

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

OCTOBER 20, 2003

ROLL CALL: All 12 Councilmembers present

INVOCATION: Given by 5th Ward Councilmember John Mroczkowski

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

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#12-21; Adopted 1st Rdg O#4; Postponed O#22 & 24)

PUBLIC HEARINGS:

- 7:30 PM A REQUEST TO REZONE LOT #29043 LOCATED @ 2409-2411 4th St NW FROM R-1A TO PR-2 AS REQUESTED BY JAMES & PATRICIA FRICKER.
(PLANNING COMMISSION RECOMMENDS DENIAL) (5 public speakers) (O#22 Postponed to 10/27/03)
- 7:31 PM A REQUEST TO REZONE PART OF OUTLOT #935 LOCATED AT 2535 FULTON DR NW FROM B-3 TO PB-4 AS REQUESTED BY CHRIS MAGGIORE.
(PLANNING COMMISSION RECOMMENDS APPROVAL) (One public speaker) (See O.207/2003)
- 7:32 PM A REQUEST TO REZONE PART OF OUTLOT #837 LOCATED AT 4330 KIRBY AVE NE FROM R-1A TO PB-3 AS REQUESTED BY DANIEL & MARCIA HARDING.
(PLANNING COMMISSION RECOMMENDS APPROVAL) (No public speakers) (O#24 Postponed to 10/27/03)
- 7:33 PM A REQUEST TO ANNEX APPROXIMATELY 147 ACRES IN CANTON & PLAIN TOWNSHIPS KNOWN AS THE JEFFRIES BROTHERS ANNEXATION AREA, ASSIGN SAID TERRITORY TO WARD 4, & ZONE SAME AS I-1. (PLANNING COMMISSION RECOMMENDS APPROVAL) (No public speakers) (See O.208/2003)

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

INFORMAL RESOLUTIONS:

- VICE PRESIDENT SMUCKLER: EXCUSING MEMBERS (Not necessary, all Councilmembers present)
77. BABCOCK, COUNCIL-AT-LARGE: COMMENDING CAPTAIN JAMES M. HALL & FIREFIGHTER WILLIAM T. WELCH ON RECEIVING 2003 CANTON FIREFIGHTER OF THE YEAR AWARD. - ADOPTED
78. CARBENIA, WARD 9 MEMBER & SMUCKLER, COUNCIL-AT-LARGE: SUPPORTING ISSUE 18, A LEVY TO HELP FUND CANTON PUBLIC SCHOOL OPERATIONS. - ADOPTED
79. DIAMOND, WARD 8 MEMBER: COMMENDING OUR LADY OF PEACE FOR 50 YEARS OF SERVICE AS A PARISH COMMUNITY. - ADOPTED
80. DIAMOND, WARD 8 MEMBER: RECOMMENDING THAT ALL TOWING REQUESTED WITHIN THE CITY BE PERFORMED BY TOWING COMPANIES UNDER CONTRACT WITH THE CITY. - POSTPONED TO 10/27/03

COMMUNICATIONS:

397. FIREARMS LAW CENTER PROVIDING INFORMATION RE: STATEWIDE COMMUNITY SURVEY OF LOCAL EFFORTS TO REDUCE GUN VIOLENCE & BOOKLET SUMMARIZING OHIO FIREARMS & AMMUNITION REGULATIONS. - RECEIVED & FILED
SUE ANN SCHIFF, EXEC DIR.:
398. HEALTH BENEFITS ADM. BRESSON: SEPTEMBER 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-SEPTEMBER 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
399. LAW DIRECTOR MARTUCCIO: SUBMITTING ORDINANCE AUTHORIZING MODIFIED 7% ALLOCATION FOR YEAR 2004 & 7.5% ALLOCATION FOR YEAR 2005 & THEREAFTER TO FUND SCOG. - RECEIVED & FILED (See O#2, 1st Rdg)
400. LIQUOR CONTROL COMMISSION, STATE OF OHIO: NOTICE OF HEARING SET FOR 11/5/03 @ 11:00 AM ON JIMMY E. BALL, dba BALLROOM, LIQUOR LICENSE APPEAL TO BE HELD AT THE RIFFE CENTER IN COLUMBUS. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

