

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

OCTOBER 18, 2004

ROLL CALL: 11 Councilmembers Present, 1 Absent (Babcock)  
INVOCATION: Given by Ward 5 Councilmember Terry Prater  
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#6-11; Retained O#12 in Committee; Postponed O#17 & 22 to 10/25/04)

PUBLIC HEARINGS:

7:30 PM A REQUEST BY LAMBOS INVESTMENT PARTNERS TO REZONE 6 LOTS LOCATED AT 2303 WEST TUSCARAWAS STREET FOR THE KFC RESTAURANT. (PLANNING COMMISSION RECOMMENDED APPROVAL)  
(No Public Speakers) (See O.207/2004)

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

INFORMAL RESOLUTIONS:

VICE PRESIDENT DONALD E. CASAR: EXCUSING MEMBER BABCOCK.

83. HAWK & COUNCIL-AS-A-WHOLE: REQUESTING THE COMMUNITY DEVELOPMENT DEPARTMENT BEGIN SOLICITING DEVELOPERS TO PRESENT PLANS FOR USE OF THE KRESGE BLOCK IN DOWNTOWN CANTON. - ADOPTED

COMMUNICATIONS:

534. AUDITOR PEREZ: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2004 DATED 10/7/2004. - CLERK OF COUNCIL

535. BERNABEI, JUD CMTE CHAIRMAN: LETTER TO MAYOR, CHIEF OF STAFF & CD DIRECTOR REQUESTING THE ESTABLISHMENT OF FIXED CRITERIA WHICH ESTABLISHES HOW MUCH CITY ASSISTANCE ANY PROJECT MAY RECEIVE. - RECEIVED & FILED

536. CANTON CITY SCHOOLS: REQUEST TO VACATE HIGH AVENUE NW FROM WEST TUSC TO 4<sup>TH</sup> STREET NW FOR SCHOOL USE. - PLANNING COMMISSION (See C#545)

537. CHIEF OF STAFF CONCATTO: REQUESTING LEGISLATION AUTHORIZING MAYOR OR CHIEF OF STAFF TO NEGOTIATE & SELL CARNEGIE PARKING LOT FOR ESTABLISHED \$378,000 FAIR MARKET VALUE. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES

538. CHIEF OF STAFF CONCATTO: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR A NUMBER OF ROOF REPLACEMENTS AT CIVIC CENTER; REQUESTING \$290,000 SUPPLEMENTAL APPROPRIATION FROM THE 4541 CIVIC CENTER IMPROVEMENT FUND. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES

539. CD & PLANNING DEPARTMENT: REQUESTING LEGISLATION AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH THE HARTVILLE GROUP INC & HEIN CONSTRUCTION TO CONSTRUCT A FACILITY AT 3840 GREENTREE AVENUE SW TO BE LEASED BY THE HARTVILLE GROUP. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES

540. CD & PLANNING DEPARTMENT: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONVEY 2 PARCELS LOCATED ON 5<sup>TH</sup> STREET SW TO THE COMMUNITY IMPROVEMENT CORPORATION. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES

541. HEALTH ADMINISTRATOR BRESSON: SEPT 2004 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN-SEPT 2004 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED

542. LIQUOR CONTROL DIVISION (OHIO): APPLICATION BY SHAHNIL CANTON INC FOR A NEW C1, C2 LIQUOR PERMIT AT 2201 9<sup>TH</sup> STREET SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

COMMUNICATIONS CONTINUED:

543. MAYOR CREIGHTON: REQUEST TO AMEND MANAGEMENT/NON-BARGAINING PERSONNEL ORDINANCE TO INCREASE SALARY RANGES IN SERVICE DIRECTOR'S DIVISION OF PART-TIME SEASONAL EMPLOYEES. - PERSONNEL COMMITTEE

544. PLATINUM DYNASTY CORPORATION: REQUEST TO VACATE ARCH COURT NE BETWEEN 12<sup>TH</sup> & AMERMAN PLACE NE FOR MAINTENANCE & PARKING. - PLANNING COMMISSION
545. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REQUEST BY CANTON CITY SCHOOLS TO VACATE PARTS OF HIGH AVENUE NW SOUTH OF 4<sup>TH</sup> STREET NW FOR THE TIMKEN CAMPUS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE (See C#536)
546. SAFETY DIRECTOR HUNT: REQUEST TO RESCIND SECTIONS (b) & (c) OF CITY CODE SEC. 539.15, WHICH DEAL WITH AUTHORITY OF SAFETY DIRECTOR TO CONFER UPON PARK POLICE THE RIGHT TO CARRY A FIREARM. - JUDICIARY COMMITTEE
547. SAFETY DIRECTOR HUNT: REQUEST FOR APPROVAL OF DEMOLITION OF 26 PROPERTIES (1315 OXFORD AVE NW & ETC). - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
548. SERVICE DIRECTOR ELLSWORTH: REQUEST \$16,318 MORAL OB PAYMENT TO HANNON ELECTRIC FOR EMERGENCY REPAIR OF #2 RAS PUMP AT THE WPCC. - FINANCE COMMITTEE
549. SERVICE DIRECTOR ELLSWORTH: REQUEST TO ENTER INTO \$34,053.44 CONTRACT W/L3 COMMUNICATIONS SECURITY & DETECTION SYSTEMS TO PURCHASE ENHANCED X-RAY SCANNER W/CONVEYOR FOR JUDGES OFFICE. - PUBLIC PROPERTY CAPITAL IMPROVEMENTS AND FINANCE COMMITTEES
550. SLIMAN, S., AGENT FOR PETITIONER: SUBMITTING COPY OF STARK COUNTY'S ANNEXATION PUBLIC HEARING FOR THE K-MART/EASTRIDGE ANNEXATION AREA SCHEDULED FOR 11/18/04 @ 11 AM IN COUNTY OFFICE BUILDING. - RECEIVED & FILED
551. STARK COUNTY CLERK OF COURTS: NOTIFICATION THAT AN ENTRY WHICH MAY BE A FINAL APPEALABLE ORDER RE: AMC LAND VS CANTON CITY COUNCIL HAS BEEN FILED WITH THE CLERK OF COMMON PLEAS COURT ON 9/29/04. - LAW DIRECTOR
552. STARK COUNTY COMMISSIONERS: RESOLUTION GRANTING ANNEXATION OF 15.013 ACRES IN PLAIN TOWNSHIP KNOWN AS CITY OF CANTON/RAILROAD ANNEXATION AREA. - ANNEXATION COMMITTEE AND PLANNING COMMISSION
553. STARK COUNTY COMMISSIONERS: SUBMITTING ALL ANNEXATION MATERIALS RE: CANTON/RAILROAD ANNEXATION AREA. - ANNEXATION COMMITTEE
554. THRISTINO, F., PARK POLICE SGT: LETTER TO PRESIDENT OF COUNCIL REQUESTING NO ACTION BE TAKEN RE: SAFETY DIRECTOR'S REQUEST TO RESCIND SECTIONS (b) & (c) OF CANTON CITY CODE SEC. 539.15 RE: PARK POLICE DUE TO LITIGATION IN COMMON PLEAS COURT. - JUDICIARY COMMITTEE
555. TREASURER SCHIRACK: LETTER TO PRESIDENT OF COUNCIL REQUESTING A COUNCIL RESOLUTION FORMALLY ENDORSING ISSUE 14 RE: S CORPORATION DISTRIBUTIONS & ENCOURAGING VOTER SUPPORT AT THE POLLS. - MAJORITY LEADER
556. TREASURER SCHIRACK: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 9/30/04. - RECEIVED & FILED
557. TREASURER SCHIRACK: COMPARATIVE REPORT OF AMBULANCE LOCK BOX FOR SEPTEMBER 2004. - RECEIVED & FILED
558. TREASURER SCHIRACK: COMPARATIVE REPORT OF PARKING METER REVENUE FOR SEPTEMBER 2004. - RECEIVED & FILED
559. TREASURER SCHIRACK: REPORT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 9/30/04. - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

560. TRINITY GOSPEL TEMPLE: LETTER INVITING PRESIDENT & MEMBERS OF COUNCIL TO THE 40<sup>TH</sup> ANNIVERSARY CELEBRATION DINNER ON 12/5/04 & INVITING NOTES OF CONGRATULATIONS TO BROTHER DAVE & THE TRINITY GOSPEL TEMPLE. - MAJORITY LEADER

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. AUTHORIZING MAYOR TO FILE A 2005 CONSOLIDATED PLAN FOR 2005 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2005 HOME INVESTMENT PARTNERSHIP PROGRAM & 2005 EMERGENCY SHELTER GRANT PROGRAM W/US DEPT OF HUD; RATIFYING SUBMISSION & FILING OF PLAN; AUTHORIZING MAYOR TO EXECUTE GRANT AGREEMENTS W/US DEPT OF HUD & ACCEPT FUNDING FOR THE 3 PROGRAMS; EMERGENCY.  
Referred to Community & Economic Development
- 1<sup>ST</sup> RDG 2. ESTABLISHING FAIR REUSE VALUE OF 2 PARCELS OF CITY-OWNED PROPERTY ON 8<sup>TH</sup> ST SE & 5<sup>TH</sup> ST SW; AUTHORIZING SALE & CONVEYANCE OF PROPERTY TO CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM;

EMERGENCY.

Referred to Community & Economic Development

1<sup>ST</sup> RDG 3. ESTABLISHING FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION W/FEDERAL CAMPUS PROJECT; AUTHORIZING MAYOR OR CHIEF OF STAFF TO NEGOTIATE & PURCHASE PARCELS FROM AEP & MARY S. RUSS AT THE ESTABLISHED FAIR MARKET VALUES; EMERGENCY.  
Referred to Community & Economic Development & Finance

1<sup>ST</sup> RDG 4. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO FUND AGREEMENTS W/METRO & PLAIN TOWNSHIP FOR PROFESSIONAL SERVICES CONTRACTS FOR THE NEWLY ANNEXED SECTION OF RAILROAD; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Intergovernmental & Public Service & Finance

1<sup>ST</sup> RDG 5. AUTHORIZING ACQUISITION OF TAX DELINQUENT REAL PROPERTY PURSUANT TO HB 127; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Community & Economic Development

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**RULE 22A SUSPENDED TO ADD O#6-11:**

2<sup>ND</sup> RDG 6. AUTHORIZING CANTON TO ANNEX TERRITORY KNOWN AS THE AUTO 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. (Annex)  
**PUB HRG 10/25/04 @ 7:30PM**

2<sup>ND</sup> RDG 7. 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. (C&ED & Fin)

2<sup>ND</sup> RDG 8. AMENDING SECTIONS 1305.04, 1305.05 1307.03 & 1353.21 OF THE CANTON CODIFIED ORDINANCES WITH REGARD TO BUILDING DEMOLITIONS & APPEALS THEREOF; EMERGENCY. (Jud)

2<sup>ND</sup> RDG 9. 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. (Mktg Dev Grant & Fin)

2<sup>ND</sup> RDG 10. 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. (I&PS&Fin)

2<sup>ND</sup> RDG 11. 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. (I&PS&Fin)

**RETAINED IN**

CMTE 12. RESOLUTION ESTABLISHING & DESIGNATING THE CANTON CENTRAL NEIGHBORHOODS COMMUNITY REINVESTMENT AREA; AUTHORIZING TAX EXEMPTIONS FOR PROJECTS WITHIN THE CRA; ESTABLISHING PROGRAM CONDITIONS; EMERGENCY. (CED)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

**207/2004** 13. 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**

**208/2004** 14. 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.

**209/2004** 15. 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.

**210/2004** 16. AMENDING CITY CODE CHAPTER 971, CANTON MEMORIAL CIVIC CENTER, RE: CIVIC CENTER MANAGER'S AUTHORITY TO NEGOTIATE W/ADVERTISERS, ETC.; EMERGENCY.

**POSTPONED TO**

**10/25/04** 17. 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.

**211/2004** 18. 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.

- 212/2004** 19. AUTHORIZING CITY AUDITOR TO PAY \$20,979.59 MORAL OBLIGATION TO NORTH AMERICAN SALT COMPANY FOR ROAD SALT; EMERGENCY.
- 213/2004** 20. 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.
- 214/2004** 21. 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.

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

**POSTPONED TO**

- 10/25/04** 22. **(REC'D ALL 3 RDGS; POSTPONED FROM 9/13,20,27, & 10/4)** 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.
- 215/2004** 23. **(REC'D ALL 3 RDGS; POSTPONED FROM 10/4/04)** 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.

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, October 25, 2004 @ 11:00 AM, Council Caucus Room  
Finance Committee re: budget

Monday, October 25, 2004 @ 6:30 PM, Council Caucus Room  
1. Community & Economic Development Committee  
2. Intergovernmental & Public Service Committee  
3. Finance Committee

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

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

MISCELLANEOUS BUSINESS: (Council adjourned to executive session from 8:35-9:21 PM to discuss 6 pending lawsuits.)

ADJOURNMENT TIME: 9:22 PM

THE NEXT COUNCIL MEETING WILL BE HELD ON MONDAY, OCTOBER 25<sup>TH</sup>, 2004 @ 7:30 PM