

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

SEPTEMBER 20, 2004

ROLL CALL: All 12 Councilmembers Present

INVOCATION: Given by Ward 2 Councilmember Thomas West

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#13-24; Adopted 1<sup>st</sup> Rdg O#11; Adopted 2<sup>nd</sup> Rdg O#17; Postponed O#34 again to 9/27/04)

PUBLIC HEARINGS: (None)

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

INFORMAL RESOLUTIONS:

VICE PRESIDENT DONALD E. CASAR: EXCUSING MEMBERS (Not necessary, all Councilmembers present)

COMMUNICATIONS:

- 498. BOARD OF ELECTIONS (STARK CNTY) BALLOT LANGUAGE FOR ISSUE #14-CITY OF CANTON S CORPORATIONS. - RECEIVED & FILED
- 499. CD & PLANNING DEPARTMENT: REQUEST TO ESTABLISH \$5,900 FAIR REUSE VALUE OF A PARCEL ON 14<sup>TH</sup> STREET NE & CONVEY TO THE J.R. COLEMAN FAMILY SERVICES CORPORATION. - C&E DEVELOPMENT CMTE
- 500. PLANNING COMMISSION: RECOMMENDING APPROVAL OF B-3 GENERAL BUSINESS ZONING FOR THE AUTO ELECTRIC ANNEXATION AREA. - LAW DEPT. **PUBLIC HRG 10/25/04 @ 7:30 PM**
- 501. SERVICE DIRECTOR ELLSWORTH: REQUEST TO ESTABLISH & DESIGNATE A NEW CANTON CENTRAL NEIGHBORHOODS CRA TO COMBINE 4 EXISTING CRAs INTO 1 LARGE CRA & ADD QUALIFYING NEIGHBORHOODS & RECENTLY ANNEXED AREAS. - C&E DEVELOPMENT CMTE
- 502. SERVICE DIRECTOR ELLSWORTH: REQUEST APPROVAL OF \$36,859.77 CHANGE ORDER #2 SUBMITTED BY ENVIRONMENTAL PROFESSIONALS FOR ASBESTOS REMOVAL IN THE KRESGE BLOCK. - C&E DEVELOPMENT & FINANCE CMTEs
- 503. SERVICE DIRECTOR ELLSWORTH: REQUEST TO AMEND CITY CODE CHAPTER 971 TO ALLOW FOR THE CONTRACTING OF ADVERTISERS AT THE CIVIC CENTER. -JUDICIARY CMTE
- 504. SERVICE DIRECTOR ELLSWORTH: REQUEST SUPPLEMENTAL APPROPRIATIONS & REDUCTIONS IN APPROPRIATIONS TO ADJUST THE CITY'S 2004 BUDGET TO MEET ONGOING OPERATIONAL NEEDS OF VARIOUS DEPARTMENTS. - FINANCE CMTE
- 505. SERVICE DIRECTOR ELLSWORTH: REQUEST TO GRANT AN EASEMENT TO RALPH & NANCY DAYTON TO ALLOW A GARAGE & DRIVEWAY TO REMAIN AT 316 - 25<sup>TH</sup> SW WHICH ENCROACHES ON CITY RIGHT OF WAY. - PUB SAF & THOROUGHFARES
- 506. SERVICE DIRECTOR ELLSWORTH: REQUEST PAYMENT OF \$20,979.59 MORAL OB TO NORTH AMERICAN SALT COMPANY FOR ROAD SALT. - FINANCE CMTE
- 507. SERVICE DIRECTOR ELLSWORTH: REQUEST WATER MAIN EXTENSION TO ONE PROPERTY ON SINCLAIR DRIVE NW IN THE VILLAGE OF MEYERS LAKE. - ENV & PUB UTILITIES
- 508. THRISTINO, FRANK, PK POLICE SGT: LETTER TO PRESIDENT OF COUNCIL REQUESTING AN INVESTIGATION AS TO WHY THE LAW DEPT INTERFERED W/PARK CMSN DECISION TO ARM PARK POLICE AS LAW ENFORCEMENT OFFICERS. - PARK & REC CMTE
- 509. TREASURER SCHIRACK: TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 8/31/04. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. ESTABLISHING A \$500 FAIR REUSE VALUE FOR A PARCEL LOCATED ON 2<sup>ND</sup> STREET SE; AUTHORIZING SALE & CONVEYANCE OF SAME TO HABITAT FOR HUMANITY PURSUANT TO THE CITY'S LAND DISPOSITION PROGRAM; EMERGENCY  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 2. AMENDING O.1/2004 FOR A \$100,000 SUPPLEMENTAL APPROPRIATION FROM THE 2328 PUBLIC

HEALTH INFRASTRUCTURE FUND & \$5,000 FROM THE 2318 HIV PREVENTION FUND FOR THE HEALTH DEPARTMENT; EMERGENCY

Referred to Finance Committee

1<sup>ST</sup> RDG 3. RE-AUTHORIZING O.185/2002; CONSENTING TO & APPROVING THE PERMANENT CLOSURE & UPGRADING OF RAILROAD CROSSINGS; AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO A SUBSIDY AGREEMENT W/OHIO RAIL DEVELOPMENT COMMISSION; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee

1<sup>ST</sup> RDG 4. VACATING PARTS OF A 19' UNNAMED ALLEY NORTH OF WINFIELD WAY NE; APPROVING & ACCEPTING THE REPLATTING OF LOTS 21677,78,80&81 AS REQUESTED BY ROBERT FRENZ; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee **PUBLIC HRG 10/4/04 @ 7:30 PM**

1<sup>ST</sup> RDG 5. AUTHORIZING THE SERVICE & SAFETY DIRECTORS TO ENTER INTO LICENSE AGREEMENTS W/BP PRODUCTS NORTH AMERICA INC TO PERMIT INSTALLATION OF 2 MONITORING WELLS @ N MARKET & 12<sup>TH</sup> AND WARNER & 7<sup>TH</sup> SE ON A TEMPORARY BASIS; EMERGENCY  
Referred to Environmental & Public Utilities Committee

1<sup>ST</sup> RDG 6. AUTHORIZING THE SERVICE DIRECTOR TO EXECUTE & DELIVER TO THE STARK COUNTY COMMISSIONERS AN EASEMENT FOR UNDERGROUND DATA/COMMUNICATION CONDUIT IN WALNUT, EAST TUSC & 2<sup>ND</sup> SE TO SERVICE A NEW LOCATION AT 221 3<sup>RD</sup> SE; EMERGENCY  
Referred to Intergovernmental & Public Service Committee

1<sup>ST</sup> RDG 7. AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO AGREEMENT W/PLAIN TWP TO SUBMIT AN OHIO PUBLIC WORKS COMMISSION GRANT APPLICATION, BEGIN CONSULTANT SELECTION FOR FINAL ENGINEERING DESIGN & ASSIGN PROJECT DEVELOPMENT RESPONSIBILITIES FOR THE 25<sup>TH</sup> STREET NE STORM SEWER PROJECT; EMERGENCY  
Referred to Environmental & Public Utilities Committee

1<sup>ST</sup> Rdg 8. AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO ENTER INTO WORK AGREEMENTS IN THE MARKET AVENUE NORTH SANITARY/SEWER REPLACEMENT PROJECT, GP 1070; EMERGENCY  
Referred to Environmental & Public Utilities Committee

1<sup>ST</sup> RDG 9. AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO AGREEMENT W/STARK COUNTY TO SUBMIT AN OHIO PUBLIC WORKS COMMISSION GRANT APPLICATION & ASSIGN PROJECT DEVELOPMENT RESPONSIBILITIES FOR VARIOUS ROAD & HIGHWAY PROJECTS (RESURFACING, REPAIR & MINOR WIDENING), PORTIONS OF WHICH ARE LOCATED BOTH W/IN STARK COUNTY & CANTON; EMERGENCY  
Referred to Public Safety & Thoroughfares & Finance Committees

1<sup>ST</sup> RDG 10. AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A \$20,077 MODIFICATION W/URS CORP TO PERFORM ADDITIONAL ENVIRONMENTAL STUDIES FOR THE TUSC IMPROVEMENT PROJECT W/ODOT, GP 1064; & AMENDING O.1/2004 FOR A \$20,077 SUPPLEMENTAL APPROPRIATION FROM THE 4551 TUSC IMPROVEMENT PROJECT FUND; EMERGENCY  
Referred to Public Safety & Thoroughfares & Finance Committees

**\*175/2004** 11. A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE CITY OF CANTON/RAILROAD ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, & PROCEDURE FOR INCOMPATIBLE ZONING USES; EMERGENCY  
Referred to Annexation Committee

1<sup>ST</sup> RDG 12. A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE K-MART/EASTRIDGE CEDA #2 ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, & PROCEDURE FOR INCOMPATIBLE ZONING USES; EMERGENCY  
Referred to Annexation Committee

**\* 7:37-7:43 PM RECESS FOR CMTE MTG ON O#11, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

**SUSPENDED RULE 22A TO ADD O#13-24:**

2<sup>ND</sup> RDG 13. AMENDING SECTION 113.02, STREET/ALLEY VACATION FEE, OF THE CANTON CODIFIED ORDINANCES BY INCREASING THE DEPOSIT AMOUNT TO \$300.00. (Jud)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING - CONTINUED:

2<sup>ND</sup> RDG 14. ESTABLISHING A \$200 FAIR MARKET VALUE OF PARCEL #02-15925 LOCATED ON COOK AVE SW & AUTHORIZING THE SALE & CONVEYANCE OF SAME TO LOUISE HAWKINS PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; EMERGENCY. (CED)

2<sup>ND</sup> RDG 15. ESTABLISHING A \$1.00 FAIR REUSE VALUE OF PARCEL #02-85033 LOCATED ON UNION AVE SW & AUTHORIZING THE SALE & CONVEYANCE OF SAID PROPERTY TO PAUL J. & KATHERINE L. COYLE PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; EMERGENCY. (CED)

2<sup>ND</sup> RDG 16. AMENDING O.17/89 BY AUTHORIZING MAYOR TO ENTER INTO AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORP TO ADMINISTER ADDITIONAL \$500,000 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; EMERGENCY. (CED & Fin)

- 176/2004** 17. AUTHORIZING SAFETY DIRECTOR TO ENTER INTO AGREEMENT WITH CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION TO PROVIDE TWO ON-DUTY POLICE OFFICERS FOR CANTON'S HIGH SCHOOLS RETROACTIVE FROM 8/31/04 - 6/8/06; EMERGENCY. (Pers & Fin)
- 2<sup>ND</sup> RDG** 18. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO \$475,000 CONTRACT FOR WPCC MISCELLANEOUS IMPROVEMENTS PROJECT; AMENDING O.1/2004 BY MAKING \$475,000 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND; EMERGENCY. (EPU & Fin)
- 2<sup>ND</sup> RDG** 19. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO AGREEMENT RETROACTIVE TO 8/31/04 WITH STARK COUNTY EDUCATIONAL SERVICE CENTER FOR LEASE OF PORTIONS OF THE EDWARD L. "PEEL" COLEMAN COMMUNITY CENTER FOR THE 2004-2005 SCHOOL YEAR AT \$1,100 MONTHLY RATE; EMERGENCY. (Fin)
- 2<sup>ND</sup> RDG** 20. ESTABLISHING A \$9,000 FAIR MARKET VALUE OF PARCEL #02-45799 IN CONJUNCTION WITH THE WOODLAND AVE NW RELIEF STORM SEWER PROJECT, GP 1062 & AUTHORIZING SERVICE DIRECTOR TO NEGOTIATE AN EASEMENT AGREEMENT FOR SAME; EMERGENCY. (EPU & Fin)
- 2<sup>ND</sup> RDG** 21. AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO ONE-YEAR CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A \$40,000 GRANT FOR THE CHILDREN'S ARTS CONNECTION PROGRAM; EMERGENCY. (CED & Fin)
- 2<sup>ND</sup> RDG** 22. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE INSTALLATION OF BACKWATER VALVES; AMENDING O.1/2004 BY MAKING \$300,000 TRANSFER FROM 5410 20-60-20 RESIDENTIAL REVOLVING LOAN ADMINISTRATION FUND; EMERGENCY. (Jud, EPU & Fin)
- 2<sup>ND</sup> RDG** 23. AMENDING CITY CODE SECTION 943.03 TO ADD SUBSECTION (F) & ADDING SECTIONS 943.60 & 947.22 TO CHAPTERS 943 & 947, AND AMENDING SECTION 1379.03, ROOFS, GUTTERS & DOWN SPOUTS OF THE BUILDING CODE; EMERGENCY. (Jud, EPU & Fin)
- 2<sup>ND</sup> RDG** 24. AMENDING CITY INCOME TAX CODE CHAPTER 181 TO INCLUDE LANGUAGE ADDRESSING THE RESPONSIBILITY & LIABILITY OF CORPORATIONS & BUSINESSES TO FILE & PAY CITY INCOME TAX; EMERGENCY. (Jud)

