

MINUTES OF THE SPECIAL MEETING OF JANUARY 1, 2004**SWEARING-IN CEREMONIES, 11:00 A.M.**
COUNCIL CHAMBER, JANUARY 1, 2004

THE FOLLOWING ARE THE TITLES AND NAMES OF ELECTED OFFICIALS SWORN INTO OFFICE AT 11:00 A.M. ON THURSDAY, JANUARY 1, 2004 IN THE CANTON CITY COUNCIL CHAMBER, CITY HALL, CANTON, OHIO. INCLUDED IS THE INFORMATION AS TO WHO HELD THE BIBLE & BY WHOM THE OFFICIAL WAS SWORN IN. COPIES OF NOTARIZED OATHS OF OFFICE ARE ON FILE IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JANUARY 1, 2004.

TITLE & NAME: HOLDING THE BIBLE: SWORN IN BY:**PRESIDENT OF COUNCIL**

Ray Denczak	Great grandson Jack Ryan Shanor Attendees: daughter Pamela & her husband Larry; son Raymond & his wife Judy; granddaughter Lauren; granddaughter Megan & her husband Ryan	Judge Mary Falvey
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MEMBERS OF COUNCIL

Mary M. Babcock	Grandson Blake Attendees: sons Jim & Greg; daughter Nancy daughter-in law	City Prosecutor Frank Forchione
Thomas M. Bernabei	Granddaughters Maddy & Margaret Attendees: wife Bebe, daughter Kim	Law Director Joe Martuccio
Joe Carbenia	Wife Clara	Magistrate Taryn Heath
Donald E. Casar	Wife Rita	Judge (retired) Harry Klide
Rosemary Diamond*	*sworn in previously	
David R. Dougherty	Daughters Jenny & Sara, sons Michael & Brian Attendees: wife Donna, father Jim & step-mother Peg	Judge John Poulos
Richard D. Hart	Wife Teresa	Judge Stephen F. Belden
Greg Hawk	Daughter Lindsey	City Auditor Kim Perez
Richard A. Mallonn II	Daughter Ashley & sons Trey & Austin wife Jill	City Prosecutor Frank Forchione
Terry Prater	Wife Dawn & daughter Cassie	Judge Mary Falvey

MINUTES OF THE SPECIAL MEETING OF JANUARY 1, 2004**SWEARING-IN CEREMONIES, 11:00 A.M.**
COUNCIL CHAMBER JANUARY 1, 2004**TITLE & NAME:**

Kelly Zachary

HOLDING THE BIBLE:

Husband Gerald

Attendees: mom Helen & Step-father Lamar;
dad Raymond; mother-in-law Joyce; aunts,
uncles & cousins**SWORN IN BY:**

Judge John Poulos

Thomas E. West

Pastor Warren Chavers & wife Lisa

Attendees: mother Edna; daughter Telia Love;
Son Thomas II; brother Osie; friend
Deametrius

Attorney Corey Minor-Smith

LAW DIRECTOR

Joe Martuccio

Councilmember-at-large

Thomas M. Bernabei

Judge W. Scott Gwin

AUDITOR

Kim R. Perez

Wife Sharon, granddaughter Maria &
grandson NickolasCouncilmember-at-Large
Thomas M. Bernabei**MAYOR**

Janet Weir Creighton*

*sworn in previously

MINUTES OF THE SPECIAL MEETING OF JANUARY 1, 2004

The special meeting of Canton City Council was held on Monday, January 1, 2004, at 11:30 A.M. in the Canton City Council Chamber following the swearing-in ceremonies at 11:00 A.M. The meeting was called to order by President of Council Ray Denczak.

