

MINUTES OF THE MEETING OF MARCH 28, 2005

PRESIDENT DENCZAK: With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please.

The regular meeting of Canton City Council was held on Monday, March 28, 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 Ward 4 Councilmember Kelly Zachary followed by the Pledge of Allegiance led by President of Council Denczak.

ROLL CALL TAKEN BY CLERK OF COUNCIL VANCKUNAS:

ALL 12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. BABCOCK, THOMAS M. BERNABEL, GREG HAWK, THOMAS E. WEST, JAMES E. GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART & ROSEMARY DIAMOND)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Zachary. (*Referring to giving invocation*) Agenda corrections and changes, Members of Council, you're being asked to suspend Rule 24B to add Resolution #42 to the agenda. Member Casar, the Chair will recognize that motion now.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Resolution #42 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended and Resolution #42 is a legal part of your agenda. You're also being asked to suspend Rule 22A to add the second reading of Ordinances #7 through and including #16. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances #7 through and including 16 on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the second reading of Ordinances 7 through and including #16. Are there any remarks...? If not, roll call vote, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances #7 through and including #16 are a legal part of your agenda. You're being asked to pass Ordinances #1 and 2 this evening. This brings your agenda up to date, Members of Council.

MINUTES OF THE MEETING OF MARCH 28, 2005**PUBLIC HEARINGS****7:30 PM PUBLIC HEARING RE: SECOND STREET NW CUT-THRU VACATION**

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:30 PM. It's a request by the City Service Director to vacate the Second Street NW cut-thru west of Fulton Road NW and north of West Tusc. Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Apparently not. The Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one has signed up for either of the Public Speaks portions.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: It will not be necessary to excuse members. Let the journal show that all members of Council are present. Resolution #41 please.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #41 & 42 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED MARCH 28, 2005.

#41 HART, RICHARD D., WARD 7 COUNCILMEMBER: COMMENDING HERITAGE OHIO/DOWNTOWN OHIO, INC. FOR LOCATING THE 2005 STATEWIDE PRESERVATION & REVITALIZATION CONFERENCE IN DOWNTOWN CANTON APRIL 12TH-14TH. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #41; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #41. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #41 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

#42 INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO NEW C1, C2, D6 LIQUOR PERMIT REQUESTED BY SPEE D FOODS, INC. dba SPEE D FOODS #26 @ 1735 CLEVELAND AVE NW. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #42; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #42. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #42 APPROVED BY UNANIMOUS VOICE VOTE

MINUTES OF THE MEETING OF MARCH 28, 2005

PRESIDENT DENCZAK: The Resolution is adopted.

COMMUNICATIONS

PRESIDENT DENCZAK: Under Communications, all communications are received as read, filed and properly referred.

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 MARCH 28, 2005.

184. ICAN, INC, 1214 MARKET AVE N, CANTON, OHIO 44714: ANNUAL REPORT FOR FISCAL YEAR 7/1/2003-6/30/2004 - RECEIVED & FILED
185. LEUCHTAG, DONALD R. SR, PO BOX 20950, CANTON, OHIO 44701: REQUEST TO REZONE 1704 - 11TH STREET SW FROM R-1A TO PI-1 PLANNED LIGHT INDUSTRIAL FOR R. L. EDWARDS COMPANY OFFICE/WAREHOUSE PARKING. - PLANNING COMMISSION
186. NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION, 1325 MASSACHUSETTS AVE NW, WASHINGTON DC 20005 : LETTER TO PRESIDENT OF COUNCIL EXPRESSING CONCERNS RE: FAA PROPOSAL TO CLOSE THE AKRON-CANTON AIRPORT BETWEEN THE HOURS OF 12M & 5AM; URGING THAT CONGRESSIONAL REPRESENTATIVES BE CONTACTED. - RECEIVED & FILED
187. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF REPLAT OF BURNHAM HILLS CONDO NUMBER TWO AS PART OF REZONING EFFORT TO MAKE IT OPEN SPACE FOR WETLANDS. - PUBLIC SAFETY & THOROUGHFARES CMTE
188. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING AUTHORIZATION TO ENTER INTO \$149,900 CONTRACT W/OSBORN ENGINEERING FOR CONSTRUCTION PLANS & EASEMENT DESCRIPTIONS IN THE 25TH ST NE STORM SEWER PROJECT, GP 1090; & REQUEST \$149,000 TRANSFER FOR SAME. - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for the first reading. Let the Journal show that all Ordinances are being given their reading as required by State Law. Ordinance #1 please.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS. ORDINANCES 1 & 2 WERE ADOPTED FOLLOWING THEIR FIRST READINGS & COMMITTEE HEARING.

MINUTES OF THE MEETING OF MARCH 28, 2005

- #1 (1ST RDG) **ADOPTED AS ORDINANCE NO. 60/2005** AN ORDINANCE WAIVING THE ANNUAL ADJUSTMENT TO THE BASE SEWER RATE AS ESTABLISHED BY THE CONSUMER PRICE INDEX PURSUANT TO SECTION 947.06, SEWER RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Environmental & Public Utilities Committee
- #2 (1ST RDG) **ADOPTED AS ORDINANCE NO. 61/2005** AN ORDINANCE WAIVING THE ANNUAL ADJUSTMENT TO THE BASE SANITATION RATE AS ESTABLISHED BY THE CONSUMER PRICE INDEX PURSUANT TO SECTION 975.08, SANITATION RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Environmental & Public Utilities Committee
- #3 (1ST 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
Referred to the Finance Committee
- #4 (1ST RDG) AN ORDINANCE APPROVING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CPFFA LOCAL 249; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel and Finance Committees
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$50,000.00 TO THE CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Property Capital Improvement & Finances Committees
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FEE MODIFICATION WITH GPD ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$19,931.00 TO PERFORM EVALUATION AND DESIGN OF A RETENTION BASIN FOR THE STEESE AREA DRAINAGE PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Environmental & Public Utilities & Finance Committees

PRESIDENT DENCZAK: The Chair is now gonna declare an in-house recess for the Environmental & Public Utilities Committee to meet to discuss Ordinances 1 and 2. You're now in recess.

COUNCIL RECESSED FOR ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE TO MEET ON THE MATTER OF ORDINANCES #1 & 2 AT 7:40 PM. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 7:44 PM.

PRESIDENT DENCZAK: Council is reconvening after the recess. Member Casar....?

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances #1 and 2 back on the

MINUTES OF THE MEETING OF MARCH 28, 2005

agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that you suspend Rule 22A to add Ordinance #1 and 2 back to the agenda. Are there any remarks...? If not, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances #1 and 2 are a legal part of your agenda, Member Casar.

#1 **ADOPTED AS ORDINANCE NO. 60/2005** AN ORDINANCE WAIVING THE ANNUAL ADJUSTMENT TO THE BASE SEWER RATE AS ESTABLISHED BY THE CONSUMER PRICE INDEX PURSUANT TO SECTION 947.06, SEWER RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #1; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #1. Are there any remarks...? If not, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #1; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #1. Are there any remarks under this Ordinance...? Very well, roll call vote, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #1 is adopted

#1 ADOPTED AS ORDINANCE NO. 60/2005

#2 **ADOPTED AS ORDINANCE NO. 61/2005** AN ORDINANCE WAIVING THE ANNUAL ADJUSTMENT TO THE BASE SANITATION RATE AS ESTABLISHED BY THE CONSUMER PRICE INDEX PURSUANT TO SECTION 975.08, SANITATION RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #2; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #2. Are there any remarks...? If not, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #2; seconded.

MINUTES OF THE MEETING OF MARCH 28, 2005

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #2. Are there any remarks under this Ordinance...? Very well, roll call vote, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #2 is adopted.

#2 ADOPTED AS ORDINANCE NO. 61/2005

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for the Second Reading.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #7 THROUGH AND INCLUDING #16 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

- #7 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/89, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$900,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY.
- #8 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE OR FAIR MARKET VALUE OF 11 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY.
- #9 (2ND RDG) AN ORDINANCE VACATING A PORTION OF WOODROW COURT NE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1664, 1665 AND 1666; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1043 AND 1044; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 35339, 35340 AND 35342; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUTLOT 304; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2ND RDG) AN ORDINANCE VACATING A PORTION OF ESTEP PLACE SW; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF MARCH 28, 2005

- #15 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND PUBLIC SAFETY TO ENTER INTO A LICENSE AGREEMENT WITH CANTON AUTO REPAIR & TOWING TO PERMIT INSTALLATION OF MONITORING WELLS ON A TEMPORARY BASIS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2ND RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE CENTRAL ALLIED/HARMONT ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for the third and final reading. Ordinance #17 please.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ ORDINANCES #17 THROUGH AND INCLUDING #18 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL ORDINANCES WERE ADOPTED FOLLOWING THEIR 3RD READING.

- #17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 62/2005** AN ORDINANCE VACATING THE SECOND STREET NW CUT-THRU, WEST OF FULTON NW, AND NORTH OF WEST TUSCARAWAS STREET; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #17; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #17. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.

#17 ADOPTED AS ORDINANCE NO. 62/2005

- #18 (2ND RDG) **ADOPTED AS ORDINANCE NO. 63/2005** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH THE GREATER AKRON ATHLETIC CLUB; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #18; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #18. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted.

#18 ADOPTED AS ORDINANCE NO. 63/2005

MINUTES OF THE MEETING OF MARCH 28, 2005**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER ZACHARY: Mr. President, Personnel Committee will meet at 6:30 on Monday, April 4th.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet that evening at 6:30.

MEMBER GRIFFIN: Mr. President, Environmental & Public Utilities will also meet at 6:30 next Monday.

MEMBER HAWK: Mr. President, the Finance Committee will meet next Monday at 6:30.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: As the Chair stated before, no one else has signed up for Public Speaks, Open Forum, City Business.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: So now we're under Miscellaneous Business. Is there any Miscellaneous Business?... Members of Council, the Chair would like you to refer to Communication 186 on your agenda this evening. And the Chair would hope that you take the time to respond to this communication from the Air Traffic Control Operator's Union. It's relative to the closing down of the control tower at the Akron Canton Airport from 12:00 midnight to 5:00 AM in the morning. And this is imposing a serious endangering of safety for both passengers and the air crew for the purpose of cost saving. This is another decision by the FAA which causes a lot of people to question their ability to control air traffic. If this occurs, and those of you who may fly Red Eyes during those hours of the day, either departing or arriving at Akron Canton Airport, there will be no one in the tower, no one to control the aircraft as to how to enter the traffic pattern to land. You'll have to depend on the remote radar station which is not good. If you have an emergency on the aircraft or if you have an emergency on the ground, you'll not be able to communicate in time to get any service. No one will be able to give you the altimeter setting, the condition of the runway, the wind direction, the ILS is operating, the GCA is operating. The ILS is instrument landing system, GCA is ground control approach. If these systems aren't operating, I pity anybody who's coming into that airport at that hour of the day or taking off at that hour of the day. So I'd ask that you respond to that because it's serious. We brag about how Akron Canton is improving and increasing, and now the FAA wants to do this to us. And I talked to Congressman Regula and he's working on it, and I'd appreciate it if you guys would take an active part if you do any flying. Thank you. Is there any miscellaneous business?...

MEMBER BERNABEI: Speaking of concerns about -- serious concerns about passenger safety, are you still flying? (LAUGHTER)

PRESIDENT DENCZAK: No, I landed last night. I'm here now. (CONTINUED LAUGHTER)

MEMBER CARBENIA: Mr. President... Mr. President....

PRESIDENT DENCZAK: Who's calling?

MINUTES OF THE MEETING OF MARCH 28, 2005

MEMBER CARBENIA: Carbenia. Mr. Bernabei stole my thunder there, because I thought, well, the reason they were doing this is because when you come in, you come in blindfolded anyway, so they don't want to do it. (CHUCKLES) (LAUGHTER)

MAYOR CREIGHTON: Mr. President, the Republicans will be kind tonight. (LAUGHTER)

MEMBER WEST: Mr. President, on a serious note. This is your last opportunity to get in on the minority health month luncheon. The event's kicking off on April 1st. That's the minority health month kick off event at the Oldtimers, and it will be 11:30 to 1:00 PM. Thank you.

PRESIDENT DENCZAK: Is there any other miscellaneous business?...

MEMBER CASAR: Mr. President. Move we adjourn; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adjourn. Roll call vote please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 7:55 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

