

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

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

ROLL CALL TAKEN BY CLERK VANCKUNAS:

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

ONE COUNCILMEMBER ABSENT: (THOMAS E. WEST)

The regular meeting of Canton City Council was held on Monday, February 6, 2006, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Debra Vanckunas. The invocation was given by Ward 1 Councilmember Greg Hawk, followed by the Pledge of Allegiance led by President of Council Denczak.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Hawk (*referring to invocation*). You're being asked to suspend Rule 22A to add the second reading of Ordinances 9 and 8, 9 to 18. Member Casar?....

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances #8, 9, 10, 12, 14, 15, 16, 17, and 18, excluding 11 and 13, will remain in Committee.

PRESIDENT DENCZAK: What was, what was your first Ordinance number?

MEMBER CASAR: Number 9.

PRESIDENT DENCZAK: Oh, okay. Nine and, 11 and 13 are held in committee.

MEMBER CASAR: Correct.

PRESIDENT DENCZAK: Eleven and 13 are held in Committee, yes.

MEMBER CARBENIA: Seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the second reading of these Ordinances to the agenda; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22 is suspended and the ordinances are a legal part of your agenda.

PUBLIC HEARINGS:

PRESIDENT DENCZAK: There is no schedule public hearing at this time.

MINUTES OF THE MEETING OF FEBRUARY 6, 2006**PUBLIC SPEAKS (ORDINANCE OR RESOLUTIONS FOR ADOPTION ONLY):**

PRESIDENT DENCZAK: No one has signed up to speak under Ordinances & Resolutions for Adoption.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions; excusing members. Member Casar?....

MEMBER CASAR: Mr. President, I move that Member West be excused from this evening's meeting; seconded.

PRESIDENT DENCZAK: Moved and seconded that Member West be excused. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Member Hawk has been excused. I'm sorry. *(laughter)* I made too many flights today that's for sure, I'm a little tired. Member West has been excused....you too, ember Hawk. *(laughter)*

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 FEBRUARY 6, 2006.

80. AUDITOR RICHARD A. MALLONN II, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 1/1/06-1/31/05 - RECEIVED & FILED
81. AUDITOR RICHARD A. MALLONN II, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/06-1/31/06. - RECEIVED & FILED
82. AUDITOR RICHARD A. MALLONN II, CITY OF CANTON: CERTIFICATE OF TOTAL AMOUNT FROM ALL SOURCES FOR 2006 DATED 1/1/06. - CLERK OF COUNCIL
83. CASAR, DONALD E. (AT-LARGE COUNCILMEMBER) & CARBENIA, JOSEPH (WARD 9 COUNCILMEMBER), CITY OF CANTON: REQUESTING LEGISLATION TO ENTER INTO A LAND LEASE AGREEMENT W/CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION FOR LAND ADJACENT TO STARK COUNTY FAIRGROUNDS ORIGINALLY ACQUIRED FOR HARTER SCHOOL TO BE USED FOR RECREATIONAL PURPOSES. - PPCI, PARK & RECREATION AND FINANCE COMMITTEES
84. CIRELLI, MARY M. (AT-LARGE COUNCILMEMBER), CITY OF CANTON: LETTER TO

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

COUNCILMEMBERS REQUESTING CO-SPONSORS FOR ORDINANCE REGARDING POSTING THE CDBG FUNDING ON CITY'S WEBSITE - COPIES TO ALL COUNCILMEMBERS

85. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: PROPERTIES TO BE CERTIFIED FOR DEMOLITION; 810 8TH STREET NW., ETC. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
86. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: NOTICE OF EMERGENCY REPAIR UNDER CITY CODE SECTION 105.04 TO FIRE DEPARTMENT'S 1991 PIERCE 1250 GPM PUMPER - RECEIVED & FILED
87. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: SUBMITTING PROPOSED SEWER RATE SCHEDULE FOR 2006 AS REQUIRED BY CITY CODE SECTION 947.06 (d); RATE ADJUSTMENT BY 3.4% MUST BE APPROVED BY CITY COUNCIL . - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
88. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: SUBMITTING THE 2005 ANNUAL REPORT OF THE CANTON WATER POLLUTION CONTROL CENTER. - RECEIVED & FILED
89. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO 2-YEAR AGREEMENT W/ODOT FOR MAINTENANCE OF INTERSTATE HIGHWAYS WITHIN CANTON CITY LIMITS FOR THE PERIOD 7/1/05-6/30/07. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
90. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA SOUTH, CANTON, OHIO: SUBMITTING THE PERTINENT DOCUMENTS RE: THE MOORE AREA ANNEXATION AREA IN ACCORDANCE WITH OHIO REVISED CODE 709.022. - ANNEXATION COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: Ordinances & Formal Resolutions for the first reading; let the journal show that all ordinances are being given their reading as required by law. Ordinance number 1 please...

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH & INCLUDING #8 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE SIRPILLA ANNEXATION AREA CONTAINING APPROXIMATELY 7.027 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS B-4 (SPECIAL BUSINESS DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY REFERRED TO ANNEXATION COMMITTEE
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE MOORE ANNEXATION AREA CONTAINING APPROXIMATELY 1.992

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS R-2 (TWO FAMILY RESIDENTIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY
REFERRED TO ANNEXATION COMMITTEE

- #3 (1ST RDG) AN ORDINANCE AMENDING SECTION 1129.16, STORAGE OF VEHICLES IN ZONING DISTRICTS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON REFERRED TO JUDICIARY COMMITTEE
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE BELOW-NAMED CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION CONCERNING THE PROSECUTION OF CRIMINAL CASES AND RELATED MATTERS BY THE CITY PROSECUTOR'S OFFICE; AND DECLARING THE SAME TO BE AN EMERGENCY
REFERRED TO INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING PAYMENT TO THE STATE IN THE AMOUNT OF \$150,830.00 FOR THE I-77 IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
REFERRED TO PUBLIC SAFETY & THOROUGHFARES AND FINANCE COMMITTEES
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MODIFICATION WITH URS CORPORATION IN AN AMOUNT NOT TO EXCEED \$127,976.00 FOR THE TUSCARAWAS STREET IMPROVEMENTS, GP 1064; AMENDING APPROPRIATION ORDINANCE NO 1/2006; AND DECLARING THE SAME TO BE AN EMERGENCY
REFERRED TO PUBLIC SAFETY & THOROUGHFARES AND FINANCE COMMITTEES
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF TWO REAR LOADING HIGH COMPACTION GARBAGE TRUCKS FOR THE SANITATION DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
REFERRED TO PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES
- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$109,508.91 TO CARGILL SALT COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY
REFERRED TO FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances & Formal Resolutions for the Second Reading.

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #9 THROUGH & INCLUDING #18 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS, WITH THE EXCEPTION OF ORDINANCES #11 & 13, RETAINED IN COMMITTEE.

- #9 (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FUNDING AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE HOME FUNDS IN THE AMOUNT OF \$1,815,000.00, FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE CITY'S HOUSING PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2nd RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE AUDITOR TO RENAME THE 1150 GENERAL ECONOMIC DEVELOPMENT FUND TO THE 1150 JOB CREATION AND RETENTION FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2nd RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2nd RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$1,348.80 TO ACADEMY PLAIDS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15 (2nd RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO MAKE APPLICATION AND ACCEPT A GRANT FROM THE HOMELAND SECURITY COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2nd RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A DONATION TO ASSIST IN THE PURCHASE OF WATER RESCUE EQUIPMENT; AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17 (2nd RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO MINOR REHABILITATION RESURFACING OF STATE ROUTE 43 FROM CHERRY AVENUE TO THE NORTH

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

CORPORATION LINE UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

- #18 (2nd RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO JACKSON 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

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD & FINAL READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the third and final reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #19 THROUGH & INCLUDING #28 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCE #21 WAS AMENDED. ORDINANCE #27 WAS DEFEATED.

- #19 (3rd RDG) **ADOPTED AS ORDINANCE NO. 7/2006** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH GLENN REAL ESTATE INVESTMENTS LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #19; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #19. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted. **#19 ADOPTED AS ORDINANCE NO. 7/2006**

- #20 (3rd RDG) **ADOPTED AS ORDINANCE NO. 8/2006** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTORS OF PUBLIC SERVICE AND SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2006; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #20; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted. **#20 ADOPTED AS ORDINANCE NO. 8/2006**

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

#21 (3rd RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 9/2006** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #21; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #21. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, I move we amend Ordinance 21 per the copy that all Councilpersons have in front of them; seconded.

AMENDMENT: Pursuant to Rule 36, I hereby move to amend Agenda Item No. 21 as follows:

1) Amend Section 1 to read as follows:

Section 1. Appropriation Ordinance No. 1/2006 is amended by making the following supplemental appropriations:

FROM:	Unappropriated Balance of the 2233, Canton Federal Campus Project Fund	\$828,755.75
TO:	2233 Canton Federal Campus Project	828,755.75
FROM:	Unappropriated Balance of the 4503, Radio Communication Systems Fund	\$6,842.82
TO:	4503 Radio Communication Systems	6,842.82
FROM:	Unappropriated Balance of the 4502, Motor Vehicle Fund	\$24,140.15
TO:	4502 101501	24,140.15

2) Amend Section 3 by changing the language "*the supplemental appropriation for the Federal Campus Project*" to read "*the foregoing supplemental appropriations for the Federal Campus Project and motor vehicle expenditures.*"

PRESIDENT DENCZAK: Moved and seconded to amend the ordinance per the copy before each of you. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The question you're voting on now is the Ordinance as amended. Are there any remarks under this Ordinance as amended?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21, as amended, has been adopted.

#21 ADOPTED AS ORDINANCE NO. 9/2006

#22 (3rd RDG) **ADOPTED AS ORDINANCE NO. 10/2006** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT 36325 AND PART OF LOT 36326; AND

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #22; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #22. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted. **#22 ADOPTED AS ORDINANCE NO. 10/2006**

#23 (3rd RDG) **ADOPTED AS ORDINANCE NO.11/2006** AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT FOR WILLOW PARK SUBDIVISION - NO. 2 IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #23. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted. **#23 ADOPTED AS ORDINANCE NO. 11/2006**

#24 (3rd RDG) **ADOPTED AS ORDINANCE NO. 12/2006** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF OUTLOTS 286 AND 287 AND APPROVING AND ACCEPTING THE DEDICATION OF PART OF WARNER ROAD S.E.; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #24; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #24. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #24 is adopted. **#24 ADOPTED AS ORDINANCE NO. 12/2006**

#25 (3rd RDG) **ADOPTED AS ORDINANCE NO. 13/2006** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 35750 AND 39722; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #25. Are there any remarks under this Ordinance?... Very well, roll call vote please.

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #25 is adopted. **#25 ADOPTED AS ORDINANCE NO. 13/2006**

#26 (3rd RDG) **ADOPTED AS ORDINANCE NO. 14/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AMENDMENT #1 WITH CTI ENVIRONMENTAL SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$51,500.00 FOR ADDITIONAL ENGINEERING SERVICES FOR THE 49TH STREET NE AND GARDENDALE AVENUE NE STORM SEWER PROJECT, GP 1074; AND AMENDING APPROPRIATION ORDINANCE NO. 1/2006; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #26; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #26. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #26 is adopted. **#26 ADOPTED AS ORDINANCE NO. 14/2006**

#27 (3rd RDG) **DEFEATED** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #27; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #27. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 6 YEAS, 5 NAYS

(SMUCKLER, HAWK, ZACHARY, PRATER, DOUGHERTY, HART - YEA;
CASAR, CARBENIA, CIRELLI, GRIFFIN, KRAUS - NAY)PRESIDENT DENCZAK: Ordinance #27 is defeated. **#27 DEFEATED**

#28 (3rd RDG) **ADOPTED AS ORDINANCE NO. 15/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACTS FOR MOVING AN HISTORICAL HOUSE AND CONSTRUCTING A FOUNDATION, CONSTRUCTION OF AN ACCESSORY BUILDING AND SITE PREPARATION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #28; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #28. Are there any remarks under this Ordinance?... Very well, roll call vote please.

