

MINUTES OF THE MEETING OF JANUARY 3, 2005

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, January 3, 2005, 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. (DUE TO THE RESIGNATION OF R.A. MALLONN, THERE WILL BE A VACANCY IN THE WARD 3 COUNCIL SEAT) The invocation was given by 5th Ward Councilmember Terry Prater, 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 11 COUNCILMEMBERS PRESENT (DUE TO THE RESIGNATION OF R.A. MALLONN, THERE IS A VACANCY IN THE WARD 3 SEAT): (DONALD E. CASAR, JOE CARBENIA, MARY M. BABCOCK, THOMAS M. BERNABEL, GREG HAWK, THOMAS E. WEST, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & ROSEMARY DIAMOND)

PRESIDENT DENCZAK: I always thought there was a vacancy in that ward all the time. (*Referring to vacancy in Ward 3*) (LAUGHTER)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Prater. (*referring to giving invocation*). Agenda corrections, Members of Council, to bring your agenda up to date, you're being asked to suspend Rule 24B to add Resolutions 2 through and including #9. You're being asked to suspend Rule 22A to add second readings of Ordinances 1, 2 and 3. Resolution #4 is to be withdrawn. Communication #10 is received and filed. The Chair will now recognize Rule 24B suspension, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Resolutions 2, 3, 5, 6, 7, 8 and 9 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolutions 2 to 9. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and the Resolutions are a legal part of your agenda. Number 4, of course, was withdrawn. You're being asked to suspend Rule 22A. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 1 through 3 on this evening's agenda; seconded.

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

MINUTES OF THE MEETING OF JANUARY 3, 2005

please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances 1, 2 and 3 are a legal part of your agenda, and the Chair understands that you're going to be amending Ordinance #6 under third reading. This brings your agenda up to date, Members of Council.

PUBLIC HEARINGS**7:30 PM PUBLIC HEARING RE: ARCHITECTURAL REVIEW BOARD:**

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:30 PM. It's a proposed amendment to the City Code Title One of Part Eleven, Planning and Zoning Code, by the addition of Chapter 1107, Architectural Review Board. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this amendment, please come forward...

MR. MONEIR: Good afternoon, Mr. President, Honorable Mayor Creighton. My name is Tarek Moneir. I'm the Chief Operating Officer for John Gasser and Sons Jewelers. Actually, I was here to speak in favor of the Architectural Review Board, but I was actually misinformed that there would be a lot of people against it. I'm here actually to witness your support of the establishing the Architectural Review Board and complete the circle that this process is completed as my own personal, professional courtesy. That's all my comments. I have the evidence if anybody wants to see, the support of the community of the establishing the design guidelines of the Architectural Review Board for City of Canton. Thank you.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against the amendment, please come forward... Is there anyone else in the audience wishing to speak for or against this amendment, please come forward... Is there anyone else in the audience wishing to speak for or against the amendment, please come 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.

7:31 PM PUBLIC HEARING RE: PROPOSED AMENDMENTS TO OFFICIAL ZONING TEXT:

PRESIDENT DENCZAK: We have another scheduled public hearing for 7:31 PM. It's a proposed amendment to City Code, Part Eleven, Planning and Zoning Code, for numerous changes to the official zoning text. The Planning Commission recommends approval. The Chair opens the public hearing in regards to this amendment. Is there anyone in the audience wishing to speak for or against this amendment, please come forward... Is there anyone else in the audience wishing to speak for or against this amendment, please come forward... Is there anyone else in the audience wishing to speak for or against this amendment, please come 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.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Ordinances or Resolutions for Adoption.

MINUTES OF THE MEETING OF JANUARY 3, 2005**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal Resolutions, excusing members. It will not be necessary. Let the journal state that all Members of Council are present.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #1-9 BY TITLE, AS SHOWN BELOW. (Resolution #4 was withdrawn from the agenda) THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED JANUARY 3, 2005.

1. COUNCIL-AS-A-WHOLE: COMMENDING RICHARD A. MALLONN, II FOR HIS SERVICE ON CANTON CITY COUNCIL. - ADOPTED BY COUNCIL

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

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

MEMBER CASAR: Mr. President, I would like to have the Clerk read this Resolution, please.

PRESIDENT DENCZAK: Madam Clerk, will you please read the Resolution.

CLERK VANCKUNAS: Respectfully submitted by Council-as-a-Whole Committee and President Denczak on this 30th day of December, 2004. Whereas, on December 20th, 2004, Canton City Council received a letter of resignation from a hard-working & dedicated member whose presence will be sorely missed in Council. Richard Albert Mallonn II has been an advocate for the citizens of Ward 3, maintaining a consistent attention to the welfare & interests of his constituency during nearly 5 terms as their elected representative; and Whereas, this graduate of Timken High School is a lifelong resident of Canton. The son of Richard A. Mallonn, a former City Councilman & City Auditor, R.A. is a 22-year veteran of politics. He attended Adrian College in Michigan and the University of Akron before becoming Ward 3 Councilmember on January 1st, 1996. A loyal Democrat, R.A. is a member of the Stark County Democratic Executive Committee & the Jefferson-Jackson Democratic Club of Stark County. On December 18th, 2004, party central committee members voted unanimously to appoint R.A. as the next City Auditor; and Whereas, having served on all major committees of Council, R. A. is the long-standing Parks & Recreation Committee Chairman & was instrumental in helping obtain the Nature Works Grant which revitalized Garoux Park. His diligence in helping form a strong community park system has resulted in more user-friendly parks for our citizens' recreation & enjoyment, including in-line skating paths & an in-line hockey rink. R. A. worked closely with Code Enforcement officers to ensure that the City's Owner-occupied Exterior Maintenance Code was enforced to provide an improved housing standard. He was instrumental in getting ordinances passed to allow further expansion of Aultman Hospital, creating more jobs for local residents. He worked diligently to correct serious drainage issues in Ward 3. R.A.'s concern for his constituency is well proven by his consistency & track record on City Council; and Whereas, R.A. Mallonn has been a local businessman for 16 years and currently owns Mallonn's Fine Food & Spirits, Mallonn's Grille & Bar and Freeway Tavern. Canton City Council hereby joins with his wife Jill & three children Ashley Nicole, Richard Albert III (Trey), and Austin in wishing R.A. the best as he prepares to follow in his father's footsteps as Canton City Auditor. Now, therefore, be it resolved, that we, the Members of the Council of the City of Canton, Ohio, do hereby go on public record as commending R.A.

MINUTES OF THE MEETING OF JANUARY 3, 2005

Mallon II for serving the citizens of the city of Canton with determination & dedication during the past 9 years, and that we join with his family, friends, elected officials, City department heads, & all the people of Canton in thanking him for his efforts in making our city a better place to live. Thank you, R. A. for a job well done.

PRESIDENT DENCZAK: Are there any remarks?...

MEMBER CARBENIA: Mr. President, I'd like to say one thing. We're gonna sorely miss R.A. on the Board. He's only one seat to the right from where he was before, but we're gonna miss him on Council. The only good thing is he's got into office, he already come up with another \$400,000.00 more than what we thought we were gonna carry over this year, so I'm looking for big things within the next month or so.

MAYOR CREIGHTON: Mr. President, on behalf of the Administration, we salute R.A. for his job well done as Ward 3, and my Councilman, I might add, so thank you very much. And also, we really look forward to his continued cooperation as he takes his new role as City Auditor. We welcome him. Thank you.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER BERNABEI: I certainly congratulate Mr. Mallonn on his appointment to the job as Auditor. I have many fond years and recollections of working with his father when I was Law Director, and I especially appreciate, and I want everybody else to appreciate tonight, the change in role that R.A. is undertaking from the early rough tavern keeper in the southwest section of Canton, (*LAUGHTER*) and if you would please stand up and put on your glasses and show us the new intellectual bean counter look that he is now undertaken. (*LAUGHTER*) Could you please stand up and put your glasses on for us tonight. (*LAUGHTER*) (*APPLAUSE AS R.A. DOES SO*)

MEMBER WEST: Mr. President, I'd just like to thank R.A. for the first year, of course, I'm a rookie here at Council, and when I first came on Council I worked on Nimisilla Park and asked R.A. to come down with me and look at the park, and I just want to thank him for his encouraging words in terms of the support for the recreation of Nimisilla Park. And I wish you well in your new position.

MEMBER DOUGHERTY: Mr. President. Yeah, I want to thank you too, R.A. Congratulations, glad you're still here with the City and working. It was always easy working with you and I always appreciated everything you've done for the City. Thank you very much.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER DIAMOND: Mr. President, I heard in the Resolution that R.A. Mallonn was a very loyal Democrat and he certainly is, but he is one of the -- one person that never made judgments nor based his decisions on politics. He was always a gentleman and he was always eager to find a resolution to a problem, and it didn't matter what your politics were, so as one of two Republicans in this body, I appreciate the work that you did and the consideration and the cooperation I received from you. Thank you.

PRESIDENT DENCZAK: Any other remarks?...

MINUTES OF THE MEETING OF JANUARY 3, 2005

CLERK VANCKUNAS: Mr. President, may I just say, R.A., that I feel I've come full circle with your family. Having worked with your father as a city councilman and seeing him move on to the City Auditor's Office, and working for you as city councilman and seeing you move on is the most heart warming thing that has ever happened here in the office and I'm glad for you.

PRESIDENT DENCZAK: Any other remarks?... Member Mallonn, I'm -- what kind of a pill did I take? Auditor Mallonn, I'm gonna ask that you move over one seat to your right because this may be a close vote and you may have to vote, (*LAUGHTER*) and because the Chair senses some hostility here regardless of the accolades, this is gonna be a close vote, so I'm gonna ask for a roll call vote.

NO FURTHER REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: I was hoping for a tie. The Resolution has passed. Congratulations, R.A.

MEMBER CASAR: Mr. President, if I may.

PRESIDENT DENCZAK: Yes, Member Casar.

(Member Casar and R.A. Mallonn approach the public speaks microphone)

MEMBER CASAR: R.A., on behalf of Canton City Council, it honors me to present this Resolution to you for all your years of dedicated work as Ward Council as this Resolution so states so eloquently. I'm sorry to lose you as a ward councilman, and as a friend. It's hard to believe, but I knew this gentleman when he was, you know (*makes a motion with his hand indicating when R.A. was only so high*), but his family, we've been friends, and I consider you a personal friend of mine. I wish you the best and I know you'll do well as City Auditor, and thank you again for all your work and dedication to the City of Canton.

AUDITOR MALLONN: Thank you.

PRESIDENT DENCZAK: You've got three minutes, R.A.

AUDITOR MALLONN: Okay. I'll keep it short. I would just like to thank each and every one of you. Thank you for all those kind words, and the past nine years that I've been here I've made some great friendships and I will always keep those near and dear to my heart. I appreciate everything that everyone has done for me. To the Mayor and her staff, thank you for everything that you have done in the last year. Every time that I have called the Mayor's Office or up to the eighth floor I've always had a quick response. Joe Concatto, throughout the years thank you for always being there for me. You were very helpful to Mayor Watkins, and I see his former Safety Director Paul Bair. (*Mr. Bair is seated in the audience*) In the early years, Paul, you were very helpful, and you were always there for me. I appreciate that. To Joe Martuccio and his staff, thank you, Joe, for everything. You've always been there for me whenever I've had questions. To the Council staff, Debbie, thank you for everything that you have done, for typing the letters and taking phone calls for myself and my constituents. To Beth and Bev, thank you for all your hard work and dedication throughout the years, and in closing, I'd like to thank my good friend, Cas (*Don Casar*), Papa Joe (*Joe Carbenia*), Mr. B. (*Tom Bernabei*), Raymond (*Denczak*), without you four individuals, I don't think that I'd be here today and have moved up

MINUTES OF THE MEETING OF JANUARY 3, 2005

the political ladder without all your help and your support. So thank you very much and God bless you. (*APPLAUSE*)

PRESIDENT DENCZAK: See, you three guys, I told you we were at fault.

SUSPENDED RULE 24B TO ADD RE#2-9:

2. PERSONNEL COMMITTEE: APPROVING MAYOR'S RE-APPOINTMENT OF SEAN O'BRIEN TO THE BOARD OF BUILDING APPEALS FOR THE TERM 1/1/05 TO 12/31/07. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #2; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #2. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #2 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #2 is adopted.

3. PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENT OF JEFFREY LECHAK TO THE BOARD OF BUILDING APPEALS FOR THE TERM 1/1/05 TO 12/31/07. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #3. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #3 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #3 is adopted.

4. PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENT OF DR. THOMAS YOUNG, JR. TO THE CANTON CITY PLANNING BOARD FOR THE TERM 1/1/05 - 12/31/10. - **WITHDRAWN**

5. PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENT OF ROGER ZACHARY TO THE STARK COUNTY REGIONAL PLANNING COMMISSION FOR THE TERM 1/1/05 - 12/31/07. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #5; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #5. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #5 ADOPTED BY UNANIMOUS VOICE VOTE

MINUTES OF THE MEETING OF JANUARY 3, 2005

PRESIDENT DENCZAK: Resolution #5 is adopted.

6. PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENT OF DR. FREDERICK WHITTIER TO CANTON HEALTH BOARD FOR THE TERM 1/3/05 - 3/31/05. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #6; seconded.

PRESIDENT DENCZAK: Member Casar, is this just a three month appointment?

MAYOR CREIGHTON: Mr. President, he is filling the unexpired term of Dr. Jim King.

PRESIDENT DENCZAK: Oh, okay. Alright, moved and seconded that you adopt Resolution #6. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #6 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #6 is adopted.

7. PERSONNEL COMMITTEE: APPROVING MAYOR'S RE-APPOINTMENT OF JACK BOLENDER, JR. TO SERVE AS VICE PRESIDENT OF CANTON INVESTMENT BOARD FOR THE TERM FROM 1/1/05 - 12/31/06. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #7; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #7. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #7 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #7 is adopted.

8. PERSONNEL COMMITTEE: APPROVING MAYOR'S RE-APPOINTMENT OF DAVE GRABOWSKI TO THE CANTON CONSTRUCTION BOARD FOR THE TERM 1/1/05 - 12/31/07. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #8. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #8 ADOPTED BY UNANIMOUS VOICE VOTE

MINUTES OF THE MEETING OF JANUARY 3, 2005

PRESIDENT DENCZAK: Resolution #8 is adopted.

9. PERSONNEL COMMITTEE: APPROVING MAYOR'S RE-APPOINTMENT OF JOE FRIEDMAN TO THE CANTON CONSTRUCTION BOARD OF THE TERM 1/1/05 - 12/31/07. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #9. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #9 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #9 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 January 3, 2005.

1. BUILDING DEPARTMENT, CITY OF CANTON: REPORT OF MONTHLY INCOME FOR SEPTEMBER, 2004. - RECEIVED & FILED
2. CD HOUSING OFFICER LISA MILLER, CITY OF CANTON: RE: RE-APPOINTMENT OF GUY BERTRAM TO 3-YEAR TERM ON CRA HOUSING COUNCIL EFFECTIVE 2/28/05. - MAJORITY LEADER
3. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE ACCEPTANCE OF A .47 ACRE PARCEL OF LAND LOCATED ON CARNAHAN AVE NE FROM THE UNITED STATES CERAMIC TILE CO. aka SPARCO OPERATING, INC. - PPCI CMTE
4. HETTLER-LARGENT ENGINEERING CO., 1225 NORTH MAIN ST, SUITE A, NORTH CANTON, OHIO 44720: SUBMITTING REVISIONS TO PREVIOUSLY SUBMITTED REZONING APPLICATION RE: VIENNA WOODS II MAINTENANCE STORAGE BUILDING AS FILED IN CLERK OF COUNCIL OFFICE. - PLANNING COMMISSION
5. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: LETTER TO OHIO DEPARTMENT OF LIQUOR CONTROL THAT COUNCIL'S OBJECTION TO THE RENEWAL OF LIQUOR PERMITS IS BASED UPON SUBSTANTIAL LEGAL GROUNDS RE: GASCO EXPRESS MART @ 3325

MINUTES OF THE MEETING OF JANUARY 3, 2005

HARMONT AVE NE; HALL OF FAME MARKET @ 704 SHERRICK RD SE; & CHERRY MARKET @ 1494 CHERRY AVE SE. - RECEIVED & FILED

6. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: EAST SIDE POP & DRIVE-THRU INC., GROUND & 1ST FL & DRIVE THRU, @ 2401 E. TUSC., HAS REQUESTED A STOCK TRANSFER IN THE D1, D2, D3, D3A LIQUOR PERMIT - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
7. MALLONN, R.A., WARD 3 COUNCILMEMBER, CITY OF CANTON: SUBMITTING RESIGNATION AS WARD 3 COUNCILMEMBER OF CITY OF CANTON EFFECTIVE 11:59 PM ON 12/20/2004. - RECEIVED & FILED
8. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF SEAN O'BRIEN'S RE-APPOINTMENT TO THE CANTON BOARD OF BUILDING APPEALS FOR THE TERM 1/1/05-12/31/07 - PERSONNEL CMTE See Re#2
9. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF JEFFREY LECHAK'S APPOINTMENT TO THE BOARD OF BUILDING APPEALS FOR THE TERM 1/1/05-12/31/05. - PERSONNEL CMTE See Re#3
10. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF DR. THOMAS YOUNG, JR'S APPOINTMENT TO THE CANTON CITY PLANNING COMMISSION FOR THE TERM 1/1/05-12/31/10. - RECEIVED & FILED See Re#4
11. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF ROGER ZACHARY'S APPOINTMENT TO THE STARK COUNTY REGIONAL PLANNING COMMISSION FOR THE TERM 1/1/05-12/31/07. - PERSONNEL CMTE See Re#5
12. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF DR. FREDERICK WHITTIER'S APPOINTMENT TO CANTON HEALTH BOARD TO SERVE REMAINING UNFULFILLED TERM EFFECTIVE 1/3/05-3/31/05 DUE TO DR. JAMES KING'S RESIGNATION . - PERSONNEL CMTE See Re#6
13. MAYOR JANET CREIGHTON, CITY OF CANTON: INFORMING COUNCIL OF THE RE-APPOINTMENT OF DONALD CASAR, JOE CARBENIA, MS. DELORES ANGELI & SAM DORTO TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION (CIC). - RECEIVED & FILED
14. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST FOR APPROVAL OF DEMOLITION OF 15 PARCELS (1125 5TH ST NW, ETC). - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE CMTE
15. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: ADJUSTING FEES FOR EMERGENCY AMBULANCE SERVICES IN ACCORDANCE WITH CANTON CODIFIED

MINUTES OF THE MEETING OF JANUARY 3, 2005

ORDINANCE 133.05. - RECEIVED & FILED

16. SERVICE DIRECTOR JOSEPH C. CONCATTO, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION ON SINCLAIR DR NW & WEST PARK DR NW IN THE VILLAGE OF MEYERS LAKE. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
17. SERVICE DIRECTOR JOSEPH C. CONCATTO, CITY OF CANTON: REQUESTING ALL NECESSARY DOCUMENTATION & LEGISLATION FOR RENEWAL OF LEASE AGREEMENT WITH THE STARK COUNTY DISTRICT LIBRARY FOR USE OF A PORTION OF THE EDWARD "PEEL" COLEMAN COMMUNITY CENTER. - PPCI AND FINANCE CMTE
18. SERVICE DIRECTOR JOSEPH J. CONCATTO & SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS & VARIOUS PROFESSIONAL SERVICES EXCEEDING \$15,000 FOR 2005 CALENDAR YEAR. - PPCI AND FINANCE CMTE
19. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA SOUTH, CANTON, OHIO: RESOLUTION APPROVING AMENDED ANNEXATION PETITION FOR 54.3491 ACRES OF K-MART/EASTRIDGE ANNEXATION AREA IN PLAIN TOWNSHIP. - ANNEXATION CMTE AND PLANNING COMMISSION
20. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF NOVEMBER 30, 2004. - RECEIVED & FILED
21. WEST, THOMAS E., WARD 2 COUNCILMEMBER, CITY OF CANTON: REQUESTING LEGISLATION CONVEYING VACANT PROPERTY LOCATED AT THE CORNER OF 10TH ST NE & PAYNE CT TO THE STARK METROPOLITAN HOUSING AUTHORITY (SMHA). - PPCI CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: There were no 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.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the Second Reading. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #3 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

- #1 (2ND RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE BIGLER ANNEXATION AREA CONTAINING APPROXIMATELY 1.00 ACRES;

MINUTES OF THE MEETING OF JANUARY 3, 2005

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

#2 (2ND 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

#3 (2ND RDG) A RESOLUTION AMENDING RESOLUTION NO. 223/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

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 #4 THROUGH AND INCLUDING #7 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL ORDINANCES WERE ADOPTED FOLLOWING THEIR 3RD READING.

#4 (3RD RDG) **ADOPTED AS ORDINANCE NO. 1/2005** 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 HELD 1/3/05 @ 7:30 PM**

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

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

MEMBER CASAR: Mr. President, I'd like to say that this Architectural Review Board was a lot of dedicated work, especially by the Chairman of the Judiciary Committee and Member Carbenia and Member Hawk. They worked diligently on this. I think they had four or five meetings that I attended that I'm aware of, and I want to commend them for the job they did, and I'm sure this will go a long way for redevelopment of the downtown and continue the architectural value that the City has in their buildings and make sure it maintains the same. And also, just in a note, that we would like to see this continue into the neighborhoods and we realize that because of the fact that this has been going on for two years now, to get this Architectural Review Board going in the downtown area is going to take some time, but you can be reassured, especially the ward council people, that that's the ultimate goal to take care of the whole city in regards to the future development and redevelopment of the neighborhoods.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER HAWK: Mr. President, I would like to echo Member Casar's comments and also share with everyone that there is a clause in there that protects our neighborhoods and they are charged with establishing architectural review

MINUTES OF THE MEETING OF JANUARY 3, 2005

boards-- or excuse me, architectural review areas for the entire city and especially in the neighborhoods, and that's something I'll be watching very, very carefully because the neighborhoods are very precious to all of us, and I will watch that carefully and make sure that does get done. I thank everyone for their time that they put into this and I appreciate all the hard work that was done.

MEMBER WEST: Mr. President, over the last eight months I have been working very hard with the Special Improvement District, and I want to thank members of the Judiciary Committee for really trying us and testing us on the language that was in this ordinance before it went to the Planning Commission. Even though it has been a long process, I want to thank all the members that was involved, even to the prior Council people that was part of this ordinance and putting this forth. It will protect the downtown area and I support it wholeheartedly.

PRESIDENT DENCZAK: Any other remarks?... If not, the question you're voting on now is Ordinance #4. Roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 has been adopted. **#4 ADOPTED AS ORDINANCE NO. 1/2005**

#5 (3RD RDG) **ADOPTED AS ORDINANCE NO. 2/2005** AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (Official Zoning Text) **PUB HRG HELD 1/3/05 @ 7:31 PM**

MEMBER CASAR: Mr. President, I move we adopt Ordinance #5; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #5. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #5 has been adopted. **#5 ADOPTED AS ORDINANCE NO. 2/2005**

#6 (3RD RDG) **ADOPTED AS ORDINANCE NO. 3/2005** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #6; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #6. Are there any remarks?...

MINUTES OF THE MEETING OF JANUARY 3, 2005

MEMBER CASAR: Mr. President, I move we amend Ordinance #6 per the copy that every Councilperson received this evening in Caucus; seconded.

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 6 by amending the fifth Whereas clause and Section 3 by the substitution of the current phrase, "in year six" with the new phrase "in year five." I further move to amend Section 3 by the substitution of the current ordinance citation of Ordinance No. 146/2000 with a new citation of Ordinance No. 168/99.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #6 per the copy before each of you. Are there any remarks under the amendment?... If not, 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 BY UNANIMOUS VOICE VOTE

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #6 as amended has been adopted.

#6 AS AMENDED ADOPTED AS ORDINANCE NO. 3/2005

#7 (3RD RDG) **ADOPTED AS ORDINANCE NO. 4/2005** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #7; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #7. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #7 is adopted.

#7 ADOPTED AS ORDINANCE NO. 4/2005

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER HAWK: Mr. President, Finance Committee meeting 8:30 A.M. Friday, January 7th, Caucus Room, to discuss upcoming expenditures.

MINUTES OF THE MEETING OF JANUARY 3, 2005

PRESIDENT DENCZAK: Any other committees?...

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, we have one person signed up to speak. Ida Freeman.

MS. FREEMAN: Good evening. My name is Ida Freeman. I live at 1129 7th Street NW, and I'm here to commend you all for at least looking at the renewal of the liquor license at Harmont Hall of Fame, Cherry Road, the Cherry Market on Cherry Avenue. I'm so glad that you see that maybe the drug dealing in front of these stores will cease after you've done what you do. 'Cause I'm telling you, a lot of times it's horrible to go through the store, and I mean just drive up in the drive and they're there. Now, I'm not a police or anything like that. I know 'em if I see them, the police must see them. Okay. Thank you.

PRESIDENT DENCZAK: That was the only speaker we have.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Is there any miscellaneous business?... Members of Council, the Chair will just take a moment of your time. I don't usually do this, but I want to commend this Council, SID, the Chamber, the Administration, for passing Ordinance #4. The Architectural Review Board has been long overdue for Canton, and something has to be done to check the architectural criteria in this city because we've had some monsters created here. Brings to my mind something that's always bugged me driving down Market Avenue to come down to Council meetings. I see beautiful architecture, I see the Palace Theater, which is beautiful architecture, I see the old McKinley High School, I see the Masonic Temple building, all beautiful architecture, and in the midst of all of this I see what I call a concrete monument to a collapsed circus tent known as the public library. And if we had an architectural review board at that time, that building would never have been installed at that location. I commend you for your diligence. Is there any other miscellaneous business?...

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:05 p.m.

ATTEST:

APPROVED:

MINUTES OF THE MEETING OF JANUARY 3, 2005

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

