

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

MARCH 21, 2005

ROLL CALL: All 12 Councilmembers present

INVOCATION: Given by Ward 3 Councilmember James E. Griffin

PLEDGE OF ALLEGIANCE: Led by President of Council Ray Denczak

AGENDA CORRECTIONS & CHANGES: (Re #31 Defeated; Suspended Rule 24B to add Re#39; Suspended Rule 22A to C#182, 183 & 2nd Rdg O#11&12; O#22 postponed indefinitely; O#23 adopted as amended)

PUBLIC HEARINGS:

- 7:30 PM ANNEXATION OF APPROX. 42.3072 ACRES KNOWN AS THE PLEASANT VIEW/EASTRIDGE ANNEXATION AREA; ASSIGNING SAME TO WARD 6 & ZONING SAID TERRITORY AS B-3 GENERAL BUSINESS DISTRICT.
(PLANNING COMMISSION RECOMMENDS APPROVAL) No Public Speakers See O.57/2005
- 7:31 PM A REQUEST BY MALONE COLLEGE TO REZONE 515 25TH ST NW FROM PR-1 TO PB-4 TO ALLOW A NEW ELECTRONIC MESSAGE CENTER TO PROMOTE SCHOOL & COMMUNITY ACTIVITIES.
(PLANNING COMMISSION RECOMMENDS DENIAL) One Public Speaker See O.58/2005
- 7:32 PM A REQUEST BY HETTLER-LARGENT ENGINEERING CO. FOR VIENNA WOODS PHASE II TO REZONE LOT 42388 ON DANUBE WAY SW FROM R-1A TO PB-3 TO PERMIT CONSTRUCTION OF A MAINTENANCE BUILDING/NEIGHBORHOOD CENTER & PLAYGROUND AREA FOR THE ALLOTMENT.
(PLANNING COMMISSION RECOMMENDS APPROVAL) No Public Speakers See O.59/2005

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): Council heard 10 speakers re: O#22 & 23

INFORMAL RESOLUTIONS:

VICE PRESIDENT DONALD E. CASAR: EXCUSING MEMBERS. (Not necessary; all Councilmember present)

38. CARBENIA, WARD 9 MEMBER: CITY COUNCIL URGES CONGRESS TO OPPOSE ALL SOCIAL SECURITY PRIVATIZATION EFFORTS. - **ADOPTED**

SUSPENDED RULE 24B TO ADD #39:

39. PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENT OF LISA SIMS TO THE CANTON CONSTRUCTION BOARD FILLING THE UNEXPIRED TERM OF MIKE KING THRU 12/31/06. - **ADOPTED** (Re #35, RETAINED IN CMTE 3/14/05)

40. ZACHARY, WARD 4 MEMBER: REQUESTING PLACEMENT OF A STREET LIGHT IN THE 400 BLOCK OF LUCIDA AVE SE. - **ADOPTED**, SERV DIR, & ST LT CMTE

INFORMAL RESOLUTIONS #31&32 POSTPONED FROM 3/14/2005:

31. ENVIRON. & PUBLIC UTILITIES CMTE: RECOMMENDING COUNCIL TAKE NO ACTION & ALLOW THE AUTOMATIC SEWER RATE INCREASE OF 3.3% TO TAKE EFFECT ON 7/1/2005. - **DEFEATED** & LAW DIRECTOR

32. ENVIRON. & PUBLIC UTILITIES CMTE: RECOMMENDING AN ORDINANCE BE ADOPTED WHICH WOULD WAIVE THE AUTOMATIC SANITATION RATE INCREASE OF 3.3% WHICH WOULD TAKE EFFECT 7/1/2005. - **ADOPTED** & LAW DIRECTOR

COMMUNICATIONS:

172. AUDITOR MALLONN: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2005 DATED 3/11/2005. - CLERK OF COUNCIL

173. CD & PLANNING DIR. POORMAN: REQUESTING LEGISLATION RESCINDING O.179/2004 AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH V&S SCHULER ENGINEERING, INC. - C&E DEV & FIN CMTE

174. HEALTH COMMISSIONER PATTISON: REQUESTING \$13,573 APPROPRIATION FROM 2328 PHI FUND FOR THE PUBLIC HEALTH INFRASTRUCTURE GRANT. - FIN CMTE

175. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HEARING 4/4/05 @ 9:00 AM AT DEPT OF JOB & FAMILY SERVICES OFFICE IN CANTON RE: PERMIT RENEWAL REQUEST OF BAIT NABALAH, INC., dba BEST FOR LESS @ 1100 12TH ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

176. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HEARING 4/4/05 @ 11:30 AM AT DEPT OF JOB & FAMILY SERVICES OFFICE IN CANTON RE: PERMIT RENEWAL REQUEST OF TRASH ENTERPRISES, INC., dba CHERRY MARKET @ 1494 CHERRY AVE SE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

COMMUNICATIONS - CONTINUED:

177. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HEARING 4/4/05 @ 10:00 AM AT DEPT OF JOB & FAMILY SERVICES OFFICE IN CANTON RE: PERMIT RENEWAL REQUEST BY TAP INVESTMENTS, LLC, dba AP @ 903 12TH ST NE. - INTERGOVERNMENTAL

