

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

MARCH 7, 2005

ROLL CALL: All 12 Councilmembers Present  
INVOCATION: Given by Ward 1 Councilmember Greg Hawk  
PLEDGE OF ALLEGIANCE: Led by President of Council Ray Denczak

AGENDA CORRECTIONS & CHANGES: (Resolution #26 was withdrawn; Rule 24B was suspended to add Re#27&28; Resolution #29 was retained in cmte; Rule 22A was suspended to add Comm #152 & 2<sup>nd</sup> Rdg O#12-16; 1<sup>st</sup> Rdg O#8 was adopted.)

PUBLIC HEARINGS: None

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

INFORMAL RESOLUTIONS:

VICE PRESIDENT DONALD E. CASAR: EXCUSING MEMBERS. (Not necessary—all Members present)

25. BABCOCK, MEMBER-AT-LARGE: COMMENDING J.R. COLEMAN OUTREACH SERVICES ON THEIR 30<sup>TH</sup> YEAR ANNIVERSARY. - ADOPTED

26. INTERGOV & PUB SERV CMTE: OBJECTING TO D5 LIQUOR PERMIT TRANSFER FROM JIMMY E. BALL, dba BALLROOM @331 CLEVELAND AVE NW TO RICK A. TUCKER, dba EL JALAPENO @ 315 CLEVELAND AVE NW. - **WITHDRAWN**

**SUSPENDED RULE 24B TO ADD RE#27&28:**

27. PERSONNEL COMMITTEE: APPROVING MAYOR'S REAPPOINTMENT OF SIMON COHEN TO THE INCOME TAX BOARD OF REVIEW FOR A 4 YR TERM FROM 3/1/05 TO 2/28/09. - ADOPTED See C#140

28. PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENTS OF 14 MEMBERS TO THE HOUSING ADVISORY BOARD. - ADOPTED See C#141

29. PERSONNEL COMMITTEE: AUTHORIZING PLACEMENT OF CURTIS BUNGARD IN STEP 3 OF GRADE 2 @ A \$66,633 ANNUAL SALARY RETROACTIVE TO 2/1/05 DURING HIS TEMPORARY APPOINTMENT AS CIVIL ENGINEER. - **RETAINED IN CMTE**

COMMUNICATIONS:

130. AUDITOR MALLONN: MONTHLY REPORT BY FUND FOR 2/1/05 - 2/28/05. - RECEIVED & FILED

131. AUDITOR MALLONN: YEARLY REPORT BY FUND FOR 1/1/05 - 2/28/05. - RECEIVED & FILED

132. AUDITOR MALLONN: CERTIFICATE OF TOTAL AMOUNT FROM ALL SOURCES FOR 2005 DATED 3/2/2005. - CLERK OF COUNCIL

133. COOK, MARC J.: SOLICITING SUPPORT TO BRING ANOTHER PROFESSIONAL/MINOR LEAGUE SPORTS TEAM TO NORTHEAST OHIO. - MAYOR & COMMUNITY ECONOMIC DEVELOPMENT CMTE

134. DIAMOND, WARD 8 MEMBER: REQUESTING INFORMATION FROM MAYOR REGARDING REQUEST TO REORGANIZE TRAFFIC & CIVIL ENGINEERING DEPTS. - REC'D & FILED

135. KUHNS, LINDA S.W.: ASKING COUNCIL TO RECONSIDER ALLOWING SHAWN O'BRIEN TO DEVELOP 15 NEW HOMES BETWEEN CLEVELAND AVE NW, STEESE AVE NW, 44<sup>TH</sup> ST NW & 42<sup>ND</sup> ST NW IN WARD 8. - PUBLIC SAFETY & THOROUGHFARES CMTE

136. LIQUOR CONTROL DIVISION (OHIO): CONTINUANCE OF HEARING 2/23/05 ON PERMIT RENEWAL REQUEST BY ID ABBOU, INC. dba HALL OF FAME MARKET, 704 SHERRICK RD SE, UNIT A. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

137. LIQUOR CONTROL DIVISION (OHIO): CONTINUANCE OF HEARING 2/23/05 ON PERMIT RENEWAL REQUEST BY TRASH ENTERPRISES, INC., dba CHERRY MARKET, 1494 CHERRY AVE SE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

138. LIQUOR CONTROL DIVISION (OHIO): REQUEST BY HOG HEAVEN OF CANTON, INC., dba HOG HEAVEN, 2730 CLEVELAND AVE NW FOR OWNERSHIP TRANSFER OF D5 LIQUOR PERMIT FROM BYRON C. ROSENTHAL. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

COMMUNICATIONS CONTINUED:

139. MAYOR CREIGHTON: ADMINISTRATION'S POLICY FOR EXTENDING CITY WATER LINES OUTSIDE THE CITY LIMITS. - RECEIVED & FILED

140. MAYOR CREIGHTON: REQUESTING APPROVAL OF APPOINTMENT OF SIMON COHEN TO THE INCOME TAX BOARD OF REVIEW FOR 4 YR TERM FROM 3/1/05 TO 2/28/09. - PERSONNEL COMMITTEE See Re#27
141. MAYOR CREIGHTON: REQUESTING APPROVAL OF APPOINTMENTS TO THE HOUSING ADVISORY BOARD: BRENDA BAYLOR, FR. KLINGER, JOEL OWENS, JOHN PICARD, JOE RACE, MIKE WILLIAMS & REV. MORGAN TO 2 YR TERMS 3/1/05-2/28/07; & SUE FOWLER, GREG HAWK, MIKE KING, JOHN RING, DAVE ROBERTS, MIKE RUKAVINA & JOYCE ZACHARY TO 1 YR TERMS 3/1/05-2/28/06. - PERSONNEL COMMITTEE See Re#28
142. MAYOR CREIGHTON: REQUESTING APPROVAL OF REAPPOINTMENT OF DR. FREDERICK WHITTIER TO THE CANTON HEALTH BOARD FOR A 5 YR TERM FROM 4/1/05 TO 3/31/10. - PERSONNEL COMMITTEE
143. PICARD, JOHN P., ARCHITECT: REQUEST TO VACATE DEWALT AVE NW BETWEEN 6<sup>TH</sup> ST NW & 8<sup>TH</sup> ST NW FOR DEVELOPMENT OF CANTON SENIOR CENTER CAMPUS. - PLANNING COMMISSION
144. PICARD, JOHN P., ARCHITECT: REQUEST TO VACATE 10<sup>TH</sup> ST NE BETWEEN THE EASTERLY RIGHT OF WAY OF PAYNE CT NE & THE WEST RIGHT OF WAY OF WARNER RD NE FOR FUTURE DEVELOPMENT OF ADDITIONAL PARKING FOR SHMA. - PLANNING COMMISSION
145. SAFETY DIRECTOR HUNT: REQUESTING APPROVAL FOR DEMOLITION OF 21 PROPERTIES (922 3<sup>RD</sup> St NW, etc.). - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE CMTE
146. SERVICE DIRECTOR CONCATTO: REQUESTING AUTHORIZATION FOR LAW DEPT TO PREPARE A LEASE AGREEMENT & ALL NECESSARY LEGISLATION NECESSARY FOR A 1 YR LEASE OF THURMAN MUNSON STADIUM TO THE GREATER AKRON ATHLETIC CLUB (GAAC). - PARKS & RECREATION & PUBLIC PROPERTY CAPITAL IMPROVEMENT CMTE
147. STARK COUNTY COMMISSIONERS: GRANTING SHAWNEE/CANTON TOWNSHIP ANNEXATION CONSISTING OF 15.561 ACRES IN CANTON TOWNSHIP. - ANNEXATION CMTE & PLANNING COMMISSION
148. TREASURER SCHIRACK: COMPARATIVE REPORT OF AMBULANCE LOCK BOX FOR FEBRUARY 2005. - RECEIVED & FILED
149. TREASURER SCHIRACK: COMPARATIVE REPORT OF PARKING METER REVENUE FOR FEBRUARY 2005. - RECEIVED & FILED
150. TREASURER SCHIRACK: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 2/28/05. - RECEIVED & FILED
151. TULLYS, MARILYN: ASKING COUNCIL TO CONSIDER THE AMERICAN TAXPAYER APPRECIATION GALLERY AT THE AVAILABLE KRESGE SITE. - MAYOR & COMMUNITY & ECONOMIC DEVELOPMENT CMTE
- SUSPENDED RULE 22A TO ADD C#152:**
152. SERVICE DIRECTOR CONCATTO: REQUEST COUNCIL TAKE NO ACTION & ALLOW CPI ANNUAL COST OF LIVING INCREASE IN SEWER RATES. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:**

- 1<sup>ST</sup> RDG 1. 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<sup>®</sup> & (D); EMERGENCY  
Referred to Community & Economic Development & Finance Committees
- 1<sup>ST</sup> RDG 2. 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  
Referred to Community & Economic Development & Finance Committees

