

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

FEBRUARY 28, 2005

ROLL CALL: 11 Councilmembers present, 1 absent (Diamond*)
INVOCATION: Given by Councilmember-at-Large Donald E. Casar
PLEDGE OF ALLEGIANCE: Led by President of Council Ray Denczak

*Diamond present at 7:32 p.m.

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#4-9; Suspended Rule 24B to add Resolution #24; Defeated 3rd Rdg O#11)

PUBLIC HEARINGS:

7:30 PM A REQUEST BY J R COLEMAN SENIOR OUTREACH TO REZONE 1731 GRACE AVENUE NE FROM R-1A TO PR-4 TO PROVIDE A 40-UNIT APARTMENT COMPLEX. (Planning Commission recommends approval with certain conditions) (No Public Speakers) (See O#26/2005)

7:31 PM A REQUEST BY J&J VENTURES TO REZONE 3001 CLEVELAND AVENUE NW FROM B-3 TO PB-4 FOR INSTALLATION OF AN ELECTRONIC MESSAGE SIGN AT PAPA JOHN'S PIZZA. (Planning Commission recommends denial) (One Public Speaker) (See 3RD Rdg O#11, DEFEATED)

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

INFORMAL RESOLUTIONS:

VICE PRESIDENT DONALD E. CASAR: EXCUSING MEMBERS. (No motion necessary--all members present)

21. PRATER, WARD 5 COUNCILMEMBER: COMMENDING JERROD DOEPKER AND ERIC ELLSWORTH FOR THEIR HEROIC & COURAGEOUS RESCUE EFFORTS. - ADOPTED

22. WEST, WARD 2 COUNCILMEMBER: SUPPORTING PROPOSED CANTON AREA YMCA PERMANENT SUPPORTIVE HOUSING TAX CREDIT DEVELOPMENT. - ADOPTED

23. ZACHARY, WARD 4 COUNCILMR: SUPPORTING PROPOSED HOUSING CREDIT APPLICATION OF MV COMMUNITIES, LTD FOR AN APARTMENT DEVELOPMENT ON THE NORTH SIDE OF 17TH ST SE, EAST OF ALLEN AVE, KNOWN AS RENAISSANCE SENIOR VILLAGE. - ADOPTED

RULE 24B SUSPENDED TO ADD RE#24:

24. WEST, WARD 2 COUNCILMEMBER: RECOMMENDING PLACEMENT OF A STREET LIGHT IN FRONT OF 705 NEY PLACE NW; & AT S.E. CORNER OF 16TH & MAPLE AVE. - ADOPTED

COMMUNICATIONS:

106. AUDITOR MALLONN: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2005 DATED 2/14/2005. - CLERK OF COUNCIL

107. BAKER, CAROL: EXPRESSING CONCERNS RE: PRIORITIES RELATING TO THE POSSIBLE RELOCATION OF FOOTBALL HOF & SUMMIT SCHOOL HOUSING ISSUES. - RECEIVED & FILED

108. CANTON PROF. FIREFTRS. ASSN.: NOTIFICATION OF ONE DAY FIRE GROUND OPERATIONS ORIENTATION FOR CIVILIANS, ELECTED OFFICIALS & MEDIA PARTICIPATION ON MAY 6, 2005 FROM 8:00 AM TO 2:00 PM AT STARK STATE COLLEGE OF TECHNOLOGY. - RECEIVED & FILED

109. CANTON-STARK CO. CRIME LAB: 2004 ANNUAL REPORT. - RECEIVED & FILED

110. CD & PLANNING DIR. POORMAN: REQUEST LEGISLATION AUTHORIZING MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH PRECISION POWDER COATINGS, INC., dba PPC, INC., FOR EXPANSION OF FACILITY @ 1530 RAFF ROAD SW. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTES

111. CD & PLANNING DIR. POORMAN: REQUEST APPROVAL FOR CITY OF CANTON TO ACCEPT PARCEL #02-46570 FORMERLY OWNED BY FAMILY SERVICES LOCATED ON E. TUSCARAWAS STREET FROM THE CANTON COMMUNITY IMPROVEMENT CORPORATION. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTES

112. CD & PLANNING DIR. POORMAN: REQUEST TO SELL 17 PARCELS OF LAND AT FAIR REUSE VALUE IN ACCORDANCE WITH O.190/97 LAND DISPOSITION PROGRAM TO ABCD TO CONSTRUCT UP TO 40 LEASE-TO-PURCHASE HOMES. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

COMMUNICATIONS - CONTINUED:

113. COMMUNITY & ECON. DEV. CORP.: NOTIFICATION THAT COMMUNITY & ECONOMIC DEVELOPMENT CORPORATION OF RAVENNA WILL DEVELOP A 146 SINGLE ROOM MULTIFAMILY RESIDENTIAL DEVELOPMENT AT CANTON YMCA, 405

- SECOND STREET NW, FOR HOUSING THE HOMELESS. - RECEIVED & FILED (See Re#22)
114. COWAN, RALPH J.: REQUEST TO REZONE 1934 NAVARRE ROAD SW FOR PITA BREAD BAKERY - PLANNING COMMISSION
115. LAW DIRECTOR MARTUCCIO: ADVISING THAT COUNCIL MAY COMMENT UPON SID PETITION PROPOSING THE RENEWAL OF THE OPERATING ASSESSMENT; THE SID REQUESTS THAT COUNCIL PROMPTLY CONSIDER THE PETITION FOR RENEWAL. - RECEIVED & FILED
116. LIQUOR CONTROL DIVISION (OHIO): REQUEST BY LAKHANI CORP FOR NEW C1, C2 LIQUOR PERMIT LOCATED @ 2201 9TH STREET SW - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
117. LIQUOR CONTROL DIVISION (OHIO): REQUEST BY RICK A. TUCKER dba EL JALAPENO @ 315 CLEVELAND AVE NW FOR LOCATION & OWNERSHIP TRANSFER OF D5 LIQUOR PERMIT FROM JIMMY E. BALL dba BALLROOM @ 331 CLEVELAND AVE NW - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
118. LIQUOR CONTROL DIVISION (OHIO): REQUEST BY BELLA 7 LLC dba MAGGIORES DRIVE THRU 15 @ 1037 DUEBER AVE SW FOR OWNERSHIP TRANSFER OF C1, C2 LIQUOR PERMIT FROM KENNETH WILCOX JR. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
119. LIQUOR CONTROL DIVISION (OHIO): REQUEST BY FREEWAY TAVERN INC. dba FREEWAY TAVERN @ 1316 NAVARRE RD SW FOR OWNERSHIP TRANSFER OF D2, D2X, D3 & D3A LIQUOR PERMIT FROM RAY BERTRAM INC. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
120. LIQUOR CONTROL DIVISION (OHIO): REQUEST FOR STOCK TRANSFER OF D5 LIQUOR PERMIT REQUESTED BY JUNCTION TAVERN INC. @ 3009-13 WEST TUSCARAWAS ST. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
121. MAYOR CREIGHTON: IN ANOTHER STEP TOWARD REORGANIZING CITY OPERATIONS, REQUEST TO AMEND CLASSIFICATION PLAN FOR MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES TO DELETE THE DEPT OF TRAFFIC ENGINEERING & RENAME CIVIL ENGINEERING TO CITY ENGINEERING DIVISION. - PERSONNEL CMTE
122. MAYOR CREIGHTON: REQUEST TO ACCEPT THE CONTRACT AMENDMENT BETWEEN CITY OF CANTON & LOCAL 3449/OHIO COUNCIL 8 OF AFSCME RETROACTIVE TO 1/1/05 RE: WAGE SCHEDULE OF PLANNING TECHNICIAN. - PERSONNEL CMTE
123. MAYOR CREIGHTON: REQUEST TO COMPENSATE CURTIS BUNGARD, TEMPORARILY APPOINTED AS CITY CIVIL ENGINEER, AT GRADE 2 STEP 3 SALARY OF \$66,633 RETROACTIVE TO 2/1/05; ALSO COMPENSATE HIM FOR HOURS WORKED, HOLIDAYS, SICK LEAVE, VACATION &/OR COMP TIME. - PERSONNEL CMTE
124. OHIO EPA: PUBLIC NOTICE (No. 05-02-031) OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT RE: DISCHARGE OF POLLUTANTS FROM MARATHON ASHLAND CANTON REFINERY @ 2408 GAMBRINUS AVE SW WITH COMMENTS BEING ACCEPTED THROUGH 3/12/05. - RECEIVED & FILED
125. SAFETY DIRECTOR HUNT: REQUEST FOR POLICE DEPT TO CO-APPLY FOR & ACCEPT BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT; REQUESTING AUDITOR TO RENAME 2773 LAW ENFORCEMENT BLOCK GRANT TO 2773 BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT; REQUEST \$73,532 SUPPLEMENTAL APPROPRIATION FROM 2773 BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUND. - FINANCE CMTE
- COMMUNICATIONS - CONTINUED:
126. SERVICE DIRECTOR CONCATTO: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR TAPPING & LINE STOPPING SYSTEM & VALVE INSERTION SYSTEM FOR WATER DEPT; REQUEST \$80,000 SUPPLEMENTAL APPROPRIATION. - ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE CMTE
127. SERVICE DIRECTOR CONCATTO: REQUEST TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT PROVIDING STOP-LOSS INSURANCE COVERAGE RETROACTIVE TO 2/1/05 WITH NATIONWIDE LIFE INSURANCE CO. IN LIEU OF TRUSTMARK INSURANCE COMPANY AUTHORIZED BY O.10/2005. - FINANCE CMTE
128. STARK COUNTY COMMISSIONERS: SUBMITTING ALL PERTINENT DOCUMENTS PURSUANT TO THE

GRANTING OF THE ANNEXATION OF 54.8231 ACRES IN PLAIN TOWNSHIP KNOWN AS PLEASANT VIEW/EASTRIDGE ANNEXATION AREA. - RECEIVED & FILED

129. TREASURER SCHIRACK: SUBMITTING NOTIFICATION OF \$18,999.13 REVENUE COLLECTION FOR 4TH QTR. TAX RECEIPTS AS RESULT OF TRANSIENT LODGING TAX. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. NAMING UNNAMED N/S ALLEY BETWEEN 14TH & 15TH STREETS NW IN THE CITY OF CANTON TO "H. CARSON COURT."
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 2. APPROVING AND ACCEPTING THE REPLATTING OF LOTS #30910, 30909 & PART OF LOT #30908 AS REQUESTED BY HFSEH LIMITED PARTNERSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & thoroughfares Committee
- 1ST RDG 3. AUTHORIZING THE CITY AUDITOR TO PAY AN \$8,134 MORAL OBLIGATION TO 3-D SERVICE FOR EMERGENCY REPAIRS TO THE 300 HORSEPOWER SYNCHRONOUS MOTOR FOR #1 HIGH SERVICE PUMP AT NE WATER TREATMENT PLANT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

RULE 22A SUSPENDED TO ADD O#4-9 :

- 2ND RDG 4. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO LEASE AGREEMENT WITH STARK STATE COLLEGE FROM 1/18/05 TO 5/12/05 FOR DESIGNATED PORTIONS OF THE EDWARD L. "PEEL" COLEMAN COMMUNITY CENTER; EMERGENCY. (Fin)
- 2ND RDG 5. AMENDING APPROPRIATION O.253/2004 BY MAKING VARIOUS SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS IN APPROPRIATIONS & INTERFUND TRANSFERS (\$316.42 Summer Time Fund Kid Grant, etc.); EMERGENCY. (Fin)
- 2ND RDG 6. RESOLUTION CONSIDERING & APPROVING PETITION FOR THE RENEWAL OF THE OPERATING ASSESSMENT OF THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; EMERGENCY. (C&E Dev)
- 2ND RDG 7. APPROVING CANTON CITY WATER MAIN EXTENSION TO THE FOUNTAINS OF MEYERS LAKE LOCATED OFF 13TH ST NW & AUTHORIZING SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR SAME; EMERGENCY. (Env & Pub Util)
- 2ND RDG 8. ESTABLISHING FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE MARKET AVE NORTH SANITARY/SEWER REPLACEMENT PROJECT, GP 1070 & AUTHORIZING MAYOR OR SERVICE DIRECTOR TO NEGOTIATE & PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES; EMERGENCY. (Env & Pub Util & Fin)
- 2ND RDG 9. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$22,729.12 CONTRACT WITH VALLEY FORD TRUCK SALES INC TO PURCHASE A FORD F350 CHASSIS & CAB PURSUANT TO OHIO REVISED CODE 125.04 FOR THE WATER DEPT; EMERGENCY. (Fin)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 26/2005** 10. AMENDING O.55/77 TO REZONE LOTS #25872-25878 & 25897-25903 LOCATED AT 1731 GRACE AVE NE FROM R-1A TO PR-4 (SUBJECT TO CERTAIN CONDITIONS) AS REQUESTED BY J R COLEMAN SENIOR OUTREACH TO PROVIDE A 40-UNIT APARTMENT COMPLEX; EMERGENCY.

PUB HRG 2/28/04 HELD 7:30PM

- DEFEATED** 11. AMENDING O.55/77 TO REZONE LOTS #24469-24471 LOCATED AT 3001 CLEVELAND AVE NW FROM B-3 TO PB-4 AS REQUESTED BY J&J VENTURES (DAVE COTTRILL) TO INSTALL AN ELECTRONIC MESSAGE SIGN AT PAPA JOHN'S PIZZA; EMERGENCY.

PUB HRG 2/28/04 HELD 7:31PM

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

- 27/2005** 12. AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH REPUBLIC ENGINEERED PRODUCTS INC TO PROVIDE REAL & PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO CANTON LOCAL BOARD OF EDUCATION AS REQUIRED BY ORC 5709.82(C)&(D); EMERGENCY.
- 28/2005** 13. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO A \$24,000 PROFESSIONAL SERVICE CONTRACT WITH AMOS DATA SYSTEMS TO ASSIST THE CITY IN UPGRADING ITS VOICE COMMUNICATION SYSTEM; EMERGENCY.
- 29/2005** 14. AUTHORIZING SAFETY DIRECTOR TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT TO PURCHASE THIRTEEN BREATHING APPARATUS FOR FIRE DEPARTMENT; EMERGENCY.
- 30/2005** 15. AUTHORIZING SAFETY DIRECTOR TO ENTER INTO \$93,750 CONTRACT WITH MOTOROLA, INC. TO PURCHASE TWENTY-FIVE PORTABLE RADIOS & RELATED EQUIPMENT FOR FIRE DEPARTMENT; EMERGENCY.
- 31/2005** 16. AUTHORIZING SAFETY DIRECTOR TO ACCEPT \$13,920 GRANT FROM BUREAU OF WORKER'S COMPENSATION SAFETY; AMENDING O.253/2004 FOR \$13.920 SUPPLEMENTAL APPROPRIATION FROM

2812 EMS TRAINING & EQUIPMENT FUND & \$3,480 FROM 4501 CAPITAL IMPROVEMENT FUND; AUTHORIZING SAFETY DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT TO PURCHASE EIGHT STRIKER STAIR CHAIRS FOR FIRE DEPARTMENT; EMERGENCY.

- 32/2005** 17. AUTHORIZING SAFETY DIRECTOR TO ENTER INTO \$25,092 CONTRACT WITH FINLEY FIRE EQUIPMENT COMPANY FOR 100 VOICE AMPLIFIER SYSTEMS PURSUANT TO OHIO REVISED CODE SECTION 125.04; EMERGENCY.
- 33/2005** 18. REPEALING CHAPTER 951, TITLE THREE, CLEANING SEWERS OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON.
- 34/2005** 19. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO 2-YEAR CONTRACT WITH FORT DEARBORN LIFE INSURANCE COMPANY FOR GROUP TERM LIFE & ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE COVERAGE FOR CITY EMPLOYEES; EMERGENCY.
- 35/2005** 20. APPROVING CANTON CITY WATER MAIN EXTENSION TO PERRY HILLS VILLAGE NO. 4 LOCATED ON STANDISH AVENUE SW IN PERRY TOWNSHIP; AUTHORIZING SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR SAME; EMERGENCY.
- 36/2005** 21. AUTHORIZING THE CITY AUDITOR TO PAY \$10,225.25 MORAL OBLIGATION TO COOPER & ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES IN THE ANNEXATION & CEDA BETWEEN CITY OF CANTON & CANTON TWP; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

- 37/2005** 22. **(REC'D ALL 3 RDGS; POSTPONED FROM 2/7/05 & 2/14/05)** AMENDING FIRE DEPARTMENT, CHAPTER 133, OF CODIFIED ORDINANCES (RE: CHARGES FOR PUBLIC SAFETY SERVICES AT SCENES OF MOTOR VEHICLE ACCIDENTS).

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, March 7, 2005, at 6:00 p.m., Council Caucus Room

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| 1) Public Safety & Thoroughfares Committee | 2) Finance Committee |
| 3) Community & Economic Development (Summit Prj) | 4) Recycling Committee |

Monday, March 14, 2005, at 5:30 p.m., Council Chamber

Annual Meeting with Chamber of Commerce

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

MISCELLANEOUS BUSINESS: 1) Law Director Martuccio re: resolutions of support for ABCD Homes V & VI; 2) Pay It Forward March 13th @ 9:30 a.m. Nimisilla Park Clean Up; 3) Councilmember Zachary re: potholes at East Tusc & Belden; 4) Member Bernabei re: plaza skate rink.

ADJOURNMENT TIME: 8:26 p.m.

THE NEXT COUNCIL MEETING WILL BE HELD ON MONDAY, MARCH 7, 2005