& PUBLIC SERVICE CMTE

178. MANN, J., PASTOR @ TRINITY LUTH: SUPPORTING DEVELOPMENT OF HOMES & CONDOMINIUMS IN THE SUMMIT SCHOOL NEIGHBORHOOD. - C&E DEV CMTE
179. MAYOR CREIGHTON: REQUESTING COUNCIL ADOPT LEGISLATION APPROVING THE TENTATIVE AGREEMENT NEGOTIATED W/CPFFA LOCAL 249. - PERS & FIN CMTE
180. SERVICE DIRECTOR CONCATTO: REQUESTING APPROVAL OF \$50,000 MORAL OBLIGATION TO THE CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION IN ACCORDANCE WITH O.151/2003 AUTHORIZING MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO AGREEMENT FOR PURCHASE, SALE & EXCHANGE OF REAL ESTATE W/MICHAEL A. GRAVILA . - PPCI & FIN CMTE
181. SERVICE DIRECTOR CONCATTO: REQUESTING AUTHORIZATION TO APPROVE \$19,931 FEE MODIFICATION FOR GPD ASSOCIATES FOR EVALUATION & DESIGN OF RETENTION BASIN FOR STEESE AREA DRAINAGE PROJECT, GP 1082, & REQUEST \$19,931 TRANSFER OF FUNDS FOR SAME. - EPU & FIN CMTE

SUSPENDED RULE 22A TO ADD C#182& 183:

182. BERNABEL, MEMBER-AT-LARGE: DETAILING HIS POSITION ON THE SUMMIT SCHOOL SITE HOUSING PROJECT & THE PURPOSES FOR HIS AMENDMENT THERETO. - C&ED CMTE
183. WEST, WARD 2 MEMBER: REQUESTING LEGISLATION RENAMING MAHONING ROAD NE BETWEEN 4TH ST NE & 12TH ST NE "O'JAYS BOULEVARD NE." - PS&T CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMENDING O.17/89 AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH CANTON COMMUNITY IMPROVEMENT CORP TO ADMINISTER AN ADDITIONAL \$900,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; EMERGENCY
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 2. ESTABLISHING FAIR REUSE OR FAIR MARKET VALUE OF 11 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE & CONVEYANCE OF SAID PROPERTIES TO HABITAT FOR HUMANITY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM (Part of Lot 1437 on Young Ave NE, etc.)
Referred to Community & Economic Development Committee
- 1ST RDG 3. VACATING PART OF WOODROW COURT NE FROM 3RD TO 2ND STREETS NE AS REQUESTED BY RAYMON HUMPHRIES; EMERGENCY. **PUB HRG 4/4/05 @ 7:30 PM**
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 4. APPROVING & ACCEPTING THE REPLAT OF PARTS OF LOTS 1664-1666 AS REQUESTED BY HABITAT FOR HUMANITY; EMERGENCY.
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 5. APPROVING & ACCEPTING THE REPLAT OF PARTS OF LOTS 1043&1044 AS REQUESTED BY HABITAT FOR HUMANITY; EMERGENCY.
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 6. APPROVING & ACCEPTING THE REPLAT OF ALL OF LOTS 35339, 35340 & 35342 AS REQUESTED BY SCOTT BINKLEY; EMERGENCY.
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 7. APPROVING & ACCEPTING THE REPLAT OF PART OF OUTLOT 304 AS REQUESTED BY SHERRICK ROAD CORRIDOR LLP; EMERGENCY.
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 8. VACATING PART OF ESTEP PLACE SW AS REQUESTED BY MORRIS BROTHERS; EMERGENCY. **PUB HRG 4/4/05 @ 7:31 PM**
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 9. AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE & SAFETY TO ENTER INTO A LICENSE AGREEMENT W/CANTON AUTO REPAIR & TOWING TO PERMIT INSTALLATION OF MONITORING WELLS @ CLEVELAND & 37TH NW ON A TEMPORARY BASIS; EMERGENCY.
Referred to Environmental & Public Utilities Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 10. APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE CENTRAL ALLIED/HARMONT ANNEXATION AREA; EMERGENCY.
Referred to Annexation Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD O#11&12:**

- 2ND RDG 11. VACATING SECOND STREET NW CUT-THRU WEST OF FULTON NW AND NORTH OF WEST TUSCARAWAS

STREET AS REQUESTED BY THE CITY SERVICE DIRECTOR FOR THE TIMKEN CAMPUS PRJ.; EMERGENCY.
(PST) **PUB HRG 3/28/05 @ 7:30 PM**