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #28 is adopted. **#28 ADOPTED AS ORDINANCE NO. 15/2006****ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of committee meetings please.

MEMBER ZACHARY: Mr. President, Intergovernmental and Public Service Committee will meet 6:30 pm February 13th.

MEMBER SMUCKLER: Mr. President, Annexation will meet same time, same place.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, February 13th at 6:30MEMBER GRIFFIN: Mr. President, Environmental & Public Utilities will meet 6:30 on February the 13th.

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

MEMBER KRAUS: Mr. President, Public Safety & Thoroughfare will meet at 6:15, same time, same place.... 6:30, I'm sorry.

PRESIDENT DENCZAK: Member Casar, Judiciary has a referral here and I believe the Chairman is Member West, I think. Do you wish to announce a meeting in his stead?

MEMBER CASAR: Who's... I don't have my, I'll look, who's the second person on that committee?... Hold on, I'll look. (*INAUDIBLE COMMENTS*)

MEMBER SMUCKLER: Mr. President, I'd like to call a Judiciary Committee meeting for next Monday, 6:30.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Open Forum, City Business Only.

MISCELLANEOUS BUSINESSPRESIDENT DENCZAK: We're now under Miscellaneous Business. Is there any miscellaneous business? Members of Council and the Administration, I, and some of the Councilmembers attended the open house for Aultman Hospital's new annex that was all started when Council vacated the 2600 block of 6th Street SW and I'm telling you, that is a marvelous piece of hospital equipment. I think it outshines the Cleveland Clinic, and Council is to be proud of the fact that they did vote to vacate that portion of 6th Street SW. Is there any other miscellaneous business?

LAW DIRECTOR MARTUCCIO: Three quick updates. Again, I apologize to those Councilmembers who may have shown up, and media, for the 5:30 committee meeting. Mr. Griffin and I were not aware that the representatives who were supposed to come and do an informational meeting about gas wells weren't coming until late this afternoon. I will do the best I can to work with Mr. Griffin and bring, bring ourselves up to speed on

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

the gas wells and inform Council as to what we think the best future course of action is for the sale of our gas to outside entities. Secondly, some of you have asked me what the status of the predatory lending Supreme Court case is. They heard an argument, an oral argument, in front of the Ohio Supreme Court on November 30th. If you recall, the City of Cleveland had passed a predatory lending ordinance which was a little more aggressive than the State Law and it was challenged by the State and a number of banking and mortgage associations. The Ohio Municipal League filed a brief on behalf of all of us cities and villages and it is still pending. The Supreme Court of Ohio has not announced its outcome yet. When it does, we will let you know. At issue were some city ordinances in some other cities that were different than the State Law, so, again, we will base our future course and our future ordinance on what the Supreme Court okays. Third and last, I think all of you get the *Legislative Bulletin* that the Ohio Municipal League issues. This past Friday's *Bulletin* is well worth reading, front and back. On the front, it talks about local government funds and a task force that was put together to re-examine the issue of local government funds and how much we get as our piece of the action. They are interested, according to this *Bulletin*, on changes to that statutory formula and they're looking at the measures again. So, it would be good for us to keep an eye on how that goes this coming year; and on the back side of it is something else of interest. Probably more to our neighbors in the townships and the boards and so on, but definitely will have an affect on us. As some of you may recall, Secretary of State Ken Blackwell put forth a Constitutional amendment that's supposed to hit the ballot this November called the Tax Expenditure Limitation, PEL; sounds nice, tax expenditure limitation. In theory it would allow the citizens of the State to put a cap on how much the State can spend for State services with their tax money. However, in it, and this is something all of us who are here, who read the minutes of Council, who listen to these voice transmissions, should be aware of. Under this proposal, according to the Municipal League who monitors these things, any tax, any local tax levy, including school levies, MRDD, park levies, police levies, etc., would require a majority vote of all electors in the jurisdiction. That doesn't mean a majority of the people who show up, like it has meant forever in Ohio for every election that's ever held, but this would mean every registered voter. In other words if a person stayed home, it would be a vote against the levy. So this is designed to say that no levy can pass unless a majority of the people who are registered to vote show up and vote for it. There are a lot of unintended consequences hidden in that so I'm urging that we all watch this very carefully before it appears on the ballot in November. Thank you.

