

MINUTES OF THE MEETING OF FEBRUARY 7, 2005

FIRST VICE PRESIDENT Joe Carbenia called the meeting to order in the absence of President of Council Ray Denczak & Vice President of Council Donald E. Casar

CHAIRMAN CARBENIA: The Chair calls this meeting of the Canton City Council to order.

The regular meeting of Canton City Council was held on Monday, February 7, 2005, at 7:30 P.M. in the Canton City Council Chamber. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by 9th Ward Councilmember Joe Carbenia followed by the Pledge of Allegiance led by 1ST Vice President Carbenia.

CHAIRMAN CARBENIA: Roll call please.

ROLL CALL TAKEN BY CLERK OF COUNCIL VANCKUNAS:

11 COUNCILMEMBERS PRESENT: (JOE CARBENIA, MARY M. BABCOCK, THOMAS M. BERNABEI, GREG HAWK, THOMAS E. WEST, JAMES E. GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & ROSEMARY DIAMOND)

1 COUNCILMEMBER ABSENT: (DONALD E. CASAR)

COUNCIL PRESIDENT DENCZAK ALSO ABSENT.

AGENDA CORRECTIONS & CHANGES

CHAIRMAN CARBENIA: You'll have to forgive me, it's a little bit tight up here. (*Referring to sitting at the President's chair*) My knees are getting killed again. (*LAUGHTER*) We are now under corrections and changes. You will be asked to add Communication 93 to the agenda this evening, and you will be asked to adopt second reading Ordinance #15, 19 and 20. Ordinance 21 is being retained in committee. Ordinance 22 will be postponed. The Chair will recognize a motion to suspend Rule 24B to add Resolution 14 and 15. Member Bernabei?...

MEMBER BERNABEI: (*Microphone off*) ... add Resolutions 14 and 15 to the agenda; seconded.

CHAIRMAN CARBENIA: Been moved and properly seconded. Roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Motion carried.

RULE 24B WAS SUSPENDED AND RESOLUTIONS 14 & 15 BECAME A LEGAL PART OF THE AGENDA.

CHAIRMAN CARBENIA: Okay. The Chair will recognize a motion to suspend Rule 22A to add Communication 93 and to add for second readings Ordinances 14 through 21 at this time.

MEMBER BERNABEI: Mr. President, I move to suspend Rule 22A of Council Rules to add Communication 93 to the

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agenda, and to add for second reading Ordinance #14 through 20--21 will not be added because it's being retained in committee; seconded.

CHAIRMAN CARBENIA: That is correct, yes. Is that seconded?... Okay. It's been moved and properly seconded to suspend Rule 22A to add Communication 93 and to add second readings Ordinances 14 through 20 at this time. Roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Motion carried. Communication 93 and Ordinances 14 through 21 are a legal part of the agenda. *(Chairman inadvertently says "Ordinances 14 through 21," but only Ordinances 14 through 20 become a legal part of the agenda)*

PUBLIC HEARINGS

CHAIRMAN CARBENIA: We are now under public hearings. We have no scheduled public hearing this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

CHAIRMAN CARBENIA: We are now under public speaks on Ordinances and other Resolutions for adoption. We have no one signed up to speak.

INFORMAL RESOLUTIONS

CHAIRMAN CARBENIA: We are now under Informal Resolutions. If anyone is... okay ...absent, the Chair will recognize a motion to excuse members. Mr. Bernabei?...

MEMBER BERNABEI: Mr. President, I move to excuse Member Casar and President of Council Denczak from tonight's meeting; seconded.

CHAIRMAN CARBENIA: It's been moved and seconded to excuse Member Casar and President Denczak from tonight's meeting. Roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Motion carried.

MEMBER CASAR & PRESIDENT DENCZAK WERE EXCUSED FROM TONIGHT'S MEETING.

1ST VICE PRESIDENT CARBENIA CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #14 THROUGH AND INCLUDING #15 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED FEBRUARY 7, 2005.

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14. PERSONNEL COMMITTEE: CONFIRMING THE MAYOR'S APPOINTMENT OF TIMOTHY WEDEKAMM TO THE FAIR HOUSING COMMISSION TO FILL THE UNEXPIRED 1/31/07 TERM OF MIKE KING. - ADOPTED BY COUNCIL

MEMBER BERNABEI: Mr. President, I move we adopt Resolution #14; seconded.

