

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

OCTOBER 30, 2006

ROLL CALL: All Councilmembers present

INVOCATION: Given by Kelly Zachary, Ward 4 Council Member

PLEDGE OF ALLEGIANCE: Led by Council President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#4-17; O#12 Withheld in Cmte; Re#85 Ref. to Judiciary Cmte)

PUBLIC HEARINGS:

7:30 PM AN ORDINANCE VACATING PORTIONS OF MARYLAND AVENUE SW, ROSLYN AVE SW & BELLFLOWER AVE SW; APPROVING & ACCEPTING THE REPLATTING OF 13.999 ACRES OF LAND; & DECLARING THE SAME TO BE AN EMERGENCY; (MARATHON); ASSIGNING TO WARD 5; (PLNG COMMISSION RECOMMENDED APPROVAL) (No Speakers) See O#197/2006

7:31 PM AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; & DECLARING THE SAME TO BE AN EMERGENCY; (CITY OF CANTON); ASSIGNING TO WARDS 4 & 5; 17<sup>th</sup> ST SE FR: SOMERSET SE TO START OF I-1 LIGHT INDUSTRIAL FR: R-2 TWO FAMILY RESIDENTIAL TO R-1a TO SINGLE FAMILY RESIDENTIAL; BELDEN SE FROM I-1 LIGHT INDUSTRIAL TO I-2 HEAVY INDUSTRIAL DISTRICT - (PLNG COMMISSION RECOMMENDED APPROVAL) (No Speakers) See O#198/2006

7:32 PM AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; & DECLARING THE SAME TO BE AN EMERGENCY; (WXZ RETAIL); ASSIGNING TO WARD 4; B-3 GENERAL BUSINESS & R-1a SINGLE RESIDENTIAL TO PB-3 PLANNED GENERAL BUSINESS (PLNG COMMISSION RECOMMENDED APPROVAL) (2 Speakers) See O#199/2006

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): (None)

INFORMAL RESOLUTIONS:

VICE PRESIDENT DON CASAR: EXCUSING MEMBERS (Not Necessary, all members present)

83. COUNCIL-AS-WHOLE & PRES SCHULMAN: COMPLIMENTING & COMMENDING MEMBERS OF CANTON DETECTIVE BUREAU & ENTIRE CANTON CITY POLICE DEPT. FOR SWIFT APPREHENSION OF SUSPECTS IN RECENT HEINOUS CRIMES IN OUR COMMUNITY. - ADOPTED

84. C O U N C I L - A S - A - W H O L E & P R E S S C H U L M A N : COMMENDING JULIE HERMAN, TEACHER, FOR RECEIVING THE MILKEN NATIONAL EDUCATOR AWARD. - ADOPTED

85. WEST, T., WARD 2 COUNCILMBR: SUPPORTING RESEARCH & EXPLORATION OF LEGAL MEASURES TO BANISH CONVICTS FROM BARS, TAVERN & CLUBS TO REDUCE VIOLENCE IN LIQUOR ESTABLISHMENTS. -~~ADOPTED~~  
Referred to Judiciary Committee

86. COUNCIL-AS-A-WHOLE & PRES SCHULMAN: SUPPORTING RE-ESTABLISHMENT OF A FORM OF COMMUNITY POLICING IN NEIGHBORHOODS TO HELP COMBAT CRIME: - ADOPTED

COMMUNICATIONS:

505. CANTON POLICE DEPARTMENT: 2005 ANNUAL REPORT. - RECEIVED & FILED

506. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF WITHDRAW OF OBJECTION TO APPLICATION FOR MURPHY OIL USA, INC., DBA MURPHY USA, INC., @ 4030 TUSCARAWAS ST, WEST. - RECEIVED & FILED

507. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO APPOINT MARCIA ZAWACKY TO THE FAIR HOUSING BOARD TERM EXPIRING ON 12/31/07. - PERSONNEL CMTE

508. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO APPOINT WILLIAM EUSTATHIOS TO THE BOARD OF BUILDING APPEALS TERM EXPIRING ON 12/31/08. - PERSONNEL CMTE

509. PHILLIPS, DANIEL, APPLICANT: ZONE CHANGE APPLICATION FOR 1800 - 9TH ST SW FR: R-1A TO: PB-3 FOR CARRY OUT RESTAURANT & RETAIL SHOP. - PLNG COMMISSION

510. POTROOS, HANY, APPLICANT: ZONE CHANGE APPLICATION FOR 2317 - 13TH ST NW FR: B-3 TO: PB-4 ADDING AN ELECTRONIC MESSAGE DISPLAY PANEL. - PLNG COMMISSION

COMMUNICATIONS - CON'T:

511. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION TO ENTER INTO A CONTRACT W/COOPER & ASSOC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR OSNABURG TWP WATER MAIN EXTENSION PROJECT IN AMT NOT TO EXCEED \$53,500.00; REQUEST SUPPLEMENTAL APPROPRIATION OF SAME FR: THE UNAPPROPRIATED BALANCE OF THE 5201 FUND TO: 5201 WATER DISTRIBUTION. - FINANCE & ENV. & PUB UTIL CMTES

512. SERVICE DIR., CONCATTO: REQUESTING APPROVAL FOR EMERGENCY REPLACEMENT OF BACKWASH PUMP IN WPCC & TO MAKE \$41,359.00 PAYMENT TO ESTABROOK CORPORATION IN ACCORDANCE W/CITY CODE SEC. 105.04, EMERGENCY CONTRACT. PROCEDURES. - FINANCE CMTE
513. TRILLIUM FAMILY SOLUTIONS: ANNUAL REPORT TO THE COMMUNITY FR: 7/1/05 - 6/30/06. - RECEIVED & FILED
514. WILLIAMS, ERIC, ATTORNEY: MOTION FOR EXTENSION OF TIME TO FILE BRIEF OF APPELLANT & JUDGMENT ENTRY FOR FILING IN THE CASE: PLAIN TWP BD OF TRUSTEES V. BD OF CTY COMMISSIONERS, STARK CTY, ET AL (DIANO ANNEXATION). - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. AMENDING SECTIONS 157.01 & 157.05, CHAPTER 157, MINORITY EMPLOYMENT OPPORTUNITY OF POLICE & FIRE ADMINISTRATIVE CODE OF CODIFIED ORDINANCES  
Referred to JUDICIARY COMMITTEE
- 1<sup>ST</sup> RDG 2. AUTHORIZE THE DIR OF PUBLIC SAF TO ACCEPT DONATION ASSISTING IN PURCHASE OF SMOKE DETECTORS; AMEND APPROPRIATION ORD NO. 1/2006, AS AMENDED, BY MAKING \$1,000 SUPPLEMENTAL APPROPRIATION FR: UNAPP. BAL. OF 2783 FIRE DONATION FUND TO: 2783 FIRE DONATION FUND.  
Referred to FINANCE COMMITTEE
- 1<sup>ST</sup> RDG 3. AUTHORIZE THE DIR OF PUBLIC SERV TO ENTER INTO AGREEMENT W/THE STARK CTY METROPOLITAN SEWER DISTRICT FOR PURCHASE OF SANITARY SEWER CONVEYANCE RIGHTS IN AN AMT NOT TO EXCEED \$91,136.09; EMERGENCY  
Referred to FINANCE AND ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD O#4-17; O#12 WITHHELD IN CMTE**

- 2<sup>ND</sup> RDG 4. APPROVE & ACCEPT THE REPLAT OF LOTS 4682 THRU 4684; APPROVE & ACCEPT THE DEDICATION OF A PORTION OF THE INTERSECTION OF TYLER AVENUE SE & 4TH STREET SE; EMERGENCY (PS&T)
- 2<sup>ND</sup> RDG 5. AUTHORIZE THE MAYOR OR DIR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT W/COT-PURITECH PURSUANT TO THE CITY'S JOB CREATION INCENTIVE PROGRAM; EMERGENCY. (C&ED)
- 2<sup>ND</sup> RDG 6. AUTHORIZE THE MAYOR OR DIR OF PUBLIC SERVICE TO ACCEPT A \$120,000 PER YEAR GRANT FOR A 3-YEAR FAIR HOUSING ASSISTANCE PROGRAM; AUTHORIZE THE MAYOR OR DIR OF PUBLIC SERVICE TO ENTER INTO A MONTH TO MONTH CONTRACT W/STARK COUNTY REGIONAL PLANNING COMMISSION TO PROVIDE FAIR HOUSING SERVICES FOR THE CITY OF CANTON; EMERGENCY. (C&ED & FIN)
- 2<sup>ND</sup> RDG 7. AUTHORIZE THE MAYOR TO FILE W/THE US DEPT OF HOUSING & URBAN DEVELOPMENT A 2007 CONSOLIDATED PLAN FOR THE 2007 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2007 HOME INVESTMENT PARTNERSHIP PROGRAM & 2007 EMERGENCY SHELTER GRANT PROGRAM; RATIFYING SUBMISSION & FILING OF SAID PLAN; AUTHORIZE THE MAYOR TO EXECUTE GRANT AGREEMENTS W/THE US DEPT OF HOUSING & URBAN DEVELOPMENT & TO ACCEPT FUNDING FOR THE 3 PROGRAMS; EMERGENCY (C&ED & FIN)
- 2<sup>ND</sup> RDG 8. AUTHORIZE THE MAYOR TO ENTER INTO A FUNDING AGREEMENT W/STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC., TO PROVIDE HOME FUNDS IN AN AMOUNT NOT TO EXCEED \$240,000 FOR THE WILLOW PARK HOUSING PROJECT; EMERGENCY. (C&ED & FIN)
- 2<sup>ND</sup> RDG 9. APPROVE & ACCEPT REPLAT OF LOTS 7891 AND 40796; APPROVE & ACCEPT THE DEDICATION OF ADDITIONAL RIGHT-OF-WAY FOR A 15 FOOT TURN-OUT RADIUS; EMERGENCY. (PS&T)
- 2<sup>ND</sup> RDG 10. APPROVE & ACCEPT REPLAT OF PART OF LOT 793; EMERGENCY. (PS&T)
- 2<sup>ND</sup> RDG 11. APPROVE & ACCEPT REPLAT OF PART OF OUTLOT 215; EMERGENCY. (PS&T)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING -CON'T:**WITHHELD IN**

- CMTE 12. AUTHORIZE THE AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$3,155.96 TO EWING CHEVROLET & \$4,862.81 TO TREAD CORP; EMERGENCY. (FIN)
- 2<sup>ND</sup> RDG 13. AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT W/MERCY MEDICAL CENTER & CONCERN; EMERGENCY. (FIN)
- 2<sup>ND</sup> RDG 14. AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO AMENDED CONTRACTS W/OHIO POWER CO., TO PROVIDE ELECTRIC ENERGY TO THE HARRISBURG RD., N.E., WATER FIELD & SUGARCREEK WATER FIELD; EMERGENCY. (JUD)
- 2<sup>ND</sup> RDG 15. AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO A 5 YEAR LEASE/PURCHASE CONTRACT W/DIGITAL & ANALOG DESIGN CORP. FOR VOICE COMMUNICATION SYSTEM EQUIPMENT PURSUANT TO O.R.C. SECTION 125.04; AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO CONTRACT W/KEY GOVERNMENT FINANCE, INC. FOR A TAX-EXEMPT MUNICIPAL GOVERNMENT

LEASE FOR THE PURCHASE OF SAID EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$750,000; EMERGENCY. (FIN)

2<sup>ND</sup> RDG 16. RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY TO THE PROPERTY OWNER IN THE REIFSNYDER PARK/PARK POULTRY ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; EMERGENCY (ANNEX)

2<sup>ND</sup> RDG 17. RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE HARMONT EAST ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; EMERGENCY. (ANNEX)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING AND VOTE:

197/2006 18. VACATING PORTIONS OF MARYLAND AVE S.W., ROSLYN AVE S.W. & BELLFLOWER AVE S.W.; APPROVING & ACCEPTING THE REPLATTING OF 13.999 ACRES OF LAND; EMERGENCY (MARATHON). **PUBLIC HRG. 10/30/06 @ 7:30 P.M.**

198/2006 19. AMEND ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (CITY OF CANTON). **PUBLIC HRG. 10/30/06 @ 7:31 P.M.**

199/2006 20. AMEND ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (WXZ RETAIL). **PUBLIC HRG. 10/30/06 @ 7:32 P.M.**

200/2006 21. AMENDING SECTION 151.10, HEALTH & WELFARE BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON.

201/2006 22. AMEND APPROPRIATION ORDINANCE NO. 1/2006 BY MAKING THE SUPPLEMENTAL APPROPRIATION OF \$5,429.15 FR: UNAPPROPRIATED BALANCE OF THE 2111 STREET MAINTENANCE FUND TO: 2111 10/40/20 MAJOR EQUIPMENT; EMERGENCY.

202/2006 23. AUTHORIZE THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$825.39 TO OFFICE MAX CONTRACT, INC.; EMERGENCY.

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, NOVEMBER 6, 2006 @ 6:30 P.M. IN CAUCUS ROOM

1. Judiciary Committee
2. Finance Committee
3. Personnel Committee

PUBLIC SPEAKS: Rhonda Smith re: Neighborhood Crime; Richard Kendig re: complimenting Health Departments on their coordinated effort with the Flu Clinic held at Stark County Fairgrounds

MISCELLANEOUS BUSINESS: Kelly Zachary encouraged all citizens to report any info re: drug dealers, drug houses & any illegal neighborhood activity & work w/ Police Department to help deter crime in the city, announced Zutali mtg, announced Rally @ Old Timers Club in conjunction w/Stark State on Nov.11, 2006 fr: 1 to 3 pm; Richard Hart re; Res #84 to be presented to Julie Herman next week

ADJOURNMENT TIME: 8:08 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, NOVEMBER 6, 2006 @ 7:30PM