

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

FEBRUARY 24, 2003

ROLL CALL: 11 present, 1 absent (Member Mroczkowski)
INVOCATION: Given by 6th Ward Councilmember David R. Dougherty
PLEDGE OF ALLEGIANCE: Led by President of Council Ray Denczak

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 24B to add Informal Resolution #17; Suspended Rule 22A to add 2nd Rdg Ordinances #13-18 & Communication #90; Defeated Ordinance #19; Amended Ordinance #24)

PUBLIC HEARINGS:

- 7:30 PM A REQUEST BY TOM & HELEN SINCLAIR TO RE-ZONE LOT #10160 LOCATED AT 118 ARLINGTON AVENUE SW FROM R-1A TO PR-3 FOR A LEGAL TRIPLEX. (Planning Commission recommended denial).
(One Public Speaker) See O#29/2003
- 7:32 PM A REQUEST TO CHANGE DISTRICT BOUNDARIES OF ZONING MAP PURSUANT TO THE COMPREHENSIVE PLAN. (Planning Commission recommended approval) (No Public Speakers) See O#33/2003

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

INFORMAL RESOLUTIONS:

VICE PRESIDENT SMUCKLER: EXCUSING MEMBER MROCKOWSKI.

17. PERSONNEL COMMITTEE: APPROVING THE REAPPOINTMENT OF JACK HAWK TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL EFFECTIVE 3/1/03 - 2/28/06. - ADOPTED (See C#72 below)

COMMUNICATIONS:

63. AULTMAN HOSPITAL FOUNDATION: REQUEST A ZONE CHANGE FROM R-1A TO PB-1 FOR THE RELOCATION OF THE HELIPAD @ AULTMAN HOSPITAL. - PLNG CMSN
64. BRISBEN DEVELOPMENT INC., AGENT VIENNA WOODS LTD PTNRSHIP: REQUEST A ZONE CHANGE FROM R-1A TO B-1 FOR THE VIENNA WOODS FOR II DEVELOPMENT ON MILL ROAD SW. - PLNG CMSN
65. LIQUOR CONTROL DIVISION, STATE OF OHIO: NOTIFICATION THAT E BURY INC., DBA TAILGATORS SPORTS PUB @ 3000 ATLANTIC BLVD UNIT A, HAS REQUESTED AN OWNERSHIP TRANSFER OF D2, D2X, D3, D3A, D6 LIQUOR PERMIT. - INTGVT & PUB SRV CMTE
66. LIQUOR CONTROL DIVISION, STATE OF OHIO: NOTIFICATION THAT RISER FOODS CO., DBA GIANT EAGLE FUEL STATION @ 104 RAFF RD SW, HAS REQUESTED A NEW C1, C2 LIQUOR PERMIT. - INTGVT & PUB SRV CMTE
67. LIQUOR CONTROL DIVISION, OF OHIO: NOTIFICATION THAT 1550 GARFIELD AVE SW INC., DBA MIKE & MIKE'S STATE PLACE @ 1550 GARFIELD AVE SW, HAS REQUESTED AN OWNERSHIP TRANSFER OF D5 LIQUOR PERMIT. - INTGVT & PUB SRV CMTE
68. LIQUOR CONTROL DIVISION, STATE OF OHIO: NOTIFICATION OF HEARING TO BE HELD 3/12/03 @ 11:30 AM RE: RENEWAL OF LIQUOR PERMIT FOR FRAME'S TAVERN, DBA FRAME'S TAVERN INC @ 1600 BRYAN AVE SW, 1ST FLR & BASEMENT. - INTGVT & PUB SRV CMTE
69. LIQUOR CONTROL DIVISION, STATE OF OHIO: NOTIFICATION OF HEARING TO BE HELD 3/12/03 @ 10:30 AM RE: LIQUOR PERMIT FOR LA TIENDA HISPANA OVIEDOS CORP, DBA LA TIENDA HISPANA OVIEDOS @ 909 12TH STREET NW. - INTGVT & PUB SRV CMTE
70. MAYOR WATKINS: ADVISING OF THE APPOINTMENTS OF PATRICIA PERKINS, MARTHA WOJTOWICZ & GEORGE DAVIS TO 3-YEAR TERMS ON THE AREA AGENCY ON AGING ADVISORY COUNCIL. - RECEIVED & FILED
71. MAYOR WATKINS: ADVISING OF THE APPOINTMENT OF SAMUEL J. SLIMAN AS CHAIRMAN OF THE ANNEXATION BOARD FOR CALENDAR YEAR 2003. - RECEIVED & FILED
72. MAYOR WATKINS: REQUEST REAPPOINTMENT OF JACK HAWK TO A 3-YEAR TERM ON THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL. - PERSONNEL CMTE (See Reso#17)

COMMUNICATIONS - CONTINUED:

73. MAYOR WATKINS: REQUEST SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS IN APPROPRIATIONS & INTERFUND TRANSFERS IN AMOUNT OF \$22,264,655.98, ETC TO FULLY FUND OPERATIONS IN THE GENERAL FUND FOR YEAR 2003. - LAW DIRECTOR (See O#2, 1st Rdg)

74. MAYOR WATKINS: REQUEST SUPPLEMENTAL APPROPRIATIONS & INTERFUND TRANSFERS FOR 2003 MOTOR VEHICLE PURCHASES. - LAW DIRECTOR (See O#3, 1st Rdg)
75. MAYOR WATKINS: REQUEST TO AMEND MANAGEMENT/NON-BARGAINING UNIT PERSONNEL O.164/2001 TO DELETE UNFILLED POSITIONS & REORGANIZE CITY OPERATIONS. - LAW DIRECTOR (See O#4, 1st Rdg)
76. PLANNING COMMISSION: RECOMMENDING APPROVAL OF AMENDMENTS TO CITY CODE SECTION 1161 FOR INCREASE OF ZONING PERMIT FEES AS REQUESTED BY ZONING INSPECTOR & LAW DEPARTMENT. - LAW DIRECTOR (See O#5, 1st Rdg)
77. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REQUEST BY SERVICE DIRECTOR MILLER TO VACATE A PORTION OF WERTZ AVE NW SOUTH OF 13TH STREET NW . - LAW DIRECTOR (See C#83 & O#6, 1st Rdg)
PUB HRG 3/10/2003 @ 7:30 PM
78. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REQUEST BY EVERETT & SUSAN DANIELS TO REPLAT PART OF LOT #35828 INTO 2 RECONFIGURED LOTS, LOCATED EAST OF LOGAN AVE & SOUTH OF 47TH STREET NW. - LAW DIRECTOR (See O#7, 1st Rdg)
79. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REQUEST BY COOPER & ASSOCIATES ON BEHALF OF THE CANTON SCHOOL EMPLOYEES FEDERAL CREDIT UNION TO REPLAT OUTLOTS 256 & 257 LOCATED EAST OF MARKET AVE N & SOUTH OF 14TH ST NE INTO 3 RECONFIGURED OUTLOTS. - LAW DIRECTOR (See O#8, 1st Rdg)
80. SAFETY DIRECTOR CONCATTO: REQUEST TO ACCEPT A RESOLUTION FOR A SHARED EMERGENCY TELEPHONE NOTIFICATION SYSTEM FROM THE MARATHON-ASHLAND PETROLEUM COMPANY. - INTGVT & PUB SRV CMTE
81. SAFETY DIRECTOR CONCATTO: REQUEST TO PAY A \$26,000 MORAL OBLIGATION TO ANNIHILATION WRECKING INC. FOR ASBESTOS REMOVAL AT DEMOLITION OF PROPERTY @ 1003 12TH ST NW. - LAW DIRECTOR (See O#9, 1st Rdg)
82. SERVICE DIRECTOR MILLER: REPORT OF POWER OUTAGE AT WPCC RESULTING IN A BYPASSING OF RAW SEWAGE INTO NIMISHILLEN CREEK. - FINANCE CMTE CHAIRMAN
83. SERVICE DIRECTOR MILLER: REQUEST TO VACATE A PORTION OF WERTZ AVENUE NW SOUTH OF 13TH ST NW & NORTH OF 12TH ST NW. - PLNG CMSN (See C# 77 & O#6, 1st Rdg)
PUB HRG 3/10/2003 @ 7:30 PM
84. SERVICE DIRECTOR MILLER: REQUEST FOR \$350,000 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND TO IMPLEMENT THE RESIDENTIAL WATER RUN-OFF IMPROVEMENT PROGRAM. - LAW DIRECTOR (See O#10, 1st Rdg)
85. SERVICE DIRECTOR MILLER: REQUEST TO ENTER INTO \$24,968 AGREEMENT FOR ENGINEERING SERVICES WITH HAMMONTREE & ASSOCIATES; REQUEST AUDITOR ESTABLISH THE 4549 FULTON ROAD/PARK INTERSECTION IMPROVEMENT GP 1077 FUND; & REQUEST \$24,968 SUPPLEMENTAL APPROPRIATION FROM THE 4549 FULTON ROAD/PARK INTERSECTION IMPROVEMENT GP 1077 FUND. - LAW DIRECTOR (See O#11, 1st Rdg)
86. SERVICE DIRECTOR MILLER: REQUEST TO ENTER INTO AGREEMENT WITH STARK COUNTY BOARD OF COMMISSIONERS TO DEVELOP A CONTINUOUSLY OPERATING REFERENCE STATION (CORS) GLOBAL POSITIONING SYSTEM AT WPCC & RECEIVE TRAINING; REQUEST TO AMEND O.236/2002 FOR \$31,000 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND & 5201 WATER FUND. - LAW DIRECTOR (See O#12, 1st Rdg)
- COMMUNICATIONS - CONTINUED:**
87. SERVICE DIRECTOR MILLER: RECOMMEND WAIVING THE 2.4 PERCENT INCREASE IN SEWER RATES. - LAW DIRECTOR
88. TREASURER SCHIRACK: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 1/31/2003.-RECEIVED & FILED
89. WILLIAMS, BRUCE, AGENT FOR PETITIONER: NOTICE OF PUBLIC HEARING SET BY COUNTY COMMISSIONERS FOR 4/10/03 AT 7 PM IN COUNCIL CHAMBER RE: 177/FAIRCREST ANNEXATION. - RECEIVED & FILED
90. HEALTH COMMISSIONER PATTISON: **RULE 22A SUSPENDED TO ADD:** REQUEST TO PURCHASE DODGE INTREPID AT COST NOT TO EXCEED \$16,500 FOR CITY HEALTH DEPT FROM FEDERAL FUNDS WHICH MUST BE SPENT BY 3/15/03. - LAW DIRECTOR

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMENDING CITY CODE SECTION 125.02 TO INCREASE NONPAYMENT CHECK FEE TO \$25.00.
Referred to Judiciary Committee
- 1ST RDG 2. AMENDING O.236/2002 TO APPROPRIATE ADDITIONAL MONEYS NEEDED FOR OPERATING & CAPITAL EXPENSES FOR THE REMAINDER OF FISCAL YEAR 2003 IN AMOUNT OF \$22,264,655.98, ETC; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AMENDING O.236/2002 TO APPROPRIATE MONEY FOR 2003 MOTOR VEHICLE PURCHASES IN AMOUNT OF \$1,041,086, ETC.; EMERGENCY
Referred to Finance Committee
- 1ST RDG 4. AMENDING MANAGEMENT/NON-BARGAINING UNIT PERSONNEL O.164/2001 TO REPLACE EXISTING EXHIBIT A BY THE DELETION OF NUMEROUS VACANT POSITIONS & REORGANIZING COSTS TO GENERAL FUND; EMERGENCY
Referred to Personnel Committee
- 1ST RDG 5. AMENDING CITY CODE SECTION 1161.10 RE: FEES FOR ZONING PERMITS.
Referred to Judiciary committee
- 1ST RDG 6. VACATING A PORTION OF WERTZ AVENUE NW ALONG PART OF OUTLOT 528 AS REQUESTED BY SERVICE DIRECTOR MILLER; EMERGENCY
Referred to Public Safety & Thoroughfares Committee **PUB HRG 3/10/03 @ 7:30 PM**
- 1ST RDG 7. APPROVING & ACCEPTING THE REPLATTING & RENUMBERING OF LOT #35828 AS REQUESTED BY EVERETT & SUSAN DANIELS IN THE AREA EAST OF LOGAN AVE, SOUTH OF 47th STREET NW; EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 8. APPROVING & ACCEPTING THE REPLATTING & RENUMBERING OF OUTLOTS 256 & 257 LOCATED EAST OF MARKET AVE N, SOUTH OF 14TH ST NE, & WEST OF WALNUT NE AS REQUESTED BY COOPER & ASSOCIATES ON BEHALF OF CANTON SCHOOL EMPLOYEES FEDERAL CREDIT UNION; EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 9. AUTHORIZING CITY AUDITOR TO PAY A \$26,000 MORAL OBLIGATION TO ANNIHILATION WRECKING INC FOR ASBESTOS REMOVAL AT DEMOLITION OF PROPERTY @ 1003 12TH ST NW; EMERGENCY
Referred to Finance Committee
- 1ST RDG 10. AMENDING O.236/2002 FOR \$350,000 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND TO IMPLEMENT THE RESIDENTIAL WATER RUN-OFF IMPROVEMENT PROGRAM; EMERGENCY
Referred to Finance Committee
- 1ST RDG 11. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$24,968 AGREEMENT WITH HAMMONTREE & ASSOCIATES FOR ENGINEERING SERVICES FOR THE FULTON ROAD/PARK INTERSECTION IMPROVEMENT GP 1077; AUTHORIZING AUDITOR TO ESTABLISH THE 4549 FULTON ROAD/PARK INTERSECTION IMPROVEMENT GP 1077 FUND; & AMENDING O.236/2002 FOR A \$24,968 SUPPLEMENTAL APPROPRIATION FROM THE 4549 FULTON ROAD/PARK INTERSECTION IMPROVEMENT GP 1077 FUND; EMERGENCY
Referred to Public Safety & Thoroughfares and Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING - CONTINUED:

- 1ST RDG 12. AUTHORIZING SERVICE DIRECTOR TO EXECUTE A PARTICIPATION AGREEMENT WITH STARK COUNTY BOARD OF COMMISSIONERS TO DEVELOP A CONTINUOUSLY OPERATING REFERENCE STATION (CORS) GLOBAL POSITIONING SYSTEM; & AMENDING O.236/2002 FOR \$31,000 SUPPLEMENTAL APPROPRIATIONS FROM THE 5410 SANITARY SEWER FUND & 5201 WATER FUND; EMERGENCY
Referred to Intergovernmental & Public Service and Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD ORDINANCES #13-18:**

- 2ND RDG 13. AMENDING O.8/2003 RE: AUTHORIZING DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS FOR HEALTH CARE BENEFITS ADMINISTRATION & STOP-LOSS INSURANCE FOR CITY EMPLOYEES; EMERGENCY
- 2ND RDG 14. AMENDING CITY CODE CHAPTER 787 RE: SEXUALLY- ORIENTED BUSINESSES; EMERGENCY
- 2ND RDG 15. ESTABLISHING THE FAIR MARKET VALUE OF 1 CITY-OWNED PARCEL ON ALLEN AVE SE; AUTHORIZING SALE & CONVEYANCE PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; EMERGENCY
- 2ND RDG 16. AUTHORIZING CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY LOCATED ON BENTLEY PLACE NE; EMERGENCY

- 2ND RDG 17. ESTABLISHING THE FAIR MARKET VALUE OF 2 PARCELS IN CONJUNCTION WITH 35TH STREET NE STORM SEWER PROJECT; AUTHORIZING DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE TEMPORARY EASEMENTS & LAND IMPROVEMENTS; EMERGENCY
- 2ND RDG 18. ESTABLISHING THE FAIR MARKET VALUE OF 1 CITY-OWNED PARCEL ON 2ND STREET NE; AUTHORIZING SALE & CONVEYANCE PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- DEFEATED** 19. AMENDING CITY CODE SECTION 353.05 (B), AUTHORIZING THE INCREASE OF PARKING METER RATES IN A METERED PARKING ZONE.
- 30/2003** 20. AMENDING O.236/2002 FOR A \$115,000 SUPPLEMENTAL APPROPRIATION FOR A VULNERABILITY ASSESSMENT STUDY FOR THE WATER DEPARTMENT; EMERGENCY
- 31/2003** 21. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$15,300 CONTRACT WITH PROFESSIONAL BUSINESS SYSTEMS THROUGH THE STATE COOPERATIVE PURCHASING AGREEMENT FOR PURCHASE OF AN ELECTRONIC ROTARY FILE SYSTEM FOR THE WPCC, + \$2,300 CONTRACT FOR INSTALLATION; EMERGENCY
- 32/2003** 22. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE 4TH STREET NE STREET IMPROVEMENT PROJECT, GP 1052, TO INCLUDE STREET RECONSTRUCTION & INFRASTRUCTURE IMPROVEMENTS FROM BELDEN TO HAMILTON NE; EMERGENCY
- 29/2003*** 23. AMENDING ZONING 0.55/77 TO RE-ZONE LOT #10160 LOCATED AT 118 ARLINGTON AVENUE SW FROM R-1A TO PR-3 FOR A LEGAL TRIPLEX AS REQUESTED BY TOM & HELEN **PUBLIC HRG HELD 2/24/03 @ 7:30 PM**
- AMENDED**
33/2003 24. AMENDING ZONING 0.55/77 TO CHANGE DISTRICT BOUNDARIES OF ZONING MAP PURSUANT TO THE COMPREHENSIVE PLAN. **PUB HRG HELD 2/24/03 @ 7:32 PM**

*Adopted out of sequenceORDINANCES - POSTPONED MATTER: (THE FOLLOWING WAS POSTPONED FROM 1/27/03)POSTPONED AGAIN TO

- 3/10/2003** 25. **SECTION 3 OF O.246/2002 - POSTPONED FROM 12/23/2002:** AMENDING CITY CODE SECTION 151.08, RE: OVERTIME & COMP TIME FOR NONEXEMPT & EXEMPT EMPLOYEES.

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, March 3, 2003 @ 6:00 PM

1. Finance Committee
2. Personnel Committee
3. Judiciary Committee
4. Public Safety & Thoroughfares Committee
5. Intergovernmental & Public Service

Monday, March 10, 2003 @ 6:00 PM, Caucus Room

1. Finance Committee

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): (One Public Speaker)

MISCELLANEOUS BUSINESS: (Ordinance No. 15/2003 re: Park Police funding was reconsidered for the purpose of overriding the Mayor's veto)

ADJOURNMENT TIME: 8:53 PM

THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD MONDAY, MARCH 3, 2003 @ 7:30 PM