

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

OCTOBER 4, 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

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#7-8 & 10-16; Retained in cmte 2<sup>nd</sup> Rdg O#9; Postponed O#19 & 27)

PUBLIC HEARINGS:

7:30 PM A REQUEST BY ROBERT FRENZ TO VACATE AN UNNAMED 19' ALLEY LOCATED NORTH OF WINFIELD WAY NE, AND REPLAT LOTS 21677, 21678, 21680 & 21681 & THE VACATED 19' ALLEY.  
(PLANNING COMMISSION RECOMMENDS APPROVAL)      No Public Speakers      See O.199/2004

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)

81. CARBENIA, WARD 9 MEMBER &      SUPPORTING ISSUE #54 ON THE 11/2/04 BALLOT, A 1 MILL, 5-YEAR  
BERNABEI, MEMBER-AT-LARGE:      PROPERTY TAX FOR THE BENEFIT OF THE STARK COUNTY DISTRICT  
LIBRARY. - ADOPTED

82. WEST, WARD 2 MEMBER:      DECLARING 10/14/04 AS "LIGHTS ON AFTERSCHOOL!" DAY. - ADOPTED

COMMUNICATIONS:

518. AUDITOR PEREZ:      CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2004  
DATED 9/27/04. - CLERK OF COUNCIL

519. AUDITOR PEREZ:      CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2004  
DATED 9/30/04. - CLERK OF COUNCIL

520. AUDITOR PEREZ:      MONTHLY REPORT BY FUND FOR 9/1/04 - 9/30/04. - RECEIVED & FILED

521. AUDITOR PEREZ:      YEARLY REPORT BY FUND FOR 1/1/04 - 9/30/04. - RECEIVED & FILED

522. BUILDING DEPARTMENT:REPORT OF MONTHLY INCOME FOR JULY, 2004. - RECEIVED & FILED

523. CARBENIA, WARD 9 MEMBER:      REQUESTING COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TO  
INVESTIGATE POSSIBILITY OF EXPANDING COMMUNITY DEVELOPMENT  
BLOCK GRANT AREA. - COMMUNITY & ECONOMIC DEV DIRECTOR

524. CD & PLANNING DEPARTMENT:      REQUESTING LEGISLATION AUTHORIZING MAYOR TO SUBMIT/FILE WITH  
HUD A FISCAL YEAR 2005 CONSOLIDATED ACTION PLAN FOR THE CITY'S  
2005 COMMUNITY DEVELOPMENT BLOCK GRANT, 2005 HOME  
INVESTMENT PARTNERSHIP PROGRAM, & 2005 EMERGENCY SHELTER  
GRANT; TO EXECUTE GRANT AGREEMENTS W/HUD & ACCEPT FUNDING  
FOR SAME. - COMMUNITY & ECONOMIC DEV CMTE

525. CD & PLANNING DEPARTMENT:      REQUESTING LEGISLATION ESTABLISHING A \$1 FAIR REUSE VALUE FOR  
PARCEL #02-84924 LOCATED ON 8<sup>TH</sup> ST SE & PARCEL #02-85031  
LOCATED ON 5<sup>TH</sup> ST SW & AUTHORIZING DISPOSITION OF SAME TO  
HABITAT FOR HUMANITY. - COMMUNITY & ECONOMIC DEV MTE

526. CHIEF OF STAFF CONCATTO:      REQUESTING LEGISLATION ESTABLISHING THE FAIR MARKET VALUE OF  
CERTAIN REAL PROPERTY IN CONJUNCTION WITH THE FEDERAL CAMPUS  
PROJECT & AUTHORIZATION TO NEGOTIATE & PURCHASE SAID PARCELS  
AT THE ESTABLISHED FAIR MARKET VALUE. - COMMUNITY & ECONOMIC  
DEV & FINANCE CMTES

527. CHIEF OF STAFF CONCATTO:      REQUESTING LEGISLATION AUTHORIZING & DIRECTING SERVICE  
DIRECTOR TO ENTER INTO FUNDING AGREEMENTS W/METRO & PLAIN  
TOWNSHIP FOR \$49,000 PROFESSIONAL SERVICES CONTRACTS FOR  
REDESIGN & ENGINEERING OF BRIDGES IN THE RAILROAD ANNEXATION  
PROJECT. - INTERGOVERNMENTAL & PUBLIC SERVICE & FINANCE CMTES

COMMUNICATIONS CONTINUED:

528. HAWK, WARD 1 MEMBER: PROPOSING 3 ORDINANCES TO AUTHORIZE PROJECT AGREEMENTS WITH & FUNDING TO THE URBAN HOUSING FOUNDATION ASSOCIATED WITH THE BUILDING INDUSTRY ASSOCIATION TO PURCHASE PROPERTY & BUILD NEW HOMES NEAR SUMMIT SCHOOL, MONUMENT ROAD, & WEST TUSC/TIMKEN CAMPUS AREA. - COMMUNITY & ECONOMIC DEV & FINANCE CMTES
529. HEALTH BENEFITS ADM. BRESSON: AUGUST MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN-AUG PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
530. LAW DIRECTOR MARTUCCIO: REQUESTING AUTHORITY TO PREPARE LEGISLATION UPDATING & AMENDING CITY'S CURRENT LAND REUTILIZATION PROGRAM IMPLEMENTED BY O.215/84 TO BRING IT INTO COMPLIANCE WITH H.B. 127 & ORC CHAPTER 5722. - COMMUNITY & ECONOMIC DEV CMTE
531. LIQUOR CONTROL DIVISION (OHIO): APPLICATION FOR NEW D1 LIQUOR PERMIT REQUESTED BY THAI, INC. dba PATAYA THAI & CHINESE CUISINE RESTAURANT, 1122 30<sup>TH</sup> ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
532. SAFETY DIRECTOR HUNT: REQUEST TO RESCIND O#2 ON 3/8/04 AGENDA AMENDING CITY CODE SEC. 133.05, EMERGENCY MEDICAL SERVICES; CHARGES FOR SERVICES; REPORTING. - RECEIVED & FILED
533. STARK COUNTY COMMISSIONERS: RESOLUTION GRANTING BIGLER ANNEXATION. - ANNEXATION CMTE & PLNG CMSN

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. AUTHORIZING CANTON TO ANNEX TERRITORY KNOWN AS THE OHIO ELECTRIC SERVICE CO. ANNEXATION AREA CONTAINING APPROX. 1.92 ACRES; ASSIGNING SAID TERRITORY TO WARD 8 & ZONING SAID TERRITORY AS B-3 (GENERAL BUSINESS DISTRICT); EMERGENCY.  
Referred to Annexation Committee **PUB HRG 10/25/04 @ 7:30PM**
- 1<sup>ST</sup> RDG 2. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANCE & ADMINISTER FUNDS RECEIVED, & TO ENTER INTO \$50,000.00 PROFESSIONAL SERVICES CONTRACT FOR ENVIRONMENTAL CLEANUP ASSESSMENT OF THE STEIN PROPERTY IN CANTON'S SE SECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CLEAN OHIO ASSISTANCE FUND APPLICATION; EMERGENCY.  
Referred to Community & Economic Development & Finance Committees
- 1<sup>ST</sup> RDG 3. AMENDING SECTIONS 1305.04, 1305.05 1307.03 & 1353.21 OF THE CANTON CODIFIED ORDINANCES WITH REGARD TO BUILDING DEMOLITIONS & APPEALS THEREOF; EMERGENCY.  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 4. AUTHORIZING SAFETY DIRECTOR TO ACCEPT & EXECUTE THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTERS GRANT; AUTHORIZING AUDITOR TO DEPOSIT GRANT PROCEEDS INTO THE 2813 FIREFIGHTERS ASSISTANCE GRANT FUND; AMENDING O.1/2004 BY MAKING A \$58,485 TRANSFER FROM THE 4501 CAPITAL IMPROVEMENT FUND & A \$194,950 SUPPLEMENTAL APPROPRIATION FROM SAID 2813 FUND; EMERGENCY.  
Referred to Marketing Development Grant & Finance Committees
- 1<sup>ST</sup> RDG 5. RE-AUTHORIZING SERVICE DIRECTOR TO COMPLETE THE CONTRACTING PROCESS W/STARK COUNTY FOR THE WPCC'S DIGESTER PROJECT AS ORIGINALLY AUTHORIZED BY O.205/2003; EMERGENCY.  
Referred to Intergovernmental & Public Service & Finance Committees
- 1<sup>ST</sup> RDG 6. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO A SUPPLEMENTAL SEWER AGREEMENT WITH STARK COUNTY, MAKE \$86,678 PAYMENT TO STARK COUNTY FOR SANITARY SEWER CONVEYANCE FOR MILLS FARM PROPERTY, & AMENDING O.1/2004 FOR A \$86,678 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND; EMERGENCY.  
Referred to Intergovernmental & Public Service & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

**SUSPENDED RULE 22A TO ADD O#7-8 & 10-16:**

- 2<sup>ND</sup> RDG 7. 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. **PUB HRG 10/18/04 @ 7:30PM**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING - CONTINUED:

- 2<sup>ND</sup> RDG 8. ESTABLISHING \$5,900 FAIR REUSE VALUE OF 1 PARCEL OF CITY-OWNED PROPERTY ON 14<sup>TH</sup> ST NE;

AUTHORIZING SALE & CONVEYANCE OF PROPERTY TO JR COLEMAN FAMILY SERVICES CORP PURSUANT TO COMMUNITY DEVELOPMENT PROGRAM; EMERGENCY. (CED)

**RETAINED IN  
CMTE**

9. RESOLUTION ESTABLISHING & DESIGNING THE CANTON CENTRAL NEIGHBORHOODS COMMUNITY REINVESTMENT AREA; AUTHORIZING TAX EXEMPTIONS FOR PROJECTS WITHIN THE CRA; ESTABLISHING PROGRAM CONDITIONS; EMERGENCY. (CED)
- 2<sup>nd</sup> RDG 10. 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. (CED & Fin)
- 2<sup>nd</sup> RDG 11. AMENDING CITY CODE CHAPTER 971, CANTON MEMORIAL CIVIC CENTER, RE: CIVIC CENTER MANAGER'S AUTHORITY TO NEGOTIATE W/ADVERTISERS, ETC.; EMERGENCY. (Jud)
- 2<sup>nd</sup> RDG 12. 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. (Fin)
- 2<sup>nd</sup> RDG 13. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO EASEMENT AGREEMENT W/RALPH D. & NANCY R. DAYTON AND PATRICIA J. PARKS FOR A PORTION OF 25<sup>TH</sup> STREET SW TO CONSTRUCT A GARAGE; EMERGENCY. (PST)
- 2<sup>nd</sup> RDG 14. AUTHORIZING CITY AUDITOR TO PAY \$20,979.59 MORAL OBLIGATION TO NORTH AMERICAN SALT COMPANY FOR ROAD SALT; EMERGENCY. (Fin)
- 2<sup>nd</sup> RDG 15. 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. (EPU)
- 2<sup>ND</sup> RDG 16. 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. (EPU)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 197/2004 17. 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.
- 198/2004 18. 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.
- POSTPONED TO  
10/18/04** 19. 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.
- 199/2004 20. 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 ROBERTA L. BROWN; EMERGENCY; **PUBLIC HEARING; EMERGENCY; 7:30 PM**
- 200/2004 21. 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.
- 201/2004 22. 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.
- 202/2004 23. AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO ENTER INTO WORK AGREEMENTS IN THE MARKET AVENUE NORTH SANITARY/SEWER REPLACEMENT PROJECT, GP 1070; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 203/2004 24. 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.
- 204/2004 25. 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.
- 205/2004 26. 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.

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:POSTPONED TO

- 10/18/04 27. **(REC'D ALL 3 RDGS; POSTPONED FROM 9/13,20&27/04)** 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.
- 206/2004 28. **(REC'D ALL 3 RDGS; POSTPONED FROM 9/27/04)** 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.

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Wednesday, October 13, 2004 @ 9:00 AM, Council Caucus Room  
Finance Committee to review Budget

Monday, October 18, 2004 @ 1:00 PM, Council Caucus Room  
Judiciary Committee re: Architectural Review Board

Monday, October 18, 2004 @ 6:00 PM, Council Caucus Room  
Demonstration of Remote Control Cameras by Skyland

Monday, October 18, 2004 @ 6:30 PM, Council Caucus Room

1. Annexation Committee
2. Intergovernmental & Public Service Committee
3. Judiciary Committee
4. Marketing & Development Grant Committee
5. Community & Economic Development Committee
6. Finance Committee

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): Council heard Five Speakers

MISCELLANEOUS BUSINESS: Member Carbenia re: Cherry St SE bridge; Mayor re: working together

ADJOURNMENT TIME: 8:26 PM

THE NEXT COUNCIL MEETING WILL BE HELD ON MONDAY, OCTOBER 18<sup>TH</sup>, 2004 @ 7:30 PM  
(COUNCIL DOES NOT MEET ON THE OCTOBER 11<sup>TH</sup> COLUMBUS DAY STATE HOLIDAY)