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:**

- 1<sup>ST</sup> RDG 3. ESTABLISHING THE FAIR REUSE OR FAIR MARKET VALUE OF 17 PARCELS OF CITY OWNED PROPERTY, & AUTHORIZING THE SALE & CONVEYANCE OF SAME TO ABCD PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; EMERGENCY (Lot #14663, 7<sup>th</sup> St NE)  
Referred to Community & Economic Development
- 1<sup>ST</sup> RDG 4. 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)

Referred to Personnel Committee

- 1<sup>ST</sup> RDG 5. 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  
Referred to Personnel Committee
- 1<sup>ST</sup> RDG 6. 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  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 7. 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  
Referred to Environmental & Public Utilities & Finance Committees
- 38/2005\*** 8. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO PROFESSIONAL SERVICES CONTRACT WITH NATIONWIDE LIFE INSURANCE CO. FOR STOP-LOSS INSURANCE FOR CITY'S HEALTH BENEFIT PLAN; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 9. AUTHORIZING CANTON TO ANNEX TERRITORY KNOWN AS THE PLEASANT VIEW/EASTRIDGE ANNEXATION AREA CONTAINING APPROX. 42.3072 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 & ZONING SAID TERRITORY AS B-3 (GENERAL BUSINESS DISTRICT); EMERGENCY  
Referred to Annexation Committee **PUB HRG 3/21/05 @ 7:30PM**
- 1<sup>ST</sup> RDG 10. AMENDING ZONING ORDINANCE 55/77 TO REZONE PART OF OUTLOT NO. 732, LOCATED AT 515 25<sup>TH</sup> STREET NW AS REQUESTED BY MALONE COLLEGE; EMERGENCY  
Referred to Judiciary committee **PUB HRG 3/21/05 @ 7:31PM**
- 1<sup>ST</sup> RDG 11. 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  
Referred to Judiciary committee **PUB HRG 3/21/05 @ 7:32PM**

**\*7:52-7:55PM Recess for committee meeting on Ordinance #8, placed back on the agenda for adoption.**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

**SUSPENDED RULE 22A TO ADD O#12-16:**

- 2<sup>ND</sup> RDG 12. 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 (CED & Fin)
- 2<sup>ND</sup> RDG 13. 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 (CED & Fin)
- 2<sup>ND</sup> RDG 14. NAMING UNNAMED N/S ALLEY BETWEEN 14<sup>TH</sup> & 15<sup>TH</sup> STREETS NW IN THE CITY OF CANTON TO "H. CARSON COURT." (PST)
- 2<sup>ND</sup> RDG 15. 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 (PST)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2<sup>ND</sup> RDG 16. 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 (Fin)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 39/2005** 17. 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.
- 40/2005** 18. AMENDING APPROPRIATION O.253/2004 BY MAKING VARIOUS SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS IN APPROPRIATIONS & INTERFUND TRANSFERS (\$316.42 Summer Time Fund Kid Grant, etc.); EMERGENCY.
- 41/2005** 19. RESOLUTION CONSIDERING & APPROVING PETITION FOR THE RENEWAL OF THE OPERATING ASSESSMENT OF THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT: EMERGENCY.

- 42/2005** 20. APPROVING CANTON CITY WATER MAIN EXTENSION TO THE FOUNTAINS OF MEYERS LAKE LOCATED OFF 13<sup>TH</sup> ST NW & AUTHORIZING SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR SAME; EMERGENCY.
- 43/2005** 21. 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.
- 44/2005** 22. 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.

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Monday, March 14, 2005, @ 5:30 p.m., Council Chamber  
Annual Business Meeting with Greater Canton Chamber of Commerce

Monday, March 14, 2005, @ 6:15 p.m., Council Chamber

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|-----------------------------------------------|-------------------------|
| 1) Community & Economic Development Committee | 2) Annexation Committee |
| 3) Environmental & Public Utilities Committee | 4) Personnel Committee  |
| 5) Recycle Committee                          | 6) Judiciary Committee  |
| 7) Finance Committee                          |                         |

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): (Council heard 3 public speakers)

MISCELLANEOUS BUSINESS: (Member Hart re: recycle survey; Executive Session 8:21 to 9:45 PM to discuss purchase of property in Summit School area.)

ADJOURNMENT TIME: 9:42 PM

**THE NEXT COUNCIL MEETING WILL BE HELD ON MONDAY, MARCH 14, 2005**