

MINUTES OF THE MEETING OF MAY 22, 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 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

PRESIDENT DENCZAK: Will you please stand, we will have the invocation given by member Griffin. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on Monday, May 22, 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 James Griffin followed by the Pledge of Allegiance led by President Ray Denczak.

PRESIDENT DENCZAK: Thank you member Griffin.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Members of Council are being asked to suspend Rule 22 to add the second readings of Ordinance #12 through and including #15. Member Casar, the Chair will recognize that motion?

MEMBER CASAR: Mr. President. I move we suspend rule 22 and add ordinances 0 through 12, 12 through 15 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22. 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 Ordinances #12 through 15 are a legal part of your agenda. You are also being asked to suspend rule 24 to add Resolutions 51 and 52 to the agenda. Member Casar?

MEMBER CASAR: Mr. President. I move we suspend rule 24B and add Resolutions 51 and 52 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24 to add Resolutions 51 and 52 to the agenda. Are there any remarks? If not, roll call vote please

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and the Resolutions are a legal part of your agenda.

PRESIDENT DENCZAK: Members of Council you are also being asked to suspend rule 22 to add Communication #279 to the agenda. Member Casar.

MINUTES OF THE MEETING OF MAY 22, 2006

MEMBER CASAR: Mr. President. I move we suspend rule 22 and add Communication #279 to this evenings agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22 to add Communication # 279 for Member Carbenia to the agenda. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22 is suspended and Communication #279 is a legal part of your agenda.

PUBLIC HEARING

PRESIDENT DENCZAK: We have two scheduled public hearings this evening. We have a scheduled public hearing for 7:30, the chair declares the public hearing open in regards to the matter of an Ordinance amending Ordinance #55, passed in '77 as amended, known as the City of Canton Zoning Ordinance and declaring the same to be an emergency. This is 1825 Ferndale NW, assigning to Ward 7; Zoning same as PR-2, the Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this public hearing, please come forward.

TOM LEWIS: My name is Tom Lewis, I am the owner of the property, um, I am just hoping that you will vote for this because at the present time my property is surrounded, if this podium were my house there is, I sent documents, there is 48 units that actually touch my property or pretty close to that, um that are apartments, and its really tough as a housing unit at this point, um and I am just hoping maybe that you can rezone this as a duplex property.

PRESIDENT DENCZAK: Okay, I also note that on the uh, Public Speaks portion, there is two people signed up, actually three people signed up to talk on this rezoning, uh, you should have signed the other sheet for ordinances on the agenda for adoption, so ah, I'm going to recognize these three people at this time because they signed up in regards to this matter which is before council now. The first person is Beatrice Bickel, (INAUDIBLE), oh okay, Gary Bickel.

GARY BICKEL: My name is Gary Bickel and I live at 1830 Hillcrest Rd NW and I wrote this down because of the emotions that we have been going through, ah, regarding the neighborhood. Moving into this neighborhood about eight years ago, my wife and I enjoyed improving our home with the majority of owner occupied homes, neighbors kept their homes pleasant and made their homes inviting. My wife and I put over \$40,000.00 to \$50,000.00 into our property and many neighbors were inspired by our progress. But as time went on, rentals increased owned by slum lords and renters that trashed the neighborhood cared nothing about others in the community and incidentally we, when we moved to the area, two trashed rentals existed. Since that time about two or three years just recently, six selfish non caring homes exists in the neighborhood. 1825 Ferndale and Mr. Lewis has a beautiful owner occupied home right now, its just a beacon on the Ferndale hill up there, we can see it right across the street, now wants to be a two family duplex with no owner occupancy. You give it some time it too will turn into a trash hole like the rest. We have seen it over and over again. My wife and I has constantly made phone calls concerning numerous violations in our neighborhood, I feel that for the owner on Ferndale, to make it a duplex, its gonna go just like the rest. Even the Repository stated that the city wants to cut back on the amount of trash rentals, they are cracking down on the situation, but not in our neighborhood, we haven't seen it yet. The Repository also stated that the City of Canton has been coming down on run down properties in Canton and beautifying them, why can't city officials vote to do that in our

MINUTES OF THE MEETING OF MAY 22, 2006

neighborhood. Our whole time living in this neighborhood has basically turned into a neighborhood babysitting service, my wife spends more time on the phone with the various authorities concerning anything from terrorizing pit bulls, parking issues, unkept, overgrown lawns, trashed homes and those not up to code. With all I've done to beautify our neighborhood and our City of Canton with our property. It's only fair for others to do their part, it's just a slap in our face for what's been going on. It's embarrassing to have our friends come down the street and drive past. I think the landlords should be fined. So if they are gonna rezone 1825 Ferndale, I think they should help our properties too. Thank you very much.

PRESIDENT DENCZAK: Beatrice Bickel.

BEATRICE BICKEL: Um, before I begin, I just wanna, I just say I read this article.

PRESIDENT DENCZAK: State your name and address first please.

BEATRICE BICKEL: Oh, Beatrice E. Bickel, 1830 Hillcrest Rd NW. Um about how the City bought seventeen houses for a million dollars to renovate, and I do admire that, its well needed and I really do appreciate that for Canton but it says in there that you were trying to get homes in that area of \$100,000.00 to \$120,000.00. We took a \$67,000.00 home in 1998 and we improved it to almost \$120,000.00, we got it refinanced last year and it fell \$20,000.00 its value. Now, all that work we put into our home in this neighborhood. I wanna show you something. This is us, this is Ferndale, this goes out to Cleveland Ave, this goes down to Harrison. This is us, this is the gentlemen here that wants to rezone. Now, he is surrounded right here by horrible apartments and we know that, so are we up on the cliff. Since we've moved there, this home has been trashed, this home has been trashed. This is absolutely filthy, this was the entrance to our neighborhood, a beautiful home two years ago, she died, someone got a hold of it and it has trashed that home. This is so putrid looking, right across the street from him. No wonder he cant get any money out of his house. One by one, everyone of these homes is being trashed in our neighborhood. Then there is a sign farther down the street from him that says distinguished homes and a phone number, in an unkept lot with grass this high. Distinguished homes, how ridiculous. Now, how are we supposed to maintain the value of the home that we worked, he worked 60 hours a week, I worked 3 jobs to put brand new windows in our house. How in the world are we supposed to keep up the value of our house when we keep on turning these into trash rentals.

MEMBER SMUCKLER: Mr. President.

PRESIDENT DENCZAK: Member Smuckler.

MEMBER SMUCKLER: The other homes that you are complaining about ma'am, are they owner occupied?

BEATRICE BICKEL: Um.

MEMBER SMUCKLER: Are they rentals, do you know?

BEATRICE BICKEL: This is non owner occupied. This is actually occupied. Actually, he has a very respectable restaurant in Canton, but his home is trashed. This is non owner occupied. This is vacant, its been vacant for probably two years. Its just sitting there, its horrible looking. Um, this is non owner occupied, this is another rental.

MINUTES OF THE MEETING OF MAY 22, 2006

MEMBER SMUCKLER: How many rentals are on your street there do you guess?

BEATRICE BICKEL: okay, they would be this one, this one, this one, and this one, I'm counting four that I know of for sure that are non occupied owners. And as you can see all those red, like (inaudible). Now this has just happened. When we moved in eight years ago, we drove in Hillcrest from Ferndale and it was a beautiful tree filtered sun filled lit street, it was beautiful and every one of these homes has been trashed. This house right here right now is owned by a gentleman up the street there on um, I don't know if its Roberts or Burger, and he knows it, so many calls have been placed about his filthy dirty rental. The last occupants were druggies, they had pit bulls running the neighborhood. Now there is a dog hanging out the front porch with dining room furniture sitting on the front porch. This is right across the street from my house. So this is what's happening, I cannot blame him for wanting to move but what's, for us, how are we going to move? How are we gonna sell our house and get all the money we put into it? To beautify Canton. I was always taught to leave something better when you leave then when it was. I grew up one of seven children. We were poor but my dad perfectly manicured our one acre and planted flowers. I have never seen such filthy living in my life. Thank you.

PRESIDENT DENCZAK: One other person signed up, Tom Lewis. (Inaudible) That was you? You don't want to speak again? (Inaudible) okay. So this public speaks sheet we just have one speaker left this evening. Is there anyone else in the audience wishing to speak for or against the zoning change, please come forward. Anyone else in the audience wishing to speak in regards to the zoning change, please come forward. Anyone else in the audience wishing to speak for or against this zoning change, please come forward. Apparently not, the Chair declares the public hearing over in the regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

PRESIDENT DENCZAK: We are now scheduled for Public Hearing for 7:31. Its another zoning change. Its an ordinance amending ordinance #55, passed in '77 as amended, known as the city of canton zoning ordinance and declaring the same to be an emergency (306 Sterling Ave SE) and assigning to ward 4, zoning same as PB-3, Planning Commission recommends denial of this request. The Chair declares the public hearing open in regards to this matter. Is there anyone in the audience wishing to speak for or against the zone change please come forward. Please come forward.

FRED GAFUCCI: Ms. Mayor, President, Members. I wanted to speak on behalf of, I own a.....

PRESIDENT DENCZAK: State your name and address please.

FRED GAFUCCI: Fred Gafucci, 1215 - 4th St SE, I have been a member a resident of Canton all my life, um I do work out of town, and I elected to remain a City of Canton resident. I am speaking on behalf of the change that the Planning Commission denied, I own on the one side the property adjacent to it, on the other side is residential, they have been residential. Sterling Ave is a two lane, very small street and with the other business there, Midwest Industrial Supply, Hersh Builders, there's tankers and big vehicles coming down Sterling and uh, it just has a 7 ton limit at this time, um I just wanted to voice my opinion against this because they wanna go to commercial and like I said it's gonna disrupt what is left of the neighborhood down here in Southeast Canton.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against the zone change? Please come forward. Anyone in the audience wishing to speak for or against this zone change, please come forward. Anyone in the audience wishing to speak for or against this zone change, please come

MINUTES OF THE MEETING OF MAY 22, 2006

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. No one signed up

PUBLIC SPEAKS

PRESIDENT DENCZAK: No one signed up for public speaks under Ordinances or Resolutions for adoption, except those that I recognized previously.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: It will not be necessary to excuse members. Let the journal show that all members of Council are present. Resolution # 51 please.

NOTE: PRESIDENT DENCZAK CALLED UPON THE CLERK OF COUNCIL TO READ THE FOLLOWING INFORMAL RESOLUTIONS #51 AND #52 BY AGENDA TITLE. ALL INFORMAL RESOLUTIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MAY 22, 2006.

51. PERSONNEL COMMITTEE: APPOINTMENT OF CHRISTOPHER BARNES TO SERVE AS ASSISTANT CITY ENGINEER AT STEP 4 SALARY. - ADOPTED

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #51; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #51, are there any remarks under this Resolution? If not, by voice vote, all those in favor, signify by saying aye. Those apposed, no.

NO REMARKS

RESOLUTION #51 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #52 please.

52. KRAUS, WARD 8 COUNCILMEMBER: REQUESTING A STREET LIGHT ON THE EXISTING POLE IN THE 700 BLOCK OF 40TH ST NW POLE #KOPFL-1188 - ADOPTED

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #52; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #52, are there any remarks? If not, by voice vote, all those in favor, signify by saying aye. Those apposed, no.

NO REMARKS

RESOLUTION #52 IS ADOPTED BY UNANIMOUS VOICE VOTE

COMMUNICATIONS

MINUTES OF THE MEETING OF MAY 22, 2006

PRESIDENT DENCZAK: All communications are received as read, filed and properly referred.

269. AUDITOR, MALLONN (CITY): REQUEST LEGISLATION AUTHORIZING CITY AUDITOR TO ENTER INTO AGREEMENT WITH ICMA-RC TO PROVIDE A TAX DEFERRED RETIREMENT HEALTH SAVINGS PLAN FOR CITY EMPLOYEES WHO ARE MEMBERS OF THE FRATERNAL ORDER OF POLICE. - PERSONNEL COMMITTEE
270. DENCZAK, CNCL PRES.: ADVISING MAYOR CREIGHTON OF A NEW SYSTEM FOR PARKING VEHICLES. - RECEIVED & FILED
271. FACES OF STARK COUNTY: NOTICE OF MOVING THE "CELEBRATING THE FAMILY" FAIR FROM THE CANTON CIVIC CENTER TO THE "COMMONS" AREA OF TIMKEN HIGH SCHOOL. - RECEIVED & FILED
272. HEALTH BENEFITS ADMIN., BRESSON: APRIL 2006 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS. - RECEIVED & FILED
273. MAYOR CREIGHTON: REQUESTING APPROVAL OF PLACEMENT OF JOHN LABRIOLA IN STEP 3 OF CHIEF BUILDING OFFICIAL POSITION. - PERSONNEL COMMITTEE
274. PUBLIC UTIL. COMMISSION: METRO REGIONAL TRANSIT AUTHORITY TO REPLACE THE EXISTING ACTIVE WARNING DEVICES AT STATE ROUTE 172 AND TUSC.; PUCO COMMISSION CANNOT AUTHORIZE INSTALLATION OF WARNING DEVICES DUE TO NO JURISDICTION. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
275. OHLINGER, PAMELA, APPLICANT: APPLICATION FOR ALLEY VACATION OF A PORTION OF RUTH PL, NW FROM CLEVELAND AVE NW TO WOODLAND AVE NW. - PLANNING COMMISSION
276. SERVICE DIRECTOR, CONCATTO: REQUESTING AUTHORIZATION TO ADVERTISE, RECEIVE BIDS AND ENTER INTO A NEW CONTRACT FOR THE BACKWATER VALVE PROGRAM. - ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE COMMITTEES
277. SERVICE DIRECTOR, CONCATTO: REQUEST AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO DO THE FOLLOWING: ESTABLISH THE FAIR MARKET VALUE OF PROPERTY IN CONJUNCTION WITH THE TUSC ST WIDENING AND STREETSCAPING IMPROVEMENT PROJECT; NEGOTIATE SAME AT THE ESTABLISHED FAIR MARKET VALUE; AND MAKE MINISTERIAL CHANGES. - COMMUNITY & ECONOMIC DEVELOPMENT AND PUBLIC SAFETY & THOROUGHFARES COMMITTEES
278. SERVICE DIRECTOR, CONCATTO: REQUEST A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF CANTON TO APPROPRIATE PROPERTY WITHIN ITS CORPORATE LIMITS, FOR THE PURPOSE OF ACQUIRING A STANDARD HIGHWAY EASEMENT AND TEMPORARY EASEMENT FOR THE COLUMBUS RD / HARMONT AVE NE INTERSECTION PROJECT. - PUBLIC SAFETY & THOROUGHFARES AND FINANCE COMMITTEES

MINUTES OF THE MEETING OF MAY 22, 2006

279. CARBENIA, J. WARD 9, CNCLMBR: REQUEST FOR WAGE INCREASE FOR SCHOOL CROSSING GUARDS BEGINNING THE 2006-2007 SCHOOL YEAR. - PERSONNEL

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE ORDINANCES #1 THROUGH #11 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN AUTHORIZE MAYOR TO ENTER INTO ENTERPRISE ZONE AGREEMENT WITH RTI INTERNATIONAL METALS, INC. TO PROVIDE REAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL SCHOOL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) & (D) OF THE REVISED CODE AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Community & Economic Development Committee and Finance Committee
- #2 (1ST RDG) AN ORDINANCE ESTABLISHING FAIR MARKET OF ONE PARCEL OF CITY OWNED PROPERTY AUTHORIZING THE SALE AN CONVENIENCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee and Finance Committee
- #3 (1ST RDG) AN ORDINANCE ESTABLISHING FAIR MARKET 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
Referred to Community & Economic Development Committee and Finance Committee
- #4 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY OWNED PROPERTY AUTHORIZING THE SALE AND CONVENIENCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Community & Economic Development Committee and Finance Committee
- #5 (1ST RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOT 807 & LOT 37252; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #6 (1ST RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOT 1667 & PART OF LOT 1668; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #7 (1ST RDG) AN ORDINANCE VACATING A PORTION OF HOPE COURT SE; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Public Safety & Thoroughfares Committee

MINUTES OF THE MEETING OF MAY 22, 2006

- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. DBA CTI ENVIRONMENTAL, INC. PURSUANT TO THE CITY'S JOB CREATION INCENTIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee and Finance Committee
- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH RTI INTERNATIONAL METALS, INC. DBA RTI ALLOYS TITANIUM PROCESSING DIVISION PURSUANT TO THE CITY'S JOB CREATION INCENTIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee and Finance Committee
- #10(1ST RDG) 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
Referred to Environmental & Public Utilities Committee
- #11 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FISCAL YEAR 2007 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$74,261.00 AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #12 THROUGH #15 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS

- #12 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH NORTH CANTON AND A PROPERTY OWNER REGARDING ADJOINING PROPERTY LOCATED IN CANTON AND NORTH CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2ND RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR THE REMOVAL OF NOXIOUS WEEDS AND DEBRIS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH GREAT LAKES ENERGY PARTNERS, LLC TO INCREASE THE CITY'S PRICING FOR THE SALE OF OUR NATURAL GAS RESERVES; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF MAY 22, 2006

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I move the statutory rules be suspended on Ordinance #14; seconded.

PRESIDENT DENCZAK: It's moved we dispense with the three readings of Ordinance #14. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 ABSTAIN, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance?

MEMBER SMUCKLER: Mr. President.

PRESIDENT DENCZAK: Member Smuckler.

MEMBER SMUCKLER: I don't have a problem with what was explained in committee meeting other than the fact that it was explained to committee meeting with no one there from the company and being told that our people didn't have enough information about it. My concern is I'm, I don't want to pass any contract that I can't get any information on. And right now, being asked to pass this under emergency, I will abstaining on it until I can get some more information on it. If Council goes ahead and passes this, that's fine, but I'm not in the frame of mind just to pass something because everyone says its okay to do.

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Member Cirelli.

MEMBER CIRELLI: I have to agree with Member Smuckler after hearing all the ah, conversation that we had in committee meetings, I feel the same way, actually my abstention on the on the suspension, and I apologize to the Majority Leader, I was thinking that was a vote. I will be abstaining on this also because I don't think we have enough information.

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Mr. President, as I stated in Caucus, or committee meetings, uh, you know the administration hired a consultant or gas experts to ah give us their opinion on the 16 wells that the City of Canton owns, of what capacity is left in them. They gave us figures to buy the purchase of wells and/or to ah ah, pay us MCF of for the use to pull the gas out of those wells. We are presently ah 2 something a MCF and this new contract would take us up to 10 something MCF ah and as administration or Service Director, Concatto said that we would be ah, the deadline is ah June 3rd to ah go along with this ah agreement. You know like I said before, we're damned if we

MINUTES OF THE MEETING OF MAY 22, 2006

do, we're damned if we don't, but I think that the best thing at this particular time is ah, hopefully the administration had hired a good consultant, ah that's ah, has no strings attached to ah Great Lakes, ah the company involved and I feel that this is probably the best way to go is ah get our 10 something an MCF and run with it.

MEMBER WEST: Mr. President.

PRESIDENT DENCZAK: Member West.

MEMBER WEST: I just got this information, actually from ah constituent who had indicated that the gas right now, going rate is like 6 to 8 dollars MCF, if we get something for 10 that would be kinda ah to our benefit.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT DENCZAK: Service Director.

SERVICE DIRECTOR CONCATTO: Ah, I'm not sure those are relative comparisons to what they are getting and what comes out of the gas well. But I just wanted to say that in our meetings with our consultants that we did invite Council, Council Members there, unfortunately, I don't think Jim could make that one meeting. We try to keep Council involved in this decision making process and like I said in the meeting, it's not a very easy thing to understand.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT DENCZAK: Law Director.

LAW DIRECTOR MARTUCCIO: Um just to clarify, I'm not certain that the figure will be 10 per MCF at a sale rate at this point in time because of where the market is but we were looking at 8 when we were talking with our consultant just a few weeks ago. Um, again, the formula that, for our sale will be that um, it will be uh, tied to the commodities trading rate minus a calculable amount done be petroleum and industrial standards on how they're going to deduct for their expenses. At any rate, I can guarantee Council, based on our investigation that it will be a lot more then the 2 dollars and some cents that we are getting per MCF now. Based under the contract that was drawn up in 1994.

MEMBER WEST: Mr. President.

PRESIDENT DENCZAK: Member West.

MEMBER WEST: If we do not pass this then we stay at the 2 dollar rate, is that correct?

LAW DIRECTOR MARTUCCIO: Mr. President. Member West, yes, until we negotiate yet again another stab at it, um again, for reasons that were discussed at length with our consultant and in committee, Great Lakes is the company that is drilling for us now. Um, the options that they were offering us were well considered the terms of selling our royalty rates and our working interests and so on and the independent consultant said "go for the rate, forget the, forget selling off your working interest and your royalties, get your sale price for your MCF up." Um, that would be the same no matter who we went with and no matter who we went with, it would be tied to a formula, uh that is pretty much an industrial standard but the variable would be the expenses and a new company might involve more expenses.

