

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

MAY 9, 2005

ROLL CALL: All 12 Councilmembers Present

INVOCATION: Given by Ward 9 Councilmember Joseph Carbenia

PLEDGE OF ALLEGIANCE: Led by President of Council Ray Denczak

AGENDA CORRECTIONS & CHANGES: (Informal Resolution #53 was tabled indefinitely; Rule 22A was suspended to add 2nd Rdg Ordinances #14-24; Ordinances #25, 29 & 32 were amended; Ordinance #27 was defeated)

PUBLIC HEARINGS: (None)

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): (Council heard 8 public speakers)

INFORMAL RESOLUTIONS:

VICE PRESIDENT DONALD E. CASAR:

EXCUSING MEMBERS. (Not necessary—all Councilmembers present)

POSTPONED MATTER:

53. ZACHARY, K., WARD 4 MEMBER:

(POSTPONED FROM 4/25/05) SUPPORTING RECREATION IN WARD 4 AND CONSTRUCTION OF NEW JACKSON POOL IN 2006 CALENDAR YEAR. - **TABLED INDEFINITELY**

COMMUNICATIONS:

252. AUDITOR MALLONN:

MONTHLY REPORT BY FUND FOR 4/1/05 - 4/29/05. - RECEIVED & FILED

253. AUDITOR MALLONN:

YEARLY REPORT BY FUND FOR 1/1/05 - 4/29/05. - RECEIVED & FILED

254. AUDITOR MALLONN:

REQUEST AUTHORIZATION TO ENTER INTO PROFESSIONAL SERVICE CONTRACT W/FINANCIAL NETWORK OF AMERICA LTD TO OFFER CITY EMPLOYEES AN ALTERNATIVE 457 DEFERRED COMPENSATION PROGRAM AT NO COST TO THE CITY. - PERSONNEL CMTE

255. AUDITOR MALLONN:

REQUEST TO AMEND THE CLASSIFICATION PLAN FOR MANAGEMENT & NON BARGAINING UNIT EMPLOYEES IN THE AUDITOR'S OFFICE BY INCREASING TOP END OF PAY RANGE OF CHIEF INFORMATION OFFICER & DEPUTY AUDITOR III FROM \$59,483 TO \$61,267; DEPUTY INTERNAL AUDITOR FROM \$42,297 TO \$43,566; & DEPUTY AUDITOR FROM \$59,483 TO \$67,956. - PERSONNEL & FINANCE CMTE

256. CIVIL ENGINEER COUTTS:

ANNUAL 2004 REPORT OF CITY CIVIL ENGINEER. - RECEIVED & FILED

257. DIAMOND, R., WARD 8 CNCLMBR:

SUBMITTING INFORMATION RE: AMC LAND COMPANY JURY VERDICT TO ADD TO INFO PREVIOUSLY SUBMITTED IN THE MAYOR'S REVIEW OF DRAINAGE DAMAGE ON 49TH ST NW. - RECEIVED & FILED

258. GROFFRE INVESTMENTS:

REQUEST TO VACATE PARTS OF WATER CT., RIVERSIDE DR., FORK PL., RAKE CT., & IDA PL. SE IN ORDER TO FENCE AN AREA OFF TO STOP OPEN DUMPING. - PLANNING CMSN

259. HEALTH COMMISSIONER PATTISON:

REQUESTING \$97,000 SUPPLEMENTAL APPROPRIATION FROM THE 2328 PUBLIC HEALTH INFRASTRUCTURE GRANT FUND. - FINANCE CMTE

260. LAW DIRECTOR MARTUCCIO:

REQUEST 3% WAGE INCREASE RETROACTIVE TO 1/1/05 FOR PROSECUTORS, CHIEF COUNSEL & ASSISTANT LAW DIRECTORS; REQUEST TO INCREASE TOP END OF PAY RANGE FOR CITY PROSECUTOR FROM \$47,500 TO \$48,925, 1ST ASSNT PROSECUTOR FROM \$42,500 TO \$43,775, ASSNT PROSECUTOR FROM \$45,000 TO \$46,350, ASSNT PROSECUTOR DOMESTIC VIOLENCE FROM \$42,500 TO \$43,775, CHIEF COUNSEL FROM \$69,900 TO \$71,997, P-T ASSNT LAW DIR FROM \$42,500 TO \$43,775 & ASSNT LAW DIR FROM \$70,348 TO \$72,458. - PERSONNEL & FINANCE CMTE

261. LIQUOR CONTROL DIVISION (OHIO):

DESERT INN RESTAURANT & LOUNGE INC. @ 300 12TH ST NW HAS REQUESTED A STOCK TRANSFER RE: D5 LIQUOR PERMIT. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

COMMUNICATIONS - CONTINUED:

262. LIQUOR CONTROL DIVISION (OHIO): SELJR INC. DBA WHITE CROWN CAFÉ @ 2528 9TH ST SW HAS REQUESTED TO TRANSFER OWNERSHIP OF D2, D2X, D3, D3A LIQUOR PERMIT FROM RONNIE G & REBECCA L. ESTEP. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
263. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HEARING SCHEDULED FOR 5/11/05 HAS BEEN CONTINUED RE: RENEWAL OF C-1-2 LIQUOR PERMIT REQUESTED BY ID ABBOU, INC., dba HALL OF FAME MKT. @ 704 SHERRICK RD SE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
264. MAGGIORE, CHRIS: REQUEST TO VACATE PART OF PARK DRIVE NW AT FULTON ROAD FOR GAS PUMPS/CANOPY AT MAGGIORE'S GAS STATION/CONVENIENCE STORE. - PLANNING CMSN (See C#268) **PUB HRG 5/16/05 @ 7:30 PM**
265. MAYOR CREIGHTON: REQUEST 3% WAGE INCREASE FOR ALL CITY OF CANTON MANAGEMENT & NON BARGAINING UNIT EMPLOYEES RETROACTIVE TO 1/1/2005. - PERSONNEL & FINANCE CMTE
266. MAYOR CREIGHTON: SUBMITTING FIRST QUARTER REPORT FOR ECONOMIC DEVELOPMENT FUND EXPENDITURES. - RECEIVED & FILED
267. OVERDORF, EDWARD S.: REQUEST TO VACATE PARTS OF 7TH ST & WELLS AVE NW FOR AN APPRENTICE TRAINING CENTER FOR THE IRON WORKERS LOCAL 550. - PLANNING CMSN
268. PLANNING COMMISSION: RECOMMENDING APPROVAL TO VACATE A PORTION OF PARK DRIVE NW AT FULTON ROAD NW AS REQUESTED BY CHRIS MAGGIORE. - PUBLIC SAFETY & THRU CMTE (See C#264) **PUB HRG 5/16/05 @ 7:30 PM**
269. PRESIDENT OF COUNCIL DENCZAK: LETTER OF INFORMATION TO COUNCIL RE: NAMING OF DEDICATED STREETS OR ALLEYS AS "BOULEVARDS". - RECEIVED & FILED
270. SAFETY DIRECTOR HUNT: REQUEST FOR LEGISLATION TO DONATE USED TURNOUT GEAR TO STARK STATE COLLEGE OF TECHNOLOGY, FIRE SCIENCE DEPT., FOR THEIR FIRE TRAINING PRGM. - PUBLIC PROPERTY CAPITAL IMPROVEMENT CMTE
271. SAFETY DIRECTOR HUNT: REQUEST 23 PROPERTIES BE CERTIFIED FOR DEMOLITION (1132 5TH NW & ETC). - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTE
272. SERVICE DIRECTOR CONCATTO: REQUEST TO PURCHASE \$22,684.44 ORACLE APPLICATION SERVER LICENSE & ORACLE PROCESSOR LICENSE TO UPGRADE UTILITY BILLING CIS SOFTWARE THROUGH STATE CONTRACT FROM MYTICS, INC. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE CMTE
273. SERVICE DIRECTOR CONCATTO: REQUEST APPROVAL OF CHANGE ORDERS #3 & 4 IN AN ADDITIONAL TOTAL AMOUNT OF \$69,100 FOR ASBESTOS REMOVAL, DEMOLITION & SITE RESTORATION WORK AT THE KRESGE BLOCK. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTE
274. SERVICE DIRECTOR CONCATTO: REQUEST AUTHORIZATION FOR LAW DEPARTMENT TO DRAFT A RESOLUTION SUPPORTING THE STARK-TUSC-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT 15-YEAR SOLID WASTE PLAN AS REQUIRED BY ORC 3734.53. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
275. SERVICE DIRECTOR CONCATTO: REQUEST TO ENTER INTO \$23,960 PROFESSIONAL SERVICES CONTRACT WITH ATELIER CORP OF WILSON-HAWK, DBA WILSON ARCHITECTURAL GROUP, FOR ARCHITECTURAL SERVICES RE: MOVING THE DUNLAP/CARNEY HISTORICAL HOUSES IN CONNECTION W/FEDERAL CAMPUS PRJ. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTE
276. TREASURER SCHIRACK: COMPARATIVE REPORT OF PARKING METER REVENUE FOR APRIL 2005. - RECEIVED & FILED
277. TREASURER SCHIRACK: COMPARATIVE REPORT OF AMBULANCE LOCK BOX ACCOUNT FOR APRIL 2005. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. ESTABLISHING \$2,000 FAIR REUSE VALUE OF 1 PARCEL (#02-80867) OF CITY-OWNED PROPERTY LOCATED ON MARKET AVENUE N; AUTHORIZING SALE & CONVEYANCE TO FOREST CITY RESIDENTIAL MANAGEMENT INC (CANTON TOWERS) PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; EMERGENCY.

Referred to Public Property Capital Improvement Committee

- 1ST RDG 2. AUTHORIZING CANTON TO ANNEX 15.561 ACRES KNOWN AS THE SHAWNEE/CANTON TOWNSHIP ANNEXATION AREA; ASSIGNING SAID TERRITORY TO WARD 4; ZONING SAID TERRITORY AS R-3; EMERGENCY. **PUB HRG 5/23/05 @ 7:30 PM**
Referred to Judiciary Committee
- 1ST RDG 3. AMENDING ZONING 0.55/77 TO REZONE LOTS #5159, 5160 & 5161 LOCATED AT 11TH STREET & GARFIELD AVE SW AS REQUESTED BY DONALD LEUCHTAG DBA RL EDWARDS CO. FOR THE PURPOSE OF CREATING ON-PREMISE PARKING; EMERGENCY **PUB HRG 5/23/05 @ 7:31 PM**
Referred to Judiciary Committee
- 1ST RDG 4. VACATING PORTIONS OF RIVERSIDE DRIVE SE, WATER COURT SE, FORK PLACE SE, RAKE COURT SE, & IDA PLACE SE REQUESTED BY GROFFRE, INC; EMERGENCY **PUB HRG 5/23/05 @ 7:32 PM**
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 5. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO 1-YR CONTRACT W/THE CANTON SYMPHONY ORCHESTRA ASSN. TO PROVIDE A \$40,000 GRANT FOR THE CHILDREN'S ARTS CONNECTION PROGRAM; EMERGENCY
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 6. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/THE YMCA OF CENTRAL STARK COUNTY TO PROVIDE A \$30,000 EMERGENCY SHELTER GRANT FOR ESSENTIAL SERVICES; EMERGENCY
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 7. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/THE CANTON SYMPHONY ORCHESTRA ASSN. TO PROVIDE A \$40,000 GRANT FOR THE 2005 CONCERT IN THE PARK; EMERGENCY
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 8. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/ST. PAUL'S SENIOR HOUSING INC. TO PROVIDE A \$65,471 GRANT FOR COSTS ASSOCIATED WITH THE REFINANCING OF ST. PAUL'S SENIOR HOUSING COMPLEX; EMERGENCY
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 9. AMENDING o.253/2004 BY MAKING SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS AND INTERFUND TRANSFERS FOR THE CITY OF CANTON 2005 CAPITAL IMPROVEMENTS PROGRAM; EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees
- 1ST RDG 10. AMENDING O.253/2004 BY MAKING A \$4,698.82 SUPPLEMENTAL APPROPRIATION FROM THE 5223 WATER CRITICAL INFRASTRUCTURE PROTECTION FUND TO PURCHASE & INSTALL SECURITY EQUIPMENT & PERIMETER FENCING; EMERGENCY
Referred to Finance Committee
- 1ST RDG 11. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO AGREEMENT WITH STARK COUNTY TO PROCEED WITH A JOINT PAVING PROJECT; EMERGENCY
Referred to Intergovernmental & Public Service and Finance Committees
- 1ST RDG 12. AMENDING O.253/2004 BY MAKING A \$57,500 SUPPLEMENTAL APPROPRIATION FROM THE 1001 GENERAL FUND FOR CIVIC CENTER ADMINISTRATION; AMENDING O. 174/95 FOR CIVIC CENTER PETTY CASH CHANGE DRAWER; EMERGENCY
Referred to Finance Committee
- 1ST RDG 13. A RESOLUTION APPROVING STATEMENT OF SERVICES TO BE PROVIDED TO PROPERTY OWNER IN THE GROFFRE/BROADWAY ANNEXATION AREA; EMERGENCY
Referred to Annexation Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