COMMUNICATIONS CONTINUED:

401. LIQUOR CONTROL DIVISION, STATE OF OHIO: REQUEST FOR NEW D3 LIQUOR LICENSE BY BOBBIE J. McCALL, dba BJ's PUB, LOCATED AT 2543 WINFIELD WAY NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

402. LIQUOR CONTROL DIVISION,
STATE OF OHIO: REQUEST FOR NEW D3 LIQUOR LICENSE BY VORAU COMPANY, dba MOZART RESTAURANT, LOCATED AT 3520 CLEVELAND AVE N. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
403. LIQUOR CONTROL DIVISION,
STATE OF OHIO: NOTICE OF HEARING SET FOR 11/12/03 @ 10:00 AM IN THE CAUCUS RM RE: CITY'S OBJECTION TO ISSUANCE OF NEW C1,2 LIQUOR PERMIT REQUESTED BY AHN, INC., dba STORE, LOCATED AT 1105 W TUSCARAWAS. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
404. LIQUOR CONTROL DIVISION,
STATE OF OHIO: NOTICE OF HEARING SET FOR 11/12/03 @ 11:00 AM IN THE CAUCUS RM RE: OBJECTION TO ISSUANCE OF NEW D5 LIQUOR PERMIT REQUESTED BY ROBERT K. MCGILL, dba RIVIERA CLUB OF CANTON, LOCATED AT 508 CLEVELAND AVE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
405. MAYOR WATKINS: INSTRUCTING MANAGEMENT OF CIVIC CENTER TO CHARGE FOR ANY EVENT WHICH IS NOT DIRECTLY A CANTON CITY FUNCTION IN ACCORDANCE WITH CODIFIED ORDINANCE CHAPTER 971 & A REVIEW OF RATES WILL BE GIVEN TO NEWLY ELECTED MAYOR IN NOVEMBER FOR HANDLING OF RATES IN 2004. - RECEIVED & FILED
406. MAYOR WATKINS: REQUEST TO ACCEPT PROPOSED OFFICIAL SEAL OF CITY OF CANTON. - LAW DIRECTOR
407. OHIO EPA, DEAN W. STOLL, PE: APPROVING 2003 ANNUAL REPORT FOR SATELLITE SEWER DISCHARGE CONTROL PROGRAM AS MEETING REQUIREMENTS FOR NPDES PERMIT. - RECEIVED & FILED
408. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REQUEST TO REPLAT PARTS OF OUTLOT 248 INTO THREE RECONFIGURED LOTS AS REQUESTED BY MARY L. FOULKS. - LAW DIRECTOR (See O#3, 1st Rdg)
409. PLANNING COMMISSION: RECOMMENDING DENIAL OF ZONE CHANGE REQUEST BY FIRST CHURCH OF THE NAZARENE FROM R-1 TO PI-1 TO PERMIT ELECTRONIC SIGN AT 522 30th ST NW. - LAW DIRECTOR **PUB HRG 11/24/03 @ 7:30 PM**
410. PLANNING COMMISSION: RECOMMENDING DENIAL OF ZONE CHANGE REQUEST BY TODD LENSMAN FROM R-1A TO PR-3 TO PERMIT A 3-UNIT APARTMENT AT 1275 WOODLAND AVE NW. - LAW DIR. **PUB HRG 11/24/03 @ 7:31 PM**
411. PLANNING COMMISSION: RECOMMENDING DENIAL OF ZONE CHANGE REQUEST BY TRENA & SOLADENE CURTIS FROM R-1A TO PB-3 TO PERMIT A HOUSE PLUS DAY-CARE AT 351 CORNELIA NE. - LAW DIR **PUB HRG 11/24/03 @ 7:32 PM**
412. REPUBLIC ENGINEERED PRODUCTS: NOTICE OF FILING FOR CHAPTER 11 BANKRUPTCY & PLANS TO RESUME OPERATIONS. - RECEIVED & FILED
413. REPUBLIC ENGINEERED PRODUCTS: NOTICE OF U.S. BANKRUPTCY COURT APPROVAL FOR DEBTOR-IN-POSSESSION FINANCING AGREEMENT & RESUMPTION OF OPERATIONS AT ALL PLANT LOCATIONS. - RECEIVED & FILED
414. SAFETY DIRECTOR CONCATTO: REQUEST FOR APPROVAL OF DEMOLITION OF 5 PARCELS (1131 - 4TH NW & ETC). - LAW DIRECTOR (See O#206/2003)
415. SAFETY DIRECTOR CONCATTO: REQUESTING AUTHORIZATION TO ACCEPT \$6,334 GRANT FROM OHIO DEPT. OF PUBLIC SAFETY-DIVISION OF EMERGENCY MEDICAL SERVICES FOR FIRE DEPT. & \$6,334 SUPPLEMENTAL APPROPRIATION FROM 2812 EMS TRAINING & EQUIPMENT FUND. - LAW DIR. (See O#5, 1st Rdg)
416. SERVICE DIRECTOR MILLER: REQUESTING \$117,000 SUPPLEMENTAL APPROPRIATION FROM 5201 FUND TO COVER ADDITIONAL PAYROLL EXPENSES INCURRED BY THE WATER DEPARTMENT. - LAW DIRECTOR (See O#6, 1st Rdg)
- COMMUNICATIONS CONTINUED:
417. SMUCKLER, MAJORITY LEADER: REQUESTING LAW DIRECTOR TO PROVIDE INFORMATION RE: ADMINISTRATIVE PROCESS W/IN BUILDING BOARD OF APPEALS AFTER DEMOLITION ORDINANCE IS PASSED, BY WHAT AUTHORITY BUILDING INSPECTOR MAY HALT A DEMOLITION, HOW COUNCIL MAY STOP THE OVERTURNING OF DEMOLITION LEGISLATION, & REQUEST FOR DEMOLITION PROCEDURE MANUAL. - LAW DIRECTOR
418. TREASURER SCHIRACK: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT AS OF SEPTEMBER 30, 2003. - RECEIVED & FILED