MINUTES OF THE MEETING OF MAY 22, 2006

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Can I ask the Law Director a question? Law Director, being now that the summertime, you know gas is down, the MCF. If we, just throwing this out, if we would postpone this for three months and ah, then try and enact a contract say in um August or September with the price of gas be substantially up, we could possible get more for our gas then?

PRESIDENT DENCZAK: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Casar, that's a possibility but we're going to be tying into a formula and this would go through the contract. We'll keep Mr. Griffin appraised of what the terms and conditions are I can do the same for you, um, Im not sure that the formula that we're being offered right now might not change as well over the next three months.

MEMBER CASAR: But ah, Service, I mean Law Director, I mean if we ah gas consumers in this city and all over the united states pay more in the winter time then gas should be worth more to sell in the winter time also and our contract would reflect accordingly in my opinion. I mean, its not going to go down for sure, do you agree?

LAW DIRECTOR MARTUCCIO: I agree.

MEMBER CASAR: I think with that being said, I would like to ah put to this Council a three month postponement on this and ah go back and negotiate say ah in August and then see what we can do.

MEMBER HAWK: Mr. President

PRESIDENT DENCZAK: Member Hawk.

MEMBER HAWK: If we do that three month postponement on the vote, they will be pumping at 2 dollars and something CFM for the next 90 days, that was my point. They will pump all they can pump at that, as anybody would. But we don't know a cost today that we were voting on? We don't know what the CFM is today? What we will be contracting today?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT DENCZAK: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. Hawk, uh, excellent question. When our consultant first analyzed the data that was before him he arrives at an average price of \$8.93 per MCF. Again, allowing for the gathering compression and marketing costs for the billing company and um, some other factors that went into his formula, I suspect that will be adjusted upward as the months proceed.

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Member Cirelli.

MEMBER CIRELLI: Question to the Law Director. Does their contract read sir that um, if we do as our Majority

MINUTES OF THE MEETING OF MAY 22, 2006

Leader suggests that they'll be, there is still permitted at the \$2 amount or is this like a contract that ends now and we are picking up a new contract?

PRESIDENT DENCZAK: Law Director.

LAW DIRECTOR MARTUCCIO: As we explained in committee, the contract has expired, um they are the company that has the extricating equipment in place and we are going on an oral agreement from month to month um, to do a whole new set of proposals and bring other companies in could be time consuming. Um and as our finance chairman pointed out, while we are doing that, we are selling it at \$2 and some change per MCF.

MEMBER CIRELLI: Mr. President and Law Director, but if our contract has expired then can we not prevent them from not pumping our gas and put it on hold?

LAW DIRECTOR MARTUCCIO: Mr President.

PRESIDENT DENCZAK: Uh huh.

LAW DIRECTOR MARTUCCIO: Um, an option might be to cap it, um there are costs associated with that, that uh, Im not familiar with at this point. These are questions that no one actually brought to our attention at all in recent weeks and months, in fairness to us.

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Cirelli, yield? Do you yield?

MEMBER CIRELLI: Yes I'll yield sir thank you.

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Along the same lines as ah Member Cirelli, uh, would it not be possible to just ah go with the 3 month contract and then open it up in 3 months from now? That would lock in our price.

LAW DIRECTOR MARTUCCIO: Mr. President, I believe it's possible to maintain the current status quo. \$2 and some change per MCF.

MEMBER SMUCKLER: Mr. President.

PRESIDENT DENCZAK: Someone who hasn't spoken yet? Member Smuckler.

MEMBER SMUCKLER: I think part of the problem here, and I myself like some other people have been criticized in the past for not having information and voting on things and all these questions are good questions. And it's a question that you've already expressed that most of the people in this room don't have the expertise to give us any answers for. Now, the contract expires June 3rd, is that correct?

LAW DIRECTOR MARTUCCIO: Mr. President.

MINUTES OF THE MEETING OF MAY 22, 2006

PRESIDENT DENCZAK: Law Director.

LAW DIRECTOR MARTUCCIO: The offer to enter into this formula expires June 3rd.

MEMBER SMUCKLER: I'm more than willing to come back here but I am not going to be passing contracts without information, especially based on formulas and nobody has explained any formula to me. And I may not have the expertise to understand this but I do have the legal requirements to make the decision on and I am not going to just give carte blanche like that's happened in the past down here that I have been a part of and I will be the first one to admit it but I am not giving carte blanche to people who just come in and say "Hey this is the best deal, you guys take it." And I'm not just taking it, it's a question of, are we going to get the facts of what's going on and yeah, I understand its going out of here at \$2 and some odd cents but I also understand that the timing of this has put a gun to our heads and I'm not shooting myself in the head.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT DENCZAK: Law Director.

LAW DIRECTOR MARTUCCIO: Understanding your concerns, an option Council has obviously is to not pass this evening and let it go to a third reading and see if the operating company will agree to a new deadline, um under the same formula, I'm not sure what the answer to that would be but it's an option.

MEMBER WEST: Mr. President.

PRESIDENT DENCZAK: Member West.

MEMBER WEST: Could I hear from the Service Director about this and what his opinion since he worked so diligently on it.

SERVICE DIRECTOR CONCATTO: Mr. President, Member West, Mr. Martuccio was also there. I would just like to say and ask the question, we did invite Council to this meeting. We did invite the Council Chairman of that committee to that meeting. Now, if he is unable to come, I respect that. I'm not sure what else that we can do, you want us to invite all of Council there we have no problem with opening, this is not a hidden meeting where we were, that we were trying to uh, cohort an action, we, we, were open and uh, I'm not sure, Mr. Smuckler, if you had a question, uh, I'm not sure because if we had brought, ah, James Engineering here, he could not have explained this to you in 15 minutes, trust me. It took us 2 hours to understand what he was trying to say, so if Council wants this information, it's not that we wont want to give it to em, its give us the forum for which you would like to do that.

MEMBER SMUCKLER: Mr. President.

PRESIDENT DENCZAK: Member Smuckler.

MEMBER SMUCKLER: Forum for that, at least for all of Council, if I'm not invited to a meeting, it's committee meeting, and if committee meetings have to last longer than 15 minutes, so be it, they will last longer than 15 minutes. I'm not trying to run any trains on time, I'm just trying to get the information that I need to make sure that all this takes place and I am not going to support something were you folks explain the formula to me. If you can explain the formula to me, then I'll sit here and vote on this tonight. But so far, no one has been able to explain the formula and our consultant can do it and then you don't bring the consultant down here to give us the

MINUTES OF THE MEETING OF MAY 22, 2006

information.

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Anybody else who hasn't had a chance to speak? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Uh, to Mr. Martuccio, I'm liking this to the gas aggregation that I know you worked diligently at and um, and know I know what I am paying for like \$9 and something per MCF, because I noticed it on my bill the other day and of course then again you will be negotiating and if I am wrong, let me know about this. Last year I think it went up to \$13 and something for the winter months and your probably (INAUDIBLE) okay, \$16 for the winter months, (INAUDIBLE) thank you, somewhere in there \$14.31, which was rather steep and everybody in the City of Canton, we thought would go together and we would buy it collectively, we would get a better deal and um, I understand that the people that stayed with Dominion Gas Company were getting if for \$10 or \$12, or something like that, so it's sort of a negotiable thing and now the price is low. I just have a problem selling, letting 'em pump it out at \$2 MCF now until oh, and as I heard em, and if I am wrong at this they'd pump like crazy right now while I could get it at 2 bucks as long as this contract holds, uh until we make up our minds, it would be stupid on their part not to do that. I have a real problem giving that to them at \$2, I think we should, um have some informative answers and we should hold their feet to the fire to just like our feet were held to the fire to get the best darn price that we can get for our monies.