CHAIRMAN CARBENIA: The motion has been to adopt Resolution #14. It's been properly seconded. All in favor say aye. All opposed no.

NO REMARKS

RESOLUTION #14 APPROVED BY UNANIMOUS VOICE VOTE

MEMBER CARBENIA: Motion carried.

RESOLUTION #14 IS ADOPTED

15. PERSONNEL COMMITTEE: CONFIRMING THE MAYOR'S APPOINTMENT OF ERIC SEIFERT TO THE CANTON CONSTRUCTION BOARD TO FILL THE 1/1/05-12/31/07 TERM OF MIKE RANGLE. - ADOPTED BY COUNCIL

MEMBER BERNABEI: *(Member Bernabei's microphone was off. He moved to adopt Resolution #15 which was seconded by Member Babcock)*

CHAIRMAN CARBENIA: It's been moved and properly seconded to adopt Resolution 15. All in favor, signify by saying aye. All opposed no.

NO REMARKS

RESOLUTION #15 APPROVED BY UNANIMOUS VOICE VOTE

MEMBER CARBENIA: Motion carried.

RESOLUTION #15 IS ADOPTED**COMMUNICATIONS**

CHAIRMAN CARBENIA: We are now under Communications. Let the Journal show all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED FEBRUARY 7, 2005.

73. AUDITOR R.A. MALLONN, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 1/1/05-1/31/05
- RECEIVED & FILED

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74. AUDITOR R.A. MALLONN, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/05-1/31/05 - RECEIVED & FILED
75. AUDITOR R.A. MALLONN, CITY OF CANTON: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2005 DATED 2/2/05. - CLERK OF COUNCIL
76. BUDGET DIRECTOR D. WILLIAM ALLEN, CITY OF CANTON: SUBMITTING AGREEMENT FOR CLASSROOM RENTAL SPACE AT EDWARD PEEL COLEMAN CENTER BY STARK STATE COLLEGE OF TECHNOLOGY. - FINANCE CMTE
77. BUDGET DIRECTOR D. WILLIAM ALLEN, CITY OF CANTON: REQUEST APPROVAL OF VARIOUS SUPPLEMENTAL APPROPRIATIONS & REDUCTIONS IN APPROPRIATIONS FOR GRANT FUNDS & CHANGES IN CERTIFICATES. - FINANCE CMTE
78. DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT, 222 MARKET AVEN, CANTON OH 44702: SUBMITTING PETITION FOR RENEWAL OF DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT ASSESSMENT LEVY. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
79. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: NOTIFICATION THAT JOHN E JOHNSON & ARTHUR T JOHNSON, DBA CAROUSEL LOUNGE, HAVE REQUESTED A NEW D3A LIQUOR PERMIT @ 3012 ATLANTIC BLVD NE. - INTERGOVERNMENTAL & PUBLIC SERVICE
80. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: NOTIFICATION THAT KMKP INC, DBA PHIL'S WINE BOUTIQUE, HAS REQUESTED TRANSFER OF A CONTRACT LIQUOR AGENCY TO BE LOCATED AT @ 201-203 12TH ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
81. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: NOTIFICATION THAT KMKP INC, DBA PHIL'S WINE BOUTIQUE, HAS REQUESTED TRANSFER OF OWNERSHIP OF A C1,2 LIQUOR PERMIT AT 201-203 12TH ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
82. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUEST COUNCIL CONFIRM HER APPOINTMENT OF TIMOTHY WEDEKAMM TO SERVE ON THE FAIR HOUSING COMMISSION REPLACING MIKE KING EFFECTIVE IMMEDIATELY & EXPIRING 1/31/07. - PERSONNEL CMTE
See Re#14
83. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUEST COUNCIL CONFIRM HER APPOINTMENT OF ERIC SEIFERT TO SERVE ON THE CANTON CONSTRUCTION BOARD REPLACING MIKE RANGLE RETROACTIVE FROM 1/1/05-12/31/07. - PERSONNEL CMTE
See Re#15

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84. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: ADVISING OF HER APPOINTMENT OF ALEXANDER HAAS TO THE CANTON CITY PLANNING COMMISSION REPLACING PAUL BAIR WHOSE TERM EXPIRES 5/31/09. - RECEIVED & FILED
85. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUEST TO EXTEND THE TERMINATION DATE OF PAUL BAIR ON ZONING BOARD OF APPEALS THROUGH 1/31/05 IN LIEU OF 4/30/2005 (SO THE NEW TERM WILL BEGIN ON JANUARY 1ST AS STIPULATED IN CITY CODE SEC 1163.03). - PERSONNEL CMTE
86. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION OFF OF 13TH STREET NW TO SERVE THE FOUNTAINS OF MEYERS LAKE. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
87. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ESTABLISH FAIR MARKET VALUES FOR FEE SIMPLE & TEMPORARY TAKES DURING CONSTRUCTION OF THE MARKET AVENUE NORTH SANITARY/SEWER REPLACEMENT, GP 1070; AUTHORIZING MINISTERIAL CHANGES OF PROPERTY OWNERS NAMES, PARCEL NUMBERS & OTHER NUMERICAL ERRORS SHOULD THEY OCCUR. - ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE CMTE
88. SLIMAN, SAM, AGENT FOR PETITIONER: COPY OF ANNEXATION PETITION DOCUMENTS THAT HAVE BEEN FILED WITH STARK COUNTY COMMISSIONERS IN THE SHAWNEE/CANTON TOWNSHIP ANNEXATION AREA. - ANNEXATION CMTE
89. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF JANUARY 31, 2005. - RECEIVED & FILED
90. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF AMBULANCE LOCK BOX ACCOUNT FOR JANUARY 2005. - RECEIVED & FILED
91. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR JANUARY 2005. - RECEIVED & FILED
92. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF JANUARY 31, 2005. - RECEIVED & FILED

RULE 22A SUSPENDED TO ADD:

93. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: INFORMING COUNCIL OF EMERGENCY REPAIRS AT CIVIC CENTER AS A RESULT OF WATER MAIN BREAK ON 1/29/2005. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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CHAIRMAN CARBENIA: We are now under Ordinances and Formal Resolutions for the first reading. Let the Journal show that all ordinances are being given their first reading as required by State Law. Madam Clerk, please read the first reading ordinances by title.

NOTE: FIRST VICE PRESIDENT CARBENIA CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #13 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (Coleman Ctr, 1731 Grace Ave NE)
Referred to Judiciary Committee **PUB HRG 2/28/05 @ 7:30 PM**
- #2 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (Papa John's, 3001 Cleveland Ave NW)
Referred to Judiciary Committee **PUB HRG 2/28/05 @ 7:31 PM**
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH REPUBLIC ENGINEERED PRODUCTS, INC. TO PROVIDE REAL AND PERSONNEL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH AMOS DATA SYSTEMS, INC. IN AN AMOUNT NOT TO EXCEED \$24,000.00 TO ASSIST THE CITY IN UPGRADING OUR VOICE COMMUNICATION SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF THIRTEEN (13) BREATHING APPARATUS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement and Finance Committees
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH MOTOROLA, INC. FOR THE PURCHASE OF TWENTY-FIVE PORTABLE RADIOS AND RELATED EQUIPMENT FOR THE FIRE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY.

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Referred to Public Property Capital Improvement & Finance Committees

- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT FROM THE BUREAU OF WORKER'S COMPENSATION SAFETY IN THE AMOUNT OF \$13,920.00; AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF EIGHT STRYKER STAIR CHAIRS FOR THE FIRE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement & Finance Committees

- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH FINLEY FIRE EQUIPMENT COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$25,092.00 FOR THE PURCHASE OF 100 VOICE AMPLIFIER SYSTEMS PURSUANT TO OHIO REVISED CODE SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement & Finance Committees

- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH VALLEY FORD TRUCK SALES, INC. IN THE AMOUNT OF \$22,729.12 FOR THE PURCHASE OF A FORD F350 CHASSIS AND CAB PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #10 (1ST RDG) AN ORDINANCE REPEALING CHAPTER 951, CLEANING SEWERS, OF THE CODIFIED ORDINANCES

Referred to Judiciary Committee

- #11 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH FORT DEARBORN LIFE INSURANCE COMPANY FOR GROUP TERM LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE COVERAGE FOR ELIGIBLE CITY EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel & Finance Committees

- #12 (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PERRY TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities Committee

- #13 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$10,225.25 TO COOPER AND ASSOCIATES;

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AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

CHAIRMAN CARBENIA: We are now under Ordinances for the Second Reading. Madam Clerk, will you please read Ordinance #14 by title.

NOTE: FIRST VICE PRESIDENT CARBENIA CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #14 THROUGH AND INCLUDING #20 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #15, 19 AND 20 WERE ADOPTED FOLLOWING THEIR SECOND READING. ORDINANCE #21 WAS RETAINED IN COMMITTEE.

#14 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH HELIOS COATINGS, INC. TO PROVIDE PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON CITY BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

#15 (2ND RDG) **ADOPTED AS ORDINANCE NO. 16/2005** AN ORDINANCE ESTABLISHING THE 7507 CIVIC CENTER EVENT EXPENSE CLEARING FUND; AUTHORIZING THE AUDITOR TO ADMINISTER SAID FUND; AMENDING APPROPRIATION ORDINANCE NO 253/2004, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

CHAIRMAN CARBENIA: The Chair will now recognize a motion to suspend statutory rules on Ordinance 15.

MEMBER BERNABEI: Mr. President, I move to suspend the statutory requirement of three readings on Ordinance #15; seconded.

CHAIRMAN CARBENIA: Been moved and properly seconded to suspend the statutory rules on Ordinance 15. Roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: There is a move to dispense with the three readings of Ordinance 15. Are there any remarks?... Member Bernabei?...

MEMBER BERNABEI: *(Member Bernabei's microphone was off. He moved to adopt Ordinance #15 which was seconded by Member Babcock)*

CHAIRMAN CARBENIA: It's been moved and properly seconded to adopt Ordinance #15. Roll call vote.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Ordinance 15 has been adopted.

#15 ADOPTED AS ORDINANCE NO. 16/2004

#16 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,643.13 for legal research, Muni Ct)

#17 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT NO. 36193, AND DECLARING THE SAME TO BE AN EMERGENCY

#18 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF TWO GARBAGE TRUCKS FOR THE SANITATION DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

#19 (2ND RDG) **ADOPTED AS ORDINANCE NO. 17/2005** AN ORDINANCE APPROVING A TWO-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND AFSCME LOCAL 3449/OHIO COUNCIL 8; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER BERNABEI: Mr. President, I move to suspend the statutory requirement of three readings on Ordinance #19; seconded.

CHAIRMAN CARBENIA: It's been moved and properly seconded to suspend the statutory rules on Ordinance 19. Roll call vote.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Member Bernabei?..

MEMBER BERNABEI: I move to adopt Ordinance #19; seconded.

CHAIRMAN CARBENIA: It's been moved and seconded to adopt Ordinance #19. Roll call vote.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Ordinance 19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 17/2004

#20 (2ND RDG) **ADOPTED AS ORDINANCE NO. 18/2005** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR

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BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND
DECLARING THE SAME TO BE AN EMERGENCY (Pub Wrks, CD&Plng, Income Tax)

MEMBER BERNABEI: Mr. President, I move to suspend the statutory requirement of three readings on Ordinance #20; seconded.

CHAIRMAN CARBENIA: It's been moved and properly seconded to suspend the statutory rules on Ordinance #20. Roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: You heard the three readings on Ordinance 20. We need a motion to adopt.

MEMBER BERNABEI: *(Member Bernabei's microphone was off, but he moved to adopt Ordinance #20 which was seconded by Member Babcock)*

CHAIRMAN CARBENIA: It's been moved and properly seconded to adopt Ordinance #20. Roll call vote.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

#20 ADOPTED AS ORDINANCE NO. 18/2004

CHAIRMAN CARBENIA: Ordinance 21 is being retained in committee.

#21 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING SECTIONS 1161.03 AND 1301.05 OF THE ZONING AND BUILDING CODES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON.

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

CHAIRMAN CARBENIA: We are now under Ordinances for the third and final reading. Madam Clerk, please read Ordinance 22 by title.

NOTE: FIRST VICE PRESIDENT CARBENIA CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #22 THROUGH AND INCLUDING #25 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ORDINANCE #22 WAS POSTPONED TO 2/14/05. ALL REMAINING ORDINANCES WERE ADOPTED FOLLOWING THEIR 3RD READING.

#22 (3RD RDG) **POSTPONED TO 2/14/05** AN ORDINANCE AMENDING CHAPTER 133, FIRE DEPARTMENT, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

MEMBER BERNABEI: *(Member Bernabei's microphone was off, but he moved to adopt Ordinance #22 which was seconded by Member Babcock)*

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CHAIRMAN CARBENIA: Okay. Ordinance 22... Okay, yes. Are there any remarks on Ordinance 22?... Member Bernabei.

MEMBER BERNABEI: *(Member Bernabei's microphone was off, but he moved to postpone Ordinance #22 until 2/14/05 which was seconded by Member Babcock)*

CHAIRMAN CARBENIA: It's been moved and properly seconded to postpone Ordinance 22 till February 14. Any discussion?... All in favor, signify by saying aye. All opposed no.

NO REMARKS

ORDINANCE #22 POSTPONED BY UNANIMOUS VOICE VOTE

CHAIRMAN CARBENIA: Motion carried.

ORDINANCE #22 IS POSTPONED UNTIL 2/14/05

#23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 19/2005** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH GROFFRE INVESTMENTS & RANDALL, RICHARD & MOORE, LLC dba CUTTER EQUIPMENT COMPANY TO PROVIDE REAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE PLAIN LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER BERNABEI: *(Member Bernabei's microphone was off, but he moved to adopt Ordinance #23 which was seconded by Member Babcock)*

CHAIRMAN CARBENIA: It's been moved and properly seconded to adopt Ordinance #23. Roll call vote please... Or, are there any remarks?... I'm sorry... If not, take a roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Ordinance #23 has been adopted.

#23 ADOPTED AS ORDINANCE NO. 19/2005

#24 (3RD RDG) **ADOPTED AS ORDINANCE NO. 20/2005** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004 BY MAKING THE SUPPLEMENT APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (AIDS, Healthy Start, Air Poll Fund)

MEMBER BERNABEI: Mr. President, I move for the adoption of Ordinance #24; seconded.

CHAIRMAN CARBENIA: It's been moved and properly seconded to adopt Ordinance #24. Are there any remarks?... If not, take a roll call vote.

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Ordinance #24 has been adopted.

#24 ADOPTED AS ORDINANCE NO. 20/2005

#25 (3RD RDG) **ADOPTED AS ORDINANCE NO. 21/2005** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (10PO Police)

MEMBER BERNABEI: Mr. President, I move for the adoption of Ordinance #25; seconded.

CHAIRMAN CARBENIA: It's been moved and properly seconded to adopt Ordinance #25. Are there any questions... any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Ordinance #25 has been adopted.

#25 ADOPTED AS ORDINANCE NO. 21/2005**ANNOUNCEMENT OF COMMITTEE MEETINGS**

CHAIRMAN CARBENIA: We're now under Announcements of Committee Meetings.

MEMBER ZACHARY: Mr. President, Personnel will meet at 6:00 on February the 14th.

CHAIRMAN CARBENIA: Any other committee?

MEMBER BERNABEI: Mr. President, Judiciary will meet at 6:00 PM on Valentine's Day.

CHAIRMAN CARBENIA: Any other committees?

MEMBER GRIFFIN: Mr. President, Environmental & Public Utilities will meet at 6:00 on February the 15th.CHAIRMAN CARBENIA: Any other committees?... 14th. 14th. (*Correcting Member Griffin*)

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet that evening, 6:00 PM.

MEMBER HAWK: Mr. President, Finance will meet February 14th at 6:00.

CHAIRMAN CARBENIA: Community & Economic Development will also meet at 6:00 on Valentine's Day. Any other

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committees we missed?...

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

CHAIRMAN CARBENIA: We are now under Public Speaks, Open Forum. We have nobody signed up to speak tonight.

MISCELLANEOUS BUSINESS

CHAIRMAN CARBENIA: We are now under Miscellaneous. I'll recognize Mr. Allen.

CHIEF OF STAFF ALLEN: Thank you, Mr. Chairman. About a month ago, a good citizen, Brenda Baylor, was in to public speaks and was concerned about some noise and some dust and things like that in the air in regards to Republic Steel. I took that upon me to go out and meet with the management at Republic Steel and tour their plant, and found at that time that some of the causes, some of the boom -- actually, there's two different situations. One, last summer there was a situation where some soot and that came out of the plant as a result of some malfunctioning of their pollution control machinery and that has been fixed since then and has alleviated those problems. The other problem of the large noises coming from the plant, it's been best determined that that's a result of snow being in the scrap as they put it into the furnace. That moisture causes those booms. I have gotten back to good citizen Brenda Baylor; she has been in contact with management, John Willoughby from Republic Engineered Technologies. We've had a number of discussions. Good citizen Baylor's concerns were that these noises have been louder and more frequent than they have in the past. We have arranged for her and a group of her constituents from her neighborhood to go to the plant and have a tour and discuss this situation a little further. It is my understanding as the weather has gotten a little better and hopefully the moisture is not as evident in the scrap steel, that the noises and that are not as evident this past week as they were previous. We will continue to follow this and have communication with the good people at Republic Technologies and with the good people in the Georgeview Estates Neighborhood Association, and I'll keep you informed of the results.

MEMBER BERNABEI: Mr. President, could you provide us an update... *(Balance of Mr. Bernabei's remarks are inaudible, microphone is off)*

LAW DIRECTOR MARTUCCIO: Mr. President. Member Bernabei, I'd be happy to. As a result of last week's intense discussions and very detailed questions, we lawyers in the Law Department suggested to the lawyer and the executive director of the Urban Housing Foundation and the Building Industry Association that they make special efforts to come back with a project agreement that was as detailed as it can be, particularly with regard to the concepts of infrastructure, site preparation, recoupment, collateralization in the event of any default, and prevailing wage and/or any counter proposals. We recognize that time is of the essence as does the BIA and the Urban Housing Foundation. They contacted me during the week and indicated that their lawyer would be out of town for a few days and that they were gathering the consensus of their executive board to indeed complete and counter propose a project agreement that would be detailed so that Council would have the ability to analyze those crucial issues that are so important when deciding how and when to spend that amount of public taxpayer money. Mr. Race was very cordial. He indicated that they were doing so, but because of the intensity and the amount of details, they needed more time to come back to City Council with a project agreement that they would in good faith believe to be their last best offer, so that Council then would have a concrete project with details to question each other about and ultimately vote upon as soon as possible.

MINUTES OF THE MEETING OF FEBRUARY 7, 2005

CHAIRMAN CARBENIA: Any other Miscellaneous Business?

LAW DIRECTOR MARTUCCIO: Mr. President. *(After recognized to speak)* Thank you, Mr. President. Administration, Members of Council, members of the audience, and anyone who cares to read these minutes on the Internet. Sometime in the coming week, the media may be covering a press release or perhaps a letter from our aggregated gas supplier. As you know, the voters of the City of Canton voted recently to participate in what we call an opt out program wherein the City of Canton could legally act as the gas broker for our residents and small businesses who qualify. That is anybody who is not in arrears, not under private contract with their own gas company, not in a percentage program. So, there are some thousands of households in the City of Canton who are automatically included in the gas program we select for them unless they opt out, take an affirmative action to get out. That company again is Vectren. They will be telling you in a letter that's coming out soon, and your neighbors who aren't part of the program, that we have saved some \$300.00 in their average gas bills since October of 2002. Now, when I say saved, I mean compared to the utility, Dominion East Ohio. Had they stayed with Dominion East Ohio, they would have paid approximately \$200.00 to \$300.00 more the last couple of years. Again, the letter will remind them they have the ability to opt out should they choose, and if they're not in it, they have the ability to get in it by calling a phone number or logging in to a particular web site. It will be the same contract that will be renewed this year under the same terms. We go with the variable rate plan during the summer meaning during the hottest months, the hottest seven months of the year, we get the market rate. And sometimes that market rate may be a little over what Dominion is charging, but you use very few MCF's or a thousand cubic feet in the hot months. In the five coldest months of the year, we lock in a price that we pick during the Spring or Summer when prices are more conducive, and so far the Administration has done a good job with picking good prices. We will do that again this year, and presumably hopefully it will also lock in a price that is less than that the utilities would charge you if you were on your own buying, paying your own gas utility bills. So, again, the message here is to look for that letter from Vectren. It should be coming out in the next week or so. Thank you.

CHAIRMAN CARBENIA: Thank you, Mr. Law Director. Any other miscellaneous business?

MEMBER BERNABEI: Mr. President, I move we adjourn; seconded.

CHAIRMAN CARBENIA: It's been moved and properly seconded to adjourn. Roll call vote please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

CHAIRMAN CARBENIA: Motion carried. We are adjourned.

ADJOURNMENT TIME: 8:20 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL