

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

OCTOBER 27, 2003

ROLL CALL: 11 Members present, 1 absent (Mroczkowski, Ward 5)  
INVOCATION: Given by 6<sup>th</sup> Ward Councilmember David Dougherty  
PLEDGE OF ALLEGIANCE: Led by President of Council President Ray Denczak

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#10-19; Suspend Rule 24B to add Informal Resolution #81; Withdrew Informal Resolution #83; Adopted 1<sup>st</sup> Rdg O#8 & 2<sup>nd</sup> Rdg O#15; Postponed O#30 to 11/10/03)

PUBLIC HEARINGS:

- 7:30 PM A REQUEST TO REZONE PART OF OUTLOT 1004 LOCATED ON THE NORTH SIDE OF COLUMBUS RD NE FROM THE CURRENT PI-1 (PLANNED LIGHT INDUSTRIAL) TO A NEW PI-1 TO PERMIT EXPANSION OF AN EXISTING BUSINESS INTO THE CITY AS REQUESTED BY NORM ECKINGER CONSTRUCTION FOR OSTER SAND & GRAVEL.  
(PLANNING COMMISSION RECOMMENDS APPROVAL) (No Public Speakers) (See O#212/2003)
- 7:31 PM A REQUEST TO REZONE PARTS OF LOTS NO. 6082 & 6085 LOCATED AT 614 MCGREGOR AVENUE NW FROM R-1A TO PB-4 (PLANNED SPECIAL BUSINESS) AS REQUESTED BY AMBULANCE ASSOCIATES.  
(PLANNING COMMISSION RECOMMENDS APPROVAL) (One Public Speaker) (See O#213/2003)
- 7:32 PM A REQUEST BY WARD 7 COUNCILMEMBER HART TO AMEND THE OFFICIAL ZONING MAP AT THE EAST END OF CHRISTMAS SEAL DRIVE FROM B-1 TO B-3 (GENERAL BUSINESS).  
(PLANNING COMMISSION RECOMMENDS DENIAL) (One Public Speaker) (See O#214/2003)
- 7:32 PM A REQUEST TO AMEND ZONING O.55/77 FOR NUMEROUS CHANGES TO OFFICIAL ZONING MAP.  
(PLANNING COMMISSION RECOMMENDS APPROVAL) (No Public Speakers) (See O#215/2003)

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): (No Public Speakers)

INFORMAL RESOLUTIONS:

VICE PRESIDENT SMUCKLER: EXCUSING MEMBER MROCKOWSKI.

**SUSPENDED RULE 24B TO ADD RESOLUTION #81:**

81. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: RECOMMENDING HEARING & OBJECTION BE WITHDRAWN FOR THE ISSUANCE OF A NEW D5 LIQUOR PERMIT REQUESTED BY ROBERT MCGILL DBA RIVIERIA CLUB OF CANTON AT 508 CLEVELAND AVENUE NW - ADOPTED
82. SMUCKLER, MAJORITY LEADER: HONORING THE MEMORY OF DEACON EUGENE W. SMITH. - ADOPTED

**INFORMAL RESOLUTIONS - POSTPONED MATTER:**

83. DIAMOND, WARD 8 MEMBER: RECOMMENDING THAT ALL TOWING REQUESTED WITHIN THE CITY BE PERFORMED BY TOWING COMPANIES UNDER CONTRACT WITH THE CITY.  
- ~~ADOPT & SAFETY DIRECTOR.~~ **WITHDRAWN FROM AGENDA**

COMMUNICATIONS:

421. LAW DIRECTOR MARTUCCIO: REQUEST TO APPROVE LEGISLATION TO AUTHORIZE A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF CANTON AND ESMET, INC. - LAW DIRECTOR (See O#1, 1<sup>st</sup> Rdg)
422. PLANNING COMMISSION: RECOMMENDING APPROVAL TO VACATE A OF PORTION OF AN UNNAMED ALLEY EAST OF SCHROYER SW BETWEEN 5<sup>TH</sup> & 6<sup>TH</sup> STREETS AS REQUESTED BY ATTORNEY SCOTT SANDROCK FOR ESMET INC., 1406 5<sup>TH</sup> STREET SW - LAW DIRECTOR **PUB HRG 11/24/2003 @ 7:30 PM**
423. PLANNING COMMISSION: RECOMMENDING APPROVAL TO REPLAT OUTLOT 666 & 667 INTO 3 RECONFIGURED OUTLOTS AS REQUESTED BY CESO ENGINEERS & SURVEYORS FOR CANTON CENTER MALL (WALMART PROJECT). - LAW DIRECTOR (See O#19, 2<sup>nd</sup> Rdg)

COMMUNICATIONS - CONTINUED:

424. PLANNING COMMISSION: RECOMMENDING APPROVAL TO VACATE A PORTION OF MELCHOIR PL. SW NORTH OF 9<sup>TH</sup> ST., BETWEEN MARKET & COURT AVENUES, & TO REPLAT 20 LOTS & A VACATED ALLEY INTO 1 RECONFIGURED OUTLOT AS REQUESTED BY HINTON SURVEYING FOR PREMIER OFFICE COMPLEX LLC. - LAW DIRECTOR **PUB HRG 11/17/03 @ 7:30 PM** (See O#2, 1<sup>st</sup> Rdg)
425. ROACH, GREGORY: LETTER OF REQUEST THAT THE CITY OF CANTON BECOME A "SPONSOR OF BURN SURVIVORS THROUGH ACBC" (ALUMINUM CANS FOR BURNED CHILDREN). - RECEIVED & FILED
426. SERVICE DIRECTOR MILLER: REQUEST FOR \$5,645.10 SUPPLEMENTAL APPROPRIATION FROM THE 2415 FUND TO REPAIR ATTENUATOR ON RT 62 AT CLEVELAND AVE MEDIAN. - LAW DIRECTOR (See O#3, 1<sup>st</sup> Rdg)
427. SERVICE DIRECTOR MILLER: REQUEST TO PAY A \$35,640.59 MORAL OBLIGATION TO WENGER EXCAVATING FOR EMERGENCY ROADWAY RECONSTRUCTION ON WARNER ROAD NE DUE TO SUMMER FLOODING. - LAW DIRECTOR (See O#4, 1<sup>st</sup> Rdg)
428. SERVICE DIRECTOR MILLER: REQUEST TO ENTER INTO A \$316,519 CONTRACT WITH URS CORPORATION FOR PROFESSIONAL SERVICES FOR THE TUSCARAWAS STREET IMPROVEMENTS, STA-77-13.90, GP 1064; REQUEST TO ESTABLISH THE 4551 TUSCARAWAS STREET IMPROVEMENT GP 1064 FUND; & REQUEST \$316,519 SUPPLEMENTAL APPROPRIATION FROM 4551 FUND. - LAW DIRECTOR (See O#5, 1<sup>st</sup> Rdg)
429. SERVICE DIRECTOR MILLER: REQUEST TO AMEND CITY CODE CHAPTER 947 TO ALLOW WPCC FUNDS TO BE EXPENDED FOR SANITARY SEWER & STORM WATER SEWER COLLECTIONS. - LAW DIRECTOR

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH ESMET, INC. FOR REAL PROPERTY TAX EXEMPTIONS FOR AN ADDITIONAL BUILDING IN WARD 4 COMMUNITY REINVESTMENT AREA; AUTHORIZING A 10 YEAR GRANT OF REAL PROPERTY TAX EXEMPTIONS; EMERGENCY  
Referred to Community & Economic Development and Finance Committees
- 1<sup>ST</sup> RDG 2. VACATING A PORTION OF MELCHOIR PLACE SW; APPROVING & ACCEPTING REPLATTING OF LOTS #376-380, 522, 523, 33403, 33558, 42175-42182, PART OF LOTS #524 & 375 AS REQUESTED BY HINTON SURVEYING ON BEHALF OF PREMIER OFFICE COMPLEX; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 3. AMENDING APPROPRIATION O.236/2002 TO MAKE A \$5,645.10 SUPPLEMENTAL APPROPRIATION FROM THE 2415 ATTENUATOR REPAIR FUND; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 4. AUTHORIZING CITY AUDITOR TO PAY A \$35,640.59 MORAL OBLIGATION TO WENGER EXCAVATING, INC. FOR EMERGENCY ROADWAY RECONSTRUCTION ON WARNER ROAD NE BETWEEN 8<sup>TH</sup> & 9<sup>TH</sup> STREETS; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 5. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO A \$316,519 CONTRACT WITH URS CORPORATION FOR THE TUSCARAWAS STREET IMPROVEMENTS, STA-77-13.90, GP 1064; AUTHORIZING CITY AUDITOR TO ESTABLISH THE 4551 TUSCARAWAS STREET IMPROVEMENTS GP 1064 FUND; AMENDING APPROPRIATION O.236/2002 TO MAKE A \$316,519 TRANSFER & SUPPLEMENTAL APPROPRIATION; EMERGENCY  
Referred to Public Safety & Thoroughfares and Finance Committees
- 1<sup>ST</sup> RDG 6. AUTHORIZING THE MAYOR TO FILE A 2004 CONSOLIDATED PLAN FOR THE 2004 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2004 HOME INVESTMENT PARTNERSHIP PROGRAM & 2004 EMERGENCY SHELTER GRANT PROGRAM WITH THE US DEPT. OF HUD; RATIFYING SUBMISSION & FILING OF PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS & ACCEPT FUNDING FOR THE 3 PROGRAMS WITH THE US DEPT. OF HUD; EMERGENCY  
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING - CONTINUED:

- 1<sup>ST</sup> RDG 7. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO A \$50,000 CONTRACT WITH THE YWCA OF CANTON FOR ROOF REPLACEMENT ON THE GATEWAY HOUSING PROJECT FACILITY; EMERGENCY  
Referred to Community & Economic Development and Finance Committees
- 210/2003** 8.\* AMENDING O.194/2003, SECTION 1, TO AMEND THE TIME OF PERFORMANCE TO COINCIDE WITH THE 2003-2004 PRIME TIME BASKETBALL PROGRAM; EMERGENCY  
Referred to Community & Economic Development and Finance Committees
- 1<sup>ST</sup> RDG 9. AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONVEY NO LONGER NEEDED CITY-OWNED PROPERTY (BOUNDED BY 2<sup>ND</sup> NE, 2<sup>ND</sup> ST CUT-THRU, RIVERSIDE DRIVE & WOODROW CT NE) TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION FOR THE SUM OF \$1.00; EMERGENCY  
Referred to Community & Economic Development and PPCI Committees

**\*8:01-8:05 PM recess for committee meeting on O#8, which was returned to the agenda for adoption.**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD ORDINANCES #10-19:**

- 2<sup>ND</sup> RDG 10. APPROVING & ACCEPTING REPLATTING OF PART OF OUTLOT NO. 827 & DEDICATION OF PART OF LESH & RICHMOND NE AS REQUESTED BY BUCKEYE SURVEYING ON BEHALF OF COUNTRYTYME LODI, LTD; EMERGENCY
- 2<sup>ND</sup> RDG 11. AUTHORIZING PAYMENT OF A MODIFIED 7% ALLOCATION FOR YEAR 2004 & 7.5% ALLOCATION FOR YEAR 2005 & THEREAFTER TO FUND SCOG; EMERGENCY
- 2<sup>ND</sup> RDG 12. APPROVING & ACCEPTING REPLATTING OF PART OF OUTLOT NO. 248 LOCATED ON MCKINLEY AVE NW NORTH OF 12<sup>TH</sup> ST AS REQUESTED BY MARY L. FOULKS; EMERGENCY
- 2<sup>ND</sup> RDG 13. AUTHORIZING 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
- 2<sup>ND</sup> RDG 14. 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
- 211/2003** 15. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO A \$59,500 CONTRACT WITH NORTHEAST COMMUNITY CENTER LOCATED AT 2600 25<sup>TH</sup> ST NE TO PROVIDE TWO LOANS FOR THE INSTALLATION OF A COMPLETE KITCHEN; EMERGENCY
- 2<sup>ND</sup> RDG 16. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH CANTON CITY SCHOOL DISTRICT TO PROVIDE A \$30,000 GRANT FOR THE EARLY CHILDHOOD EDUCATION PROGRAM; EMERGENCY
- 2<sup>ND</sup> RDG 17. 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
- 2<sup>ND</sup> RDG 18. AUTHORIZING MAYOR &/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 &/OR SERVICE DIRECTOR TO ENTER INTO \$50,000 CONTRACT FOR PROFESSIONAL ENVIRONMENTAL SERVICES IN ACCORDANCE WITH REQUIREMENTS OF CLEAN OHIO ASSISTANCE FUND APPLICATION; EMERGENCY
- 2<sup>ND</sup> RDG 19. 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 (WALMART PROJECT); EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 212/2003** 20. 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 (COMBI PACKAGING) INTO THE CITY AS REQUESTED BY NORM ECKINGER CONSTRUCTION FOR OSTER SAND & GRAVEL; EMERGENCY  
**PUB HRG HELD 10/27/03 @ 7:30 PM**

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING - CONTINUED:

- 213/2003** 21. 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 HELD 10/27/03 @ 7:31 PM**

- 214/2003** 22. 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 HELD 10/27/03 @ 7:32 PM**
- 215/2003** 23. AMENDING ZONING O.55/77 FOR NUMEROUS CHANGES TO OFFICIAL ZONING MAP; EMERGENCY **PUB HRG HELD 10/27/03 @ 7:32 PM**
- 216/2003** 24. AUTHORIZING SAFETY DIRECTOR TO ENTER INTO WORK AGREEMENTS WITH THE FULTON ROAD TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT; EMERGENCY
- 217/2003** 25. 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
- 218/2003** 26. AUTHORIZING MAYOR TO ACCEPT A \$157,500 GRANT FROM THE TIMKEN FOUNDATION FOR THE JACKSON POOL; AUTHORIZING A \$157,500 CASH MATCH FROM THE 2004 CAPITAL IMPROVEMENT FUND; EMERGENCY
- 219/2003** 27. 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.
- 220/2003** 28. 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
- 221/2003** 29. 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 - POSTPONED MATTER:****POSTPONED TO**

- 11/10/03** 30. **(POSTPONED FROM 10/20/03)** AMENDING ZONING O.55/77 TO REZONE LOT NO. 29043 LOCATED AT 2409-2411 4<sup>th</sup> ST NW FROM R-1A TO PR-2 AS REQUESTED BY JAMES & PATRICIA FRICKER; EMERGENCY **PUB HRG HELD 10/20/03 @ 7:30 PM**
- 222/2003** 31. **(POSTPONED FROM 10/20/03)** 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**

**ANNOUNCEMENT OF COMMITTEE MEETINGS:**

Monday, November 10, 2003, at 6:00 PM in Council Caucus Room:

1. Finance Committee

Monday, November 10, 2003, at 6:15 PM in Council Caucus Room:

1. Community & Economic Dev
2. Public Safety & Thoroughfares
3. Public Property Capital Imp.

**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY):** (Council heard 9 public speakers)

**MISCELLANEOUS BUSINESS**

**ADJOURNMENT TIME:** 9:07 PM

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD MONDAY, NOV. 10, 2003 @ 7:30 PM**  
**(COUNCIL DOES NOT MEET ON ELECTION-EVE, MONDAY, NOVEMBER 3, 2003)**