MEMBER HAWK: Mr. President.

PRESIDENT DENCZAK: Member Hawk.

MEMBER HAWK: I think one of the major things I'm hearing here is we don't know exactly what we are voting on, how much we are gonna get per CFM tonight and I think that's very important for us to know. How much, if we pass this tonight, how much will we receive per CFM from the gas company.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT DENCZAK: Law Director.

LAW DIRECTOR MARTUCCIO: In response to the gas aggregation question. Um, for the first several years of its existence, it saved significantly for all the residence, small businesses, of the City of Canton, last year because of the timing of the hurricane season and some other factors, the price was struck around Labor Day when it was typically and was among its highest. That was part of the game. Playing the commodities market. Uh, people are always welcome to opt out during the warm months for free and during the winter months for \$25. Getting back to this issue. Um, to come up with a precise price tonight, or 2 weeks from now if you decide to hold off, Im not sure is the same price that it would be 2 weeks from now. Again, part of the formula is based of what the price is going for as a commodity on the Nimax Exchange. Um, if Council feels very strongly that they would like a couple of more weeks to have the issue researched or have something presented to them, um, we have no choice but to tell the current operating company of Council's desire and ask for an additional few days or weeks, how ever long it takes to have someone come and try to explain to you, um what they explained to us, was the use of graphs and charts and scientific formulas. Um, even if it were a different company, uh, Im not sure that the price, the purchase price would change. It's the commodities being priced, its not like a request for proposal where one professional could come in here and say "I will perform that service for \$125/hr." And another one comes and says "I will perform it for a \$175/hr." Um, but if that's the desire of this Council, we will do what we can as your agents to go to the operating company and say " We need you to hold that option #3 open

MINUTES OF THE MEETING OF MAY 22, 2006

awhile longer, we are not interested in selling off our royalties, we are not interested in selling off our working interests but we are interested in selling you the natural gas. Council needs more time to understand how that works and what the price will be.”

MEMBER CARBENIA: Mr. President.

PRESIDENT DENCZAK: Member Carbenia.

MEMBER CARBENIA: I know you cant give us a definite price but, the price that you are talking about is 6 or \$7 more then what we're receiving right now and what we will be paying out, ah, what we will be receiving while they are pumping the natural gas out of ah, while we're waiting to make our decision. Myself, with the administration and yourself in those negotiations with a consultant, um I feel that you've done due diligence to do this maybe, maybe we do like to know numbers, don't get me wrong, but it seems to me that a right now were a little bit in a crunch and a I would rather make another 6, \$8 hour or \$7 an hour and um, instead of letting somebody have it for under \$3.

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Member Cirelli.

MEMBER CIRELLI: I hate to belabor the issue but maybe that's what its come down to. I'm really hard pressed to give somebody the rights to \$2 a gallon and even when we heard in Caucus, we heard \$10 first, now we are hearing 8 and then we're hearing of course all this, and I know what the commodity prices and what have you, you know, they're no damn fools, they know more of what's happening in the market then we know what's happening in the market. That's pretty obviously about what's happening in this meeting tonight. I think we ought to close, cap our wells until we get a better handle on what the real amount is, ah we can get the best bang we can for our mineral rights, or not our mineral rights but our gas price. I think we would be fools to just give, I mean we're gonna just jump at ah maybe an \$8 thing?

MEMBER CARBENIA: Mr. President, (INAUDIBLE)

PRESIDENT DENCZAK: What did you do?

LAW DIRECTOR MARTUCCIO: Mr. President, I would like to make one more remark, I don't mean to interfere with the call of the question, just another point of information. Comparing the \$8 or \$10 that we're going to sell the gas for is very different then the purchase price that we are being asked to pay as consumers for gas that's transported from Henry Hub Louisiana. Very different.

PRESIDENT DENCZAK: Members of Council several of you expressed that you may abstain from this issue. The Chair reminds you that if the Ordinance passes it will be considered that you voted on the prevailing side, so bear that in mind. Member Carbenia you called for the question? Roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 1 NAYS, 1 ABSTAIN

PRESIDENT DENCZAK: The Ordinance has passed.

#15 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;

MINUTES OF THE MEETING OF MAY 22, 2006

AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BURGESS & NIPPLE LTD. IN AN AMOUNT NOT TO EXCEED \$1,000,000.00 FOR THE DESIGN PHASE OF A WATER INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN; AMENDING APPROPRIATION ORDINANCE NO. 1/2006 AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT DENCZAK : Ordinances for their third and final reading. Ordinance #16 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #16 THROUGH #20 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.

#16 (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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #16; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16. Are there any remarks under this Ordinance?

MEMBER SMUCKLER: Mr. President.

PRESIDENT DENCZAK: I will yield if you want to make a comment first Mr. Hart. Um, Law Director, could you share what the city planning vote was that you shared with me a little while ago?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT DENCZAK: Law Director.

LAW DIRECTOR MARTUCCIO: Um, yes Mr. Smuckler, we are talking about Ordinance #16?

MEMBER SMUCKLER: Correct.

LAW DIRECTOR MARTUCCIO: Um this is the Ferndale, NW matter?

MEMBER SMUCKLER: Yes.

LAW DIRECTOR MARTUCCIO: Um, I will quote, it's a short letter, I'll read it very quickly. This was a letter to Council from the secretary of the Planning Commission, the Canton Planning Commission. "At the April 11, 2006 meeting, the Canton Planning Commission members recommended approval of a request from Tom and Carol Lewis to rezone 1825 Ferndale Rd NW from R-1A, single family residential to PR-2, planned two family residential. In making its recommendation in a 4 to 3 vote members took into account that there are apartment structures abutting the subject property to the east and north and a duplex abutting it to the west. Also the structure was duplex a few years ago.

MINUTES OF THE MEETING OF MAY 22, 2006

MEMBER SMUCKLER: Mr. President.

PRESIDENT DENCZAK: Member Smuckler.

MEMBER SMUCKLER: Member Hart, what do you recommend as ward councilman for this.

MEMBER HART: Um, as the ward councilman, I recommend the uh passage of this, it's, you know in a perfect world it would be a real easy decision, uh and again as you can see by the vote, it had been a duplex, they moved in, it's it's, they maintained the property well. It's surrounded you know by other apartment complexes as well as a duplex. Um, and again it's a tough, it's a tough call. And, I'm just asking that ah, you know, you go, ah, I'm asking for your support and to vote yes on it.

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Member Cirelli.

MEMBER CIRELLI: Um, with all due respect to the ward councilman, um, you know I only carry 1 vote here and ah, our Auditor sitting over there at one time was a ward councilperson, where I was formerly a ward councilman member for it and I came back in here as council-at-large and I was the only member on the body that voted no on a duplexing there and then I hear so many years later everybody is saying the City is turning into all slum lords and what have you and ah this whole Council, I felt, has been committed to trying to turn that around and home owner occupied and or owner occupied and perhaps renting out part of the property. So, I really in all honesty cannot support you on this sir, but I respect your position. Thank you.

MEMBER HART: Again, uh, Member Cirelli, that's what I say, it's a very.....

PRESIDENT DENCZAK: Member Hart.

MEMBER HART: Oh, okay, Mr. President, I apologize sir. Can I go ahead now?

PRESIDENT DENCZAK: Yeah, go ahead, you are republican, I understand that. Go ahead.

MEMBER HART: Okay. Yeah, (Laughter) Member Cirelli, again, ya know this is a difficult call and and um, you know when you go up and look at the situation, uh, you know, there are other apartment complexes there, um
you know, I mean its not a clear cut, yeah, this was an easy one when I drive through and I look at the area, you know there's been some changes, some of the properties over there, unfortunately, in our City, we have, you know ah, minimal building standards and some of the ah landlords unfortunately do their best to keep their properties at a minimal standard and ah, don't try to make it ah, as nice as they possibly can and ah, you know, sometimes they just meet that standard and ah, you know I mean Mr. Lewis, for that property is, you know I think done, gone over and above and ah, unfortunately because of location, you know, not a good thing to have a single, you know right there right in that spot with all the other rental properties.

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Member Cirelli

MEMBER CIRELLI: Might I respond to ah Councilman Harts ah elaborating on the situation. I can appreciate

MINUTES OF THE MEETING OF MAY 22, 2006

that sir but I was one of the councilmembers and I believe Mr. Ah, the Law Director, Mr. Martuccio was there and Mariella Mestel, when I said "We've gotta do something about these slumlords" what the City is turning into and ah God Bless one of his assistants, whom shot back with, "you know you have to, we do have laws on the books" and I says "yes but you happen to live," this person happened to live up in Hudson, Ohio where their zoning tells them what color they can even paint their houses. I have a real problem with the City of Canton, we have as you say "minimal" I don't like that, minimal is not good enough, we need to raise our standards and we need to get on it quickly and as fast as we can. And when I hear these people telling me that when they moved in it was fairly decent looking and its just went downhill. I cant add to the rest of it and allow the rest of it to continue to go downhill just because our minimal standards. Then I'm saying okay, throw up my hands and just let it go to Haitis with the rest of it. I cant do that, I carry only 1 vote and I cannot support that sir. So that's where I'm coming from.

MEMBER SMUCKLER: Mr. President.

PRESIDENT DENCZAK: Member Smuckler.

MEMBER SMUCKLER: 20 years down here, I've never not supported the ward councilman. However, this goes back to um, the issue of rental properties in our city and what stand we're going to take and zoning issue that I talked to the Law Director months ago of creating areas that uh, yeah I know, part of the strategic planning presentation. Um, what we're gonna do from now on and I think everybody admits that the way to a strong city is owner occupied housing and um, the question is where we going with this whole thing.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT DENCZAK: Service Director.

SERVICE DIRECTOR CONCATTO: As a voting member of the planning commission, we voted in favor of this. I will give you a short synopsis of my philosophy on it. I don't know if any of you were able to go by or drive by the property. Mr. Lewis' property is surrounded by apartment buildings, something that can never be turned into single family housing. It's a complex of 20 some properties on his, this is on the north side of the street, ah, Mr. Lewis' property is on the north side of the street. If his property would have been on the south side of the street he would not have got this far. But it's on the north side of the street, to the, to the east of him is probably an apartment complex, 17, 18, I'm not sure, that surround him. You're not going to turn them into single families. They are brick building apartment complexes. To the west of him is a duplex and to the west of that is another 7 unit, I believe it's a 7 unit apartment building. So what I looked at was the fact that he was on the north side of this street, surrounded by apartments that could not be single family housing. Because I agree, I think we need to reduce our number of rentals and get more into owner occupied. I agree with that but as the Planning Commission, we have to look at whether that can happen. Whether by us denying this person that zone change, will it create what we want? Single family housing. And in my opinion for that side of the street that would not have done it. That's why I voted for this.

MEMBER SMUCKLER: Mr. President.

PRESIDENT DENCZAK: Member Smuckler.

MEMBER SMUCKLER: Do you remember why the 3 people that voted against it voted against it?

PRESIDENT DENCZAK: Service Director.

MINUTES OF THE MEETING OF MAY 22, 2006

SERVICE DIRECTOR CONCATTO: Ah, I will, I will, I'm not sure, probably because they too wanted single family housing, owner occupied housing. Again, I don't know if you looked at it. I mean you have to drive by this to appreciate what the situation is here. It's not just the normal "I've got a duplex in the middle of a neighborhood and I wanna, or I've got a single family housing and I want to change it into a ah, duplex". That's not this person's situation. And I don't know Mr. Lewis, although he came to the meeting, he was the only one that did come to the meeting to talk about it. But ah, I would suspect that they did that because they wanted people in occupied houses.

PRESIDENT DENCZAK: Anybody else?

MEMBER HART: Yes, Mr. President.

PRESIDENT DENCZAK: Member Hart.

MEMBER HART: Just 1 other quick comment. Again you know, to my fellow members, you know, it is a tough call. And, you know, this isn't ah, it's just 1 of those situations ah, you know, you're darned if you do and darned if you don't. And um, you know in other areas in the ward, I would probably say no, but in that situation with all the apartments on that north side, um, in committee meetings last week, when you know Mr. Williams was stating, that's what I said that's again the biggest reason. And, and I know that ah, you know there are many landlords and property owners in this city that do take good care of there properties and take pride and would not be embarrassed and unfortunately you know everybody isn't like that. And there is a lot of good people that are trying to upgrade the, you know their homes in the neighborhoods to keep them up.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT DENCZAK: Member Dougherty.

MEMBER DOUGHTERY: Member Hart, other issues were brought up on other streets around that area that sound like there's significant problems. Can you tell me where you're at with those issues? Is that on you're radar screen to get those things cleaned up?

MEMBER HART: The fellow that has the, you know the house, he has rented to a lot of um, I guess for a lack of a better term, relatives and friends and what not, again, the building was checked out and it had met codes but at times, there were people, the door was blocked and there were even people entering in through a window and again, that's just maybe due to his ah, lack of you know, quality of people that he has gotten in there. And again, the house that's right there in the front, the elderly person that did pass away, it was nicely, beautifully manicured lawn and the new owner, again, I cant, I cant speak for you know an individual's taste or lack of initiative that they may have. But yeah, it's a single family and uh, not unfortunately in the best ah, for whatever reason, you know they just don't take as much pride in their property as ah, you know other people have in the area as a single family. But the other properties have met, you know again that minimal, you know, meet the code requirement.

PRESIDENT DENCZAK: Any other remarks?

MEMBER HAWK: Mr. President.

PRESIDENT DENCZAK: Member Hawk.

MEMBER HAWK: I guess as one of the biggest components of owner occupied housing, this puts me in a real

MINUTES OF THE MEETING OF MAY 22, 2006

tough decision. I will respect the wishes of the ward councilman. However, it's going to be very hard for me to get, as I vote on this issue. I guess my question would be. Is there a current certificate of occupancy on this house? Does he intend to live in half of it? And these are all issues that really have a bearing on this process.

MEMBER HART: I think his intent is to sell it as a duplex, because I think you tried to sell for as a single family.

(INAUDIBLE)

PRESIDENT DENCZAK: (INAUDIBLE)

MEMBER HART: Okay, and uh.

PRESIDENT DENCZAK: You yield?

MEMBER HART: Yes.

PRESIDENT DENCZAK: Service Director.

SERVICE DIRECTOR CONCATTO: I don't believe that we have a certificate of occupancy because it still is owner occupied property. He would not get a certificate of occupancy unless this passed and he could turn it into a duplex if he wants. Then he would have to get a certificate of occupancy then once he then made it into a duplex.

MEMBER HAWK: Then it would be sold? That is my question to Mr. Hart Mr. President.

PRESIDENT DENCZAK: Member Hart.

MEMBER HART: I know that, I don't know if his intent is to keep it, now if he would get it zoned as a duplex or not, I know there was ah, at one time he did try to sell the property.

MEMBER HAWK: Thank you Mr. Hart, I appreciate that.

PRESIDENT DENCZAK: Any other remarks?

MEMBER CIRELLI: The gentleman is here, why cant we ask him what his intentions are, I mean we were talking all around him and he is sitting there.

PRESIDENT DENCZAK: According to your Council rules you can do that if you make a motion. I

MEMBER CIRELLI: I make a Motion.....

PRESIDENT DENCZAK: I cant respect him, he's sitting in the audience.

MEMBER CIRELLI: Mr. President, I make a motion.

PRESIDENT DENCZAK: Member Cirelli:

MEMBER CIRELLI: Thank you. I make a motion that we ask the gentleman what his intentions are of this

MINUTES OF THE MEETING OF MAY 22, 2006

property.

PRESIDENT DENCZAK: That's not the correct motion. Specify that he be allowed to speak and specify the length of time.

MEMBER CIRELLI: Mr. President, I make a motion that Mr. Tom Lewis, is that it sir?

PRESIDENT DENCZAK: Yes.

MEMBER CIRELLI: Come up to the podium and answer the questions that Council is asking of him.

PRESIDENT DENCZAK: Specify the time.

MEMBER CIRELLI: Uh, 3 minutes.

PRESIDENT DENCZAK: Moved and seconded to allow the gentleman to come up and speak for a period of 3 minutes. By voice vote, all those in favor signify by saying aye. Roll call.

NO REMARKS

ROLL CALL: 10 YEAS, 2 NAYS

PRESIDENT DENCZAK: The motion to speak for 3 minutes has passed through. You have 3 minutes. Anybody have any questions of him, ask the questions now.

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I would just like to say the reason I voted no, is I don't think it's any of Council's affairs what this individual plans on doing with this property.

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Member Cirelli.

MEMBER CIRELLI: Mr. Lewis, do you plan on living in the property and being home owner occupied yourself and renting out the other half sir?

TOM LEWIS: To be totally honest with you, I'm not positive what I'm doing yet because I have to figure out whether I am even going to get enough to where I could move out. But my problem is, is that no matter what I do, I cannot sell that to an honest family and be honest about everything that I am doing. I would be hurting a family. The only people that would buy this would be a large family and the only thing that I would be doing would be hurting some other family by moving them into that. And I come from a Christian background and um, I try and raise my kids the right way. Um, when I, this, this whole housing issue has turned into a nightmare and I'm not trying to do anything off the wire or down low that's why I came this way instead of trying to pull it back under you know, somebody's eyes. I'm just trying to do things the right way to where I'm not hurting anybody. And it isn't like I'm in their yard or anything like that, they are like a field away from me and they don't have to live with the language and everything else that I have to live with. Um, is it my intent to turn it into a slum? No, the house is a nice property. If I own the property and I rent it out, it would still be a rental property no matter

MINUTES OF THE MEETING OF MAY 22, 2006

who moved in, if it was a single family or 2 families moved in. It would still be the same way. I don't run things that I would hurt people in my neighborhood by renting to somebody that I wouldn't want as my neighbor. Unlike some of the things that's gone on. If you look at it as, am I selling it to make a huge profit? No, I'm not trying to do that either. When I moved I, like the rest of the neighbors put a lot of money into the neighborhood. But what happened was my family grew and I didn't do anything to the duplex except take down a door and so that my family could grow into the house. I haven't altered the duplex in any form, it's it's been a duplex as long as I've known and the family that I bought it from and the family before that, which came from ah, a family that I actually know. Um, once again, I'm just trying to be honorable about the way I am selling my property, if I sell it or if I'm keeping it, I can't live there. I cannot keep my family in this property and if I do, then the only way that I can actually move out of that property would be to put it back in as a duplex and to actually rent it out to 2 families. So, if you're asking me am I going to sell it, at this point I don't know, I, I have no clue, all I know is that I need to get my family, if I could move my house, if I could literally pick my house up out of that property and move it over to their property. I would, I would love it. I can't do that.

PRESIDENT DENCZAK: Sir, under council rules your 3 minutes has expired.

TOM LEWIS: Thank you, I'm sorry.

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Member Cirelli.

MEMBER CIRELLI: I make a motion we extend his 3 minutes.

PRESIDENT DENCZAK: Member Cirelli, make the motion that the man be allowed to speak and specify the length of time.

MEMBER CIRELLI: Mr. President, I make a motion that Mr. Tom Lewis speak again for 3 more minutes.

PRESIDENT DENCZAK: Moved and seconded that Mr. Lewis be given another 3 minutes to speak. Are there any remarks?

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I would just like to ask the maker of this motion. Why do you need 3 more minutes, I think the individual said about all he could, had to say?

PRESIDENT DENCZAK: Member Cirelli, do you wish to respond to that?

MEMBER CIRELLI: Um, yes sir, I just want to ask him since he said he's lived it in it as a single family home, I want him to elaborate a little bit more on that issue if he would.

PRESIDENT DENCZAK: Are there any further remarks on the motion? The question you are voting on is to allow the gentleman another 3 minutes. By roll call vote.

NO REMARKS

ROLL CALL: 5 YEAS, 7 NAYS

MINUTES OF THE MEETING OF MAY 22, 2006

PRESIDENT DENCZAK: The talk issue did not pass. Are there any further remarks by members of council. The question you are voting on now is Ordinance #16. Roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 1 NAYS

PRESIDENT DENCZAK: The ordinance has passed.

#16 ADOPTED AS ORDINANCE # 90/2006

#17 (3rd 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

PRESIDENT DENCZAK: Member Casar.

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.

MEMBER WEST: Mr. President.

PRESIDENT DENCZAK: Member West.

MEMBER WEST: Could I ask the Law Department, ah, is this written in the affirmative or...

PRESIDENT DENCZAK: Our ordinances are written in the positive.

MEMBER WEST: So voting yes would pass?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT DENCZAK: Law Director

LAW DIRECTOR MARTUCCIO: Member West, um, yes the issue as Mr. President said, this is written in the affirmative. If the desire of Council is to vote for the zone change from a 2 family residential to a Plan General Business. If your desire is to vote for the ordinance and override the planning commission, ah, 3/4ths of you have to vote yes, so if 9 of you vote yes, it becomes a zone change.

MEMBER WEST: Thank you .

PRESIDENT DENCZAK: Any remarks?

MEMBER ZACHARY: Mr. President.

PRESIDENT DENCZAK: Member Zachary.

MEMBER ZACHARY: This particular um, area is in my ward and I have been out with the property owner

MINUTES OF THE MEETING OF MAY 22, 2006

probably starting as far back as a year ago and it's taken some time to get this issue to the table because there was some ah, question as far as spot zoning that came from planning, our planning department. Um, over time, I have come to see that there are businesses surrounding this particular area that he wants to rezone and the property that's next to it is a residence but it's also owned by the business owner, um and there is nothing across the street from it. So I would ask council's support on this. Thank you.

PRESIDENT DENCZAK: Any other remarks?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT DENCZAK: Service Director.

SERVICE DIRECTOR CONCATTO: I guess I feel obligated since I commented on the Ferndale and voted to deny this to also give you my thoughts on that, whether they're worth anything or not. The reason that we looked at the Sterling Avenue property, or at least I looked at the Sterling Avenue property. Contrary to the Ferndale property who was in the mix of those apartment buildings, the Sterling Avenue property is not, it's the beginning of the neighborhood. At least that was our opinion, that that block going east and going south was the start of that neighborhood and that's why I voted to deny that zone change.

PRESIDENT DENCZAK: Any other remarks? Question you are voting on now is Ordinance #17. Roll Call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.

#17 ADOPTED AS ORDINANCE # 91/2006

#18 (3rd RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE 1/2006. AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar.

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 # 92/2006

#19 (3rd RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar.

MINUTES OF THE MEETING OF MAY 22, 2006

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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted..

#19 ADOPTED AS ORDINANCE # 93/2006

#20 (3rd RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO MAKE PAYMENT TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION FOR THE PURPOSE OF GRANTING A LOAN TO GREYSTONE LIMITED PARTNERSHIP; AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

PRESIDENT DENCZAK : Member Casar.

MEMBER CASAR: 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.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK : Ordinance #20 is adopted.

#20 ADOPTED AS ORDINANCE # 94/2006

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. President.

PRESIDENT DENCZAK: Member Carbenia.

MEMBER CARBENIA: Community & Economic Development Committee will meet on Monday, June 5th @ 6:00 PM.

MEMBER PRATER: Mr. President.

PRESIDENT DENCZAK: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday, June 5th at 6:00 PM.

MINUTES OF THE MEETING OF MAY 22, 2006

MEMBER GRIFFIN: Mr. President.

PRESIDENT DENCZAK: Member Griffin.

MEMBER GRIFFIN: Environmental and Public Utilities will meet at 6:00 PM on June the 5th.

MEMBER HAWK: Mr. President.

PRESIDENT DENCZAK: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, June 5th at 6:00 PM.

MEMBER KRAUS: Mr. President.

PRESIDENT DENCZAK: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfares will meet at 6:00 pm on June 5th.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: We have one person signed up to speak.

SAFETY DIRECTOR HUNT: Mr. President. I would like to ah, before you make your next announcement I would like to invite all City Council Members to ah the committee meeting at 5:30 on the 5th. Ah, the City of Canton's Contract, Chief Building Official, Mr. Bill Gallagher will be present to speak on the change in the Ohio Revised Code concerning residential building standards. This will be a major change in the state of Ohio and I would like to have Mr. Gallagher explain what the changes will be and what the City of Canton believes they should go forward. At 5:30 in the committee, uh meeting room.

PRESIDENT DENCZAK: In the caucus room.

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: If I may ask the ah Safety Director a question. Safety Director Hunt, I know Gallagher is the contracted person now doing our ah, chief inspec.....ah, but with a new individual coming on, shouldn't that be considered before we go to someone who will not be here in another week or so?

SAFETY DIRECTOR HUNT: Mr. President. Mr. Labriola will be present that evening, however, what Mr. Gallagher will do is ah, bring Council up to speed. There have been ongoing meetings between all the jurisdictions, ah, North Canton, Alliance, Massillon, ah, we've all been meeting together to try to hash out where we wanna go from here and ah, The City of Canton has vastly different needs then the townships and we will not be this evening giving you ah, what we think our Ordinance should be but offering suggestions as to where the City of Canton should go. Ah, other jurisdictions have opted to do different things, for example, ah, Jackson Township has.....

PRESIDENT DENCZAK: Ah..

MINUTES OF THE MEETING OF MAY 22, 2006

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Safety Director, I am going to cut you off now. I will recognize you first under Miscellaneous Business but let's keep this in (INAUDIBLE). Once again, I wanna go back to public speaks, ah. We have one person signed up. Roman Bennett. Is Mr. Bennett in the audience? Okay, state your name and your address please.

ROMAN BENNETT: My name is Roman Bennett. I live at 1729 Cedar Street, Louisville, Ohio and I am the electric inspector in the City of Canton. I first want to thank you all for allowing me the opportunity to speak. On the 17th of May of this year, Mayor Creighton came to the Building Department and introduced to us her choice for our Chief Building Official which was John Labriola. Mr. Labriola is a well respected individual in the building trade. He is respected by architects, builders, inspectors as well as electricians, plumbings, brick layers and many other people who work in the building trade. The Canton City Building Department applauds the Mayor's decision and urges City Council to confirm Mr. Labriola as chief building official as soon as possible. This particular statement that I read to you was affirmed by every member of The Building Department. No one said "no" when I asked to come down here and speak to this subject. They all agree with what's written there. Thank you.

MISCELLANEOUS BUSINESS

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

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT DENCZAK: Service Director.

SERVICE DIRECTOR CONCATTO: I would like to take this opportunity on behalf of my sisters and myself to thank all of Council for their thoughtfulness this past week with my mother's passing. Those that came to the funeral home, those who called me personally. Those that offered their condolences. You Mr. President. And the meat tray you were so generous to share with us. I just wanted to thank everybody.

PRESIDENT DENCZAK: Safety Director, do you want to continue your train of thought there now?

SAFETY DIRECTOR HUNT: Ah, Mr. President, I think I said ah, far enough. (LAUGHTER)

PRESIDENT DENCZAK: Is there any other miscellaneous business?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT DENCZAK: Safety Director.....Service Director.

SERVICE DIRECTOR CONCATTO: Recently the insurance service office has ah graded the City of Canton for insurance rates. I would just like to report on behalf of the Safety Director that the fire department received a from 1 to 10, 10 being the highest, 1 being the best. The fire department received a number 3 but on behalf of myself, I would like to say the water department received a number 1. Ah, so we are very proud of both departments and how well we rated. For a number 1 for the water department, only 1, 1/10th of a percent of departments in the country receive a 1 percent, ah a 1 and only 2.6% of the fire departments in the country

MINUTES OF THE MEETING OF MAY 22, 2006

received a 3, so we are very proud of both of those departments and what we do to help all of our citizens with their insurance rates.

(APPLAUSE)

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I Move we adjourn; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 yeas Mr. President. Goodnight.

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:59 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL