

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

NOVEMBER 24, 2003

ROLL CALL: 11 Councilmember present, 1 Absent (Babcock)  
INVOCATION: Given by 9<sup>th</sup> Ward Councilmember Joe Carbenia  
PLEDGE OF ALLEGIANCE: Led by President of Council President Ray Denczak

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add Communications #480 -481, 1<sup>st</sup> Rdg O#6A, & 2<sup>nd</sup> Rdg O#7; Defeated O#9 & 10)

PUBLIC HEARINGS:

- 7:30 PM A REQUEST BY SCOTT P. SANDROCK, ATTORNEY FOR ESMET, INC., TO VACATE A PORTION OF AN UNNAMED ALLEY EAST OF SCHROYER SW BETWEEN 5<sup>TH</sup> & 6<sup>TH</sup> ST SW.  
(PLANNING COMMISSION RECOMMENDS APPROVAL) (No Speakers) (See O#241/2003)
- 7:30 PM A REQUEST TO REZONE PART OF OUTLOT #703 LOCATED AT 522 30<sup>TH</sup> ST NW FROM R-1 TO PI-1 AS REQUESTED BY CANTON FIRST CHURCH OF THE NAZARENE  
(PLANNING COMMISSION RECOMMEND DENIAL) (One Speaker) (See O#240/2003)
- 7:31 PM A REQUEST TO REZONE LOT #3465 LOCATED AT 1275 WOODLAND AVE NW FROM R-1A TO PR-3 AS REQUESTED BY PRIME PROPERTIES & RENOVATIONS (TODD A. LENS MAN, PRESIDENT)  
(PLANNING COMMISSION RECOMMENDS DENIAL) (Four Speakers) (See O#9, Defeated)
- 7:32 PM A REQUEST TO REZONE LOT #24694 LOCATED AT 351 CORNELIA AVE NE FROM R-1A TO PB-3 AS REQUESTED BY TRENA & SOLADENE CURTIS  
(PLANNING COMMISSION RECOMMENDS DENIAL) (Five Speakers) (See O#10, Defeated)

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

INFORMAL RESOLUTIONS:

VICE PRESIDENT SMUCKLER: EXCUSING MEMBER BABCOCK.

COMMUNICATIONS:

467. ASST LAW DIRECTOR REESE: ANSWER & LEGAL ANALYSIS RE: AUTHORITY OF CHIEF BUILDING OFFICIAL TO RESCIND A DEMOLITION ON PROPERTY DECLARED TO BE A PUBLIC NUISANCE; RECOMMENDING THAT CHIEF BUILDING OFFICIAL INFORM COUNCIL & SAFETY DIRECTOR IN WRITING OF ANY DECISION TO RESCIND A DEMOLITION WITH SUBSEQUENT ORDINANCE DECLASSIFYING STRUCTURE AS A NUISANCE. - MAJORITY LEADER
468. AUDITOR PEREZ: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 11/19/03. - CLERK OF COUNCIL
469. CONCERNED CITIZENS OF 4<sup>TH</sup> WARD: CITIZEN PETITION OBJECTING TO REQUEST TO REZONE 351 CORNELIA AVE NE AS REQUESTED BY TRENA & SOLADENE CURTIS TO BUILD A STRUCTURE FOR THE OPERATION OF A CHILD DAYCARE FACILITY. - RECEIVED & FILED
470. HEALTH BENEFITS ADM. BRESSON: OCTOBER 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-OCTOBER 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
471. HEALTH COMMISSIONER PATTISON: REQUEST FOR \$7,000.00 SUPPLEMENTAL APPROPRIATION FROM THE UNAPPROPRIATED BALANCE OF THE 2321 IMMUNIZATION ACTION PLAN FUND. - LAW DIRECTOR (See O#1, 1<sup>st</sup> Rdg)
472. HEALTH COMMISSIONER PATTISON: REQUEST FOR \$15,000.00 SUPPLEMENTAL APPROPRIATION FROM THE UNAPPROPRIATED BALANCE OF THE 2312 STD CONTROL FUND. - LAW DIRECTOR (See O#1, 1<sup>st</sup> Rdg)
473. LAW DIRECTOR MARTUCCIO: REQUESTING ADOPTION OF ORDINANCE AND ATTACHED RESOLUTION REPEALING CHAPTER 157 "POLICE AND FIRE MINORITY EMPLOYMENT OPPORTUNITY" OF PART 1, ADMINISTRATIVE CODE, OF THE CANTON CODIFIED ORDINANCES FOR PURPOSES OF SETTLING PENDING LITIGATION WITH OHIO CIVIL RIGHTS COMMISSION. - JUDICIARY CMTE (See O#2, 1<sup>st</sup> Rdg)