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

- 177/2004** 25. NAMING A 10' UNNAMED ALLEY WHICH RUNS NORTH & SOUTH FROM 16<sup>TH</sup> TO 17<sup>TH</sup> STREETS NW WEST OF ARNOLD AVE NW, "CARMELITA COURT NW".
- 178/2004** 26. AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH WEDU PROPERTIES, LLC TO PROVIDE REAL PROPERTY TAX EXEMPTION FOR THE RESTORATION OF AN OFFICE/RETAIL BUILDING LOCATED ON MARKET AVE IMMEDIATELY SOUTH OF THE PALACE THEATRE; AUTHORIZING THE GRANTING OF 75% TEN YEAR REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED BY ORC SEC. 5709.82(C) AND (D); EMERGENCY.
- 179/2004** 27. AUTHORIZING MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH V&S SCHULER ENGINEERING TO PROVIDE REAL PROPERTY TAX EXEMPTION FOR A NEW OFFICE BUILDING AT 2240 ALLEN AVE SE; AUTHORIZING GRANTING OF 75% TEN YEAR REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED BY ORC SEC. 5709(C) (D); EMERGENCY.
- 180/2004** 28. AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HABITAT FOR HUMANITY OF GREATER CANTON, INC. TO PROVIDE A \$60,000 GRANT FOR REIMBURSEMENT OF ACQUISITION AND SITE DEVELOPMENT COSTS; EMERGENCY.

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

- 181/2004** 29. RESOLUTION AUTHORIZING LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS & PUBLIC INSTITUTIONS COPIES OF THE 2004 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES & TO SELL COPIES TO THOSE COPYHOLDERS WHO PURCHASED THE CITY CODE FOR \$10.10; EMERGENCY.
- 182/2004** 30. AUTHORIZING THE EDITING & INCLUSION OF CERTAIN ORDINANCES ENACTED BY COUNCIL FROM 7/1/03 TO 6/30/04 AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CANTON CODIFIED ORDINANCES; EMERGENCY.
- 183/2004** 31. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$8,913 MODIFICATION #1 WITH GPD ASSOC FOR ADDITIONAL DESIGN WORK FOR THE MARKET AVE N. SANITARY SEWER REPLACEMENT, GP 1070; AMENDING O.1/2004 BY MAKING AN \$8,913 SUPPLEMENTAL APPROPRIATION FROM 4538 MARKET AVE N. SANITARY SEWER FUND; EMERGENCY.
- 184/2004** 32. AUTHORIZING MAYOR TO SUBMIT NECESSARY APPLICATIONS TO DIRECTOR OF OHIO PUBLIC WORKS COMMISSION & TO EXECUTE CONTRACTS FOR CURRENT STATE CAPITAL IMPROVEMENT & LOCAL

TRANSPORTATION IMPROVEMENT PROGRAMS FUNDING FOR CAPITAL IMPROVEMENT PROJECTS; EMERGENCY.

- 185/2004** 33. RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE BIGLER ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

**POSTPONED TO**

- 9/27/04** 34. **(REC'D ALL 3 RDGS; POSTPONED FROM 9/13/04)** AUTHORIZING MAYOR OR SERVICE DIRECTOR TO CONVEY CITY-OWNED PROPERTY AT 501 CHERRY AVENUE NE NO LONGER NEEDED FOR MUNICIPAL PURPOSES TO CANTON COMMUNITY IMPROVEMENT CORPORATION; EMERGENCY.

- 186/2004** 35. **(REC'D ALL 3 RDGS; POSTPONED FROM 8/23&9/13/04)** AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO AN INTERIM AGREEMENT W/HUD TO PARTICIPATE IN THE FAIR HOUSING ASSISTANCE PROGRAM; ESTABLISHING THE 2215 FAIR HOUSING ASSISTANCE PROGRAM FUND; & AMENDING 0.1/2004 BY MAKING A \$115,000 SUPPLEMENTAL APPROPRIATION FROM THE 2215 FAIR HOUSING ASSISTANCE PROGRAM FUND; EMERGENCY.

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, September 27, 2004 @ 6:00 PM, Council Caucus Room

1. Judiciary Committee
2. Finance Committee
3. Public Safety & Thoroughfares Committee
4. Annexation Committee
5. Community Economic & Development Committee
6. Intergovernmental & Public Service Committee
7. Environmental & Public Utilities Committee
8. Parks & Recreation Committee

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): Council Heard Four Public Speakers

MISCELLANEOUS BUSINESS: Thanks to Feed the Needy volunteers; Member Hart reads letter from constituent re: zoning issue in Mt. Vernon; Member Carbenia re: Collins & Airman tax abatement.

ADJOURNMENT TIME: 8:32 PM

THE NEXT COUNCIL MEETING WILL BE HELD ON MONDAY, SEPTEMBER 27<sup>TH</sup>, 2004 @ 7:30 PM