MEMBER CASAR: Mr. President, I'd like to ask the Law Director a question please.

PRESIDENT DENCZAK: Yes, you may.

MEMBER CASAR: Law Director Martuccio, I received in the mail today, I'm sure probably other Council people and citizens received also, Shell Energy, the offering of \$12.95 for a firm rate, MCF, what are we paying, with our brokerage firm?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Casar, we are in the last month of our contract for a fixed price for the winter months with Vectran. The price we struck in September of \$14.31, for the 6 coldest winter months, beginning in March, we go back on the variable market rate, meaning we, city residents, and the small businesses in our net, pay whatever the market is, which will be lower, I'm fairly sure, than \$14.31. As to whether or not someone should take advantage of an offer than locks you in at \$12.95, or whatever....

MEMBER CASAR: If, well, what it is, it's, if you go for a year, from February 28th I guess is the deadline on it, for one year you'd be locked in at \$12.95 or you could go variable, whichever the market brings month by month. You can go either way which would be, but, my question to you is, this \$12.95, I know that, I didn't think we did such a good job, no reflection on yourself because that's what the market was bearing at \$14.31 for MCF but, we should start looking at that sooner maybe this year instead of later and maybe we could strike a better deal

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

for our constituents that we did not do this year.

LAW DIRECTOR MARTUCCIO: Mr. President. Good advice, Member Casar. I'm thinking that we probably ought to look at striking before the hurricane season, if indeed global warming is something that's a fact of life now and it may generate more hurricanes. That's some of the speculation out there.

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER HART: Just one, Law Director Martuccio, along that line. When we negotiate these contracts, it's a fixed rate totally because I believe a few years ago we did a contract where if the price went down, the price of the area residents also went down that were on that; and didn't.....

LAW DIRECTOR MARTUCCIO: Mr. President. Member Hart, to my knowledge the contracts that we've been a party to have all been fixed for the 12 months and variable for the warm months and for the last several years, it was a good deal for all of us. This year we struck after Hurricane Katrina and that was most of the problem.

MEMBER HART: Can that, can that be negotiated in or are these companies just not willing to negotiate? I mean, if they're buying the one rate, selling to us and the price goes down to them, you know they're going to be, of course, reaping more profit but at the same time, the consumer's the one that's getting beat to death; and, I was just wondering if, if you know, that variable rate, something like that could be negotiated into the contracts.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Hart, it's a contract and there are risks to both sides. If, for example, in those years, for example, when we lock in for much lower than the prevailing rate, it could have been that our supplier was losing money because we happened to lock in at a good time and the market might have taken off unexpectedly. If the situation was reversed for example, if we had locked in at \$8 or \$9 last year and the hurricanes happened and so and the rates went up to 14 and 15, if the company came to us and said, you know, we didn't know it was going to be this bad, can we re-negotiate, of course we would tell them go away. Live with your bargain. To answer your second question, we could look at a variable rate but there's some risk attached to a year long variable rate because the reason they gave us a fixed rate for the six coldest months, was that's when you wanted the most insurance from the volatility of the market and this winter's been an example of that. You know, a couple of months ago, people were paying something in the 15 and 16s in some areas. Now of course, the market is a little better because it's such a warm January. So, it's a risk, no matter how you do it, it is a risk and if any of you want to volunteer to be part of the group that has to strike that price and tell us when you think the best time is to strike that price, I'd be happy to, happy to hear that.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER CASAR: Mr. President, I 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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

MINUTES OF THE MEETING OF FEBRUARY 6, 2006

ADJOURNMENT TIME: 7:57 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL