

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

May 24, 2004

ROLL CALL: All 12 Councilmembers Present

INVOCATION: Given by Ward 4 Councilmember Kelly Zachary

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

*MOMENT OF SILENCE FOR PETER MILBRODT

AGENDA CORRECTIONS & CHANGES: (Rule 24B was suspended to add Re#65; Rule 22A was suspended to add 2nd Rdg O#10-27 except 19 & 22 which were retained in cmte; O#2 was withdrawn; 1st Rdg. O#8 was adopted)

PUBLIC HEARINGS: (None)

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): (Council heard six public speakers re: O#28)

***Council recessed from 8:13-8:21 PM for discussion re: O#28 & then went into executive session from 8:23-8:32 PM re: imminent litigation in the Colonial Village replat.**

INFORMAL RESOLUTIONS:

VICE PRESIDENT DON CASAR:

EXCUSING MEMBERS (Not necessary, all Councilmembers present)

65. PERSONNEL COMMITTEE:

RULE 24B SUSPENDED TO ADD RE#65: CONFIRMING MAYOR'S APPOINTMENT OF DR. MARC FIORENTINO TO A 5 YEAR TERM ON THE BOARD OF HEALTH EFFECTIVE 3/31/04 THROUGH 3/30/09. - ADOPTED

COMMUNICATIONS:

292. AUDITOR PEREZ:

REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 5/17/04. - CLERK OF COUNCIL

293. COURT ADMINISTRATOR KOCHERA:

ANNUAL REPORT OF MUNICIPAL COURT FOR 2003. - RECEIVED & FILED

294. DIAMOND, WARD 8 MEMBER:

REQUESTING LEGISLATION ENABLING THE CITY OF CANTON TO IMPOSE & COLLECT AN ADDITIONAL 3% MUNICIPAL LODGING TAX. - JUDICIARY CMTE

295. DIMMERLING VENTURES:

REQUEST TO REZONE OUTLOT #517 LOCATED @ 1131 WERTZ AVE NW FROM B-3 TO PB-4 TO PERMIT STORAGE IN THE EXISTING BACK BUILDING. - PLANNING COMMISSION

296. LIQUOR CONTROL DIVISION (OHIO):

REQUEST FOR NEW C1, C2 LIQUOR PERMIT BY JONGS TRADING CORP, dba JONGS MARKET LOCATED @ 440 N MARKET. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

297. LIQUOR CONTROL DIVISION (OHIO):

REQUEST FOR STOCK TRANSFER OF D2, D2X LIQUOR PERMIT BY HOUSDEN, INC., dba MIKES AGAIN LOCATED @ 1037-39 BEDFORD AVE SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

298. LIQUOR CONTROL DIVISION (OHIO):

NOTICE OF HEARING SET 6/14/04 @ 1:00 PM @ STARK COUNTY JOB & FAMILY SERVICES, 220 E TUSC, ON TRANSFER OF C1, C2 LIQUOR PERMIT REQUESTED BY BAIT NABALAH, dba BEST FOR LESS LOCATED @ 1100 12TH ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

299. LIQUOR CONTROL DIVISION (OHIO):

NOTICE OF HEARING SET 6/14/04 @ 10:00 AM @ STARK COUNTY JOB & FAMILY SERVICES, 220 E TUSC, ON REQUEST FOR NEW C1, C2, D6 LIQUOR PERMIT BY WAYNE EDWARD MARION, dba DUEBER DRIVE THRU LOCATED @ 1037 DUEBER AVE SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

300. LIQUOR CONTROL DIVISION (OHIO):

NOTICE OF HEARING SET 6/14/04 @ 9:00 AM @ STARK COUNTY JOB & FAMILY SERVICES, 220 E TUSC, ON TRANSFER OF C1, C2, LIQUOR PERMIT REQUESTED BY BELLA 7 LLC, dba MAGGORIE'S DRIVE THRU 15 LOCATED @ 1037 DUEBER AVE SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

301. LIQUOR CONTROL DIVISION (OHIO):

REQUEST FOR TRANSFER OF C1, C2 LIQUOR PERMIT FROM SPEE D FOODS, INC. TO K&S PATEL, INC., dba MINI MART LOCATED @ 1120 15TH ST NE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

COMMUNICATIONS CONTINUED:

302. LIQUOR CONTROL DIVISION (OHIO):

REQUEST FOR TRANSFER OF D2, D2X, D3, D3A LIQUOR PERMIT FROM BENNETT'S PUB, INC. TO DIANA L. ALBERT, dba CORNER POCKET LOCATED @ 2400 WINFIELD WAY NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

SERVICE CMTE

303. MAYOR JANET WEIR-CREIGHTON: REQUESTING AUTHORIZATION FOR APPOINTMENT OF DR. MARC FIORENTINO TO THE CANTON CITY HEALTH DEPT BOARD RETROACTIVE FROM 3/31/04 THROUGH 3/31/09. - PERSONNEL CMTE (See Re#65)
304. PLANNING COMMISSION: RECOMMENDING APPROVAL OF ZONE CHANGE REQUESTED BY NICHOLAS W. CONLEY, SR. FROM B-2 TO PB-3 LOCATED AT 504 15TH ST NW TO PERMIT OFFICE BUILDING WITH STORAGE & PARKING OF TOW TRUCKS AT EXISTING STRUCTURE. - LAW DEPT (See O#1, 1st Rdg)
PUB HRG 6/21/04 @ 7:30 PM
305. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REQUEST BY ACCURATE TECHNOLOGIES FOR THE TIMKEN COMPANY TO REPLAT 11 LOTS (5760-5770) INTO ONE RECONFIGURED OUTLOT ON THE WEST SIDE OF CLARK AVE SW SOUTH OF 18TH ST SW. - PUB SAF & THOROUGHFARES CMTE
306. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REQUEST BY ACCURATE TECHNOLOGIES FOR THE TIMKEN COMPANY TO REPLAT 11 LOTS (7452-7462) INTO ONE RECONFIGURED OUTLOT ON THE EAST SIDE OF DUEBER AVE SW SOUTH OF 15TH ST SW. - PUB SAF & THOROUGH CMTE
307. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED AMENDMENTS RE: ELECTRONIC SIGNS PREPARED BY THE LAW DEPT TO THE OFFICIAL ZONING ORDINANCE INCLUDING CHANGES DISCUSSED AT THE 5/11/04 PLANNING CMSN MTG. - LAW DEPT **PUB HRG 7/12/04 @ 7:30 PM**
308. SERVICE DIRECTOR ELLSWORTH: REPORT UPDATING COUNCIL ON THE STATUS OF THE EMERGENCY REPAIR WORK AT 12TH ST & MONUMENT RD NW & THANKING MEMBERS FOR THEIR ASSISTANCE IN SECURING A LOCAL CONTRACTOR TO PERFORM THE WORK. - RECEIVED & FILED
309. SERVICE DIRECTOR ELLSWORTH: REQUESTING AUTHORIZATION TO ENTER INTO \$66,849.00 CONTRACT W/ENVIRONMENTAL DESIGN GROUP FOR ALL ENVIRONMENTAL MANAGEMENT SERVICES INVOLVED W/PERMIT RENEWAL PROCESS FOR THE WPCC'S SEWAGE SLUDGE INCINERATORS UNDER THE CLEAN AIR ACT; & REQUEST \$66,849.00 SUPPLEMENTAL APPROPRIATION FROM 5410 SANITARY SEWER FUND. - ENVIRON & PUB UTIL & FIN CMTEs
310. SERVICE DIRECTOR ELLSWORTH: REQUESTING AUTHORIZATION TO ADVERTISE, RECEIVE BIDS & ENTER INTO \$72,500.00 CONTRACT FOR REPLACEMENT OF THE NORTH WALKING TRACK BRIDGE IN STADIUM PARK, \$35,000.00 CONTRACT FOR REPLACEMENT OF THE WINDOWS ON THE GARDEN CENTER BUILDING IN STADIUM PARK, & \$25,000.00 CONTRACT FOR PURCHASE OF A MINI-HALF PIPE FOR THE SKATE BOARD PARK AT HARMONT PARK. - PARK & RECREATION & FINANCE CMTEs
311. TREASURER SCHIRACK: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 4/30/04. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMENDING O.55/77 TO REZONE PART OF LOT NO. 4293 LOCATED AT 504 15TH ST NW AS REQUESTED BY NICHOLAS W. CONLEY, SR.; EMERGENCY **PUB HRG 6/21/04 @ 7:30 PM**
Referred to 2nd Rdg, Next Agenda
- W/DRAWN** 2. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A \$160,000.00 GRANT FOR A COMPREHENSIVE DOWNTOWN DEVELOPMENT PLANNING ASSISTANCE PROGRAM & AN ECONOMIC DEVELOPMENT PROGRAM; EMERGENCY
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 3. AMENDING SECTION 339.08, LOADS DROPPING OR LEAKING; REMOVAL REQUIRED; TRACKING MUD, OF THE CANTON CODIFIED ORDINANCES TO INCLUDE THAT UNLOADED VEHICLES ALSO BE SUFFICIENTLY COVERED; EMERGENCY
Referred to Judiciary Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 4. APPROVING & ACCEPTING THE REPLATTING OF LOTS NOS. 24501-24503 & 27078 LOCATED EAST OF GOBEL AVE NE ON THE SOUTH SIDE OF GEORGETOWN RD NE AS REQUESTED BY ATTORNEY JOHN WERREN FOR DOYLE SMITH; EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 5. AMENDING APPROPRIATION O.1/2004 BY MAKING A \$70,000.00 SUPPLEMENTAL APPROPRIATION FROM 2414 RECYCLE OHIO GRANT FUND; EMERGENCY
Referred to Marketing & Development Grant & Finance Committees

- 1ST RDG 6. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$13,470.00 CHANGE ORDER W/R.G. SMITH CO., INC. TO COMPLETE THE SLUDGE REMOVAL FOR THE WATER POLLUTION CONTROL CENTER DIGESTER PROJECT; AMENDING O.1/2004 BY MAKING \$13,470.00 SUPPLEMENTAL APPROPRIATION FROM 5410 SANITARY SEWER FUND; EMERGENCY
Referred to Finance Committee
- 1ST RDG 7. APPROVING WATER MAIN EXTENSION TO PERRY HILLS VILLAGE #3 IN PERRY TOWNSHIP; AUTHORIZING SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR SAME; EMERGENCY
Referred to Environmental & Public Utilities Committee
- * 86/2004** 8. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$147,104.00 PURCHASE AGREEMENT W/MYTHICS, INC. FOR ORACLE LICENSES & SUPPORT SERVICES PURSUANT TO ORC SEC. 125.04; EMERGENCY
Referred to Finance Committee
- 1ST RDG 9. RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE AUTO ELECTRIC SERVICE COMPANY ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON; EMERGENCY
Referred to Annexation Committee

*** 8:47-8:49 PM Recess for cmte meeting on O#8, which was returned to the agenda for adoption.**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

RULE 22A SUSPENDED TO ADD O#10-27, EXCEPT 19 & 22

- 2ND RDG 10. AUTHORIZING WAIVING ANNUAL ADJUSTMENT TO THE BASE SEWER RATE ESTABLISHED BY CONSUMER PRICE INDEX PURSUANT TO SECTION 947.06 OF THE CODIFIED ORDINANCES; EMERGENCY (EPU)
- 2ND RDG 11. AUTHORIZING WAIVING ANNUAL ADJUSTMENT TO SANITATION RATE ESTABLISHED BY CONSUMER PRICE INDEX PURSUANT TO SECTION 975.08 CODIFIED ORDINANCES; EMERGENCY (EPU)
- 2ND RDG 12. AMENDING ORDINANCE 55/77 TO REZONE LOTS 14578-14584, 40161-40162, 6087 - 6088 & PART OF LOT #6089, LOCATED AT 516 MCGREGOR AVENUE NW AS REQUESTED BY CHARLES WEBSTER FOR EARL LUTTNER; EMERGENCY
PUB HRG 6/7/04 @ 7:30 PM
- 2ND RDG 13. AMENDING ORDINANCE 55/77 TO REZONE LOTS 25738 & 25739 LOCATED AT 3319 WEST TUSCARAWAS STREET AS REQUESTED BY NANCY RALLS FOR NATIONAL DRIVER TRAINING SCHOOL; EMERGENCY
PUB HRG 6/7/04 @ 7:31 PM
- 2ND RDG 14. AUTHORIZING MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT W/STELCO, LLC & SLESNICK STRUCTURAL STEEL PROVIDING REAL & PERSONAL PROPERTY TAX EXEMPTION TO CONSTRUCT A NEW WAREHOUSE/DISTRIBUTION BUILDING; AUTHORIZING GRANTING 75% 10-YR REAL & PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING AUDITOR TO MAKE PAYMENTS TO CANTON BOARD OF EDUCATION PURSUANT TO ORC 5709.82 (C) & (D); EMERGENCY (CED & FIN)
- 2ND RDG 15. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/CANTON CITY SCHOOLS TO PROVIDE A \$30,000 GRANT FOR THE EARLY CHILDHOOD EDUCATION PROGRAM; EMERGENCY (CED & FIN)
- 2ND RDG 16. AMENDING O.17/89 AUTHORIZING THE MAYOR TO AMEND CONTRACT FOR AN ADDITIONAL \$600,000 W/THE CANTON COMMUNITY IMPROVEMENT CORPORATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; EMERGENCY (CED & FIN)
- 2ND RDG 17. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/THE CANTON SYMPHONY ORCHESTRA TO PROVIDE A \$41,415 GRANT FOR 2004 CONCERT IN THE PARK SERIES; EMERGENCY (CED & FIN)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2ND RDG 18. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/DOMESTIC VIOLENCE PROJECT, INC. TO PROVIDE A \$200,000 GRANT FOR PURCHASE OF MISCELLANEOUS FURNITURE & EQUIPMENT; EMERGENCY (CED & FIN)
- RETAINED IN CMTE** 19. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/THE YWCA TO PROVIDE A \$300,000 GRANT FOR THE PURCHASE OF A BOILER SYSTEM; EMERGENCY (CED & FIN)
- 2ND RDG 20. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/YMCA TO PROVIDE A \$27,000 GRANT FOR ESSENTIAL SERVICES; EMERGENCY (CED & FIN)
- 2ND RDG 21. AUTHORIZING MAYOR & OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/THE YMCA TO PROVIDE A \$235,000 GRANT FOR A NEW SPRINKLER SYSTEM; EMERGENCY (CED & FIN)
- RETAINED IN CMTE** 22. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO ONE-YEAR CONTRACT W/THE CANTON SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A \$40,000 GRANT FOR THE CHILDREN'S ARTS

CONNECTION PROGRAM; EMERGENCY (CED & FIN)

- 2ND RDG 23. AUTHORIZING SAFETY DIRECTOR TO ACCEPT \$2,124.83 GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE FIRE DEPARTMENT; AMENDING O.1/2004 FOR A \$2,124.83 SUPPLEMENTAL APPROPRIATION FROM THE 2812 EMS TRAINING & EQUIPMENT FUND; EMERGENCY (MDG & FIN)
- 2ND RDG 24. AUTHORIZING SAFETY DIRECTOR TO MAKE APPLICATION & ACCEPT A \$36,607 GRANT FROM THE GOVERNOR'S HIGHWAY SAFETY REPRESENTATIVE FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM; EMERGENCY (MDG & FIN)
- 2ND RDG 25. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO CONVEY 86 SQ FT. OF VACANT PARK LAND @ WESTBROOK VETERANS MEMORIAL PARK TO ODOT FOR USE OF PUBLIC HIGHWAY; EMERGENCY (PPCI)
- 2ND RDG 26. AMENDING O.1/2004 BY MAKING A \$1,992,054 SUPPLEMENTAL APPROPRIATION FROM THE 2814 CLEAN OHIO REVITALIZATION FUND & 2211 COMMUNITY DEVELOPMENT FUNDS & MAKE INTERFUND TRANSFERS FOR KRESGE BLOCK DEMOLITION PROJECT; EMERGENCY (CED & FIN)
- 2ND RDG 27. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR WOODLAND AVENUE NW RELIEF STORM SEWER PROJECT, GP 1062; EMERGENCY (EPU)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- DEFEATED** 28. APPROVING & ACCEPTING THE FINAL RECORD PLAT OF COLONIAL VILLAGE; EMERGENCY
- 87/2004** 29. AUTHORIZING SAFETY DIRECTOR TO ACCEPT \$500 DONATION FROM BRAD A. BLACK, VICE PRESIDENT OF DOWNTOWN FORD, TO ASSIST THE FIRE DEPT IN PURCHASING SMOKE DETECTORS FOR CITY RESIDENTS; AMENDING O.1/2004 FOR \$500 SUPPLEMENTAL APPROPRIATION FROM 2783 SMOKE DETECTOR FUND; EMERGENCY
- 88/2004** 30. AUTHORIZING SAFETY DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PURCHASE OF SEMI-AUTOMATIC HANDGUNS & MISCELLANEOUS ITEMS FOR THE POLICE DEPT; EMERGENCY
- 89/2004** 31. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO 5 YEAR LEASE FOR COMMERCIAL SPACE LOCATED AT 215 W TUSCARAWAS ST FOR A YEAR ROUND SNACK BAR/CONCESSION STAND; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS: Monday, June 7, 2004 @ 6:30 PM, Caucus Room

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| 1. Environmental & Public Utilities Committee | 5. Judiciary Committee |
| 2. Annexation Committee | 6. Community & Economic Development |
| 3. Public Safety & Thoroughfares Committee | 7. Marketing & Development Grant |
| 4. Finance Committee | |

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): (One Speaker)MISCELLANEOUS BUSINESS: West re: use of federal dollars for surveillance equipment.ADJOURNMENT TIME: 9:04 PMTHE NEXT REGULAR COUNCIL MEETING WILL BE HELD MONDAY, JUNE 7, 2004 @ 7:30 PM