COMMUNICATIONS CONTINUED:

474. LIQUOR CONTROL DIVISION, STATE OF OHIO: REQUEST FOR OWNERSHIP TRANSFER OF C2, C2X, D8 LIQUOR PERMIT BY TAMARKIN CO. dba GIANT EAGLE 6364, LOCATED AT 608 RAFF RD SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

475. MAYOR WATKINS: REQUESTING CONFIRMATION OF REAPPOINTMENT OF PHILLIP FRANCIS TO FAIR HOUSING COMMISSION FOR 5 YEAR TERM RETROACTIVE TO 8/1/03. - PERSONNEL CMTE
476. OHIO DEPT OF COMMERCE, DIVISION OF LIQUOR CONTROL: OVERRULING OBJECTION OF COUNCIL TO C1, C2 LIQUOR PERMIT APPLICATION BY TRASH ENTERPRISES, dba CHERRY MARKET, LOCATED AT 1494 CHERRY AVE SE & CONTINUING PROCESSING OF APPLICATION. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
477. REPUBLIC ENGINEERED PRODUCTS: INVITATION TO MEETING 11/20/03 AT 1:00 PM AT HOLIDAY INN (BELDEN VILLAGE) WITH REPRESENTATIVES OF REPUBLIC & USWA TO DISCUSS ECONOMIC IMPACT OF RECENT \$245 MILLION PERRY BID. - RECEIVED & FILED
478. SAFETY DIRECTOR MILLER: REQUEST TO PAY \$23,740.00 MORAL OBLIGATION TO UNITED INDUSTRIAL GROUP FOR REPAIRS TO 450 HORSEPOWER SYNCHRONOUS MOTOR FOR #3 HIGH SERVICE PUMP AT SUGAR CREEK WATER TREATMENT PLANT. - LAW DIRECTOR (See O#3, 1<sup>st</sup> Rdg)
479. TREASURER SCHIRACK: REQUESTING VARIOUS AMENDMENTS TO CITY CODE CHAPTER 181 RE: RECENTLY MANDATED GUIDELINES FOR LOCAL INCOME TAX. - LAW DIRECTOR

**SUSPENDED RULE 22A TO ADD #480 & 481:**

480. ALTIERI-BUCHER, KATHLEEN: REQUEST TO VACATE PORTION OF WHEELING PL NE BETWEEN MAHONING RD & FRANCIS CT NE FOR PRIVATE ACCESS. - PLANNING COMMISSION (See C#481) (See O#6A, 1<sup>st</sup> Rdg)
481. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REQUEST BY KATHLEEN ALTIERI-BUCHER TO VACATE PORTION OF WHEELING PL NE BETWEEN MAHONING RD & FRANCIS CT NE FOR PRIVATE ACCESS. - LAW DIRECTOR (See C#480) (See O#6A, 1<sup>st</sup> Rdg) **PUB HRG 12/1/03 @ 7:30 PM**

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

- 1<sup>ST</sup> RDG 1. AMENDING O.236/2002 BY MAKING \$7,000.00 SUPPLEMENTAL APPROPRIATION FROM 2321 IMMUNIZATION ACTION PLAN FUND, AND \$15,000.00 SUPPLEMENTAL APPROPRIATION FROM 2312 STD CONTROL FUND; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 2. REPEALING CHAPTER 157 "POLICE AND FIRE MINORITY EMPLOYMENT OPPORTUNITY" OF PART 1, ADMINISTRATIVE CODE, OF THE CANTON CODIFIED ORDINANCES PASSED IN 1994; EMERGENCY  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 3. AUTHORIZING CITY AUDITOR TO PAY \$23,740.00 MORAL OBLIGATION TO UNITED INDUSTRIAL GROUP FOR REPAIRS TO 450 HORSEPOWER SYNCHRONOUS MOTOR FOR #3 HIGH SERVICE PUMP AT SUGAR CREEK WATER TREATMENT PLANT; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 4. AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO AGREEMENT WITH LIFE INVESTORS INSURANCE COMPANY OF AMERICA TO COMMENCE AND ADMINISTER A FLEXIBLE BENEFIT PLAN FOR ELIGIBLE CITY EMPLOYEES UNDER SECTION 125 OF THE INTERNAL REVENUE CODE; EMERGENCY  
Referred to Personnel Committee
- 1<sup>ST</sup> RDG 5. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO DESIGNATE CANTON COMMERCE DEVELOPMENT, LLC ("CCD") AS ITS AGENT TO SUBMIT A 1.3 MILLION DOLLAR LOAN APPLICATION TO STATE OF OHIO URBAN REDEVELOPMENT LOAN PROGRAM FOR THE PURCHASE & DEVELOPMENT OF MILLS BUSINESS PARK; AUTHORIZING \$200,000.00 ALLOCATION FOR 2004 & 2005 FOR PURCHASE AND IMPROVEMENT OF SAME; AUTHORIZING MAYOR AND/OR PUBLIC SERVICE DIRECTOR TO ACCEPT AND ADMINISTER SAID LOAN; EMERGENCY  
Referred to Community & Economic Development and Finance Committees

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

- 1<sup>ST</sup> RDG 6. AUTHORIZING PUBLIC SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH BOARD OF STARK COUNTY COMMISSIONERS FOR LEASE OF PARKING SPACES AT CORNERSTONE PARKING DECK; EMERGENCY  
Referred to Intergovernmental & Public Service and Finance Committees

**SUSPENDED RULE 22A TO ADD ORDINANCE #6A:**

- 1<sup>ST</sup> RDG 6A. VACATING PORTION OF WHEELING PL NE BETWEEN MAHONING RD & FRANCIS CT NE; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee **PUB HRG 12/1/03 @ 7:30 PM**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD ORDINANCE #7:**

- 2<sup>ND</sup> RDG 7. AMENDING O.164/2001 TO EXCLUDE CERTAIN POLICE & FIRE DEPT EMPLOYEES AND FIDUCIARY STAFF OF AUDITOR'S OFFICE FROM WAGE SCHEDULE FOR MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES; INCLUDE ANNUAL EVALUATIONS FOR CERTAIN MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES BUT EXCLUDING FIDUCIARY EMPLOYEES IN THE AUDITOR'S OFFICE; & AMENDING EXHIBIT A, CLASSIFICATION PLAN; EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 240/2003 8. AMENDING ZONING O.55/77 TO REZONE PART OF LOT NO. 703 LOCATED AT 522 30<sup>TH</sup> STREET NW FROM R-1 TO PI-1 AS REQUESTED BY FIRST CHURCH OF THE NAZARENE; EMERGENCY  
**PUB HRG 11/24/03 @ 7:30 PM**
- DEFEATED** 9. AMENDING ZONING O.55/77 TO REZONE LOT NO. 3465 LOCATED AT 1275 WOODLAND AVE NW FROM R-1A TO PR-3 AS REQUESTED BY TODD LENS MAN (PRIME PROPERTIES); EMERGENCY  
**PUB HRG 11/24/03 @ 7:31 PM**
- DEFEATED** 10. AMENDING ZONING O.55/77 TO REZONE LOT NO. 24694 LOCATED AT 351 CORNELIA AVE NE FROM R-1A TO PB-3 AS REQUESTED BY TRENA & SOLADENE CURTIS (JAZZY KIDZ DAY CARE); EMERGENCY  
**PUB HRG 11/24/03 @ 7:32 PM**
- 241/2003 11. VACATING PART OF 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.; EMERGENCY  
**PUB HRG 11/24/03 @ 7:30 PM**
- 242/2003 12. ADOPTING AMENDMENTS TO TRAFFIC & GENERAL OFFENSES CODES OF CANTON CODIFIED ORDINANCES EFFECTIVE JANUARY 1, 2004.
- 243/2003 13. RESOLUTION AUTHORIZING LAW DIRECTOR TO DISTRIBUTE 2004 AMENDMENTS TO TRAFFIC & GENERAL OFFENSES CODES OF CANTON CODIFIED ORDINANCES TO PUBLIC OFFICIALS & PUBLIC INSTITUTIONS FREE OF CHARGE & AFFIX PRICE FOR SALE OF SAME.
- 244/2003 14. AMENDING O.236/2002 BY MAKING VARIOUS SUPPLEMENTAL APPROPRIATIONS & TRANSFERS NECESSARY TO MEET OPERATING EXPENSES FOR REMAINDER OF 2003 (TO FUND PAYROLL IN GENERAL FUND & SANITARY SEWER; & FOR PARTS, SERVICE & FUEL FOR 6041 DMV FUND); EMERGENCY
- 245/2003 15. APPROVING & ACCEPTING REPLATTING OF PART OF LOTS NOS. 13294 & 13295 LOCATED IN THE 1500 BLOCK OF BEDFORD AVE SW AS REQUESTED BY GEORGE MORRIS; EMERGENCY
- 246/2003 16. AUTHORIZING PUBLIC SERVICE DIRECTOR TO ENTER INTO \$69,400 CONTRACT WITH CIVIL DESIGN ASSOCIATES TO PROVIDE PROFESSIONAL SERVICES FOR MIDWAY AVE NE IMPROVEMENT PROJECT; AUTHORIZING AUDITOR TO ESTABLISH 4552 MIDWAY AVE NE IMPROVEMENTS FUND; AMENDING O.236/2002 BY MAKING SUPPLEMENTAL APPROPRIATION FOR SAME; EMERGENCY
- 247/2003 17. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO CONVEY PROPERTY LOCATED AT 919 WALNUT AVE NE (FORMER CANTON FRIENDSHIP CENTER) TO CANTON COMMUNITY IMPROVEMENT CORPORATION; EMERGENCY
- 248/2003 18. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO CONVEY PROPERTY LOCATED ON THE NORTHEAST CORNER OF WALNUT AVE NE & 2<sup>ND</sup> ST NE TO CANTON COMMUNITY IMPROVEMENT CORPORATION; EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING CONTINUED:

- 249/2003 19. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$75,750 CONTRACT WITH COOPER & ASSOCIATES TO PROVIDE PROFESSIONAL SERVICES FOR 38<sup>TH</sup> STREET NW IMPROVEMENT PROJECT, GP 1067; AUTHORIZING AUDITOR TO ESTABLISH 4553 38<sup>TH</sup> STREET NW IMPROVEMENT, GP 1067 FUND; AMENDING O.236/2002 BY MAKING SUPPLEMENTAL APPROPRIATION FOR SAME; EMERGENCY
- 250/2003 20. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$18,600 CONTRACT WITH CT CONSULTANTS FOR ENGINEERING SERVICES ASSOCIATED WITH THE LIFT STATIONS REPLACEMENT PROJECT; AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO \$100,000 CONTRACT FOR CONSTRUCTION ASPECT OF PROJECT; AMENDING O.236/2002 BY MAKING SUPPLEMENTAL APPROPRIATION FOR SAME; EMERGENCY
- 251/2003 21. AUTHORIZING PUBLIC SERVICE DIRECTOR TO EXECUTE AND DELIVER AN EASEMENT TO AULTMAN HEALTH FOUNDATION/AULTMAN HOSPITAL FOR PURPOSES OF INSTALLING UNDERGROUND ELECTRICAL CONDUITS FOR THE NEW ADDITION; EMERGENCY

- 252/2003** 22. AMENDING O.236/2002 BY MAKING \$94,378.33 SUPPLEMENTAL APPROPRIATION FROM 4547 SHORB & 4<sup>TH</sup> STREET NW ROADWAY IMPROVEMENT, GP 1050 FUND FOR PURPOSES OF SIGNALIZING INTERSECTION OF 4<sup>TH</sup> ST & FULTON RD NW; EMERGENCY
- 253/2003** 23. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$22,350 CONTRACT WITH CT CONSULTANTS FOR ENGINEERING SERVICES IN REMOVAL OF 8<sup>TH</sup> STREET NE BRIDGE; AMENDING O.236/2002 BY MAKING SUPPLEMENTAL APPROPRIATION FOR SAME; EMERGENCY
- 254/2003** 24. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STARK COUNTY PUBLIC DEFENDER COMMISSION FROM 1/1/04 THROUGH 12/31/05 FOR PROVISION OF LEGAL SERVICES TO INDIGENT DEFENDANTS CHARGED WITH CITY ORDINANCE VIOLATIONS IN THE CANTON MUNICIPAL COURT; EMERGENCY
- 255/2003** 25. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO 1-YEAR CONTRACT RETROACTIVE TO 11/1/03 WITH STARK COUNTY REGIONAL PLANNING COMMISSION TO PROVIDE \$82,000 GRANT FOR COMPREHENSIVE FAIR HOUSING PROGRAM; EMERGENCY
- 256/2003** 26. AMENDING O.143/2002, SECTION 1, BY REDUCING THE NUMBER OF AUTHORIZED EMPLOYEES IN CLASSIFICATION OF DIVISION CHIEF FROM 2 TO 1 THROUGH ATTRITION
- 257/2003** 27. RESOLUTION ACCEPTING & AUTHORIZING AMOUNTS & RATES AS DETERMINED BY THE BUDGET COMMISSION & CERTIFYING THEM TO COUNTY AUDITOR

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, December 1, 2003 6:00 PM, Council Caucus Room

1. Judiciary Committee re: O#2

Monday, December 1, 2003 6:30 PM, Council Caucus Room

2. Personnel Committee
3. Public Safety & Thoroughfares Committee
4. Intergovernmental & Public Safety Committee
5. Finance Committee
6. Community & Economic Development Committee

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): (Two Public Speakers)

MISCELLANEOUS BUSINESS: Finance Committee for 2004-5 Term: Hawk, Chairman, Bernabei & Carbenia, Members.

ADJOURNMENT TIME: 8:50 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD MONDAY, DEC. 1, 2003 @ 7:30 PM