

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

June 7, 2004

ROLL CALL: 11 Councilmembers Present; 1 Absent (Dougherty)  
INVOCATION: Given by Ward 5 Councilmember Terry Prater  
PLEDGE OF ALLEGIANCE: Led by President of Council President Ray Denczak

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 24B to add Re#66&67; Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#6-12; O#15 Defeated; O#29 Postponed Indefinitely)

PUBLIC HEARINGS:

7:30 PM A REQUEST BY CHARLES WEBSTER FOR EARL LUTTNER TO REZONE 516 MCGREGOR AVENUE NW FROM R-1A TO PI-1 FOR INDUSTRIAL & STORAGE USES. (PLANNING COMMISSION RECOMMENDS DENIAL)  
(One Speaker) See O#15, DEFEATED

7:31 PM A REQUEST BY NANCY RALLS FOR NATIONAL DRIVER TRAINING SCHOOL TO REZONE 3319 WEST TUSCARAWAS STREET FROM PB-3 TO PB-1 FOR AN OFFICE BUILDING. (PLANNING COMMISSION RECOMMENDS APPROVAL) (One Speaker) See O.92/2004

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

INFORMAL RESOLUTIONS:

VICE PRESIDENT DON CASAR: EXCUSING MEMBER DOUGHERTY

**RULE 24B SUSPENDED TO ADD RE#66&67:**

66. INTERGOV & PUBLIC SERVICE CMTE: OBJECTING TO TRANSFER OF C1, C2 LIQUOR PERMIT AS REQUESTED BY K&S PATEL, INC DBA MINI MART @ 1120 15<sup>TH</sup> ST NE. - ADOPTED

67. INTERGOV & PUBLIC SERVICE CMTE: OBJECTING TO NEW C1, C2 LIQUOR PERMIT AS REQUESTED BY JONG'S TRADING CORPORATION DBA JONG'S MARKET @ 440 NORTH MARKET. - ADOPTED

COMMUNICATIONS:

312. AUDITOR PEREZ: MONTHLY REPORT BY FUND FOR 5/1/04 - 5/28/04. - RECEIVED & FILED

313. AUDITOR PEREZ: YEARLY REPORT BY FUND FOR 1/1/04 - 5/28/04. - RECEIVED & FILED

314. AUDITOR PEREZ: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 5/28/04. - CLERK OF COUNCIL

315. CD & PLANNING DEPARTMENT: REQUEST LEGISLATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/CANTON REGIONAL CHAMBER OF COMMERCE FOR A \$175,000 COMPREHENSIVE ECONOMIC & DOWNTOWN DEVELOPMENT PROGRAM GRANT FROM 6/1/04 THRU 5/31/05. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES

316. CD & PLANNING DEPARTMENT: REQUEST LEGISLATION AMENDING O. 122/92 FOR STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO EXTEND A \$163,650 FUNDING AGREEMENT RETROACTIVE TO 1/1/04 THRU 12/31/04 FOR DEVELOPMENT OF LOW & MODERATE INCOME HOUSING. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES

317. CD & PLANNING DEPARTMENT: REQUEST LEGISLATION FOR MAYOR &/OR SERVICE/FINANCE DIRECTOR TO ENTER INTO CONTRACT WITH STARK SOCIAL WORKERS NETWORK TO PROVIDE A \$50,000 COMMUNITY DEVELOPMENT BLOCK GRANT TO PURCHASE BUILDING @ 1221 HARRISBURG RD NE. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES

318. CHIEF OF STAFF CONCATTO: REQUEST TO ESTABLISH FAIR MARKET VALUE OF PROPERTY IN CONJUNCTION WITH FEDERAL CAMPUS PROJECT & AUTHORIZE MAYOR &/OR CHIEF OF STAFF TO NEGOTIATE & PURCHASE SAID PROPERTY AT FAIR MARKET VALUE. - MARKETING & DEVELOPMENT GRANT AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES

319. COURT ADMINISTRATOR KOCHERA: REQUEST LEGISLATION FOR MAYOR TO ENTER INTO AGREEMENT WITH STATE OF OHIO, DEPT. OF REHAB & CORRECTION FOR A \$74,261 COMMUNITY CORRECTIONS ACT GRANT BEGINNING 7/1/04 THRU 6/30/05. - MARKETING & DEVELOPMENT GRANT & FINANCE COMMITTEES

COMMUNICATIONS - CONTINUED:

320. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HEARING SET 7/1/04 @ 11:30 AM @ CANTON CITY HALL CAUCUS ROOM ON REQUEST FOR NEW C1, C2, D6 LIQUOR PERMIT BY WAYNE EDWARD MARION, dba BOYD'S DRIVE THRU @ 719 COOK AVENUE SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

321. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HEARING SET 7/1/04 @ 1:30 PM @ CANTON CITY HALL CAUCUS ROOM ON REQUEST FOR TRANSFER OF OWNERSHIP BY CHESTER W. HUTH, dba STARK COUNTY SPORTS PUB @ 508 CLEVELAND AVENUE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
322. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HEARING SET 7/1/04 @ 2:30 PM @ CANTON CITY HALL CAUCUS ROOM ON REQUEST FOR TRANSFER OF OWNERSHIP BY LORRAINE A. BOYLE dba HOLLAND INN @ 827 10<sup>TH</sup> STREET NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
323. MAYOR CREIGHTON: REQUEST LEGISLATION FOR MAYOR &/OR SERVICE/FINANCE DIRECTOR TO ACCEPT A \$1,500 GRANT FROM STARK COUNTY FOUNDATION SUMMERTIME KIDS FOR THE YOUTH DEVELOPMENT DEPT. - MARKETING & DEVELOPMENT GRANT & FINANCE COMMITTEES
324. MAYOR CREIGHTON: REQUEST TO AMEND O.164/2001 TO EXEMPT CD & PLANNING MANAGEMENT DIRECTOR FROM THE WAGE SCHEDULE FOR MANAGEMENT EMPLOYEES & ESTABLISH A SALARY RANGE OF \$66,633-\$99,000. - PERSONNEL COMMITTEE
325. MOLLETT, FELIX A: REQUEST TO VACATE A PORTION OF AN UNNAMED ALLEY FROM THE NORTH LINE OF 14<sup>TH</sup> STREET SE TO NORTH LINE OF LOT 17070. - PLANNING COMMISSION
326. OFC OF GOVERNOR, STATE OF OHIO: CONFIRMING RECEIPT OF COUNCIL RESOLUTION REQUESTING TO REVISIT HOUSE BILL 12 RE: CONCEALED WEAPONS IN PARKS & SWIMMING POOLS. - RECEIVED & FILED
327. OHIO DEPT. OF TRANSPORTATION: RECEIPT OF EXECUTED COPY OF CONTRACT BETWEEN CITY OF CANTON & ODOT FOR PROJECT NO. 8010(04), STATE ROUTES 43/153. - RECEIVED & FILED
328. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REQUEST BY COOPER & ASSOCIATES FOR GROFFRE INVESTMENTS TO REPLAT ALL OF OUTLOT #1116 & PARTS OF #45 & 315 @ ALLEN AVENUE SE INTO A NEW OUTLOT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
329. REPUBLIC ENGINEERED PRODUCTS: ANNOUNCEMENT OF PROFIT IN FIRST FULL QUARTER OF OPERATIONS. - RECEIVED & FILED
330. SAFETY DIRECTOR HUNT: REQUEST FOR APPROVAL OF DEMOLITION OF 16 PROPERTIES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
331. SERVICE DIRECTOR ELLSWORTH: REQUEST TO PURCHASE FORD F350 CHASSIS & CAB IN AN AMOUNT OF \$21,646.22 PURSUANT TO STATE COOPERATIVE PURCHASING AGREEMENT & REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR LEASE OF 2 TEN-TON HEAVY DUTY DUMP TRUCKS WITH OPTION TO PURCHASE FOR WATER DEPT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. APPROVING & ACCEPTING THE REPLATTING OF LOTS NOS. 5760-5770 AS REQUESTED BY ACCURATE TECHNOLOGIES FOR THE TIMKEN COMPANY; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 2. APPROVING & ACCEPTING THE REPLATTING OF LOTS NOS. 7452-7462 AS REQUESTED BY ACCURATE TECHNOLOGIES FOR THE TIMKEN COMPANY; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 3. AMENDING PART ELEVEN, PLANNING & ZONING CODE OF CODIFIED ORDINANCES FOR PROPOSED AMENDMENTS TO ELECTRONIC SIGN PROVISIONS; EMERGENCY  
Referred to 2<sup>nd</sup> Rdg., Next Agenda **PUB HRG 7/12/04 @ 7:30 PM**

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING - CONTINUED:

- 1<sup>ST</sup> RDG 4. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ENVIRONMENTAL DESIGN GROUP FOR SERVICES UNDER TITLE V PERMIT PROJECT FOR WPCC; AMENDING O.1/2004 TO MAKE \$66,849 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND; EMERGENCY  
Referred to Environmental & Public Utilities & Finance Committees
- 1<sup>ST</sup> RDG 5. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR VARIOUS PROJECTS &/OR EQUIPMENT FOR PARK DEPARTMENT; EMERGENCY  
Referred to Parks & Recreation & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

