

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

(FIN &amp; PPCI)

2<sup>ND</sup> RDG 16. 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 (FIN)

2<sup>ND</sup> RDG 17. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF 30<sup>TH</sup> ST NE STORM SEWER, ROADWAY RECONSTRUCTION & STORM WATER BASIN PROJ, G.P. 1083; AUTHORIZE AUDITOR TO ESTABLISH THE 4557 30<sup>TH</sup> 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 (FIN & PPCI)

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

2<sup>ND</sup> RDG 18. 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 (FIN)

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

**UNTIL 9/29** 19. AMEND EXHIBIT A TO O#164/2001, AS AMENDED, CLASSIFICATION PLAN & SALARIES FOR ALL MGMT & NON-BARG UNIT EMPLOYEES; EMERGENCY

**84/2008** 20. VAC PORTION OF WELLS AVE NW & ALL OF LEY PL NW; APPROVE & ACCEPT REPLAT OF ALL OF LTS 247, 2753 - 2762, PARTS OF LTS 248 & 249, PART OF VACATED MCKINLEY AVE NW & VACATED PORTIONS OF WELLS AVE NW & LEY PL NW; EMERGENCY (HILSCHER CLARK ELEC)

**PUB HRC: 6/30/08 @ 7:30 PM**

**85/2008** 21. AMENDING VARIOUS SECTIONS OF CODIFIED ORDINANCE, CHAPTER 1157, I-1 LIGHT INDUSTRIAL DISTRICT

**PUB HRC: 6/30/08 @ 7:31 PM****POSTPONED**

**UNTIL 7/14** 22. AMEND O#55/77, AS AMENDED, ZONING; EMERGENCY (MARTHA ANDERSON)

**PUB HRC: 6/30/08 @ 7:32 PM**

**86/2008** 23. AMEND O#55/77, AS AMENDED, ZONING, EMERGENCY (CYNTHIA WALKER, 1513 15<sup>TH</sup> ST NE)

**PUB HRC: 6/30/08 @ 7:33 PM**

**87/2008** 24. AMEND O#55/77, AS AMENDED, ZONING, EMERGENCY (CYNTHIA WALKER, 1411 15<sup>TH</sup> ST NE)

**PUB HRC: 6/30/08 @ 7:34 PM**

**88/2008** 25. APPROVE & ACCEPT DEDICATION PLAT OF PORTION OF WELLS AVE NW; APPROVE & ACCEPT REPLAT OF LOT 42865; EMERGENCY

**89/2008** 26. APPROVE & ACCEPT REPLAT OF LOT 42791; EMERGENCY (MICHAEL CAVEY)

**90/2008** 27. AUTHORIZE SERV DIR TO EXECUTE & DELIVER TO THE TIMKEN COMPANY AN EASEMENT ON PROP OWNED BY CITY; EMERGENCY

**AMENDED**

**91/2008** 28. AMEND APPROP O#1/2008, AS AMENDED BY MAKING VARIOUS SUPP APPROPS FR: UNAPPROP BAL OF 4501 CAPITAL IMPROV FUND IN TOTAL AMT OF \$616,171.00; EMERGENCY

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, JULY 14, 2008 in Council Caucus @ 6:15 P.M.**

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

**PUBLIC SPEAKS:** (None)

**MISCELLANEOUS BUSINESS:** Majority Leader Casar re: Stating that the Sanitation Department was always the best service department in the City of Canton but he has recently noticed that they've started to go the other way. He and a neighbor had twigs in containers set out that were not picked up. He would like to see the Sanitation Department get back to the way things used to be; Service Director Bernabei re: Advising that he has looked into the Sanitation Department's rules that have been in effect for a very long time and he would like to have a meeting to change them; Member Cirelli re: Asking if residents are responsible for their blue recycling containers if someone steals them or they are dumped over. Also stating some residents are complaining because they are too large to carry in the snow and ice; Service Director Bernabei re: Advising that the stickers are put on the recycling containers for the residents' and the City's convenience. Also if they happen to loose their container the City will replace it the first time, if it happens more than once it would need to be looked into. However, if someone turns the container over or an animal gets into it the resident is responsible for maintaining them; Member Cirelli re: Relaying that she was told by that the City skipped duplexes and went to every other house when delivering the recycling containers; Service Director Bernabei re: Advising that the delivery of the containers was according to the street number list on the City's route so no houses or duplexes should have been skipped unless they were not on the City's service list; Member West re: Asking if the City has any funds for families that live in the Nimisilla Creek area to assist them in moving. He and the residents are concerned that the creek will flood like it did five years ago; President Schulman re: Announcing the presence of Safety Director Nesbitt's daughter, Bailey and son, Nick. And relaying that Nick has enlisted in the Marines and will be leaving in July to go to Camp Pendleton in San Diego.

**ADJOURNMENT:** 8:15 P.M.

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JULY 14, 2008 @ 7:30 PM**