### AGENDA

CANTON CITY COUNCIL 7:30 P.M. JUNE 16, 2003

ROLL CALL: 10 present, 2 absent (Casar, Carbenia)

INVOCATION: Given by 7th Ward Councilmember Richard D. Hart

PLEDGE OF ALLEGIANCE: Led by President of Council President Ray Denczak

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2<sup>nd</sup> Rdg Ordinances #17, 20-22, 25-29, 31-32; Suspended Rule 24B to add Resolution #53; Adopted all 2<sup>nd</sup> Reading Ordinances)

PUBLIC HEARINGS: (None)

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

#### **INFORMAL RESOLUTIONS:**

VICE PRESIDENT SMUCKLER: EXCUSING MEMBERS CASAR & CARBENIA.

52. CARBENIA, WARD 9 MEMBER: COMMENDING OFF-DUTY POLICE OFFICER GERALD ZACHARY FOR HEROIC

RESCUE FROM A BURNING BUILDING. - ADOPTED

**SUSPENDED RULE 24B TO ADD #53:** 

53. ENVIRONMENTAL & PUBLIC AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO RIGHT OF ENTRY
UTILITIES COMMITTEE: AGREEMENT WITH STARK COUNTY COMMISSIONERS FOR CONSTRUCTION

OF A 15" SANITARY SEWER LINE ALONG 30<sup>th</sup> STREET NE. - ADOPTED

**COMMUNICATIONS:** 

219. AUDITOR PEREZ: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 6/4/03. - CLERK

OF COUNCIL

220. AUDITOR PEREZ: MONTHLY REPORT BY FUND FOR 5/1/03 - 5/30/03. - RECEIVED & FILED

221. AUDITOR PEREZ: YEARLY REPORT BY FUND FOR 1/1/03 - 5/30/03. - RECEIVED & FILED

222. CANTON ASSOCIATES: REQUEST TO REZONE OL#842 & PT OF OL#800 LOCATED @ 3200 ATLANTIC

BLVD NE FROM B3 TO PB-4, PLANNED SPECIAL BUSINESS, FOR CONSTRUCTION OF WAL-MART STORE & PAVED PARKING AREA. - PLANNING

COMMISSION (See C#240 & O#5 ,1st Rdg)

223. CITIZENS FOR BETTER STARK CTY: THANKING COUNCIL FOR PASSAGE OF A RESOLUTION IN SUPPORT OF THE

STARK COUNTY SALES TAX. - RECEIVED & FILED

224. COMMUNITY DEVELOPMENT DEPT: TITLE WORK TO PROPERTY LOCATED ON SW CORNER OF MAHONING/

14<sup>th</sup> NE DONATED BY J.R. COLEMAN COMMUNITY RENOVATION CORP. -

RECEIVED & FILED (See O#100/2003 adopted 6/2/03)

225. FRICKER, JAMES & PATRICIA: REQUEST TO REZONE LOT #29043 LOCATED @ 2409-2411 4<sup>th</sup> ST NW FROM

R-1a TO PR-2, PLANNED TWO-FAMILY RESIDENTIAL, TO REGAIN DUPLEX

STATUS. - PLANNING COMMISSION

226. HARDING, DANIEL & MARCIA: REQUEST TO REZONE OL#837 LOCATED @ 4330 KIRBY AVE NE FROM R-1a

TO PB-3, PLANNED GENERAL BUSINESS, FOR EXPANSION OF EXISTING

BUSINESS (HARDING'S PARK CYCLE). - PLANNING COMMISSION

227. HEALTH BENEFITS ADMIN BRESSON: MAY 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS, AND

JANUARY-MAY 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED &

FILED

228. HEALTH COMMISSIONER PATTISON: REQUEST FOR APPROVAL OF PAYMENT OF \$3,498.51 AS A MORAL

OBLIGATION TO THE WORKSHOPS, INC. FOR JANITORIAL SERVICES

PROVIDED IN MAY 2003. - LAW DIRECTOR

## **COMMUNICATIONS CONTINUED:**

229. LAW DIRECTOR MARTUCCIO:

RECOMMENDING AUTHORIZATION TO EXECUTE RELEASE & ASSIGNMENT OF CLAIM & ANY OTHER NECESSARY AGREEMENTS TO SETTLE CASE NO. 02 CV 2240 WHEREIN BLACKTOP PAVERS SUED THE CITY REGARDING MARIETTA AVE NE IMPROVEMENT PROJECT. - RECEIVED & FILED (See O#7, 1st Rdq)

230. LIQUOR CONTROL DIVISION,

STATE OF OHIO:

REQUEST FOR NEW D5 LIQUOR LICENSE BY FREEWAY TAVERN INC, dba MALLONN'S GRILL & BAR LOCATED @ 2234 W TUSC. -INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

231. LIQUOR CONTROL DIVISION,

STATE OF OHIO:

REQUEST FOR NEW C1, C2 LIQUOR LICENSE BY AMEERS, dba IN 'N OUT LOCATED @ 805 MCKINLEY SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

232. LIQUOR CONTROL DIVISION,

STATE OF OHIO:

REQUEST FOR STOCK TRANSFER IN THE C2, C2X, D6 LIQUOR LICENSE BY CANTON HORIZON PETROLEUM, dba GASCO EXPRESS MART, LOCATED @ 3325 HARMONT NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

233. LIQUOR CONTROL DIVISION, STATE OF OHIO:

REQUEST FOR TRANSFER OF OWNERSHIP D2, D2X, D3, D3A LIQUOR LICENSE FROM RICHARD A. MALLONN II TO MALLONN'S, INC., dba MALLONN'S FINE FOOD & SPIRITS, LOCATED @ 2412 W TUSC. -INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

234. LIQUOR CONTROL DIVISION, STATE OF OHIO:

REQUEST FOR STOCK TRANSFER IN THE D2, D2X, D3 LIQUOR LICENSE BY PAONE & SONS, dba CONESTOGA RESTAURANT & BAR LOCATED @ 221 2nd STREET NW, 1st FL & BSMT. - INTERGOVERNMENTAL & PUB SRV CMTE

235. MALLONN, WARD 3 MEMBER:

REQUEST THAT COUNCIL OBSERVE CERTAIN PROCEDURES DUE TO CONFLICT OF INTEREST RE: OWNERSHIP TRANSFER OF D2, D2X, D3, D3A LIQUOR PERMIT LOCATED @ 2412 W TUSC. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

236. MARATHON ASHLAND PETROLEUM:

REQUEST VACATION & REPLAT OF PORTIONS OF ROSLYN, MARYLAND, BROOKS, LINWOOD, BELLFLOWER,  $22^{ND}$  &  $23^{RD}$  STREETS SW FROM GAMBRINUS AVE TO CORPORATION LINE. - PLANNING COMMISSION

237. MAYOR WATKINS:

NOTICE OF APPOINTMENT OF DR. PETER FERGUSON TO REPLACE TIM FOLEY ON CANTON CIVIL SERVICE COMMISSION EFFECTIVE 6/3/03 - 12/31/07. -RECEIVED & FILED

238. MAYOR WATKINS:

REQUEST FOR ADOPTION OF 2004 CITY OF CANTON TAX BUDGET & REQUEST THAT PUBLIC HEARING BE SCHEDULED FOR JUNE 30, 2003 @ 7:30 PM FOR CONSIDERATION OF SAME. - PRESIDENT OF COUNCIL (See C#241 & O#8, 1st Rdg)

239. OHIO DEPT OF TRANSPORTATION:

COPY OF EXECUTED COOPERATIVE CONTRACT BETWEEN CITY OF CANTON & ODOT RE: UPGRADE OF INTERSECTIONS ALONG CLEVELAND AVE NW, 8<sup>TH</sup> TO 47<sup>TH</sup> STREET. - RECEIVED & FILED (See 96/2003 adopted 5/19/03)

240. PLANNING COMMISSION:

RECOMMENDING APPROVAL OF ZONE CHANGE REQUEST BY CANTON ASSOCIATES FOR 3200 ATLANTIC BLVD NE FROM B-3 TO PB-4, PLANNED SPECIAL BUSINESS, TO PERMIT A NEW WAL-MART SUPERSTORE. - LAW DIRECTOR PUB HRG 7/14/2003 @ 7:34 PM (See O#5, 1st Rdg)

241. PRESIDENT OF COUNCIL DENCZAK:

SCHEDULING PUBLIC HEARING FOR JUNE 30, 2003 @ 7:30 PM RE: CITY OF CANTON'S YEAR 2004 TAX BUDGET. - RECEIVED & FILED

242. SAFETY DIRECTOR CONCATTO:

REQUEST LEGISLATION AUTHORIZING DONATION OF USED TURNOUT GEAR TO STARK STATE COLLEGE OF TECHNOLOGY FIRE SCIENCE DEPT. - LAW DIRECTOR

243. SAFETY DIRECTOR CONCATTO:

REQUEST LEGISLATION AUTHORIZING ACCEPTANCE OF \$1,960.42 GRANT FROM THE OHIO DEPT OF PUBLIC SAFETY FOR THE FIRE DEPT, & \$1,960.42 SUPPLEMENTAL APPROPRIATION FROM 2812 EMS TRAINING & EQUIPMENT FUND. - LAW DIRECTOR (See O#9, 1st Rdg)

## **COMMUNICATIONS CONTINUED:**

244. SAFETY DIRECTOR CONCATTO:

REQUEST TO AMEND CITY CODE SEC. 1351.02(b) TO INCLUDE IRC APPLICABILITY FOR CONSTRUCTION OF SINGLE, TWO & THREE DWELLING UNIT RESIDENTIAL STRUCTURES . - LAW DIRECTOR (See O#10, 1st Rdq)

- SUPERCENTER; EMERGENCY PUB HRG 7/14/03 @ 7:34 PM Referred to Second Reading Portion of Next Agenda.
- <u>1<sup>ST</sup> RDG</u> 6. APPROVING A WATER MAIN EXTENSION TO SERVICE CANTON SOUTH HIGH SCHOOL & AMOS McDANNEL ELEMENTARY SCHOOL IN CANTON TOWNSHIP: AUTHORIZING SERVICE DIRECTOR TO CONTRACT FOR SAME; EMERGENCY

Referred to Environmental & Public Utilities Committee.

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- <u>1<sup>ST</sup> RDG</u> 7. AUTHORIZING SETTLEMENT OF BLACKTOP PAVERS SHEET METAL COATINGS v. CITY OF CANTON, et al., CASE #02CV2240, FOR \$50,000.00; EMERGENCY Referred to Finance Committee.
- 1st RDG 8. ADOPTING CITY OF CANTON'S PROPOSED TAX BUDGET FOR FISCAL YR ENDING 12/31/04; EMERGENCY Referred to Finance Committee. PUB HRG 6/30/03 @ 7:30 PM
- 1st RDG 9. AUTHORIZING SAFETY DIRECTOR TO ACCEPT \$1,960.42 GRANT FROM OHIO DEPT OF PUBLIC SAFETY TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT FOR FIRE DEPT; AMENDING 0.236/2002 FOR \$1,960.42 SUPPLEMENTAL APPROPRIATION FROM EMS TRAINING & EQUIPMENT FUND; EMERGENCY.

Referred to Public Property Capital Improvement & Finance Committees.

- 10. AMENDING CITY CODE CHAPTER 1313, ELECTRICAL; CHAPTER 1315, PLUMBING; CHAPTER 1317, HEATING, VENTILATING & AIR CONDITIONING; CHAPTER 1333, RESIDENTIAL BUILDING CODE; & CHAPTER 1351, PURPOSE & SCOPE Referred to <u>Judiciary Committee</u>.
- 11. AUTHORIZING THE SAFETY DIRECTOR TO MAKE APPLICATION FOR & ACCEPT A \$36,607 GRANT FROM THE OFFICE OF THE GOVERNOR'S HIGHWAY SAFETY REP FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM; EMERGENCY
  Referred to Finance Committee.
- \*109/2003

  12. DECLARING 7 BUILDINGS PUBLIC NUISANCES; AUTHORIZING SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR DEMOLITION OF SAME; AUTHORIZING CLERK OF COUNCIL TO CERTIFY COSTS OF DEMOLITION TO STARK COUNTY AUDITOR; EMERGENCY

Referred to Community & Economic Development & Finance Committees.

- 13. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$23,500 CONTRACT WITH FINKBEINER, PETTIS & STROUT TO CONDUCT SANITARY SEWER STUDY TO PROVIDE SEWER SERVICES TO THE I-77/FAIRCREST ANNEXATION AREA; AMENDING 0.236/2002 FOR \$23,500 TRANSFER FROM SEWER-DAILY OPERATIONS FUND; EMERGENCY.

  Referred to Environmental & Public Utilities & Finance Committees.
- 14. AUTHORIZING PAYMENT OF MINIMUM SCOG ALLOCATION OF 5%FOR BALANCE OF 2003; EMERGENCY. Referred to <u>Finance Committee</u>.

# \*7:56-8:02 PM Recess for committee meeting on 0#12, which was returned to agenda for adoption.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

#### SUSPENDED RULE 22A TO ADD ORDINANCES #17, 20-22, 25-29, & 31-32:

- 110/2003 15. AUTHORIZING A CONTRACT AMENDMENT BETWEEN CITY OF CANTON & AFSCME LOCAL 2937 RE: WATER DIVISION: EMERGENCY
- 111/2003 16. AMENDING BARGAINING UNIT PERSONNEL 0.40/2000 IN WATER DIVISION TO REFLECT CONTRACT AMENDMENT WITH AFSCME LOCAL 2937; EMERGENCY
- 17. AUTHORIZING SAFETY DIRECTOR TO ACCEPT A \$940 GRANT FROM OHIO DEPARTMENT OF PUBLIC SAFETY FOR PURCHASE OF A COMPUTER TO REPORT TO OHIO EMS INCIDENT REPORTING SYSTEM; AMENDING 0.236/2002 FOR \$940 SUPPLEMENTAL APPROPRIATION FROM THE 2812 EMS TRAINING & EQUIPMENT FUND; EMERGENCY
- 113/2003 18. APPROVING A WATER MAIN EXTENSION ALONG DIAMOND STREET, DAWNWOOD AVENUE & WILLIAM STREET NE IN PLAIN TWP; AUTHORIZING THE SERVICE DIRECTOR TO CONTRACT FOR SAME; EMERGENCY
- 19. APPROVING A WATER MAIN EXTENSION TO SARATOGA HILLS SUBDIVISION IN PLAIN TWP; AUTHORIZING THE SERVICE DIRECTOR TO CONTRACT FOR SAME; EMERGENCY
- 20. AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO A \$150,000 CONTRACT FOR PHASE I CONSTRUCTION OF THE REIFSNYDER PARK WETLAND; A \$13,900 CONTRACT WITH URS CORPORATION FOR BIDDING & CONSTRUCTION SERVICES; & AMENDING 0.236/2002 FOR A \$163,900 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND; EMERGENCY
- 116/2003 21. AMENDING 0.236/2002 FOR A \$50,000.00 SUPPLEMENTAL APPROPRIATION FROM THE 2155 CORNERSTONE PARKING DECK FUND; EMERGENCY

### ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 117/2003 22. AMENDING O.236/2002 FOR A \$126,804.07 SUPPLEMENTAL APPROPRIATION FROM THE 5219 LAKE-HARTVILLE WATER LINE EXTENSION FUND & \$10,748.58 FROM THE 5202 WATER WORKS-DEBT SERVICE FUND TO REPAY OWDA DEBT OBLIGATIONS: EMERGENCY
- 118/2003 23. AUTHORIZING THE SERVICE DIRECTOR TO EXECUTE & DELIVER AN EASEMENT FOR CITY OWNED PROPERTY TO COPLEY OHIO NEWSPAPERS TO CONSTRUCT & MAINTAIN FOOTERS, FOUNDATIONS & STRUCTURAL SUPPORT TO CONSTRUCT AN ADDITION TO THE EXISTING REPOSITORY BUILDING; EMERGENCY
- 119/2003 24. AUTHORIZING SERVICE DIRECTOR TO EXECUTE & DELIVER EASEMENT OF CITY OWNED PROPERTY TO EUGENE C. WACKERLY, INC. TO CONSTRUCT, MAINTAIN, REPAIR, REPLACE, USE & OPERATE A PERMANENT UNDERGROUND UTILITY LINE; EMERGENCY.
- 120/2003 25. AUTHORIZING CITY AUDITOR TO PAY \$1,178.00 MORAL OBLIGATION TO THE WEST GROUP FOR THE HOUSING & DEVELOPMENT REPORTER SUBSCRIPTION RENEWAL; EMERGENCY
- 121/2003 26. AMENDING 0.17/89 TO AUTHORIZE THE MAYOR TO ENTER INTO AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER AN ADDITIONAL \$600,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; EMERGENCY
- 122/2003 27. AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONTRACT WITH THE CANTON COMMUNITY CLINIC, INC. TO PROVIDE A \$251,000 GRANT FOR OPERATIONAL EXPENSES; EMERGENCY
- 28. AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A \$160,000 GRANT FOR A COMPREHENSIVE DOWNTOWN DEVELOPMENT PLANNING ASSISTANCE PROGRAM & AN ECONOMIC DEVELOPMENT PROGRAM; FMFRGENCY
- 29. AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO A \$104,000 CONTRACT WITH THE STARK COUNTY DISTRICT LIBRARY FOR FURNITURE & EQUIPMENT FOR THE MADGE YOUTZ LIBRARY; EMERGENCY
- 125/2003 30. TERMINATING REAL ESTATE & PERSONAL PROPERTY TAX EXEMPTIONS FOR DANNER PRESS CORPORATION & DBH ASSOCIATES; EMERGENCY
- 126/2003 31. AMENDING O.122/92 AUTHORIZING MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. FOR AN ADDITIONAL AMOUNT OF \$406,124.00; EMERGENCY
- 127/2003 32. ESTABLISHING FAIR REUSE VALUE OF TWO PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE & CONVEYANCE TO HABITAT FOR HUMANITY PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM: FMFRGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING: (None)

# ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, June 23, 2003 @ 5:00 PM, Caucus Room

1. Intergovernmental & Public Service Committee

Monday, June 30, 2003 @ 6:15 PM, Caucus Room

- 1. Finance Committee
- 2. Environmental & Public Utilities Committee
- 3. Public Property Capital Improvement Committee
  - 4. Judiciary Committee

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): (Council heard 11 speakers)

MISCELLANEOUS BUSINESS: Re: safety issues, flooding, clean ups, money for travel, sexually-oriented businesses.

ADJOURNMENT TIME: 10:15 PM