

MINUTES OF THE MEETING OF APRIL 24, 2006

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

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS)

ALL 12 COUNCILMEMBERS PRESENT

The regular meeting of Canton City Council was held on Monday, April 24, 2006, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Councilmember At Large Mary Cirelli, followed by the Pledge of Allegiance led by Council-At-Large Bill Smuckler.

PRESIDENT DENCZAK: Thank you Member Cirelli. Members of Council, I've just been told that our Fire Chief Scott is in serious condition in the hospital with a severe heart attack, so I ask that you all keep him in your prayers this evening so he can get well and return to work.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: You're being asked to suspend Rule 22A to add the second readings of Ordinances 4 through and including #7A. The Chair will recognize that motion, Member Casar.

MEMBER CASAR: Mr. President. I move the rules 22A be suspended and add Ordinances through and including 7A to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and the Ordinances are a legal part of your agenda. This brings your agenda up to date Members of Council.

PUBLIC HEARING

PRESIDENT DENCZAK: We have a scheduled Public Hearing for this evening. John Mann and Robert Fiala Zone Change at 115 Dewalt NW. Ordinance amending Ordinance No. 55/77, as amended known as the City of Canton Zoning Ordinance. Planning Commission members at 3/14/06 meeting recommended denial of the zone change. The Chair opens the Public Hearing in regards to this matter now. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Apparently not, the Chair declares the Public Hearing over in regards to this matter.

INFORMAL RESOLUTIONS

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NOTE: THERE WERE NO INFORMAL RESOLUTIONS TO BE READ.

PRESIDENT DENCZAK: It will not be necessary to excuse members. Let the journal show that all members are present.

PUBLIC SPEAKS

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

COMMUNICATIONS

PRESIDENT DENCZAK: 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 APRIL 24, 2006.

223. CIRELLI, MARY M. COUNCILMEMBER AT LARGE, CITY OF CANTON: REQUEST THAT ALL CITY OF CANTON DEPARTMENTS FINANCES BE PLACED ON THE CITY'S WEBSITE FOR PUBLIC EXAMINATION - RECEIVED & FILED
224. DENCZAK, RAYMOND, CITY COUNCIL PRESIDENT: CITY OF CANTON: PROPOSED QUESTION TO STARK COUNTY AUDITOR REGARDING ACCURACY OF OCTANE RATINGS. - RECEIVED & FILED
225. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING APPOINTMENT OF PETER YACOBUCCI TO SERVE ON STARK REGIONAL PLANNING COMMISSION UNTIL 7/31/06. - PERSONNEL CMTE.
226. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUESTING TO AUTHORIZE PAYMENT TO WESTERN BRAND DIESEL, INC., IN THE AMOUNT OF \$23,785 FOR REPAIRS TO FIRE DEPARTMENT VEHICLE #699. - FINANCE CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE ORDINANCES #1 THROUGH #3 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOTS 1663 AND 1664 AND ALL OF LOTS 42491 AND 42492; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

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- #2 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #3 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the Second Reading. Ordinance #4 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #4 THROUGH AND INCLUDING #7A FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCES #7A, WAS ADDED TO THE AGENDA.

- #4 (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A NON-DISTURBANCE & ESTOPPEL AGREEMENT WITH AND BETWEEN THE OHIO CULTURAL FACILITIES COMMISSION AND THE NATIONAL FOOTBALL MUSEUM INCORPORATED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #5 (2nd 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 \$30,000 FOR THE PURCHASE OF TURNOUT GEAR PURSUANT TO ORC SEC. 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
- #6 (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$41,400 FOR THE 2006 CONCERT IN THE PARK; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2nd RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH CAREMARK INCORPORATED THROUGH THE COMMUNITY HEALTH CARE COALITION FOR THE ADMINISTRATION OF THE PRESCRIPTION DRUG PROGRAM FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7A (2nd 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

MINUTES OF THE MEETING OF APRIL 24, 2006**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT DENCZAK : Ordinances and Resolutions for their third and final reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #8 THROUGH & INCLUDING #13 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.

8 (3rd RDG) **ADOPTED AS AMENDED AS ORDINANCE # 74/2006** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH BROWNSTONE DEVELOPERS LSC; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President. I move we adopt Ordinance #8; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

#8 ADOPTED AS ORDINANCE # 74/2006

#9 (3rd RDG) **ADOPTED AS ORDINANCE # 75/2006** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE 1/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, REDUCTION OF APPROPRIATIONS, AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I move that we adopt Ordinance #9; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9. Are there any remarks under this ordinance? Very well, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #9 is adopted.

#9 ADOPTED AS ORDINANCE # 75/2006

#10 (3rd RDG) **ADOPTED AS ORDINANCE #76/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$50,000 FOR THE PURCHASE AND INSTALLATION OF A SECURITY SYSTEM FOR ALL 9 (NINE) FIRE STATIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar.

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MEMBER CASAR: Mr. President, I move that we adopt Ordinance #10; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 10. Are there any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I wanna thank Bernie Hunt for taking me down to the fire station because I had some questions on it. All my questions were answered and I really appreciate him taking the time to do that and then I had some follow up questions and he got back to me and got the other answers that I needed, so, I have no problems reporting on this ordinance now. Thank you.

PRESIDENT DENCZAK: Are there any other remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted. **#10 ADOPTED AS ORDINANCE #76/2006**

#11 (3rd RDG) **ADOPTED AS ORDINANCE #77/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$30,000 FOR THE REPAIR OF THE NORTH DRIVEWAY AND FIRE PUMP TEST PAD AT FIRE STATION #6; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I move that we adopt Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks under this Ordinance? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted. **#11 ADOPTED AS ORDINANCE #77/2006**

#12(3rd RDG) **ADOPTED AS AMENDED AS ORDINANCE # 78/2006** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING A SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I move that we adopt Ordinance #12; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks under

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this Ordinance? Very well, roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted.

#12 ADOPTED AS ORDINANCE # 78/2006

#13 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 79/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH MOTTERS AND MEADOWS ARCHITECT TO PREPARE PLANS AND/OR SPECIFICATIONS FOR THE RENOVATION OF THE CIVIC CENTER RESTROOMS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE RENOVATION OF THE RESTROOMS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #13; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 13. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted.

#13 ADOPTED AS ORDINANCE #79/2006

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM SMUCKLER : Announcement of Committee Meetings please.

MEMBER PRATER: Mr. President. Personnel Committee will meet May 1st at 6:45.

MEMBER KRAUS: Mr. President. Public Safety & Thoroughfare will meet May 1st, 6:45.

MEMBER WEST: Mr. President. Judiciary Committee will meet May 1st, 6:46.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: No one signed up for Public Speaks under this portion also.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER CASAR: Mr. President. I move we adjourn; seconded.

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

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 yeas Mr. President.

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 7:43 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL