

MINUTES OF THE MEETING OF DECEMBER 20, 2004

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

The regular meeting of Canton City Council was held on Monday, December 20, 2004, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by 4th Ward Councilmember Kelly Zachary, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

PRESIDENT DENCZAK: Roll call please.

ROLL CALL TAKEN BY CLERK OF COUNCIL VANCKUNAS:

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

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Zachary (*referring to giving invocation*). Agenda corrections and changes, Members of Council, you're being asked to suspend Rule 24B to add Resolutions 99 to 102. You're being asked to suspend Rule 22B to add first reading of Ordinances 3 and 4. You're being asked to suspend Rule 22A to add the second readings of Ordinances 5 through and including #23. Member Casar, the Chair will now recognize Rule 24B to add Resolution 99er to 102.

MEMBER CASAR: Mr. President, there's a correction I have to suspend Rule 24B for Resolution 102 only; seconded.

PRESIDENT DENCZAK: You're not going to do anything with 99?... The motion now, the Chair..., state the motion now Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B to add Resolution #102; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolution #102 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 102 Resolution is a part of your agenda. The Chair will now recognize Rule 22B to add first reading of Ordinances 3 & 4, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22B and add Ordinances #3 and 4 to tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22B to add the first reading of 3 and 4 Ordinances

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to your agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22B is suspended and Ordinances 3 and 4 are a legal part of your agenda. The Chair now will recognize Rule 22A suspension, Member Casar..

MEMBER CASAR: Mr. President, I move we suspend Rule 22A to add Ordinances #5 through #12 to tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded for Rule 22A to add Ordinances to the second reading, yeah, to the second reading of Ordinances 5 through and including #23...

MEMBER CASAR: Mr. President, only number, number 12.

PRESIDENT DENCZAK: The motion is to suspend Rule 22A to add ordinances 2 or, Ordinance 5 through 12 inclusive. 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 5 through and including #12 are a legal part of your agenda. You're also being asked, Members of Council, in addition to your agenda, to amend Ordinance #12 this evening. This brings your agenda up to date.

PUBLIC HEARINGS**7:30PM PUBLIC HEARING RE: ZONING MAP AMENDMENTS:**

PRESIDENT DENCZAK: We have several Public Hearings scheduled for this evening. The first one is for 7:30 PM. The Chair declares the public hearing open now with regards to the proposed zoning map amendments as proposed by the Law Department and discussed at their 11/5/04 Planning Commission meeting. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this zoning map amendments?...

Is there anyone in the audience wishing to speak for or against this zoning map amendments?... Is there anyone in the audience wishing to speak for or against this zoning map amendments?... 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.

7:31PM PUBLIC HEARING RE: GROFFRE/RICHMOND ANNEXATION:

PRESIDENT DENCZAK: We have a scheduled 7:31pm public hearing. The annexation of approximately 5 acres known as the Groffre/Richmond Annexation area; assigning said territory to Ward 6 and zoning said territory as R-1A single family residential. The Planning Commission recommends approval. The Chair opens the public hearing in regards to this annexation. Is there anyone in the audience wishing to speak for or against this issue, please come forward?... Is there anyone in the audience wishing to speak for or against this issue, please come forward?... Is there anyone in the audience wishing to speak for or against this issue, please come forward?... Apparently not, the Chair

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declares the Public Hearing over in regards to this matter. The matter will follow later this evening. The matter now rests in the hands of Council.

7:32PM PUBLIC HEARING RE: CANTON RAILROAD ANNEXATION:

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:32pm. The annexation of approximately 15 acres known as the Canton Railroad Annexation area, assigning said territory to Ward 8 and zoning said territory as open space (OS). The Planning Commission recommends approval. The Chair opens the public hearing in regards to this said Annexation. Is there anyone in the audience wishing to speak for or against this annexation, please come forward?... Is there anyone in the audience wishing to speak for or against this vacation, please come forward?... Is there anyone in the audience wishing to speak for or against this vacation, please come forward?... Apparently not, the Chair declares this public hearing over in regards to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

(PRESIDENT DENCZAK MAKES NO COMMENTS AT THIS TIME UNDER PUBLIC SPEAKS ON ORDINANCES OR RESOLUTIONS FOR ADOPTION DUE TO THE FACT THERE WERE NO PUBLIC SPEAKERS UNDER THIS PORTION. HE DOES MAKE THE ANNOUNCEMENT IMMEDIATELY FOLLOWING THE ANNOUNCEMENT OF COMMITTEE MEETINGS.)

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions. Let the journal state that all Members of Council are present. Resolution #8 has been withdrawn, 98. Informal Resolutions #99 through 101 were retained in committee.

98. COUNCIL-AS-A-WHOLE: COMMENDING CITY AUDITOR KIM R. PEREZ. - **WITHDRAWN**
99. PERSONNEL COMMITTEE: APPROVING MAYOR'S REAPPOINTMENT OF JACK BOLENDER, JR. TO SERVE AS VICE PRESIDENT OF CANTON INVESTMENT BOARD FOR THE TERM FROM 1/1/05 TO 12/31/06. - **RETAINED IN CMTE** See C#647, 12/13/04
100. PERSONNEL COMMITTEE: APPROVING MAYOR'S REAPPOINTMENT OF DAVE GRABOWSKI TO THE CANTON CONSTRUCTION BOARD FOR THE TERM FROM 1/1/05 TO 12/31/07. **RETAINED IN CMTE** See C#659
101. PERSONNEL COMMITTEE: APPROVING MAYOR'S REAPPOINTMENT OF JOE FRIEDMAN TO THE CANTON CONSTRUCTION BOARD FOR THE TERM FROM 1/1/05 TO 12/31/07. - **RETAINED IN CMTE** See C#660

SUSPENDED RULE 24B TO ADD RE#102:

102. PERSONNEL COMMITTEE: APPROVING MAYOR'S REAPPOINTMENT OF JIM SPEAKMAN TO THE CANTON PARK BOARD FOR THE TERM 1/1/05 TO 12/31/07. - **ADOPTED**

MEMBER CASAR: Mr. President, I move we adopt Resolution 102; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 102. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #102 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #102 is adopted.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED DECEMBER 20, 2004.

- 654. AUDITOR JAMES M. CARMAN, JR., CITY OF CANTON: MONTHLY REPORT BY FUND FOR 10/1/04 - RECEIVED & FILED
- 655. AUDITOR JAMES M. CARMAN, JR., CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/04 - 10/31/04 - RECEIVED AND FILED
- 656. AUDITOR JAMES M. CARMAN, JR., CITY OF CANTON: MONTHLY REPORT BY FUND FOR 11/1/04 - 11/30/04 - RECEIVED AND FILED
- 657. AUDITOR JAMES M. CARMAN, JR., CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/04 - 11/30/04 - RECEIVED AND FILED
- 658. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING AMENDMENT TO RE#223/2004 TO INCLUDE LANGUAGE STATING THAT THE CANTON CENTRAL NEIGHBORHOOD COMMUNITY REINVESTMENT AREA IS INTENDED TO REPLACE THE FOUR EXISTING CRA'S - COMMUNITY & ECONOMIC DEVELOPMENT CMTE **Suspended Rule 22B to add 1st Rdg O#3**
- 659. HAWK, GREG, WARD 1 COUNCILMEMBER AND FINANCE COMMITTEE CHAIRPERSON, CITY OF CANTON: LETTER TO MAYOR REQUESTING A COMPLETE ACCOUNTING OF THE 1150 GENERAL ECONOMIC DEVELOPMENT FUND - MAYOR
- 660. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF REAPPOINTMENT OF DAVE GRABOWSKI TO THE CANTON CONSTRUCTION BOARD FOR A 3 YR TERM EFFECTIVE 1/1/05 - 12/31/07 - PERSONNEL CMTE
- 661. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF REAPPOINTMENT OF JOE FRIEDMAN TO THE CANTON CONSTRUCTION BOARD FOR A 3 YR

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TERM EFFECTIVE 1/1/05 - 12/31/07 - PERSONNEL CMTE

662. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF APPOINTMENT OF JIM SPEAKMAN TO THE CANTON PARK BOARD FOR A 3 YEAR TERM EFFECTIVE 1/1/04-12/31/07 - PERSONNEL CMTE
663. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING SUPPLEMENTAL APPROPRIATIONS & TRANSFERS NECESSARY FOR CLOSING OUT CITY'S BUSINESS YEAR 2004 - FINANCE CMTE **Suspended Rule 22B to add 1st Rdg O#4**

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS. RULE 22B WAS SUSPENDED TO ADD ORDINANCES 3 & 4. ORDINANCE #4 WAS PASSED AFTER SUSPENDING THE RULES AND RECEIVING ITS FIRST READING.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE BIGLER ANNEXATION AREA CONTAINING APPROXIMATELY 1.00 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee
- #2 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOTS 1112 AND 1113; APPROVING AND ACCEPTING THE DEDICATION PLAT OF SKOTNICKY COURT SW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

RULE 22B SUSPENDED TO ADD O#3&4:

- #3 (1ST RDG) A RESOLUTION AMENDING RESOLUTION NO. 223/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #4 (1ST RDG) **ADOPTED AS ORDINANCE NO. 252/2004** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee

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PRESIDENT DENCZAK: The Chair is going to declare an in-house recess now for the Finance Committee to meet on the matter of Ordinance #4 on the Agenda this evening. You are now in recess.

COUNCIL RECESSED FOR FINANCE COMMITTEE TO MEET ON THE MATTER OF ORDINANCE #4 AT 7:44 PM. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:47 PM.

PRESIDENT DENCZAK: Member Casar, the Chair will recognize Rule 22A to add this Ordinance back to the agenda.

MEMBER CASAR: Mr. President, I move that we suspend Rule 22A and place Ordinance #4 back on the agenda; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 is a legal part of your Agenda, Member Casar.

MEMBER CASAR: Mr. President, I move to suspend the Statutory Rules on Ordinance #4; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #4. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

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

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

MEMBER CASAR: Mr. President, under Exhibit A, Supplemental Appropriations, I move to amend from the Unappropriated Balance of 6010 Workman's Comp Fund \$3,000 to 6010 50-11-01 Human Resources \$3,000.00; seconded

PRESIDENT DENCZAK: Moved and seconded to amend the Ordinance per the statement made by Member Casar. Are there any remarks under this amendment?... The question you're voting on is the amendment. By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT ADOPTED BY VOICE VOTE 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #4 is amended. The question before you now is the Ordinance as amended. Are there any remarks under this Ordinance as amended?... Very well, roll call vote please.

NO FURTHER REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 is adopted.

#4 ADOPTED AS AMENDED AS ORDINANCE NO. 252/2004

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their Second Reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #5 THROUGH AND INCLUDING #12 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #8, 9, 11 & 12 WERE ADOPTED FOLLOWING THEIR SECOND READING.

#5 (2ND RDG) AN ORDINANCE AMENDING TITLE ONE OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CANTON CODIFIED ORDINANCES BY THE ADDITION OF CHAPTER 1107, ARCHITECTURAL REVIEW BOARD **PUB HRG 1/3/05 @ 7:30 PM**

#6 (2ND RDG) AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
PUB HRG 1/3/05 @ 7:31 PM

#7 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH NORTHMARK PROPERTIES, INC. TO PROVIDE REAL PROPERTY TAX EXEMPTIONS TO RENOVATE THE BUILDING AT 213 MARKET AVENUE NORTH IN THE DOWNTOWN CANTON COMMUNITY REINVESTMENT AREA; AUTHORIZING THE GRANTING OF TEN YEAR REAL PROPERTY TAX EXEMPTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

#8 (2ND RDG) **ADOPTED AS ORDINANCE NO. 253/2004** AN ORDINANCE ADOPTING APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2005; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move to suspend the Statutory Rules on #8; seconded

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #8. Are there any remarks?... If not, roll call vote.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

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

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

MEMBER CASAR: Mr. President, Mr. President. I'd like to say that this will be the first revenue driven budget, true balanced budget since 1999. I want to personally thank the Finance Committee that stated way back 6 months or so ago that this Council did not accept anything but a balanced, true revenue driven balanced budget and that is what this budget is. I also want to give special thanks to Gary Young of the Auditor Department who worked diligently with the Finance Committee and I must say the Finance Committee had many committee meetings that I attended quite a few and I know how hard they worked, worked on it. I want to thank the Administration for taking heed to what this Council directed that they do. They forwarded a balanced budget. Ray Denczak, we're prepared to pass this and hopefully that in the future, we will continue to pass true balanced budgets and this Council will already started looking forward for the following years so we could do that in the future and the only way we could do this is with the cooperation of Council and the Administration. That is why we have a true balanced budget.

PRESIDENT DENCZAK: Any other remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

#8 ADOPTED AS ORDINANCE NO. 253/2004

#9 (2ND RDG) **ADOPTED AS ORDINANCE NO. 254/2004** A RESOLUTION OBJECTING TO THE RENEWAL OF THREE LIQUOR PERMITS LOCATED WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move to suspend the Statutory Rules on #9; seconded

PRESIDENT DENCZAK: There's a motion to dis... There's a motion to dispense with the three readings of Ordinance #9. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #9; seconded.

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

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTENTION
(MALLONN ABSTAINED)

PRESIDENT DENCZAK: Ordinance #9 is adopted.

O#9 ADOPTED AS ORDINANCE 254/2004

#10 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$45,000.00 TO 3-D SERVICE; AND DECLARING THE SAME TO BE AN EMERGENCY

#11 (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 255/2004** AN ORDINANCE AUTHORIZING LUMP SUM BONUSES FOR FULL-TIME MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move to suspend the Statutory Rules on number, Ordinance #11; seconded

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #11. Are there any remarks?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we ad... amend Ordinance #11....

PRESIDENT DENCZAK: All right, move to, move to adopt it.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks?... Member Casar?

MEMBER CASAR: Mr. President, I move that we amend Ordinance #11 per the attached, that everyone has a copy of, amendment; seconded

AMENDMENT: SECTION 1. ALL FULL-TIME MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES AND SALARIED PERSONNEL IN THE LAW DEPARTMENT WHO ARE GOVERNED BY CHAPTER 151, EMPLOYMENT PROVISIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON *AND WERE EMPLOYED ON OR WITHIN THE PAY PERIOD THAT INCLUDES JANUARY 1, 2004, AND WHO REMAIN EMPLOYED BY THE CITY THROUGH THE EFFECTIVE DATE OF THIS ORDINANCE SHALL RECEIVE A LUMP SUM BONUS OF \$500.00 IN 2004, EXCEPT AS PROVIDED FOR IN SECTION 2.

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SECTION 2. THE CHIEF AND MAJOR IN THE POLICE DEPARTMENT AND THE CHIEF AND DIVISION CHIEFS IN THE FIRE DEPARTMENT SHALL RECEIVE THIS LUMP SUM BONUS PROVIDED THAT ANY ADDITIONAL NEGOTIATED WAGE INCREASE THEY MAY BE DERIVATIVELY ENTITLED TO THROUGH THE COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY AND THE CANTON POLICE PATROLMEN'S ASSOCIATION AND THE CITY AND CANTON PROFESSIONAL FIREFIGHTERS ASSOCIATION SHALL BE REDUCED BY THIS AMOUNT. *THE ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT SHALL NOT RECEIVE THE LUMP SUM BONUS AUTHORIZED IN SECTION 1.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #11 per the copy before each of you. Are there any remarks under the amendment?... The question you're voting on now is the amendment. By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT ADOPTED UNANIMOUSLY BY VOICE VOTE

PRESIDENT DENCZAK: The amendment is adopted. The question before you now is the Ordinance as amended. Are there any remarks under this Ordinance as amended?... Very well, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11, as amended, is adopted.

O#11 ADOPTED AS AMENDED AS ORDINANCE 255/2004

#12 (2ND RDG) **ADOPTED AS ORDINANCE NO. 256/2004** AN ORDINANCE AMENDING SECTION 151.26, LONGEVITY, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; REINSTATING DISCRETIONARY STEP INCREASES; SUSPENDING WAGE INCREASES BASED ON THE CPI-U; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Number 12. Number 12, Member Casar.

MEMBER CASAR: Ordinance #12; seconded.

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

MEMBER CASAR: Mr. President, first I'd like to say that.....

PRESIDENT DENCZAK: Wait a minute, we have to dispense with the 3 readings.

MEMBER CASAR: Mr. President, I'd like to suspend the Statutory Rules for #12; seconded.

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PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #12. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks under this Ordinance?... Member Casar, are you going to... I was told this was going to be amended.

MEMBER CASAR: Mr. President, that was Ordinance #11. We amended Ordinance #11.

PRESIDENT DENCZAK: So #12 is not going to be amended, but you're going to pass it?

MEMBER CASAR: There's no amendment.

PRESIDENT DENCZAK: Okay. Moved and seconded that you adopt Ordinance #12. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted. **O#12 ADOPTED AS ORDINANCE NO. 256/2004**

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #13 THROUGH AND INCLUDING #23 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL ORDINANCES WERE ADOPTED FOLLOWING THEIR 3RD READING.

#13 (3RD RDG) **ADOPTED AS ORDINANCE NO. 257/2004** AN ORDINANCE AMENDING ORDINANCENO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE. (Official Zoning Map) **Pub Hrg Held 12/20/2004 @ 7:30 PM**

MEMBER CASAR: Mr. President, I move that we adopt Ordinance #13; seconded.

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

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted.

#13 ADOPTED AS ORDINANCE NO. 257/2004

#14 (2ND RDG) **ADOPTED AS ORDINANCE NO. 258/2004** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE GROFFRE/RICHMOND ANNEXATION AREA CONTAINING 5.578 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY

Pub Hrg Held 12/20/02004 @ 7:31PM

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?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted.

#14 ADOPTED AS ORDINANCE NO. 258/2004

#15 (2ND RDG) **ADOPTED AS ORDINANCE NO. 259/2004** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE CITY OF CANTON/RAILROAD ANNEXATION AREA CONTAINING APPROXIMATELY 15.013 ACRES; ASSIGNING SAID TERRITORY TO WARD 8 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE); AND DECLARING THE SAME TO BE AN EMERGENCY

Pub Hrg Held 12/20/2004 @ 7:32 PM

MEMBER CASAR: Mr. President, I move we adopt Ordinance #15; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #15. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE NO. 259/2004

#16 (2ND RDG) **ADOPTED AS ORDINANCE NO. 260/2004** AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES FOR THE COMMUNITY MEDIATION CENTER OF STARK COUNTY; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted. **#16 ADOPTED AS ORDINANCE NO. 260/2004**

#17 (2ND RDG) **ADOPTED AS ORDINANCE NO. 261/2004** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS, 2 ABSTENTIONS
(ZACHARY & DIAMOND ABSTAINED)

PRESIDENT DENCZAK: Ordinance #17 is adopted. **#17 ADOPTED AS ORDINANCE NO. 261/2004**

#18 (2ND RDG) **ADOPTED AS ORDINANCE NO. 262/2004** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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: 11 YEAS, 0 NAYS, 1 ABSTENTION
(ZACHARY ABSTAINED)

PRESIDENT DENCZAK: Ordinance #18 is adopted. **#18 ADOPTED AS ORDINANCE NO. 262/2004**

#19 (2ND RDG) **ADOPTED AS ORDINANCE NO. 263/2004** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF OUTLOTS 1009 AND 1015; AND DECLARING THE SAME TO BE AN EMERGENCY

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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 NO. 263/2004**

#20 (2ND RDG) **ADOPTED AS ORDINANCE NO. 264/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENTS WITH VARIOUS LOCAL GOVERNMENT ENTITIES FOR SECURING AND TRANSPORTING PRISONERS TO CANTON MUNICIPAL COURT; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted. **#20 ADOPTED AS ORDINANCE NO. 264/2004**

#21 (2ND RDG) **ADOPTED AS ORDINANCE NO. 265/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO SCF DEVELOPMENT, LTD. AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #21. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted. **#21 ADOPTED AS ORDINANCE NO. 265/2004**

#22 (2ND RDG) **ADOPTED AS ORDINANCE NO. 266/2004** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH THE BOLER COMPANY DBA HENDRICKSON TRAILER SUSPENSION SYSTEMS TO PROVIDE REAL AND PERSONAL PROPERTY TAX EXEMPTIONS TO CONSTRUCT A NEW FACILITY; AUTHORIZING THE GRANTING OF 75% TEN YEAR REAL AND

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PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted. **#22 ADOPTED AS ORDINANCE NO. 266/2004**

#23 (2ND RDG) **ADOPTED AS ORDINANCE NO. 267/2004** AN ORDINANCE AMENDING TITLE FIVE OF PART ONE, ADMINISTRATIVE CODE BY THE ADDITION OF CHAPTER 146, HOUSING ADVISORY BOARD; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted. **#23 ADOPTED AS ORDINANCE NO. 267/2004**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. President, Community & Economic Development will meet January 3rd, 7pm.

MEMBER PRATER: Mr. President, Annexation Committee will meet January 3rd at 7pm.

MEMBER BABCOCK: Public Safety and Thoroughfares will also meet at 7:00.

PRESIDENT DENCZAK: What time?

MEMBER BABCOCK: 7:00.

PRESIDENT DENCZAK: 7:00?

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MEMBER BABCOCK: Yes, on January 3rd, 2005.

PRESIDENT DENCZAK: Any other committees?...

MEMBER ZACHARY: Mr. President, Personnel Committee will meet on January 3rd, at 7:00, same time.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY

PRESIDENT DENCZAK: No one signed up for Public Speaks under the earlier portion of the agenda and no one has signed up for public speaks under this portion.

MISCELLANEOUS BUSINESS

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

MEMBER HART: Mr. President. Yeah, I just wanted to thank Member Carbenia and his son Gino for making a young man's Christmas a little brighter and better and, again, thank you.

MAYOR CREIGHTON: Mr. President, on behalf of the Administration, I'd like to wish all Councilmembers and their families and Council staff and Mr. President, Happy Holidays. Best wishes to everyone. Thank you for the cooperation this year and I, I also think that we all owe a debt of gratitude for the individuals who come to this council meeting every single meeting and sit here as informed citizens. Thank you.

(AUDIENCE APPLAUSE)

MEMBER CARBENIA: Mr. President....

PRESIDENT DENCZAK: The Chair wishes each and every one....

MEMBER CARBENIA: Mr. President....

PRESIDENT DENCZAK: ...of your families a happy and prosperous Christmas. Member Carbenia?

MEMBER CARBENIA: I'd like to just acknowledge that Councilman Mallonn is resigning his position as of midnight, I believe, tonight, and is moving into another job as Auditor of the City and I'm very glad that he's moving up but I'm sad that he's moving as a Councilperson, but he'll still be in the room, sitting just one seat over from where he is, so, we'll see his shining face and we're glad to have another Mallonn back in the Auditor's Office.

MEMBER CASAR: Mr. President, I would like to also state that I've had the privilege and opportunity to serve with R.A.'s father as a Councilperson and then as Auditor, and the same, I've had the privilege and opportunity to serve with two good Mallonns as a Councilmember and now as the City Auditor, but I don't think I'll be around for Mallonn number 3.

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PRESIDENT DENCZAK: Member Mallonn, I am very pleased that you have this opportunity to serve as Auditor because I asked him the qualifying question. I asked him if he knew what 2 and 2 was and he asked me what I want it to be. (*AUDIENCE LAUGHTER*) So, I know he'll make a good Auditor. But, R.A., seriously, I know your mother and father are in heaven looking down now and are very proud of you, the family, especially the children are proud of you and I know you'll do a good job. You're an excellent Councilman. I'll miss your voice here and now that I say I'll miss your voice here, will you promise I will get ten pork chop dinners free, all right? Good luck to you R.A. Is there any other Miscellaneous Business?

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:13 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