PRESIDENT DENCZAK: This is the official special meeting of Canton City Council. The Chair is going to declare a five minute recess for the audience to clear. (*Special meeting of Canton City Council recessed at 11:37am and resumed at 11:46am*) Ladies and gentlemen, can we have some silence here please. Please, we must preside over this special meeting of Council. Thank you very much. At this particular time, the President of Council calls the special meeting of Council for this new term. At this time, the Chair is going to declare that Debbie Vanckunas serve as Clerk pro tem. Beverly Bevington and Beth Wensel will serve Council staff pro tem until they are elected so we can conduct this meeting. Roll call please.

The roll call was then taken (as follows) by pro tem Clerk of Council Debbie Vanckunas. The invocation was given by Councilmember-at-Large Donald E. Casar, followed by the Pledge of Allegiance led by President of Council Denczak.

ROLL CALL: ALL 12 COUNCILMEMBERS PRESENT (DONALD E. CASAR, JOE CARBENIA, MARY M.

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BABCOCK, THOMAS M. BERNABEI, GREG HAWK, THOMAS E. WEST, RICHARD A. MALLONN II, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND)

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Thank you Member Casar. Informal Resolutions.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ THE FOLLOWING RESOLUTIONS #1-4 BY AGENDA TITLE AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED January 1, 2004.

1. COMMITTEE-OF-THE-WHOLE COUNCIL: APPROVING & ADOPTING THE RULES OF PROCEDURE FOR CANTON CITY COUNCIL EFFECTIVE JANUARY 1, 2004. - ADOPTED BY COUNCIL

MEMBER CASAR: I move we adopt Resolution #1; seconded.

PRESIDENT DENCZAK: Moved and seconded that Council adopt Resolution #1 which are Rules of Procedure for Council for this term; are there any remarks?... If not, by voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS

RESOLUTION #1 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Your rules are adopted.

2. COMMITTEE-OF-THE-WHOLE COUNCIL: ELECTIONS OF COUNCIL VICE-PRESIDENT AND FIRST VICE-PRESIDENT: Vice President: Donald E. Casar First Vice-President: Joseph Carbenia - ADOPTED BY COUNCIL

PRESIDENT DENCZAK: The Chair will accept the nomination for First Vice President.

MEMBER CARBENIA: Mr. President, I'd like to put the name of Don Casar to be Vice President of Council; seconded.

PRESIDENT DENCZAK: Moved and seconded that the name of Don Casar be submitted first as the Vice President of Council. Are there any other nominations?... The Chair will rule that the nominations be closed and that a fictitious ballot be cast. Roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: The Vice President of Council/Majority Leader is Member Casar. The Chair now recognizes the motion to nominate First Vice President. Member Casar?...

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MEMBER CASAR: Mr. President, I nominate Joe Carbenia as First Vice President of Council; seconded.

PRESIDENT DENCZAK: Moved and seconded that Joe Carbenia be named to the First Vice President of Council. Are there any other nominations? If not, the Chair rules that the nominations be closed and a fictitious ballot be cast. Roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: The First Vice President of Council is Joe Carbenia.

NO REMARKS

RESOLUTION #2 APPROVED BY UNANIMOUS VOICE VOTE

3. COMMITTEE-OF-THE-WHOLE COUNCIL: ELECTIONS OF CLERK OF COUNCIL & OFFICE STAFF:
Clerk of Council: Debra Vanckunas; Administrative Assistant V: Beverly Bevington;
Administrative Assistant V: Elizabeth Wensel

MEMBER CASAR: Mr. President, I move we adopt Ordinance, or, Resolution #3; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #3. Are there any remarks?... Member Casar?

MEMBER CASAR: Mr. President, I think we should fill in the names at this particular time. As Clerk of Council I'd like to nominate Debbie Vanckunas; Administrative Assistant V, Beverly Bevington; Administration Assistant V, Beth Wensel; seconded.

PRESIDENT DENCZAK: Moved and seconded that the Clerk of Council be Debbie Vanckunas, Administrative Assistant V will be Beverly Bevington, Administrative Assistant V will be Beth Wensel. Are there any others?... If not, the Chair rules that the nominations be closed and a fictitious ballot be cast. All those in favor, by voice vote, signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #3 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Clerk of Council will be Debbie Vanckunas, Administrative Assistant IV, V will be Beverly Bevington and Administrative Assistant V will be Beth Wensel.

4. COMMITTEE-OF-THE-WHOLE COUNCIL: AUTHORITY TO ADVERTISE ORDINANCES, RESOLUTIONS & NOTICES. Awarded to: The Repository/Beacon Journal as alternate

MEMBER CASAR: Mr. President, I move we adopt Resolution #4; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #4. Are there any remarks?

MEMBER CASAR: Mr. President, this, I know, according to State Statute 171.21, it's mandatory that we do this. But,

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I just wanted to, for Council's information and also for the record, that I've been in contact with a couple State Legislators and also talked with our Law Director, Joe Martuccio, where possibly, in the future we could get this changed where we would be able to do it on the internet, via the website. We're spending approximately, anywhere from \$35,000 to \$42,000 a year to advertise these legal notices in the City in The Repository. It is my intention to pursue this because I feel that this is money that could be used in better ways, and I think we should be coming into the 21st Century and use the electronic media for something of this nature that almost everybody has access to computers today and I want to pursue this and hopefully by doing this at a minimal cost, it would be almost nothing to the taxpayers by going with the electronic media. So, I just wanted to make this clear, I'll be working on this, and also for the record. Thank you.

PRESIDENT DENCZAK: Are there any other remarks?.... That the question you're voting on now is Resolution #4. By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #4 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #4 is adopted.

OPENING REMARKS:

PRESIDENT DENCZAK: Opening remarks. I guess I'm the first to make my opening remarks. I must apologize. This past week has been a rather hectic week for me and I didn't have a chance to prepare an opening statement. So, I will be making a press release within the next couple days informing you of how I feel about this new Council and this new term. The next to make an opening remarks will be our new Mayor, the Honorable Janet Creighton. Mayor?....

MAYOR CREIGHTON: Thank you very much Mr. President and it's my honor to be serving with all of the members of Canton City Council and Canton city employees in the next four years. This morning I made a few remarks after my swearing in and I just want to share a few things again, with those that are assembled here and with City Council, and I think it's incumbent upon all of us to remember that we've not been simply handed an elective office but we've been charged with a public trust, and our citizens now have entrusted us to make a difference in our city, and every neighborhood and our approach to economic development in solving the budget deficit. We need to make Canton a great place to live, work and raise our families. Those are the 3 major focuses of the Creighton Administration in the first 100 days. I have met with each and every one of you and, again, I want to thank you personally for your graciousness, your cooperative efforts and your kind words and spirit of cooperation and I think that's the story that we, as the official leaders of the City of Canton, need to carry forward because the tasks before us are going to be very challenging but we all know by working together, we can make a difference. And again, it's just a reminder that it's not just the Mayor, it's not just a Councilperson, it takes all of us working together along with our businesses, our churches and temples, our schools, our community organizations and our labor unions that we all share in this commitment to the future. Just in conclusion this morning I did pass out to everyone the Athenian oath which is an ancient oath from years, thousands of years ago, and I shared that and we took that oath together, the cabinet and the Administrative support staff, and I think that the last sentence really sums up how all of us should feel and what our goals should be for the next four years. We will transmit our City of Canton, not only, not less, but greater and more beautiful than it was transmitted to us, so help us God. And I think that with that mission, we will all do what is right for our citizens. Thank you very much, Mr. President. I look forward to working with you and the rest of Council as well as the other elected officials and, again, my thanks to all of you for helping me in the transitional period of becoming the new Mayor. Thank you.

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PRESIDENT DENCZAK: Next opening remarks will be by the Majority Leader, Donald Casar.

MEMBER CASAR: Mr. President. First of all, I'd like to take this opportunity to welcome the new members of Council, that being Thomas Bernabei, Terry Prater, Zachary Kelly - (*corrected*) Kelly Zachary, and Thomas West. I feel that the.....and the new Mayor, Janet Creighton. I feel that these individuals have the knowledge and experience in certain fields that will be very valuable to this City Council, and I'm looking forward to working with each one, each and every one of them. Secondly, I'd like to take this opportunity to thank my fellow Democrats for making me Majority Leader. I take this responsibility very, very seriously and I will work hard to make you proud that you did cast your vote and effort to make me your Majority Leader. I would like to make a few statements in regards to some of the changes that we've made or are in the Rules that you just adopted. First of all, as you noticed, we are going, Rule #44, we're going to a 3-person committee instead of 5, and I think the changes that were made will be better for the City of Canton and also for our expediency of legislation. And the committees will be more efficient and more responsive. Furthermore, the Chairmen of these committees will deliberately seek out from all elected and appointed city officers, such as the Mayor, Law Department, Law Director, Auditor and other information that this areas of expertise before legislation will be enacted. Another point in regards to the committees, I will encourage and hopefully, as I said way back when they elected me Majority Leader, I will encourage the Council to initiate more legislation on its own. This is not to say, however, that we will automatically oppose programs proposed by the Administration. On the contrary, we will support and implement these provisions that provide, as long as they provide the programs that they implement, I mean they propose, to meet the best interests of the City. I strongly suggest that the Administration, and it's not to say that this Administration will do this, but past Administrations that I've been here for over 20 years have done this, so before I make these comments, I want to make it clear that it is not necessarily this Administration, but I want to let them know what this Council's action's gonna be. I strongly suggest to the Administration, that the Administration will find itself in trouble if it consistently asks Council on Friday to shape legislation by Monday. This Council will be less inclined to accommodate the Administration, as it's done in the past, with crisis legislation. When Council knows that the Administration has for many weeks been sending in pieces of legislation or a proposal to Council, and deliberately hold it back or it just don't get down here--we, as the Council, will of course do this. We want it down here so we can study it and then we can make an honest decision, if it should go forth or not. And, we also recognize that on occasions, there are times when legislation has to be an emergency and we will cooperate and we will get it done but we'd like to see it as more as the rule and not as an exception when this happens. That's basically all that I want to say and with this being said, I'd like to say we will cooperate. We will cooperate with the Administration, and we will do the best job that we can do to make the City of Canton a proud city and if we can move forward and enjoy our 2 years here with harmony with the Administration and its Councilmembers. I thank you again for the opportunity to serve with you.

PRESIDENT DENCZAK: Also given an opportunity to speak is the Minority Leader, Member Diamond.

MEMBER DIAMOND: I also welcome the 4 new members. During the campaign we've met, we've talked, so they're not actually new members to, I don't think, to any of us, and they've shown their interest, they've participated and I think that they'll be very productive. Looking forward to the next 2 years, we still have a lot of work to do but there is credit to be given to the past Council, to the members who are no longer with us, and the Administration. In a bi-partisan effort, we solved many, many of our financial problems. We still have more to solve and I hope that that same spirit of cooperation continues with the new Administration and with the Council. Although we have a majority of Democrats on Council, during the last 2 years, they did work cooperatively with the Republican Administration to solve, to chip away at our deficit and I hope that that continues with the new Administration because we're not here to serve any political party, we're here to

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serve the citizens of Canton. So, I look forward to working with this Council and I hope we accomplish a lot. Thank you.

COMMUNICATIONS

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 January 1, 2004.

PRESIDENT DENCZAK: All communications are received as read.

