

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

SEPTEMBER 27, 2004

ROLL CALL: All 12 Councilmembers Present

INVOCATION: Given by Ward 3 Councilmember Richard A. Mallonn II

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

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#10-13 & 15-20; Suspended Rule 24B to add Re#80; Retained in cmte 2nd Rdg O#14; Postponed O#22 & 32)

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)

79. CNCL PRES. & CNCL AS A WHOLE: COMMENDING BILL SMUCKLER ON RECEIVING THE TRI-COUNTY RESTAURANT ASSOCIATION'S JESSE KNIGHT AWARD - ADOPTED

SUSPENDED RULE 24B TO ADD RE#80:

80. INTERGOV & PUBLIC SERVICE CMTE: OBJECTING TO NEW C1, C2 LIQUOR PERMIT AS REQUESTED BY WAYNE EDWARD MARION, DBA T&M DRIVE THRU, 912-14 12TH St NE. - ADOPTED

COMMUNICATIONS:

510. AUDITOR PEREZ: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2004. - CLERK OF COUNCIL

511. CD & PLANNING DEPARTMENT: REQUEST TO FILE APPLICATION W/OHIO DEPT OF DEVELOPMENT TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND FOR THE STEIN PROPERTY IN SE SECTION. - C & E DEVELOPMENT CMTE

512. HAWK, WARD 1 COUNCILMEMBER: SUBMITTING PROPOSED AMENDMENTS TO CODIFIED ORDINANCES TO SIMPLIFY DEMOLITION PROCESS & APPEALS. - JUDICIARY CMTE

513. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE DOWNTOWN SPECIAL IMPROVEMENT DISTRICT'S RECOMMENDATION TO AMEND THE ZONING CODE TO CREATE A NEW CHAPTER 1107, ARCHITECTURAL REVIEW BOARD. - JUDICIARY CMTE **PUB HRG 11/1/04 @ 7:30 PM**

514. SAFETY DIRECTOR HUNT: REQUEST TO ACCEPT & EXECUTE THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTER GRANT; AUTHORIZE CITY AUDITOR TO DEPOSIT PROCEEDS OF GRANT INTO 2813 FIREFIGHTERS ASSISTANCE GRANT FUND; REQUEST \$58,485 TRANSFER FROM 4501 CAPITAL IMPROVEMENT FUND & \$194,950 SUPPLEMENTAL APPROPRIATION FROM THE 2813 FIREFIGHTER ASSISTANCE GRANT FUND. - MKG & DEV GRANT AND FINANCE CMTE

515. SERVICE DIRECTOR ELLSWORTH: REQUEST TO RE-AUTHORIZE O.205/2003 TO ENTER INTO SUPPLEMENTAL AGREEMENT W/STARK COUNTY FOR THEIR FAIR SHARE OF WPCC DIGESTER PROJECT COSTS. - I&PS AND FINANCE CMTE

516. SERVICE DIRECTOR ELLSWORTH: REQUEST TO ENTER INTO SUPPLEMENTAL AGREEMENT W/STARK COUNTY FOR CERTAIN SANITARY SEWER CONVEYANCE ISSUES; REQUEST \$86,678 PAYMENT TO STARK COUNTY FOR 143.27 ACRE MILLS FARM PROPERTY CONVEYANCE; REQUEST \$86,678 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND. - I&PS AND FINANCE CMTE

517. STARK COUNTY DISTRICT LIBRARY: LETTER TO PRESIDENT OF COUNCIL REQUESTING COUNCIL'S FORMAL ENDORSEMENT FOR A 1 MILL 5-YR. OPERATING LEVY FOR STARK COUNTY DISTRICT LIBRARY. - MAJORITY LEADER

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

1ST RDG 1. AMENDING ZONING ORDINANCE 55/77 TO REZONE LOT NOS 16240, 16241, 39877, 39878 & 39880, LOCATED AT 2303 WEST TUSCARAWAS STREET AS REQUESTED BY LAMBOS INVESTMENT PTNRS, LTD (KFC RESTAURANT); EMERGENCY
Referred to 2ND Rdg. Next Agenda

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING - CONTINUED:

1ST RDG 2. ESTABLISHING \$5,900 FAIR REUSE VALUE OF 1 PARCEL OF CITY-OWNED PROPERTY ON 14TH ST NE; AUTHORIZING SALE & CONVEYANCE OF PROPERTY TO JR COLEMAN FAMILY SERVICES CORP PURSUANT TO COMMUNITY DEVELOPMENT PROGRAM; EMERGENCY
Referred to Community & Economic Development Committee

1ST RDG 3. RESOLUTION ESTABLISHING & DESIGNING THE CANTON CENTRAL NEIGHBORHOODS COMMUNITY REINVESTMENT AREA; AUTHORIZING TAX EXEMPTIONS FOR PROJECTS WITHIN THE CRA; ESTABLISHING

PROGRAM CONDITIONS; EMERGENCY

Referred to Community & Economic Development Committee

- 1ST RDG 4. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$36,859.77 CHANGE ORDER #2 W/CARDINAL ENVIRONMENTAL SERVICES FOR ADDITIONAL EXPENSES OF ASBESTOS REMOVAL AT THE KRESGE BLOCK; EMERGENCY
Referred to Community & Economic Development and Finance Committees
- 1ST RDG 5. AMENDING CITY CODE CHAPTER 971, CANTON MEMORIAL CIVIC CENTER, RE: CIVIC CENTER MANAGER'S AUTHORITY TO NEGOTIATE W/ADVERTISERS, ETC.; EMERGENCY
Referred to Judiciary Committee
- 1ST RDG 6. AMENDING O.1/2004 BY MAKING VARIOUS SUPPLEMENTAL APPROPRIATIONS AND REDUCTIONS IN APPROPRIATIONS TO ADJUST CITY'S 2004 BUDGET TO MEET ONGOING OPERATIONAL NEEDS OF VARIOUS DEPARTMENTS; EMERGENCY
Referred to Finance Committee
- 1ST RDG 7. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO EASEMENT AGREEMENT W/RALPH D. & NANCY R. DAYTON AND PATRICIA J. PARKS FOR A PORTION OF 25TH STREET SW TO CONSTRUCT A GARAGE; EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 8. AUTHORIZING CITY AUDITOR TO PAY \$20,979.59 MORAL OBLIGATION TO NORTH AMERICAN SALT COMPANY FOR ROAD SALT; EMERGENCY
Referred to Finance Committee
- 1ST RDG 9. APPROVING A WATER MAIN EXTENSION AT 1706 SINCLAIR DR NW IN VILLAGE OF MEYERS LAKE; AUTHORIZING SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR SAID WATER MAIN; EMERGENCY
Referred to Environmental & Public Utilities Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD O#10-13 & 15-20:**

- 2ND RDG 10. ESTABLISHING A \$500 FAIR REUSE VALUE FOR A PARCEL LOCATED ON 2ND STREET SE; AUTHORIZING SALE & CONVEYANCE OF SAME TO HABITAT FOR HUMANITY PURSUANT TO THE CITY'S LAND DISPOSITION PROGRAM; EMERGENCY (C&ED)
- 2ND RDG 11. 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 (Fin)
- 2ND RDG 12. 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 (PS&T)
- 2ND RDG 13. 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 FR **PUBLIC HEARING 10/4/04 @ 7:30 PM**
- RETAINED IN CMTE** 14. 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 & 12TH AND WARNER & 7TH SE ON A TEMPORARY BASIS; EMERGENCY (EPU)
- 2ND RDG 15. AUTHORIZING THE SERVICE DIRECTOR TO EXECUTE & DELIVER TO THE STARK COUNTY COMMISSIONERS AN EASEMENT FOR UNDERGROUND DATA/COMMUNICATION CONDUIT IN WALNUT, EAST TUSC & 2ND SE TO SERVICE A NEW LOCATION AT 221 3RD SE; EMERGENCY (IPS)
- 2ND RDG 16. 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 25TH STREET NE STORM SEWER PROJECT; EMERGENCY (EPU)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING - CONTINUED:

- 2ND Rdg 17. AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO ENTER INTO WORK AGREEMENTS IN THE MARKET AVENUE NORTH SANITARY/SEWER REPLACEMENT PROJECT, GP 1070; EMERGENCY (EPU)
- 2ND RDG 18. 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 (PST and Fin)
- 2ND RDG 19. 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 (PST and Fin)

- 2ND RDG 20. 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 (Annex)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 187/2004** 21. AMENDING SECTION 113.02, STREET/ALLEY VACATION FEE, OF THE CANTON CODIFIED ORDINANCES BY INCREASING THE DEPOSIT AMOUNT TO \$300.00.

POSTPONED

- TO 10/4/04** 22. 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.

- 188/2004** 23. 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.

- 189/2004** 24. 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.

- 190/2004** 25. 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.

- 191/2004** 26. 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.

- 192/2004** 27. 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.

- 193/2004** 28. 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.

- 194/2004** 29. 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.

AMENDED

- 195/2004** 30. 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.

AMENDED

- 196/2004** 31. AMENDING CITY INCOME TAX CODE CHAPTER 181 TO INCLUDE LANGUAGE ADDRESSING THE RESPONSIBILITY & LIABILITY OF CORPORATIONS & BUSINESSES TO FILE & PAY CITY INCOME TAX; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

POSTPONED

- TO 10/4/04** 32. **(REC'D ALL 3 RDGS; POSTPONED FROM 9/13&20/04)** 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.

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, October 4, 2004 @ 5:30 PM, 8th Floor Conference Room
Jackson Pool Committee

Monday, October 4, 2004 @ 6:00 PM, Council Caucus Room

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

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): Council Heard One Public Speaker

MISCELLANEOUS BUSINESS:

ADJOURNMENT TIME: 8:12 PM

THE NEXT COUNCIL MEETING WILL BE HELD ON MONDAY, OCTOBER 4TH, 2004 @ 7:30 PM