**SUSPENDED RULE 22A TO ADD O#6-12:**

- 2<sup>nd</sup> RDG 6. AMENDING O.55/77 TO REZONE FROM B-2 TO PB-3 PART OF LOT NO. 4293 LOCATED AT 504 15<sup>TH</sup> ST NW AS REQUESTED BY NICHOLAS W. CONLEY, SR. TO PERMIT AN OFFICE BUILDING WITH STORAGE & PARKING OF TOW TRUCKS; EMERGENCY. **PUB HRG 6/21/04 @ 7:30 PM**
- 2<sup>nd</sup> RDG 7. 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. (JUD)
- 2<sup>nd</sup> RDG 8. 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. (PS&T)
- 2<sup>nd</sup> RDG 9. AMENDING APPROPRIATION O.1/2004 BY MAKING A \$70,000.00 SUPPLEMENTAL APPROPRIATION FROM 2414 RECYCLE OHIO GRANT FUND; EMERGENCY. (MDG & Fin)
- 2<sup>nd</sup> RDG 10. 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. (Fin)
- 2<sup>nd</sup> RDG 11. APPROVING WATER MAIN EXTENSION TO PERRY HILLS VILLAGE #3 IN PERRY TOWNSHIP; AUTHORIZING SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR SAME; EMERGENCY. (E&PU)
- 2<sup>nd</sup> RDG 12. 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. (Annex)

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:**

- 90/2004** 13. AUTHORIZING WAIVING ANNUAL ADJUSTMENT TO THE BASE SEWER RATE ESTABLISHED BY CONSUMER PRICE INDEX PURSUANT TO SECTION 947.06 OF THE CODIFIED ORDINANCES; EMERGENCY.
- 91/2004** 14. AUTHORIZING WAIVING ANNUAL ADJUSTMENT TO SANITATION RATE ESTABLISHED BY CONSUMER PRICE INDEX PURSUANT TO SECTION 975.08 CODIFIED ORDINANCES; EMERGENCY.
- DEFEATED** 15. 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 HELD 6/7/04 @ 7:30 PM**
- 92/2004** 16. 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 HELD 6/7/04 @ 7:31 PM**
- 93/2004** 17. 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.
- 94/2004** 18. 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.

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

- 95/2004** 19. 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.
- 96/2004** 20. 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.
- 97/2004** 21. 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.
- 98/2004** 22. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/YMCA TO PROVIDE A \$27,000 GRANT FOR ESSENTIAL SERVICES; EMERGENCY.
- 99/2004** 23. AUTHORIZING MAYOR & OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/THE YMCA TO PROVIDE A \$235,000 GRANT FOR A NEW SPRINKLER SYSTEM; EMERGENCY.
- 100/2004** 24. 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.

- 101/2004** 25. 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.
- 102/2004** 26. 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.
- 103/2004** 27. 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.
- 104/2004** 28. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR WOODLAND AVENUE NW RELIEF STORM SEWER PROJECT, GP 1062; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

**POSTPONED**

- INDEFINITELY** 29. **(POSTPONED FROM 5/3/04)** AMENDING O.1/2004 FOR A \$17,500 SUPPLEMENTAL APPROPRIATION FROM THE 4501 CAPITAL IMPROVEMENT FUND FOR PRE-SEASON RENOVATION OF JACKSON POOL; EMERGENCY.

ANNOUNCEMENT OF COMMITTEE MEETINGS: Monday, June 21, 2004 @ 6:30 PM, CAUCUS ROOM

1. Parks & Recreation Committee
2. Finance Committee
3. Environmental & Public Utilities Committee
4. Community & Economic Development Committee
5. Public Safety & Thoroughfares Committee

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

MISCELLANEOUS BUSINESS: Jackson Pool Opening is June 9<sup>th</sup>; next Volunteer Clean-up Canton is June 11<sup>th</sup> @ 1:00pm, Volunteer "Color Downtown" is June 12<sup>th</sup> @ 8:00am; Thanks to all City Employees who volunteered for clean-ups & planting City Hall perimeter.

ADJOURNMENT TIME: 8:19 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD MONDAY, JUNE 21, 2004 @ 7:30 PM  
**(SUMMER SCHEDULE COUNCIL MEETINGS: June 21, July 12 & 26, and August 9 & 23.)**