- 2ND RDG 12. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$44,637 ONE-YEAR LEASE AGREEMENT WITH THE GREATER AKRON ATHLETIC CLUB FOR LEASE OF THURMAN MUNSON STADIUM; EMERGENCY
(Parks & Rec & PPCI)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 51/2005 13. AUTHORIZING MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH PRECISION POWDER COATINGS, INC., dba PPC, INC. TO PROVIDE REAL & PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING AUDITOR TO MAKE PAYMENT TO CANTON LOCAL BOARD OF EDUCATION AS REQUIRED PURSUANT TO ORC SEC. 5709.82 © & (D); EMERGENCY.
- 52/2005 14. AUTHORIZING CITY OF CANTON TO ACCEPT DONATION OF LOTS NOS. 90 & 41877 AND PARTS OF LOTS NOS. 89 & 41876 LOCATED ON TUSCARAWAS ST E; EMERGENCY.
- 53/2005 15. AMENDING ORDINANCE O.164/2001, THE CLASSIFICATION PLAN & GENERAL SALARIES FOR ALL MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES, BY EXCLUDING CERTAIN POSITIONS FROM THE WAGE SCHEDULE; & AMENDING EXHIBIT A TO O.164/2001 WITH REGARD TO POSITION GROUP 10TE, 20CE, & 50IS; EMERGENCY (RE: REORGANIZATION OF TRAFFIC ENGINEERING & CIVIL ENGINEERING DEPARTMENTS TO BECOME CITY ENGINEERING DIVISION).
- 54/2005 16. AUTHORIZING AMENDMENT TO ARTICLE 59, WAGE SCHEDULES, OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF CANTON & LOCAL 3449 & OHIO COUNCIL 8 AFSCME TO INCREASE THE WAGE SCHEDULE FOR PLANNING TECHNICIAN RETROACTIVE TO 1/1/05; EMERGENCY.
- 55/2005 17. AUTHORIZING MAYOR TO CO-APPLY WITH THE STARK COUNTY SHERIFF FOR A BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, TO ENTER INTO AGREEMENT TO ACCEPT & ADMINISTER SAID GRANT, & TO EXECUTE A LETTER OF UNDERSTANDING WITH STARK COUNTY CONCERNING REALLOCATION OF PROCEEDS OF SAID GRANT; AMENDING APPROPRIATION O. 253/2004 BY MAKING \$73,532 SUPPLEMENTAL APPROPRIATION FROM THE 2773 BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUND; EMERGENCY.
- 56/2005 18. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PURCHASE OF TAPPING & LINE STOPPING SYSTEM & A VALVE INSERTION SYSTEM FOR THE WATER DEPT; AMENDING APPROPRIATION O. 253/2004 BY MAKING AN \$80,000 SUPPLEMENTAL APPROPRIATION FROM THE 5201 WATER WORKS FUND; EMERGENCY.
- 57/2005 19. AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE PLEASANT VIEW/EASTRIDGE ANNEXATION AREA CONTAINING APPROXIMATELY 42.3072 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 & ZONING SAID TERRITORY AS B-3 (GENERAL BUSINESS DISTRICT); EMERGENCY.
PUB HRG HELD 3/21/05 @ 7:30 PM
- 58/2005 20. AMENDING ZONING ORDINANCE 55/77 TO REZONE PART OF OUTLOT NO. 732, LOCATED AT 515 25TH STREET NW AS REQUESTED BY MALONE COLLEGE; EMERGENCY.
PUB HRG HELD 3/21/05 @ 7:31 PM
- 59/2005 21. AMENDING ZONING ORDINANCE 55/77 TO REZONE LOT NO. 42388, LOCATED ON DANUBE WAY SW AS REQUESTED BY VIENNA WOODS PHASE II, L.P.; EMERGENCY.
PUB HRG HELD 3/21/05 @ 7:32 PM

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

POSTPONED

- INDEFINITELY 22. **(REC'D ALL 3 RDGS; POSTPONED FROM 3/14/05)** AUTHORIZING MAYOR TO REIMBURSE \$350,000.00 TO THE URBAN HOUSING FOUNDATION FOR MONEYS EXPENDED TO PURCHASE PROPERTY LOCATED @ 808 MONUMENT RD NW & REQUESTING A \$350,000.00 SUPPLEMENTAL APPROPRIATION FROM THE 6010 WORKER'S COMPENSATION FUND FOR SAME; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER CONTINUED:**AMENDED**

***50/2005** 23. **(REC'D ALL 3 RDGS; POSTPONED FROM 3/14/05)** AUTHORIZING THE MAYOR TO REIMBURSE \$1,066,000 TO THE URBAN HOUSING FOUNDATION FOR MONEYS EXPENDED TO PURCHASE 18 LOTS LOCATED NEAR SUMMIT SCHOOL; & AMENDING O.253/2004 FOR A \$1,066,000 SUPPLEMENTAL APPROPRIATION FROM THE 6010 WORKER'S COMPENSATION FUND & \$1,066,000 FROM THE 4501 CAPITAL IMPROVEMENT FUND; EMERGENCY.

***ADOPTED OUT OF SEQUENCE**ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, March 28, 2005 @ 6:00 PM, Council Caucus Room

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

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): Council heard one speaker

MISCELLANEOUS BUSINESS: Treasurer Schirack re: City income tax filing deadline of April 15; Thomas West re: 12th Street; Joe Carbenia re: CCIC report & thanks those councilmembers who voted to postpone Summit Housing ordinance last week in his absence

ADJOURNMENT TIME: 9:45 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MARCH 28, 2005 @ 7:30 PM