

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

MAY 12, 2003

ROLL CALL: 11 present, 1 absent (Member Carbenia)

INVOCATION: Given by 4th Ward Councilmember Craig Massey

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

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 24B to add Informal Resolutions #50 & 51; Suspended Rule 22A to add 2nd Rdg O#12-16 and 1st Rdg O#11A; O#12 was defeated)

PUBLIC HEARINGS:

7:30 PM CONTINUATION OF PUBLIC HEARING REQUESTED BY AULTMAN HEALTH FOUNDATION TO REZONE THE SOUTHWEST CORNER OF DARTMOUTH & 6th STREET SW FROM R-1A TO PB-1 FOR THE AULTMAN HELIPORT TEMPORARY RELOCATION PROJECT. (PLANNING COMMISSION RECOMMENDS APPROVAL)
(FIVE PUBLIC SPEAKERS) (See O#85/2003)

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): (NO PUBLIC SPEAKERS)

INFORMAL RESOLUTIONS:

VICE PRESIDENT SMUCKLER: EXCUSING MEMBER CARBENIA

SUSPENDED RULE 24B TO ADD #50 & 51:

50. INTGVT & PUBLIC SERVICE CMTE: OBJECTING TO THE ISSUANCE OF A NEW C1, C2 LIQUOR PERMIT REQUESTED BY TRASH ENTERPRISES, INC., DBA CHERRY MARKET @ 1494 CHERRY AVE SE. - ADOPTED
51. PERSONNEL COMMITTEE: CONFIRMING THE MAYOR'S APPOINTMENT OF CARL LAVIN AND RICHARD McELROY TO THE STARK COUNTY REGIONAL PLANNING COMMISSION EFFECTIVE 1/1/03-12/31/03. - ADOPTED

COMMUNICATIONS:

171. AMBULANCE ASSOCIATES: REQUEST TO REZONE LOTS 6085 & 6082 LOCATED AT 614 MCGREGOR AVE NW FROM R-1A TO PB-4 PLANNED SPECIAL BUSINESS FOR PARKING & NEW VEHICLE STORAGE GARAGE. - PLANNING COMMISSION
172. AUDITOR PEREZ: MONTHLY REPORT BY FUND FOR 4/1/03 - 4/30/03. - RECEIVED & FILED
173. AUDITOR PEREZ: YEARLY REPORT BY FUND FOR 1/1/03 - 4/30/03. - RECEIVED & FILED
174. CITIZENS FOR COMMUNITY VALUES: A LETTER TO ALL CITY COUNCILS IN OHIO ADVISING OF TWO PROFESSIONAL SEMINARS REGARDING OBSCENITY LAW & SEXUALLY ORIENTED BUSINESSES LAW. - RECEIVED & FILED
175. LIQUOR CONTROL DIVISION, STATE OF OHIO: REQUEST FOR TRFO D5, D6 LIQUOR LICENSE REQUESTED BY E BURY, INC., DBA EASTBURY BOWLING CENTER @ 3000 ATLANTIC BLVD NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
176. LIQUOR CONTROL DIVISION, STATE OF OHIO: NOTIFICATION THAT THE HEARING SCHEDULED FOR 5/7/03 HAS BEEN CONTINUED REGARDING THE REQUEST BY LA TIENDA HISPANA OVIEDOS FOR A NEW C1, C2, D6 LIQUOR PERMIT @ 909 12th ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
177. MAYOR WATKINS: REQUESTING COUNCIL AUTHORIZATION OF THE REAPPOINTMENTS OF CARL LAVIN & RICHARD McELROY TO THE STARK COUNTY REGIONAL PLANNING COMMISSION EFFECTIVE 1/1/03-12/31/03. - PERSONNEL COMMITTEE (See Re#51)
178. PAYNE, KATE: REQUEST TO VACATE AN UNNAMED ALLEY FROM THE SOUTH LINE OF 16th STREET NW TO THE NORTH LINE OF A 15' ALLEY. - PLANNING COMMISSION

COMMUNICATIONS CONTINUED:

179. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE VACATION OF MOSLEY COURT SW & STANWOOD PL SW EAST OF BEDFORD, WEST OF ARLINGTON & NORTH OF 6th ST SW AS REQUESTED BY CHRISTOPHER REMARK OF AULTMAN HEALTH FOUNDATION. - LAW DIRECTOR (See O#2, 1st Rdg)
PUB HRG 6/2/03 @ 7:30 PM
180. SAFETY DIRECTOR CONCATTO: REQUESTING LEGISLATION TO ENTER INTO WORK AGREEMENTS IN CONJUNCTION WITH THE CLEVELAND TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT. - LAW DIRECTOR (See O#3, 1st Rdg)
181. SERVICE DIRECTOR MILLER: REQUEST TO APPROVE THE FEE MODIFICATION FOR NORTHWEST CONSULTANTS IN THE AMOUNT OF \$6,625 TO DESIGN AN ALTERNATE ROUTE FOR THE WORLEY NW RELIEF STORM SEWER & REQUEST A \$6,625 TRANSFER INTO THE GP 1062 WORLEY AVE NW RELIEF STORM SEWER FUND. - LAW DIRECTOR (See O#4, 1st Rdg)
182. SERVICE DIRECTOR MILLER: REQUEST TO ENTER INTO \$23,436 CONTRACT WITH NORTHWEST CONSULTANTS FOR PHASE II OF THE GUILFORD AVE NW BRIDGE REPLACEMENT, GP 1075; & REQUEST A \$23,436 TRANSFER TO THE GP 1075, GUILFORD AVE NW BRIDGE REPLACEMENT FUND. - LAW DIRECTOR (See O#5, 1st Rdg)
183. SERVICE DIRECTOR MILLER: REQUEST TO ENTER INTO \$63,300 CONTRACT WITH MOTTER & MEADOWS ARCHITECTS FOR ARCHITECTURAL/ENGINEERING SERVICES IN THE NEW SEWER DEPARTMENT FACILITY TO BE LOCATED @ WPCC, & REQUEST A \$63,300 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND. - LAW DIRECTOR (See O#6, 1st Rdg)
184. SERVICE DIRECTOR MILLER: REQUEST FOR FINAL LEGISLATION FOR THE IR77-SECTION 94.6 PROJECT IN COOPERATION WITH ODOT, & REQUEST A \$39,250 SUPPLEMENTAL APPROPRIATION FOR SAME. - LAW DIRECTOR (See O#7, 1st Rdg)
185. SERVICE DIRECTOR MILLER: REQUEST TO APPROVE A \$111,356.47 MORAL OB PAYMENT TO MORTON INTERNATIONAL SALT FOR ROAD SALT. - LAW DIRECTOR (See #8, 1st Rdg)
186. SERVICE DIRECTOR MILLER: REQUESTING A WATER MAIN EXTENSION TO THE EAST SIDE OF BEVERLY AVE NE NORTH OF SCHNEIDER RD NE. - LAW DIRECTOR (See O#9, 1st Rdg)
187. SERVICE DIRECTOR MILLER: REQUEST TO ESTABLISH THE FMV & NEGOTIATE A TEMPORARY EASEMENT IN CONJUNCTION WITH THE 4th & SHORB NW ROAD IMPROVEMENT PROJECT. - LAW DIRECTOR (See O#10, 1st Rdg)
188. SERVICE DIRECTOR MILLER: REQUEST TO NEGOTIATE & ENTER INTO A MAINTENANCE AGREEMENT WITH THE STARK COUNTY ENGINEER RE: 177-FAIRCREST ANNEXATION - LAW DIRECTOR
189. TREASURER SCHIRACK: COMPARATIVE REPORT OF PARKING METER REVENUE FOR THE MONTH OF APRIL 2003. - RECEIVED & FILED
190. TREASURER SCHIRACK: COMPARATIVE REPORT OF DEPOSITS AND PAY INS FOR THE MONTH OF APRIL 2003 TO THE AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
191. TREASURER SCHIRACK: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF 4/30/03. - RECEIVED & FILED
192. WATER DEPARTMENT: 2002 CANTON WATER DEPARTMENT ANNUAL REPORT. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. A RESOLUTION WITHDRAWING THE CITY OF CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT REQUESTED BY FRAMES TAVERN @ 1600 BRYAN AVE SW LOCATED WITHIN THE CITY OF CANTON; EMERGENCY.
Referred to Intergovernmental & Public service Committee
- 1ST RDG 2. AN ORDINANCE VACATING MOSLEY COURT SW FROM NORTH LINE OF STANWOOD PL SW TO SOUTH LINE OF LOTS 10189 & 10200, & STANWOOD PL SW FROM EAST LINE OF BEDFORD SW TO WEST LINE OF ARLINGTON SW AS REQUESTED BY AULTMAN HEALTH FDN; EMERGENCY. **PUB HRG 6/2/03 @ 7:30 PM**
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 3. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO WORK AGREEMENTS IN CONJUNCTION WITH THE CLEVELAND AVENUE TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT; EMERGENCY.
Referred to Public Safety & Thoroughfares and Finance Committees
- 1ST RDG 4. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A \$6,625 FEE MODIFICATION PROPOSAL WITH NORTHWEST CONSULTANTS FOR DESIGN OF ALTERNATE ROUTE FOR WORLEY AVE NW RELIEF STORM SEWER PROJECT; AMENDING O.236/2002 BY MAKING A \$6,625 SUPPLEMENTAL APPROPRIATION FROM THE 4536 WORLEY AVE NW STORM SEWER FUND; EMERGENCY.
Referred to Environmental & Public Utilities and Finance Committees
- 1ST RDG 5. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A \$23,436 CONTRACT WITH NORTHWEST CONSULTANTS FOR CONSTRUCTION CONTRACT PLANS OF ROADWAY APPROACH & STRUCTURE FOR GUILFORD AVE NW BRIDGE REPLACEMENT GP 1075; AMENDING O.236/2002 BY MAKING A \$23,436 TRANSFER FOR SAME; EMERGENCY.
Referred to Public Safety & Thoroughfares and Finance Committees
- 1ST RDG 6. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO \$63,300 CONTRACT WITH MOTTER & MEADOWS ARCHITECTS FOR ARCHITECTURAL/ENGINEERING SERVICES FOR A NEW SEWER DEPARTMENT FACILITY TO BE LOCATED AT THE WATER POLLUTION CONTROL CENTER; AMENDING O.236/2002 BY MAKING A \$63,300 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND; EMERGENCY.
Referred to Environmental & Public Utilities and Finance Committees
- 1ST RDG 7. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A \$39,250 CONTRACT WITH ODOT FOR CONSTRUCTION OF SECOND SECTION OF I-77 WIDENING PROJECT EXTENDING FROM US RT 30 INTERCHANGE TO JUST SOUTH OF TUSC; AMENDING O.236/2002 BY MAKING A \$39,250 SUPPLEMENTAL APPROPRIATION FROM 4501 CAPITAL PROJECTS FUND; EMERGENCY.
Referred to Public Safety & Thoroughfares and Finance Committees
- 1ST RDG 8. AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$111,356.47 TO MORTON INTERNATIONAL, INC. FOR ROAD SALT; EMERGENCY.
Referred to Finance Committee
- 1ST RDG 9. AN ORDINANCE APPROVING A WATER MAIN EXTENSION TO EAST SIDE OF BEVERLY AVE NE NORTH OF SCHNEIDER RD NE IN PLAIN TOWNSHIP; AUTHORIZING THE SERVICE DIRECTOR TO CONTRACT FOR SAME; EMERGENCY.
Referred to Environmental & Public Utilities Committee
- 1ST RDG 10. AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE 4th & SHORB AVE NW ROAD IMPROVEMENT PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE A TEMPORARY EASEMENT AT THE ESTABLISHED FAIR MARKET VALUE; EMERGENCY.
Referred to Community & Economic Development and Finance Committees
- 1ST RDG 11. AN ORDINANCE AMENDING CHAPTER 547, UNFAIR EMPLOYMENT PRACTICES, OF CODIFIED ORDINANCES OF CITY OF CANTON.
Referred to Judiciary Committee

SUSPENDED RULE 22A TO ADD #11A

- 1ST RDG 11A. AN ORDINANCE AUTHORIZING PUBLIC SERVICE DIRECTOR TO ENTER INTO MAINTENANCE AGREEMENT WITH STARK COUNTY ENGINEER RE: I-77/FAIRCREST ANNEXATION AREA; EMERGENCY.
Referred to Intergovernmental & Public Service

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD ORDINANCES #12-16:**

- DEFEATED** 12. APPROVING & ACCEPTING THE REPLATTING & RENUMBERING OF PART OF LOT #35828 OWNED BY EVERETT & SUSAN DANIELS; EMERGENCY.
- 2ND RDG 13. AMENDING ZONING O.55/77 TO REZONE LOT #30917 LOCATED AT 3625 WEST TUSC AS REQUESTED BY THOMAS KRUPAR FOR A PHYSICAL THERAPY OFFICE; EMERGENCY. **PUB HRG 5/19/03 @ 7:30 PM**
- 2ND RDG 14. IMPOSING A MOTOR VEHICLE LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION 4504.172.
- 2ND RDG 15. AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE UPGRADING OF INTERSECTIONS ALONG CLEVELAND AVENUE NW FROM 8TH STREET NW TO 47TH STREET NW; EMERGENCY.
- 2ND RDG 16. AUTHORIZING THE SERVICE DIRECTOR &/OR SAFETY DIRECTOR TO ADVERTISE, RECEIVE BIDS & CONTRACT FOR THE PURCHASE OF VARIOUS MOTOR VEHICLES & OTHER ITEMS OF RELATED EQUIPMENT FOR VARIOUS CITY DEPARTMENTS; AUTHORIZING THE SERVICE DIRECTOR &/OR SAFETY DIRECTOR TO ALTERNATIVELY PURCHASE SAID VEHICLES & EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 & 5513.01; EMERGENCY.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 86/2003** 17. AUTHORIZING THE CITY AUDITOR TO ESTABLISH 2425 LAW DEPARTMENT DISPUTE RESOLUTION FUND.
- 87/2003** 18. AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO POWER COMPANY DBA AMERICAN ELECTRIC POWER TO PROVIDE ENERGY TO WPCC; EMERGENCY
- 88/2003** 19. AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR IRA TURPIN WAY NE IMPROVEMENT PROJECT (NEW CURB & GUTTER, CURB, HANDICAP RAMPS, & REPAIR SECTIONS OF THE STREET & SIDEWALK FROM ROSS AVE TO 125' EAST OF MARION MOTLEY AVE NE); EMERGENCY
- 89/2003** 20. AUTHORIZING & CONSENTING TO REMOVAL & REPLACEMENT OF DECK ON THE CHERRY AVE SE STRUCTURE OVER CSX, N&S & CONRAIL TRACKS UNDER ODOT SUPERVISION; EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:**POSTPONED FROM 4/21/03:**

- *85/2003** 21. AMENDING ZONING O.55/77 TO REZONE LOTS #19270-18273 LOCATED ON THE SOUTHWEST CORNER OF DARTMOUTH & 6TH STREET SW FROM R-1A TO PB-1 AS REQUESTED BY AULTMAN HEALTH FOUNDATION FOR THE HELIPORT PROJECT; EMERGENCY. **PUB HRG 4/21/03 @ 7:30 PM-CONTINUED TO 5/12/03 @ 7:30 PM**

*** ADOPTED OUT OF SEQUENCE**

ANNOUNCEMENT OF COMMITTEE MEETINGS: MONDAY, MAY 19, 2003 @ 6:00 PM, CAUCUS ROOM

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

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY): (ONE PUBLIC SPEAKER)

MISCELLANEOUS BUSINESS

ADJOURNMENT TIME: 8:51 PM

THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD MONDAY, MAY 19, 2003 @ 7:30 PM