RULE 22A WAS SUSPENDED TO ADD O#14-24:

- 2ND RDG 14. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/FREED HOUSING CORPORATION TO PROVIDE A \$438,480 GRANT FOR TWO HOUSING PROGRAMS; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING - CONTINUED:

- 2ND RDG 15. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/NOVA BEHAVIORAL HEALTH TO PROVIDE \$75,000 GRANT FOR MISC. REPAIR/RENOVATION COSTS FOR BUILDING @ 832 MARKET AVE N; EMERGENCY.
- 2ND RDG 16. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/J.R. COLEMAN FAMILY SERVICES TO PROVIDE \$48,650 GRANT FOR RENOVATION COSTS FOR FACILITY @ 2213 14TH ST NE; EMERGENCY.
- 2ND RDG 17. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/WESTERN STARK MEDICAL

CLINIC TO PROVIDE \$20,000 GRANT FOR MEDICAL STAFF COSTS; EMERGENCY

- 2nd RDG 18. AUTHORIZING MAYOR OR SERVICE DIRECTOR TO ENTER INTO CONTRACT W/DOMESTIC VIOLENCE PROJECT TO PROVIDE \$50,000 GRANT FOR SHORT-TERM HOUSING FOR VICTIMS OF DOMESTIC VIOLENCE; EMERGENCY
- 2nd RDG 19. APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOT 324 LOCATED BETWEEN 4TH & 5TH STREETS NE & BETWEEN ORCHARD & SPRING AS REQUESTED BY HABITAT FOR HUMANITY; EMERGENCY.
- 2nd RDG 20. APPROVING & ACCEPTING THE REPLATTING OF PART OF LOT NO. 7694 AT QUEEN CT NW & HERT PL AS PROPOSED BY CITY OF CANTON; EMERGENCY
- 2nd RDG 21. APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOTS NO. 29914- 29950, 29957-29975, 35044 & PART OF OL 491 & 493; APPROVING & ACCEPTING DEDICATION OF PART OF ALLEN AVE SE & PART OF MILL ST SE AS REQUESTED BY CITY OF CANTON; EMERGENCY.
- 2nd RDG 22. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$8,550 FEE MODIFICATION W/CIVIL DESIGN ASSOC. TO PROVIDE ENGINEERING & SURVEYING SERVICES FOR 19TH ST NE IMPROVEMENT; AMENDING APPROPRIATION 0.253/2004 BY MAKING \$8,550 SUPPLEMENTAL APPROPRIATION FOR SAME; EMERGENCY.
- 2nd RDG 23. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$105,185 FEE MODIFICATION W/URS CORP TO PREPARE RIGHT-OF-WAY PLANS, RIGHT-OF-WAY ACQUISITION & ASSOCIATED ADDITIONAL PLAN PREPARATION FOR TUSCARAWAS ST IMPROVEMENT PROJECT W/ODOT, GP 1062; AMENDING APPROPRIATION 0.253/2004 BY MAKING \$105,185 SUPPLEMENTAL APPROPRIATION FOR SAME; EMERGENCY.
- 2nd RDG 24. AUTHORIZING SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR DESIGN & CONSTRUCTION OF 2 SIGNS AT CANTON MEMORIAL CIVIC CENTER & CULTURAL CENTER FOR THE ARTS; AUTHORIZING MAYOR OR SERVICE DIRECTOR TO APPLY FOR & ACCEPT GRANT FROM ARTS IN STARK/CULTURAL CENTER & TO ENTER INTO CONTRACT FOR USE & MANAGEMENT OF SIGNS; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

AMENDED

- 86/2005** 25. RENAMING A PORTION OF MAHONING RD NE "**THE O'JAYS PARKWAY NE**".

- 87/2005** 26. AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO A 5-YEAR RECIPROCAL SERVICE AGREEMENT W/STARK STATE COLLEGE OF TECHNOLOGY FOR THE USE OF A 1982 TOWER TRUCK FOR FIREFIGHTER TRAINING; EMERGENCY.

- DEFEATED** 27. AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE & RECEIVE BIDS FOR THE SALE OF ONE PARCEL OF CITY-OWNED PROPERTY LOCATED ON 3RD STREET NE (FORMER CITY FIRE STATION) NO LONGER NEEDED FOR MUNICIPAL PURPOSES; & AUTHORIZING CONVEYANCE OF SAME TO THE HIGHEST BIDDER.

- 88/2005** 28. AUTHORIZING THE MAYOR OR SAFETY DIRECTOR TO ENTER INTO WORK AGREEMENTS IN CONJUNCTION W/MARKET AVENUE TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT; EMERGENCY.

AMENDED

- 89/2005** 29. AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT W/ODOT FOR THE UPGRADING OF **6 OF THE ORIGINAL** 12 INTERSECTIONS IN THE FULTON ROAD TRAFFIC SIGNAL SYSTEM; AMENDING 0.253/2004 FOR \$23,600 SUPPLEMENTAL APPROPRIATION FROM THE 4501 CAPITAL IMPROVEMENT FUND; EMERGENCY.

- 90/2005** 30. AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID & DELINQUENT CHARGES FOR THE REMOVAL OF NOXIOUS WEEDS & DEBRIS; EMERGENCY.

- 91/2005** 31. AMENDING APPROPRIATION 0.253/2004 FOR \$32,166.44 SUPPLEMENTAL APPROPRIATION FROM THE 5222 LAWR-CHESTER PHASE II WATER MAIN EXTENSION FUND NEEDED TO REPAY THE SEMI-ANNUAL PAYMENTS ON THE OWDA LOAN WHICH ARE DUE 7/1 & 1/1; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

AMENDED

- 92/2005** 32. **(REC'D ALL 3 RDGS; POSTPONED FROM 4/25/05)** AUTHORIZING SAFETY DIRECTOR TO ENTER INTO PROFESSIONAL SERVICE CONTRACTS W/THE CREDIT BUREAU OF STARK COUNTY, INC. & **CREDIT ADJUSTMENTS INC.** TO COLLECT DELINQUENT USER FEES FOR AMBULANCE SERVICES; EMERGENCY.

ANNOUNCEMENT OF COMMITTEE MEETINGS: (Monday, May 16, 2005, at 5:30 p.m., Council Caucus Room)

1. Annexation Committee
2. Finance Committee
3. Public Safety & Thoroughfares Committee
4. Judiciary Committee

5. Public Property Capital Improvement Committee
6. Intergovernmental & Public Service Committee
7. Community & Economic Development Committee

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): (Council heard 4 public speakers)

MISCELLANEOUS BUSINESS: 1) President Denczak re: traffic lights at 5th & Market & at Hercules; 2) Member Casar thanking Safety Director, etc., for Gang Task Force; 3) Member Diamond thanking Fire Dept for Stark State program; 4) Mayor re: update on mtgs w/neighborhood organizations; 5) Member Bernabei requested update from the Administration on the Summit housing project.

ADJOURNMENT TIME: 9:47 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MAY 16, 2005 @ 7:30 PM