419. TREASURER SCHIRACK: COMPARATIVE REPORT OF PARKING METER REVENUE AS OF SEPTEMBER 30, 2003. - RECEIVED AND FILED
420. TREASURER SCHIRACK: REPORT OF BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF SEPTEMBER 30, 2003. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. APPROVING & ACCEPTING REPLATTING OF PART OF OUTLOT NO. 827 & DEDICATION OF PART OF LESH ST & RICHMOND AVE NE AS REQUESTED BY BUCKEYE SURVEYING ON BEHALF OF COUNTRYTYME LODI, LTD; EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 2. AUTHORIZING PAYMENT OF A MODIFIED 7% ALLOCATION FOR YEAR 2004 & 7.5% ALLOCATION FOR YEAR 2005 & THEREAFTER TO FUND SCOG; EMERGENCY
Referred to Intergovernmental & Public Service Committee
- 1ST RDG 3. APPROVING & ACCEPTING REPLATTING OF PART OF OUTLOT NO. 248 LOCATED ON MCKINLEY AVE NW NORTH OF 12TH ST AS REQUESTED BY MARY L. FOULKES; EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- *206/2003** 4. DECLARING 5 BUILDINGS PUBLIC NUISANCES (1131 - 4TH NW & ETC); AUTHORIZING SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR DEMOLITION OF SAME; AUTHORIZING CLERK OF COUNCIL TO CERTIFY COSTS OF DEMOLITION TO STARK COUNTY AUDITOR; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 5. AUTHORIZING PUBLIC SAFETY DIRECTOR TO ACCEPT \$6,334 GRANT FROM OHIO DEPARTMENT OF PUBLIC SAFETY-DIVISION OF EMERGENCY MEDICAL SERVICES FOR FIRE DEPARTMENT; AMENDING O.236/2002 BY MAKING A \$6,334 SUPPLEMENTAL APPROPRIATION FROM THE 2812 EMS TRAINING & EQUIPMENT FUND; EMERGENCY
Referred to Finance Committee
- 1ST RDG 6. AMENDING O.236/2002 BY MAKING A \$167,000 SUPPLEMENTAL APPROPRIATION FROM THE 5201 WATER WORKS OPERATING FUND (TO COVER ADDITIONAL PAYROLL EXPENSES INCURRED BY THE WATER DEPARTMENT); EMERGENCY
Referred to Finance Committee
- 1ST RDG 7. AUTHORIZING MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO \$59,500 CONTRACT WITH NORTHEAST COMMUNITY CENTER LOCATED AT 2600 25TH ST NE TO PROVIDE TWO LOANS FOR THE INSTALLATION OF A COMPLETE KITCHEN; EMERGENCY
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 8. AUTHORIZING MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CANTON CITY SCHOOL DISTRICT TO PROVIDE A \$30,000 GRANT FOR THE EARLY CHILDHOOD EDUCATION PROGRAM; EMERGENCY
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 9. ESTABLISHING \$1,500 FAIR MARKET VALUE OF CITY OWNED PROPERTY LOCATED ON HARVEY PL SE; AUTHORIZING SALE & CONVEYANCE OF SAME PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 10. AUTHORIZING MAYOR AND/OR SERVICE DIRECTOR TO FILE APPLICATION WITH STATE OF OHIO TO PARTICIPATE IN CLEAN OHIO ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANCE & ADMINISTER FUNDS RECEIVED; AUTHORIZING MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO \$50,000 CONTRACT FOR PROFESSIONAL ENVIRONMENTAL SERVICES IN ACCORDANCE WITH REQUIREMENTS OF CLEAN OHIO ASSISTANCE FUND APPLICATION; EMERGENCY
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 11. APPROVING & ACCEPTING REPLATTING OF OUTLOTS NOS. 666 & 667 LOCATED ON THE SOUTH SIDE OF W TUSCARAWAS ST @ WHIPPLE AVE AS REQUESTED BY CESO ENGINEERS & SURVEYORS ON BEHALF OF CANTON CENTRE MALL; EMERGENCY
Referred to Public Safety & Thoroughfares Committee

***8:35-8:44PM Recess for committee meeting on O#4, which was returned to the agenda for adoption.**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD ORDINANCES #12-21:**

- 2ND RDG 12. AMENDING ZONING O.55/77 TO REZONE PART OF OUTLOT 1004 LOCATED ON THE NORTH SIDE OF COLUMBUS RD NE FROM CURRENT PI-1 TO NEW PI-1 TO PERMIT EXPANSION OF AN EXISTING BUSINESS

INTO THE CITY AS REQUESTED BY NORM ECKINGER CONSTRUCTION FOR OSTER SAND & GRAVEL;
EMERGENCY **PUB HRG 10/27/03 @ 7:30 PM**

2ND RDG 13. AMENDING ZONING O.55/77 TO REZONE PART OF LOTS NO. 6082 & 6085, LOCATED AT 614 MCGREGOR AVENUE NW FROM R-1a TO PB-4 AS REQUESTED BY AMBULANCE ASSOCIATES; EMERGENCY **PUB HRG 10/27/03 @ 7:31 PM**

2ND RDG 14. AMENDING ZONING O.55/77 TO REZONE THE EAST END OF CHRISTMAS SEAL DRIVE FROM B-1 TO B-3 AS REQUESTED BY COUNCILMEMBER HART; EMERGENCY **PUB HRG 10/27/03 @ 7:32 PM**

2ND RDG 15. AMENDING ZONING O.55/77 FOR NUMEROUS CHANGES TO OFFICIAL ZONING ORDINANCES; EMERGENCY **PUB HRG 10/27/03 @ 7:32 PM**

2ND RDG 16. AUTHORIZING SAFETY DIRECTOR TO ENTER INTO WORK AGREEMENTS WITH THE FULTON ROAD TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT; EMERGENCY

2ND RDG 17. AMENDING O.236/2002 BY MAKING A \$210,500 SUPPLEMENTAL APPROPRIATION FROM THE 2316 WIC FUND & \$14,000 FROM THE 2313 PREVENTIVE HEALTH FUND; EMERGENCY

2ND RDG 18. AUTHORIZING MAYOR TO ACCEPT \$157,500 GRANT FROM THE TIMKEN FOUNDATION FOR JACKSON POOL; AUTHORIZING \$157,500 CASH MATCH FROM THE 2004 CAPITAL IMPROVEMENT FUND; EMERGENCY

2ND RDG 19. AUTHORIZING CITY AUDITOR TO ESTABLISH A 7506 BUILDING DEPARTMENT STATE ASSESSMENT FUND FOR PURPOSE OF COLLECTING & PAYING STATE ASSESSMENTS TO ALL COMMERCIAL BUILDING PERMITS EFFECTIVE JANUARY 1, 2004; EMERGENCY.

2ND RDG 20. AMENDING O.236/2002 BY MAKING A 1,240 SUPPLEMENTAL APPROPRIATION FROM THE 2773 LOCAL LAW ENFORCEMENT BLOCK GRANT & \$50,000 FROM THE LAW ENFORCEMENT TRUST FUND, FOR THE POLICE DEPARTMENT; EMERGENCY

2ND RDG 21. APPROVING A WATER MAIN EXTENSION ON MCDOWELL STREET NE TO GROVE CREEK DEVELOPMENT IN PLAIN TOWNSHIP; AUTHORIZING SERVICE DIRECTOR TO CONTRACT FOR SAME; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

POSTPONED TO

10/27/03 22. AMENDING ZONING O.55/77 TO REZONE LOT NO. 29043 LOCATED AT 2409-2411 4th ST NW FROM R-1A TO PR-2 AS REQUESTED BY JAMES & PATRICIA FRICKER; EMERGENCY **PUB HRG HELD 10/20/03 @ 7:30 PM**

207/2003 23. AMENDING ZONING O.55/77 TO REZONE PART OF OUTLOT 935 LOCATED AT 2535 FULTON DRIVE NW FROM B-3 TO PB-4 AS REQUESTED BY CHRIS MAGGIORE; EMERGENCY. **PUB HRG HELD 10/20/03 @ 7:31 PM**

POSTPONED TO

10/27/03 24. AMENDING ZONING O.55/77 TO REZONE PART OF OUTLOT 837 LOCATED AT 4330 KIRBY AVE NE FROM R-1a TO PB-3 AS REQUESTED BY DANIEL & MARCIA HARDING; EMERGENCY **PUB HRG HELD 10/20/03 @ 7:32 PM**

208/2003 25. AUTHORIZING CANTON TO ANNEX JEFFRIES BROTHERS ANNEXATION AREA, ASSIGNING SAID TERRITORY TO WARD 4 & ZONING SAID TERRITORY AS I-1; EMERGENCY **PUB HRG HELD 10/20/03 @ 7:33 PM**

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING CONTINUED:

209/2003 26. AUTHORIZING & CONSENTING TO RESURFACING OF SR 43 FROM US RT 30 NORTH TO CHERRY AVE RAILROAD BRIDGE & SR 43D (WALNUT AVE) FROM SR 172 (TUSCARAWAS ST E) SOUTH TO CHERRY AVE RAILROAD BRIDGE UNDER SUPERVISION OF DIRECTOR OF TRANSPORTATION OF STATE OF OHIO, WITH CANTON ASSUMING 20% OF COST OF PROJECT; EMERGENCY.

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, October 27, 2003 @6:00 PM, Caucus Room
Executive Session with Law Director
to discuss pending litigation in State agency

Monday, October 27, 2003 @6:15 PM, Caucus Room
1. Finance Committee
2. Public Safety & Thoroughfares Committee
3. Community & Economic Development Committee

4. Intergovernmental & Public Service Committee

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): (Council heard 3 speakers)

MISCELLANEOUS BUSINESS: (re: maintenance on 6th to 8th Street Connector; flooding on Hamilton)

ADJOURNMENT TIME: 9:16 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD MONDAY, OCT. 27, 2003 @ 7:30 PM