1. FINANCE COMMITTEE & MAJORITY LEADER CASAR, CITY OF CANTON : LETTER TO MAYOR, ET AL., RE: 2004 BUDGET/APPROPRIATIONS ORDINANCE - RECEIVED & FILED
2. PRESIDENT OF COUNCIL RAY DENCZAK, CITY OF CANTON: CALLING A SPECIAL COUNCIL MEETING JANUARY 1, 2004 AT 11:30 AM IN COUNCIL CHAMBER. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: Ordinances for their first reading & referral. 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 VANCKUNAS TO READ THE FOLLOWING ORDINANCE #1 FOR THE FIRST TIME BY TITLE ONLY AND ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) **ADOPTED AS ORDINANCE NO. 1/2004** AN ORDINANCE ADOPTING TEMPORARY APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2004; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee

MEMBER CASAR: Mr. President....

PRESIDENT DENCZAK: That will be referred to the Finance Committee. Member Casar?....

MEMBER CASAR: Mr. President, point of order, please. I'd like to ask Joe Martuccio, the Law Director, a question if I may.

PRESIDENT DENCZAK: You may.

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MEMBER CASAR: Mr. Martuccio, in regards to our new Rule 22, do you feel that we should we have to suspend that rule so that we can continue with Ordinance #1? – that is where we, you know, the new procedure that I discussed with you yesterday, where it should come down and be referred to Committee and so forth, etc., do you follow me?

LAW DIRECTOR MARTUCCIO: I believe so. I believe you're asking me if it takes a motion to suspend the rule to suspend the requirement of the communication in advance as well as the 3 readings?...-- yes.

MEMBER CASAR: Mr. President, I move we suspend Rule 22 so we can properly put the Ordinance #1 on the Agenda; seconded.

PRESIDENT DENCZAK: There's a move to dispense with Rule #22. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22 is suspended. Ordinance #1 is a legal part of your agenda. Member Casar?...

CLERK VANCKUNAS: Mr. President. Are we in violation of having these committee sign off on the Ordinance for second reading prior to its placement on the agenda?

MEMBER CASAR: Mr. President. We just suspended that rule so that we could do that.

PRESIDENT DENCZAK: At this time, the Chair is going to declare an in-house recess for the Finance Committee to meet in regards to Ordinance #1. You're now in recess.

AT 12:06 P.M., COUNCIL WENT INTO RECESS FOR COMMITTEE ACTION ON ORDINANCE #1, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 12:09 P.M.

PRESIDENT DENCZAK: We're back in session again members of Council from the in-house recess. You have before you now the prepared legislation for the temporary appropriations for this year. The Chair will now recognize a motion to place this Ordinance back on the agenda.

MEMBER CASAR: Mr. President, I move we place Ordinance #1 back on the agenda; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #1 is a legal part of your agenda, Member Casar.

#1 **ADOPTED AS ORDINANCE NO. 1/2004** AN ORDINANCE ADOPTING TEMPORARY APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF

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CANTON, OHIO, FOR FISCAL YEAR 2004; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: No, move to dispense with the 3 readings.

MEMBER CASAR: Mr. President, I move we suspend the statutory rules for Ordinance #1; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the 3 readings of Ordinance #1. Are there any remarks?.... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Casar.

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #1. Are there any remarks under this ordinance?...

MEMBER CASAR: Mr. President, first of all I'd like to commend the Finance Committee for their hard, diligent work along with the help from Auditor Perez and his staff for developing this 90-day interim budget. In my opinion, this is the first piece of legislation, a very important piece of legislation and it is a big step towards a balanced budget that this Council is going to achieve to... this year, and we get to that balanced, no deficit spending this year.

PRESIDENT DENCZAK: Are there any other remarks?..... Very well, the question you're voting on now is Ordinance #1. Roll call vote, please.

NO FURTHER REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #1 is adopted.

#1 ADOPTED AS ORDINANCE NO. 1/2004

ADJOURNMENT

PRESIDENT DENCZAK: Members of Council, this being a special call for a meeting, no other business can be discussed or conducted, so, therefore this meeting is adjourned. (*SOUNDS GAVEL*)

ADJOURNMENT TIME: 12:12 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS

RAY DENCZAK

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CLERK OF COUNCIL

PRESIDENT OF COUNCIL