

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

JULY 14, 2003

ROLL CALL: All 12 Councilmembers present

INVOCATION: Given by 9th Ward Councilmember Joe Carbenia

PLEDGE OF ALLEGIANCE: Led by President of Council President Ray Denczak

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add Communication #292, 1st Rdg O#9A, & 2ND Rdg O#10-17; Adopted 1st Rdg O#4 & 2nd Rdg O#10-12 & 14-17; Defeated 2nd Rdg O#18)

PUBLIC HEARINGS:

- 7:30 PM A REQUEST BY LAVERNE E. DALE, JR. TO REZONE 3827 KIRBY AVE NE FROM R-1A TO PB-3 FOR EXPANSION OF EXISTING BUSINESS--VERN DALE WATER CENTER.
(PLANNING COMMISSION RECOMMENDS APPROVAL) (No Public Speakers) (See O.139/2003)
- 7:31 PM A REQUEST BY LAMBOS INVESTMENT PARTNERS TO REZONE 121 SMITH AVE NW FROM R-1A TO PB-3 TO PROVIDE ADDITIONAL PARKING & LONGER DRIVE THRU FOR A NEW KFC RESTAURANT.
(PLANNING COMMISSION RECOMMENDS APPROVAL) (No Public Speakers) (See O.140/2003)
- 7:32 PM A REQUEST BY AULTMAN HOSPITAL TO REZONE LOTS ON THE NORTH SIDE OF 6th STREET SW FROM B-2, R-1A & B-1 TO PCS FOR A 4-STORY ADDITION WITH HELIPAD.
(PLANNING COMMISSION RECOMMENDS APPROVAL) (One public speaker) (See O.141/2003)
- 7:33 PM A REQUEST BY MICHAEL A. GRAVILLA & CANTON CITY SCHOOLS TO REZONE 400-409 FULTON NW FROM R-1A TO PB-4 TO RELOCATE EXISTING BUSINESS--"CLEAN-UPS BY MIKE".
(PLANNING COMMISSION RECOMMENDS APPROVAL) (No Public Speakers) (See O.142/2003)
- 7:34 PM A REQUEST BY CANTON ASSOCIATES TO REZONE 3200 ATLANTIC BOULEVARD NE FROM B-3 TO PB-4 FOR A WAL-MART SUPERCENTER.
(PLANNING COMMISSION RECOMMENDS APPROVAL) (Two Public Speakers) (See O.143/2003)

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

INFORMAL RESOLUTIONS:

- VICE PRESIDENT SMUCKLER: EXCUSING MEMBERS. (Not Necessary, all Councilmembers present)
58. HART, WARD 7 MEMBER: COMMENDING THE ULSTER PROJECT. - ADOPTED

COMMUNICATIONS:

273. AUDITOR PEREZ: MONTHLY REPORT BY FUND FOR 6/1/03 - 6/30/03. - RECEIVED & FILED
274. AUDITOR PEREZ: YEARLY REPORT BY FUND FOR 1/1/03 - 6/30/03. - RECEIVED & FILED
275. FETTMAN PROPERTY MGMT LTD: REQUEST TO REZONE PART OF OUTLOT 411 LOCATED AT THE SE CORNER OF WERTZ & HURSH PLACE NW FROM R-1A TO PB-3 FOR AN OFFICE BUILDING & MEDICAL SALES. - PLANNING COMMISSION (See C#280)
276. LIQUOR CONTROL DIVISION, STATE OF OHIO: REQUEST FOR NEW D5 LIQUOR LICENSE BY ROBERT K. MCGILL, dba RIVIERA CLUB OF CANTON, LOCATED @ 508 CLEVELAND AVE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
277. LIQUOR CONTROL DIVISION STATE OF OHIO: REQUEST FOR TRANSFER OF C1, C2 LIQUOR PERMIT BY TAMARKIN CO, dba GIANT EAGLE FUEL STATION, LOCATED @ 104 RAFF RD SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
278. LIQUOR CONTROL DIVISION STATE OF OHIO: NOTICE OF HEARING SCHEDULED 8/7/03 @ 11:00 AM @ STARK COUNTY JOB & FAMILY SERVICES RE: REQUEST BY AMEERS, INC. dba IN-N-OUT, 805 MCKINLEY SW, FOR NEW C1,2 LIQUOR LICENSE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

COMMUNICATIONS CONTINUED:

279. LIQUOR CONTROL DIVISION STATE OF OHIO: NOTICE OF HEARING SCHEDULED 8/7/03 @ 1:30 PM @ STARK COUNTY JOB & FAMILY SERVICES RE: REQUEST BY LA TIENDA HISPANA OVIEDOS CORP, dba LA TIENDA HISPANA OVIEDOS, 909 12th ST NW, FOR NEW C1,2

LIQUOR LICENSE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

280. PLANNING COMMISSION: RECOMMENDING APPROVAL OF ZONE CHANGE REQUEST BY FETTMAN PROPERTY MGMT LTD FROM R-1A TO PB-3 FOR THE SE CORNER OF WERTZ & HURSH PLACE NW TO PERMIT A NEW OFFICE BUILDING W/MEDICAL EQUIPMENT SALES. - LAW DIRECTOR **PUB HRG 8/25/03 @ 7:30 PM** (See C#275)
281. SAFETY DIRECTOR CONCATTO: REQUEST TO AMEND O#97/2003 TO AUTHORIZE PURCHASE OF A TOTAL OF 7 POLICE CRUISERS FROM EWING CHEVROLET @ \$34,861.00 PER VEHICLE, NOT TO EXCEED \$244,027 TOTAL. - LAW DIRECTOR (See O#3, 1st Rdg)
282. SERVICE DIRECTOR MILLER: REQUEST \$522,122.80 SUPPLEMENTAL APPROPRIATION FROM 4501 CAPITAL IMPROVEMENT FUND & \$939,422.80 FROM 4534 GP 1052 4th ST NE RECONSTRUCTION FUND; & TRANSFER OF \$522,122.80 FROM 4501 CAPITAL IMPROVEMENT FUND TO 4534 202001 GP 1052 4th ST NE RECONSTRUCTION FUND FOR PURPOSES OF ENTERING INTO CONTRACT WITH CENTRAL-ALLIED ENTERPRISES. - LAW DIRECTOR (See O#144/2003)
283. SERVICE DIRECTOR MILLER: REQUEST TO APPROVE A WATER MAIN EXTENSION TO 3 LOTS ON MILL ROAD SE OWNED BY PATHWAY CARING FOR CHILDREN IN CANTON TWP. - LAW DIRECTOR (See O#5, 1st Rdg)
284. SERVICE DIRECTOR MILLER: REQUEST TO APPROVE A WATER MAIN EXTENSION TO CANTERBURY CREEK DEVELOPMENT IN PLAIN TWP. - LAW DIRECTOR (See O#6, 1st Rdg)
285. SERVICE DIRECTOR MILLER: REQUEST TO APPROVE PLACEMENT OF JAMES DIMARZIO IN STEP 3 OF THE ASST. SUPERINTENDENT COLLECTION SYSTEMS POSITION AT A \$54,995.00 ANNUAL SALARY. - PERSONNEL CMTE
286. SERVICE DIRECTOR MILLER: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PURCHASE OF VEHICLES FOR SANITATION DEPARTMENT (WHITE GOODS PICKUP, 3/4 TON PICKUP & 25 CUBIC YARD PACKER). - LAW DIRECTOR (See O#7, 1st Rdg)
287. SERVICE DIRECTOR MILLER & MAYOR WATKINS: REQUEST TO AMEND O#40/2000, THE BARGAINING UNIT CLASSIFICATION PLAN, TO MOVE OR ADD CERTAIN LOCAL 2937 POSITIONS FROM DEPT OF PUBLIC WORKS TO WATER POLLUTION CONTROL CTR. - LAW DIRECTOR (See O#8, 1st Rdg)
288. ST. PAUL'S UNITED METHODIST CHURCH, REV. WALLACE OBJECTION TO REZONING REQUEST OF AULTMAN HOSPITAL (See O#16, 2nd Rdg, 7/14/03). - RECEIVED & FILED
289. TREASURER SCHIRACK: COMPARATIVE REPORT OF PARKING METER REVENUE AS OF JUNE 30, 2003. - RECEIVED & FILED
290. TREASURER SCHIRACK: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT AS OF JUNE 30, 2003. - RECEIVED & FILED
291. TREASURER SCHIRACK: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF JUNE 30, 2003. - RECEIVED & FILED
- RULE 22A SUSPENDED TO ADD C#292:**
292. SAFETY DIRECTOR CONCATTO: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF OUTDOOR TRAINING RANGE FOR CANTON POLICE DEPT. - LAW DIRECTOR (See O#9A, 1st Rdg)

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. RESOLUTION APPROVING STATEMENT OF SERVICES TO BE PROVIDED TO PROPERTY OWNERS IN JEFFRIES BROTHERS ANNEXATION AREA, APPROXIMATE DATE SERVICES WILL BE PROVIDED & PROCEDURE FOR INCOMPATIBLE ZONING USES; EMERGENCY
Referred to Annexation Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 2. AUTHORIZING CANTON TO ANNEX I-77/FAIRCREST ANNEXATION AREA, ASSIGNING SAID TERRITORY TO WARDS 4 & 5, & ZONING SAID TERRITORY AS I-1, I-2, B-3 & R-1C; EMERGENCY
Referred to Annexation Committee **PUB HRG 8/11/03 @ 7:30 PM**
- 1ST RDG 3. AMENDING SECTION 1(A) TO ORDINANCE 97/2003 TO AUTHORIZE PURCHASE OF A TOTAL OF 7 POLICE CRUISERS; EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees

- 144/2003** 4. AMENDING O.236/2002 FOR A \$522,122.80 SUPPLEMENTAL APPROPRIATION FROM THE 4501 CAPITAL IMPROVEMENT FUND & \$939,422.80 FROM THE 4534 GP 1052 4th STREET NE RECONSTRUCTION FUND; & AUTHORIZING A \$522,122.80 TRANSFER INTO THE 4534 202001 GP 1052 4th STREET NE FUND; EMERGENCY
Referred to Finance Committee
- 1ST RDG 5. APPROVING A WATER MAIN EXTENSION TO THREE LOTS ON THE SOUTH SIDE OF MILL AVE SE IN CANTON TWP; AUTHORIZING SERVICE DIRECTOR TO CONTRACT FOR SAME; EMERGENCY
Referred to Environmental & Public Utilities Committee
- 1ST RDG 6. APPROVING A WATER MAIN EXTENSION TO CANTERBURY CREEK DEVELOPMENT IN PLAIN TWP; AUTHORIZING SERVICE DIRECTOR TO CONTRACT FOR SAME; EMERGENCY
Referred to Environmental & Public Utilities Committee
- 1ST RDG 7. AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & CONTRACT FOR THE PURCHASE OF VARIOUS MOTOR VEHICLES FOR THE SANITATION DEPARTMENT OR ALTERNATIVELY TO PURCHASE SAME PURSUANT TO ORC 125.04 OR 5513.01; EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees
- 1ST RDG 8. AMENDING EXHIBIT A TO O.40/200, CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY DIVISION OF PUBLIC WORKS & WATER POLLUTION CONTROL CENTER; EMERGENCY
Referred to Personnel Committee
- 1ST RDG 9. AUTHORIZING MAYOR TO ENTER INTO CEDA WITH CANTON & PLAIN TOWNSHIPS IN THE JEFFRIES BROTHERS ANNEXATION AREA; EMERGENCY
Referred to Annexation Committee

RULE 22A SUSPENDED TO ADD O#9A:

- 1ST RDG 9A. AUTHORIZING SAFETY DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF OUTDOOR TRAINING RANGE FOR POLICE DEPT.; EMERGENCY
Referred to Finance Committee

8:04-8:08 PM Recess for committee meeting on O#4 which was returned to the agenda for adoption.ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**RULE 22A SUSPENDED TO ADD ORDINANCES #10-17**

- 145/2003** 10. AUTHORIZING CITY AUDITOR TO PAY \$3,498.51 MORAL OBLIGATION FOR THE WORKSHOPS, INC FOR CLEANING SERVICES; EMERGENCY
- 146/2003** 11. AMENDING O.236/2002 FOR SUPPLEMENTAL APPROPRIATIONS TO INCREASE GRANT FUNDS FOR THE CANTON CITY HEALTH DEPARTMENT, (\$9,359.17 FROM 2314 CHILD & FAMILY HEALTH SERVICES FUND & ETC); EMERGENCY
- 147/2003** 12. AUTHORIZING MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO RECEIVE A \$48,896 GRANT FOR THE MISDEMEANANT COMMUNITY SANCTIONS PROGRAM FOR THE PERIOD JULY 1, 2003 THROUGH JUNE 30, 2004; EMERGENCY
- 2ND RDG 13. VACATING PORTIONS OF MARYLAND, ROSLYN, BELLFLOWER, LINWOOD, BROOKS, 22ND & 23RD SW; APPROVING & ACCEPTING REPLATTING OF ALL OR PARTS OF LOT #30409, 30412-30422, 31481-31502, 31568, 31681-31724, 31815-31896, 32008-32086, 32195-32234, 34366-34375, 34379-34380 & OUTLOTS 653 & 654; EMERGENCY. **PUB HRG 7/28/03 @ 7:30 PM**
- 148/2003** 14. AUTHORIZING SAFETY DIRECTOR TO ACCEPT A \$6,320 GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MEDICAL SERVICES, FOR FIRE DEPARTMENT; AMENDING O.236/2002 FOR \$6,320 SUPPLEMENTAL APPROPRIATION FROM 2812 EMS TRAINING & EQUIPMENT FUND; EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 149/2003** 15. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & CONTRACT FOR THE CONSTRUCTION OF A NEW BRICK SIDEWALK AT WESTBROOK VETERANS MEMORIAL PARK; EMERGENCY
- 150/2003** 16. AMENDING O.28/2003 & AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSESSMENT-ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANCE & ADMINISTER THE FUNDS; AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO CONTRACT FOR PROFESSIONAL ENVIRONMENTAL SERVICES WITH THE REQUIREMENTS OF CLEAN OHIO ASSESSMENT-ASSISTANCE FUND APPLICATION; EMERGENCY
- 151/2003** 17. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO AGREEMENT FOR PURCHASE, SALE & EXCHANGE OF REAL ESTATE BETWEEN CITY OF CANTON & CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION & MICHAEL A. GRAVILLA; EMERGENCY

DEFEATED 18. APPROVING A 19-MONTH COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF CANTON & CPPA LOCAL 98; EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- *139/2003** 19. AMENDING ZONING O.55/77 TO REZONE LOT NO. 37259 LOCATED ON KIRBY AVE NE FROM R-1a TO PB-3 AS REQUESTED BY LAVERNE E. DALE, JR.; EMERGENCY **PUB HRG 7/14/03 @ 7:30 PM**
- *140/2003** 20. AMENDING ZONING O.55/77 TO REZONE LOT NOS. 16240, 16241, 39877, 39878 & 39880 LOCATED ON SMITH AVE NW FROM R-1a TO PB-3 AS REQUESTED BY LAMBOS INVESTMENT PARTNERS; EMERGENCY **PUB HRG 7/14/03 @ 7:31 PM**
- *141/2003** 21. AMENDING ZONING O.55/77 TO REZONE LOT NO. 41570, PARTS OF LOT NOS. 10215 & 42190 AND PART OF OUTLOT NO. 1020 LOCATED ON THE NORTH SIDE OF 6th ST SW FROM B-1, B-2 AND R-1a TO PCS AS REQUESTED BY AULTMAN HOSPITAL; EMERGENCY **PUB HRG 7/14/03 @ 7:32 PM**
- *142/2003** 22. AMENDING ZONING O.55/77 TO REZONE LOTS NOS. 4501, 4502 & PARTS OF LOT NOS. 4507 & 4508 LOCATED ON THE SOUTH SIDE OF FULTON RD NW FROM R-1a TO PB-4 AS REQUESTED BY MICHAEL A. GRAVILLA/CANTON CITY SCHOOLS; EMERGENCY **PUB HRG 7/14/03 @ 7:33 PM**
- *143/2003** 23. AMENDING ZONING O.55/77 TO REZONE OUTLOT 842 & PART OF OUTLOT 800 LOCATED AT 3200 ATLANTIC BLVD NE FROM B-3 TO PB-4 AS REQUESTED BY CANTON ASSOCIATES FOR A WAL-MART SUPERCENTER; EMERGENCY **PUB HRG 7/14/03 @ 7:34 PM**
- 152/2003** 24. ADOPTING CITY OF CANTON'S PROPOSED TAX BUDGET FOR FISCAL YR ENDING 12/31/04; EMERGENCY
- 153/2003** 25. AMENDING CITY CODE CHAPTER 1313, ELECTRICAL; CHAPTER 1315, PLUMBING; CHAPTER 1317, HEATING, VENTILATING & AIR CONDITIONING; CHAPTER 1333, RESIDENTIAL BUILDING CODE; & CHAPTER 1351, PURPOSE & SCOPE

***Adopted out of sequence**

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, July 28, 2003 @ 6:30 PM, Caucus Room

1. Finance Committee
2. Annexation Committee
3. Personnel Committee
4. Environmental & Public Utilities
5. Public Property Capital Improvement

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): (Council Heard 7 Speakers)

MISCELLANEOUS BUSINESS:

ADJOURNMENT TIME: 9:13 PM

THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD MONDAY, JULY 28, 2003 @ 7:30 PM
(COUNCIL IS ON ITS SUMMER SCHEDULE & WILL MEET AUGUST 11TH & 25TH, 2003)