

MINUTES OF THE MEETING OF DECEMBER 19, 2005

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

ROLL CALL TAKEN BY CLERK VANCKUNAS:

11 COUNCILMEMBERS PRESENT: (DONALD E. CASAR, JOE CARBENIA, MARY M. BABCOCK, THOMAS BERNABEI, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, & RICHARD D. HART)

1 COUNCILMEMBER ABSENT (ROSEMARY DIAMOND)

The regular meeting of Canton City Council was held on Monday, December 19, 2005, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Debra Vanckunas. The invocation was given by Ward 9 Councilmember Joe Carbenia followed by the Pledge of Allegiance led by President of Council Denczak.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda Corrections, Members of Council, you're being asked to suspend Rule 22A to add the second reading of Ordinances 2 & 3. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 2 and 3 back on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that you suspend Rule 22A to add Ordinances 2 and 3 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances 2 and 3 are a legal part of your agenda. Member Casar, you're being asked to suspend Rule 22A to add Ordinance 1A; you're also asked to suspend Rule 22B to add Ordinance 1A. The Chair will recognize that motion at this time.

MEMBER CASAR: Mr. President, I move we suspend Rule 22B to add Ordinance 1A and 1 to the agenda this evening; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend rules to add Ordinance 1A; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A & B have been suspended and Ordinance 1A is a legal part of your agenda. You're asked to suspend Rule 22A to add Communication 597, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Communication #597; seconded.

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PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Communication #597. The communication is from Member Casar; it's regarding the pay raises. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Communication #597 is a legal part of your agenda.

PUBLIC HEARINGS:

PRESIDENT DENCZAK: We had a scheduled public hearing scheduled for 7:30 p.m. It's in regards to approving and adopting a new, updated official City Zoning Map. The Chair opens the public hearing in regards to this matter. Is there anyone in the audience wishing to speak for or against this official zoning map, please come forward...? Is there anyone in the audience wishing to speak for or against this zoning map, please come forward...? Finally, is there anyone in the audience wishing to speak for or against this zoning map, please come forward...? Apparently not; the Chair declares the public hearing over in regards to this matter. The ordinance will follow later this evening.

PUBLIC SPEAKS (ORDINANCE OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one has signed up for Public Speaks under either section.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions, Member Casar.

MEMBER CASAR: Mr. President, I move we excuse Member Diamond from this evening's meeting; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Member Diamond is excused. We have a postponed matter, Member Casar.

INFORMAL RESOLUTIONS - POSTPONED MATTER RESOLUTION #104:

104. BY THE PERSONNEL COMMITTEE: CONFIRMING THE MAYOR'S APPOINTMENT OF ANGENITA DANIELS TO THE 5-YEAR 9/1/2005-8/31/2010 TERM ON THE FAIR HOUSING COMMISSION. - ADOPTED

MEMBER CASAR: Mr. President, I move we adopt Resolution #104; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 104; are there any remarks under this resolution?... Very well, by voice vote, all those in favor, signify by saying aye; those opposed, no.

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NO REMARKS

APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #104 is adopted.

PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ RESOLUTIONS #109-112 BY AGENDA TITLE AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED DECEMBER 19, 2005.

109. BY CARBENIA, WARD 9 COUNCILMEMBER/ASSISTANT MAJORITY LEADER, & CASAR, COUNCILMEMBER-AT-LARGE/MAJORITY LEADER: COMMENDING THE CANTON PARK DEPARTMENT & CANTON RECREATION DEPARTMENT IN CONJUNCTION WITH THE GARDEN CENTER HOLLY PINE LANE TREE FESTIVAL FOR THE HOLIDAY LIGHT DISPLAY. - ADOPTED

MEMBER CASAR: Mr. President, I move we adopt Resolution #109; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 109; are there any remarks under this resolution?...

MEMBER CARBENIA: Mr. President, I'd like to have it read in its entirety; they're both the same, but I'd like to have the one, number 109 read.

PRESIDENT DENCZAK: You wish it to be read?...

MEMBER CARBENIA: Please.

PRESIDENT DENCZAK: Madam Clerk, will you please read Resolution #109.

RESOLUTION #109 READ BY CLERK OF COUNCIL VANCKUNAS: An Informal Resolution Submitted By Joseph Carbenia Assistant Majority Leader and Councilmember-At-Large Don Casar, On This 19th Day of December, 2005. Whereas, In conjunction with the Garden Center Holly Pine Lane Tree Festival the Canton Park System Holiday Light Display which began in November of 1999. Under the supervision of Park Director Doug Perry, lighted displays have been the focus of the Park Department during the holiday season and include the creation of a 60 ft., eight-car train. With the imagination and ingenuity of Assistant Park Director Doug Foltz and Park Operator Todd Davis, new holiday light displays are created and designed each year; and Whereas, Many hours of manpower are generated in order to bring our Park System alive with its annual holiday light extravaganza. Recreation Maintenance Director John Reese ensures that his crew assists in the process of making and installing the holiday displays. Garden Center Manager Issa Boutros keeps a watchful eye on the displays to guarantee that everything is working properly; and, Whereas, In 2003 the Garden Center displays were expanded north with the update of electric in the building and the addition of a 150 amp service for the north Stone Garden area. This expansion incorporated Stadium Park with the location of a 24 ft snowman, large igloo and snowball throwing elves. A candy cane machine also launches candy canes over Stadium Drive. A lighted motorcycle chopper pulling a trailer full of presents can also be seen driving through the area; and Whereas, In spite of new additions, thousands of dollars are saved each year with the installation of tube lighting, display set-ups and the painting of colorful displays, to provide the citizens of Canton a splendid holiday light spectacular they deserve during the holiday season. With the continued support of Canton City Council and the Mayor's Administration the Canton Park Department will expand the displays through Canton's "Olgebay" Stadium Park.

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The future is looking very bright. Now, Therefore, Be It Resolved: That we, the Members of the Council of the City of Canton, Ohio on this 19th day of December, 2005, do hereby go on public record by commending the Canton City Park Department and Canton Joint Recreation District Supervisors and Employees for their continued commitment and dedication to making Canton's Park System one of the finest displays of holiday lighting, for their efforts in making the Canton Park System an "Olgebay Park" for holiday lights, and for their diligence to go the extra mile in making Canton a better place to live, work and play.

PRESIDENT DENCZAK: Are there any remarks?... Are there any remarks under this resolution?... If not, the question you're voting on is the resolution. By voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS

APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. Are you going to present that now?

MEMBER CARBENIA: Yes, if we could, I'd like to have the representatives of the Park Department and the Recreation Department. (PAUSE AS PERSONS COME FORWARD FROM AUDIENCE) Yes, we'd like to present these to both departments, the Park Department and the Recreation—Canton Joint Recreation Department. For many years, you've been doing this and you've brought a lot of joy to people within the City and it's been mentioned before that we should give you this. We feel it's an honor to give you this and there have been mentions of giving it to you last year and we forgot, and a few people said we should give it this year. And I was talking with R. A. Mallonn who was one that helped me write the thing, and we think you did a bang up job and we're glad that you're City employees. And thanks a lot. (APPLAUSE AS PLAQUES ARE PRESENTED)

PARK DIRECTOR DOUG PERRY: On behalf of the Park System and the Park Commission, I thank you very much. It's something we've really enjoyed doing. We hope to continue to expand it with the support of the Mayor and the Council here. We intend to add more power in Stadium Park which was one of our big hurdles. Stadium Park has been a park for a long time, there just wasn't a lot of need for power down there. Well now we have a need and hopefully one day, if not literally, at least figuratively, we're going to have displays from 12th Street to Fulton Road. So as we continue to grow, keep coming down. I know I had a lady call me just before we lit the display up this year from Akron, who called and asked if the lights were on yet. So it's an indication to us that it's being quite successful, and not only for the citizens of Canton but to draw people into Canton to let them know this is a good place to work and play.

MEMBER CARBENIA: (INDICATING THE OTHER RECIPIENT DOES NOT WISH TO SPEAK) He just does the work and the design, and does a great job. (APPLAUSE AS RECIPIENTS LEAVE THE MICROPHONE) If I may, Mr. President, I missed one name, Tom Bernabei, who had brought this subject up last week, and I made sure that Don and I put our names on this and didn't put his on there because we like to jack him a little bit. So, thank you.

110. BY COUNCIL-AS-A-WHOLE COMMITTEE & PRESIDENT DENCZAK: COMMENDING COUNCILMEMBER-AT-LARGE MARY M. BABCOCK. - ADOPTED

MEMBER CASAR: Mr. President, I move we adopt Resolution 110; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 110; are there any remarks under this resolution?...

MEMBER CASAR: Mr. President, I'd like to have it read please.

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

RESOLUTION #110 READ BY CLERK OF COUNCIL VANCKUNAS: An Informal Resolution Respectfully Submitted By Council-as-a-Whole and President Denczak, on this 19th day of December, 2005 Whereas, The family of Mary Babcock knows all too well the sacrifices involved in holding public office. Mary's political life began with her husband's career as Mayor of the City of Canton. Mary has served as a Precinct Committeeperson since 1974 and as 16th District State Central Committeewoman since 1979. She was first elected as a Councilmember-At-Large in 1979 and served from January 1, 1980 through December 31, 1989 and from January 1, 1992 continuously to the end of her term on December 31, 2005. She was a candidate for Stark County Recorder in 1984 and 1988 and for City Treasurer in 1989; and Whereas, During her tenure on City Council, Mary contributed to the agreement reached with residents in the Whipple Widening Project, voted for tax abatement projects to encourage business development, voted for Newmarket, Cornerstone, Market Avenue Streetscapes, & the Millennium Building, voted for Community Development funding, and sponsored Right-To-Know legislation; and Whereas, As the long-time Chairperson of the Public Safety & Thoroughfares Committee, Mary kept a watchful eye against highways destroying neighborhoods. She and husband Charles Sr. raised six children in Canton's southwest end, and as a strong supporter of Community Policing and Habitat for Humanity, she understands the importance of neighborhoods providing safe, decent and affordable housing. Mary has encouraged enforcement of the City's exterior maintenance code, the sidewalk replacement program and CD monies to achieve the City's home ownership initiative. Mary has consistently listened to and represented the wishes of the people of our city; and Whereas, A community activist, Mary holds memberships in the St. Joseph Alter Rosary, Habitat for Humanity, Canton Chamber of Commerce, Palace Theatre, S.E.C.O., McKinley, Timken & Lincoln Alumni Associations, A.R.C., Triosis, Montgomery Ward Retirees, Women's Democratic Club, Urban League, Preservation Society, & the Jefferson-Jackson Democratic Club; 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 and thanking COUNCILMEMBER-AT-LARGE MARY M. BABCOCK for 24 years of devoted public service to the citizens of Canton, and for serving with integrity and commitment. Thank you, Mary, for a job well done. (APPLAUSE)

PRESIDENT DENCZAK: Are there any remarks?... First of all, the Chair would like to say that probably there's just a few people in this room that remember Mary's husband, Charles, who served as Mayor. When Charles was Mayor, there was a population of around 123,000 people living in Canton. And he ran the City well, without any City income tax. Mary, you are to be commended for spending the time dedicating your service to this community. I commend you for a job well done also. Are there any other remarks?

MEMBER HAWK: Mr. President, I'd like to take this opportunity to thank Mary. I'll never forget the first time I walked into Council and sat down in the committee room over here. She was the first one to sit there and educate me on how to fill out the forms and how to get things done. And I've always remembered that she helped me out the first day I sat down in Council and I appreciate that and always will.

PRESIDENT DENCZAK: Well, who's going to help you now? (LAUGHTER)

MEMBER HAWK: I'll consult with you.

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PRESIDENT DENCZAK: That no my yab.

MAYOR CREIGHTON: Mr. President, if I may. I also would like to present Mary with a Mayor's Citation for her 23 years of service and I know that we on the 8th floor appreciate your cooperation and all that you've done for the City. On a personal note, Mary and I go way back. We ran against each other; some of you young ones may not know that, and I will say of all the opponents I ever had, Mary was the most gracious, she was the most commendable, and she was always a lady. Thank you, Mary.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER BERNABEI: Mr. President. Mary it has been my very great honor to have sat next to you during this last term of Council. You are a wonderful, wonderful person. You have a wonderful family. And I will always be your friend and your lawyer for life.

PRESIDENT DENCZAK: How can you be a lawyer and friend? (LAUGHTER)

MEMBER BERNABEI: I have 2 hands, Mr. President.

PRESIDENT DENCZAK: I want to further state, Member Babcock, that I'm sure your friends down at The Repository don't realize this, but the Babcock name is a legend in Canton. Are there any other remarks?

MEMBER DOUGHERTY: Mr. President, yeah, thanks for everything, Mary. Anytime I had a community meeting, Mary was there. And always concerned about what was going on in your ward and doing it in a way that you knew she was there to help. And I appreciate that.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER HART: Yeah, Mr. President, I guess you want to talk about a legend and a name—after one of the articles that was written, I was back in the office and John Mroczkowski said, 'really nice article that was written about ya.' And Mary said 2 things that really stood out, she said, I want to know first of all did they spell Babcock right, that's the first thing she said. And then she said, you know, I was just elected to represent the people and that's what I've done. And she's done it well and she's served them faithfully. Thank you.

MEMBER GRIFFIN: Mr. President. Mary, I just appreciate all the help you've given me in the ward and your ward councilman and I've known you a long time, I was her neighbor at one time. And it's always been a pleasure to be associated with you. So thank you for all your help.

MEMBER CARBENIA: Mr. President, I'd like to also say how wonderful of a lady she is. I remember her when her and her husband Charlie came to my wedding when I was first married 43 years ago in 1963, and I've known her ever since. And since I've been on Council, it's been a pleasure knowing her and being a little closer to her. And it's been a real pleasure sitting next to her in Council here after I moved over here, then she was moved to this side..or I was moved to this side next to her. And it's been a real pleasure. We talk a little stuff sometimes during the meetings, but she's a great lady and whatever Debbie (Vanckunas, Clerk of Council) put on the resolution, it was not long enough to cover everything this lady's done.

PRESIDENT DENCZAK: Any other remarks?

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CLERK OF COUNCIL VANCKUNAS: Mr. President, if I may I would just like to commend Mary Babcock as a real grass roots style of candidate and politician. Her calendar was always filled with community events, nothing too small. And I would just like to say, Mary, that after the passing of our good friend, Albert Artimez, it was a thrill for me to be able to do your rebuttal on WHBC. And other than that, I would say thank you for being my friend.

PRESIDENT DENCZAK: Any other remarks?

MEMBER PRATER: Mr. President, I'd just like to take this opportunity to say thank you, Mary for all your help and support during this term. It's been my pleasure to have served with you and I wish you the best of luck.

PRESIDENT DENCZAK: Any other remarks?

LAW DIRECTOR MARTUCCIO: Mr. President, I want to thank Mary for having an ever-present smile, something rare in this Chambers sometimes, for having straight-forward dealings with me as the Law Director in the Law Department. And while she may regret this, for supporting my decision to seek the position that I now hold after my predecessor Mr. Bernabei retired. I may regret it tonight after the ordinance passes to cut our salaries. But thank you very much for having supported me when I needed you.

PRESIDENT DENCZAK: Any other remarks?

MEMBER ZACHARY: Mr. President. Mrs. Babcock, you're a beacon in the community and I want to say thank you for all of the help and support that you've given me in my first term as a councilperson. Just going around the community and knocking door-to-door. And when I was running the very first time, there were so many people who had so many good things not only to say about you but your husband as well. And you should be proud of the fact that you're a city-wide candidate who didn't forget about the whole city. Diversity was number one in your agenda and I appreciate that. Thank you.

MEMBER WEST: Mr. President, I'd also like to mimic some of the things that Kelly said. Mary, you're like the mother of Council. When I first came in, I mean you...everybody looked up to you and I say that with all respect and honor. And that just knowing that you, you know, you stood for the people. And me representing 2 senior high rises, I heard your name a lot. So I have to say and mimic what all the other councilmen said, we wish you well in your future endeavors and I'm sure we'll see you around.

PRESIDENT DENCZAK: Anybody else?... All right the question you're voting on now is the resolution. By voice vote, all those in favor, signify by saying aye; those opposed, no.

NO FURTHER REMARKS

APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

(PRESENTATION TO MEMBER BABCOCK) MEMBER CASAR: I see members of your family in the audience; you have a fine family and I hold that dear to my heart as I do your 25 years. But the same token is your 25 years is really appreciated by this Council. And I say to you, good luck, Mary, in the future and I'm sure I'll be seeing you at a lot of events. (APPLAUSE)

PRESIDENT DENCZAK: One moment please. Mary, do you have anything to say?...now remember you've

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got 3 minutes.

MEMBER BABCOCK: (REMARKS INAUDIBLE)

PRESIDENT DENCZAK: We'll miss you too, Mary. Good luck to you and your family. And also as a special honor, Guy Bertram would like to present something to you.

MR. GUY BERTRAM APPROACHES FROM THE AUDIENCE WITH ROSES: A great lady like you deserves roses—speaking for my family, the Bertrams, the Babcocks, and the general public, we appreciate you. (APPLAUSE)

111. BY COUNCIL-AS-A-WHOLE COMMITTEE & PRESIDENT DENCZAK: COMMENDING COUNCILMEMBER-AT-LARGE THOMAS M. BERNABEI. - ADOPTED

MEMBER CASAR: Mr. President, I move we adopt Resolution 111; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #111; are there any remarks under this resolution?...

MEMBER CASAR: Mr. President, would you please have the Clerk read this resolution also?

PRESIDENT DENCZAK: Madam Clerk, will you please read Resolution 111.

RESOLUTION #111 READ BY CLERK OF COUNCIL VANCKUNAS: An Informal Resolution Respectfully Submitted By Council-as-a-Whole and President Denczak, on this 19th day of December, 2005. Whereas, Thomas M. Bernabei has earned an excellent reputation within the political & legal communities as well as the community at large as a professional, highly competent and non-partisan individual. The son of Joseph & Dorothy Bernabei, Tom attended Lehman High School in Canton, graduated from Brown University in Providence, Rhode Island and The Ohio State University College of Law summa cum laude. He was a Captain in the United States Army, having attended OCS with overseas tours in Germany and Vietnam from 1968 to 1972; and Whereas, Tom practiced law and partnered with his father from 1975 to 1989. He served 13 years as a former Prosecutor and Assistant Law Director. He was elected to the office of City Law Director in 1989 and was re-elected as the peoples' clear choice for three additional terms. Tom helped draft such important pieces of legislation as the Exterior Maintenance Code, the Curfew Law, Eminent Domain for Mahoning Road Plaza, wireless telecommunication facilities regulation, community development projects such as Cornerstone, Market Avenue Streetscapes, the Millennium Building, etc., and made important contributions to the Stark County Council of Governments. He retired as Canton's Law Director on June 30, 2000, leaving behind a legacy of long, hard workdays and a history of fairness and non-partisanship; and Whereas, In 2003, Tom Bernabei was elected to a 2-year term as Councilmember-At-Large. Tom became the driving force behind the City's 2004 balanced budget in the face of an approximate 700,000 to \$1 million deficit, the creation of a Compensated Absence Account for unfunded retirement benefits, the creation of an Economic Development Fund with written procedures, uses & restrictions, and the reinstatement of benefits which had been removed from many city employees. Tom has chosen not to seek re-election. His strong influence in City Council will be sorely missed; and Whereas, Tom has been active in many community & civic activities. He co-chaired the Stark County RTA Board in 2001, chaired the Canton City School District Levy Committee in 2004, is a member of the Unique Club of Stark County, & has served as a member of the Italian-American Foundation Scholarship Committee since 1994. This year, he was chosen to receive the 2005 Italian-American Festival Dedication Award for conveying

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strong character & a sincere willingness to serve all Canton citizens; Now, Therefore, Be It Resolved: That we, the Members of the Council of the City of Canton, Ohio, do hereby recognize, give special tribute to, & commend most highly an outstanding member of our Canton community, COUNCILMEMBER-AT-LARGE THOMAS M. BERNABEI for earning our respect & high regard and for serving with integrity & dignity during his many years of public service. Thank you, Tom, for your devotion to the City of Canton.

PRESIDENT DENCZAK: Are there any remarks?... The Chair would like to state my thanks to you, Tom, for the service you have performed for the community and your dedication, and I certainly wish you and Beebe and your family the best in your future endeavors. Are there any other remarks?

MEMBER WEST: Mr. President. I would like to first say thank you, Tom, for all that you've done for me as a new Councilmember here and, you know, consulting...I definitely needed that over the last 2 years. And as far as your leaving, I plan on having an internet connection to you, knowing full well that you're going to respond. But I want to thank you for being fair. When I would call you about different things, you always were fair to me. I appreciate that and let me know the real. So, you're going to be sorely missed, truly, with this Council. So I appreciate your help.

MEMBER DOUGHERTY: Mr. President. Yes, Tom, I really enjoyed having you're here for 2 years and we did a lot of talking when you were the Law Director. It was all legal, I mean...but I do appreciate everything in your help and suggestions to things. Also in that, it was written about a project in Ward 6 that, you know, will always be there now and you helped in that. And it's probably one of the best things that happened out of Ward 6. Thanks.

PRESIDENT DENCZAK: Any other remarks?

MEMBER HART: Yeah, Mr. President. When I was the 10th Ward Councilman many years ago, you know, Tom was one of the first individuals that I sat down with and helped explain to me the workings of City government 'cause I kinda came into this being very naive. But he always treated me with a great deal of, well, always treated me with fairness. And it's, when I talk to people and they mention, you know, you mention Tom Bernabei's name, the one thing that everybody always says, you know, the intelligence, the insight that he brings to issues. And, you know, he did that for the citizens here as Law Director and, you know, he's done that for all of us at one time or another. Made you see things that, you know, you couldn't see. And, you know, I hope that he enjoys the grandchildren and some of the things that are probably more important in life. And, again, thank you for all you've done.

SAFETY DIRECTOR HUNT: Mr. President, on behalf of the Administration, I want to commend Thomas Bernabei for his service to the community. But more specially I'd like to say thanks, Tom, I started work with you in the Law Department. I didn't know exactly what I was doing. You might say I still do that today, but I do it with a little more verve now, Tom. You taught me the legal aspect of doing the right thing, being thoughtful, but not only that, I'm glad to say that I count you as a friend. And as a mentor, someone that I can call and ask a straightforward question and know that I'm going to get a thoughtful response. So, Tom, I will miss you.

MEMBER GRIFFIN: Mr. President. Tom, I've only known you a year, but it's been a pleasure and we're going to miss you on the Council. I appreciate the help that you gave me this last year. Thank you.

MEMBER PRATER: Mr. President. Yes, Member Bernabei, it's been my honor to have served with you over the past 2 years. The thing that I will take from this term the most is your in depth analysis, looking at bills and

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picking them apart if you will and looking at the detail. And so it has been a pleasure to have learned from you. And thank you. I wish you well.

LAW DIRECTOR MARTUCCIO: Mr. President, about 3 years ago, my neighbor, friend and mentor-predecessor stopping by the house to tell me that he was considering running for Council. We shared some of my mother's Italian leftovers and I poured him a beer, waited til he consumed it and asked him if he was sure he wanted to do this. He said yes. I poured him another, waited til he consumed it. I asked him are you sure you want to do this. And he said yes. And I'm glad. We haven't always seen eye to eye, but I very much appreciate you bringing your keen insight, your intelligence and your desire to act for the good of the whole to Council. You made it a better place for that. Thank you.

PRESIDENT DENCZAK: Law Director, you used the wrong medium, you used beer. You should have tried Crown Royal, you'd have got a different answer. Any other remarks?

MEMBER CARBENIA: Mr. President, as Member Griffin said, he said he only knew you about a year—I wish I'd have only known you about a year. But, I remember Tom from many years ago when he was on the negotiating team for the City and I was on for the Firefighters. And one thing you could always say that he would always be straightforward, he always told you the truth. That was, a few times it came to pass that we had had contracts and went into a different mayor and had language in our contracts and they would call me and say how is this...why was this done. And I would tell them and then they'd say well, are you sure, and I'd say well check with Tom Bernabei. Well they'd check with him and it was like verbatim because he always told the truth, no matter what you think, he always told the truth even though he is a lawyer. I'm going to miss him; he's been a great mentor, as was said here. He's taught me to look things at a different aspect, even though I still have my own way to look at things. He's taught me to look at things differently. And I'll always love him for that. I know he loves his grandchildren; he's going to have a few more slumber parties through the week now. So God bless you and good bye.

PRESIDENT DENCZAK: Any other remarks?

CLERK OF COUNCIL VANCKUNAS: Mr. President, I have been the recipient of many occasions where Tom Bernabei raised his eyebrows and looked over the top of his glasses and said some very stern words to me. However, I think that it was in order to make me a better person and I think that through that we developed a friendship relationship that I will always treasure and I hope will continue. And as my friends Tom Bernabei and Mary Babcock depart, I can only say one thing, I wish I were going with you. God bless.

PRESIDENT DENCZAK: Any other remarks?

MEMBER HAWK: Mr. President, I too would like to thank Tom Bernabei for all the insight he has on everything and for his ability to instill in everyone on this Council the need to look at things from all sides and all angles. And I truly appreciate everything he's taught to me and I'm certain everybody else in Council appreciates all the education he's given to us. Thank you, Tom, very much, I will always consider you my friend.

PRESIDENT DENCZAK: Anybody else have anything to say?

MEMBER BABCOCK: Mr. President, I've known Tom for a long time and even danced at his wedding. And I taught him how to dance. But anyway, he's a good friend of mine and he's my lawyer.

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PRESIDENT DENCZAK: Any other remarks?

MEMBER ZACHARY: Mr. President. Tom Bernabei, I'm going to miss you. I want to thank you too for being one of the first and few people who, when they gave me this name tag and a seat to sit in and said have fun, you were one of the few people who pulled me aside and said Kelly let's have lunch. And you taught me a thing to two and I can't thank you enough for that. I do appreciate your insight, your looking at both sides of the picture and the bigger picture a lot of times, and you've seen things that a lot of us didn't catch, even though some of us think we're pretty intelligent. But I'm going to miss that in Council, I think you've been a voice of reason for us and a watchdog so to speak. So I wish you were coming back, but I understand the need for family, that is important. So I do want to say I'm going to miss you and thank you for everything you've done for me.

PRESIDENT DENCZAK: Any other remarks?.... Before you vote on this, Mr. Bertram, do you have some roses for Mr. Bernabei?....dandelions, petunias or anything else?... (INAUDIBLE REMARKS) It's the last meeting of the year. If there are no other remarks, by voice vote, all those in favor, signify by saying aye; those opposed, no.

NO FURTHER REMARKS

APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The resolution is adopted.

(APPLAUSE AS THE COMMENDATION RESOLUTION IS PRESENTED TO MR. BERNABEI)

MEMBER CASAR: Thomas, along with all the accolades that your fellow Councilpeople and also the Administration has given you, I piggyback on all those. But I'd like to go just one step further to say that I appreciate all you've done for me in all the years that I've known you, the insight you've given me to tell me to calm down sometimes in the past. I guess I was a little bit more hotheaded, if you want to say that. You used to tell me relax, take it easy, I tried to do what you told me to do and, by example, as I've done that I think it's made me a better person because of you. What you've done for Council this year could probably not be measured because what everyone has spoken and said already, you know, will carry on for many years because of your insight, because of your intelligence and the way you handle yourself. That reflected on Council and I think Council, because of you, is probably one of the best councils I've had an opportunity and the pleasure to serve on. I thank you very much for that, and on the personal side, I know that I, like you, have grandkids and I know how you appreciate and love them and are with them a lot. And I do the same and that's why I think of you as a person, probably a bigger man than you are a politician, that's why you decided to go to greener pastures and do things that you enjoy doing. I personally will miss you, Thomas, because of what I have just said, but I'd like to also say that although you'll be leaving these Chambers, you will not be leaving the hearts of all of the people that we've had the pleasure to serve with for many years. And I will look forward to playing golf with you more often next year, Thomas. And to your lovely family, thank you for sharing with us for the last 30 years and especially the last 2 years—we really appreciate it. And, Thomas, on behalf of Canton City Council (MAKES PRESENTATION). (APPLAUSE)

MEMBER BERNABEI: Very briefly, thank you one and all for your very kind statements; thank you for your friendships. I truly have enjoyed these past 2 years, I did not know whether I would or not when I undertook this job. But I have in fact enjoyed it. And again I appreciate everything that everybody has done for me and the kind things that you have said. And for all the hard work that all of you have put into this City, not only over the past 2 years, but for many of you, for many, many years. I'll leave you with 2 thoughts. One is play hard, and two is work harder. Thanks very, very much.

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MEMBER CASAR: Mr. President, if I just may add, I know Joseph Martuccio had him over at his home when he asked if he wanted to run. Well I had him over at my house begging him on bended knee to stay on.

112. BY COUNCIL-AS-A-WHOLE COMMITTEE & PRESIDENT DENCZAK: COMMENDING WARD 8 COUNCILMEMBER ROSEMARY DIAMOND. - ADOPTED

MEMBER CASAR: Mr. President, I move we adopt Resolution 112; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 112; are there any remarks under this resolution?...

MEMBER CASAR: Mr. President, if you could have the Clerk read this, I would really appreciate it also.

PRESIDENT DENCZAK: Madam Clerk, will you please read Resolution 112?

RESOLUTION #112 READ BY CLERK OF COUNCIL VANCKUNAS: An Informal Resolution Submitted By Council-of-the-Whole Committee & President Denczak On This 19th Day of December, 2005. Whereas, On December 31, 2005, we say farewell to a hard-working sixteen-year veteran member of Canton City Council. Rosemary Diamond has been a vocal advocate for the citizens of Ward 8, maintaining a consistent attention to their welfare & interests throughout her career in government. First appointed on October 16, 1989, Rosemary soon realized that drainage, water and sewer issues were preeminent in the ward. She has obtained funding for Harrison NW, 34th NW, Steese Ave., 37th NW, Market Ave. 37th-55th, Plain Center Ave., Mt. Vernon Blvd., 44th NE, 49th NE, & 38th NW Projects; and Whereas, While serving as Ward 8 Councilmember & Minority Leader of Council, Rosemary initiated many pieces of legislation including the lodging tax, eminent domain for Kresge Block, annual destruction of confiscated weapons, notification change for zone changes from 200 to 300' radius, funding for construction of restroom facilities at Arboretum Park, a resolution to include Canton on high speed Cleveland-Cincinnati rail system, federal funding for safety lights & crossing gates at 55th & Johnnycake NE, rotational basis for closing fire stations to keep Fire Station #10 open, increase Police Dept. authorized strength, implementation of Community Policing, regulation of sexually-oriented adult stores & the Owner-Occupied Residential Property Exterior Maintenance Code. She organized the first City-wide Neighborhood Summit & established the first Canton City Council/Canton City Schools joint committee to address issues regarding youth. She worked with developers & neighbors of Southpointe for construction of 62 owner-occupied duplexes, 22 condominiums at Field Place, 56 single-family homes & 80 condos at Burnham Hills & 6 single-family homes at Santa Clara; and Whereas, A graduate of the University of Maryland with a degree in Community Development, Rosemary is a Precinct Committeeperson, chaired the Personnel Committee, served as Vice President of Canton Community Improvement Corporation, National League of Cities Community & Economic Development Policy Member, has been active in the Relay for Life, American Legion Auxiliary, VFW Ladies Auxiliary, Fraternal Order of Police Associates, SE Community Center Board, GlenOak Booster Club, Plain Local Schools Community Advisory Panel, American Heart Association, March of Dimes, Votes for Women Committee, Timken Regional Campus Committee, Stark County Bar Association, & serves as a Eucharistic Minister at Out Lady of Peace Parish; Now, Therefore, Be It Resolved: That we, the Members of the Council of the City of Canton, Ohio, do hereby go on record by publicly commending and thanking 8TH WARD COUNCILMEMBER ROSEMARY DIAMOND for serving the citizens of the city of Canton with determination and dedication during the past 16 years and that we join with her family and friends in thanking her for her efforts in making our city a better place to live.

PRESIDENT DENCZAK: Are there any remarks?...

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MEMBER HART: Mr. President. Unfortunately Rosemary's not here tonight, and I guess when I have to talk about Rosemary, I guess I'm first of all, and I've heard everybody mention this, is the friendships we all seem to make here. And I think that's going to be one of the things I'm going to miss more than anything else. I guess the second thing I have to say about Rosemary and it's been mentioned in all the things that she has achieved. She's undertaken this job over the years as a Councilperson and serving her ward with a great deal of diligence and intelligence. And, you know, she used both of those finding solutions to issues that faced the ward and her city. And I guess more importantly, you know, the one door may close and another door opens. And she's going to be a child advocate. And when I talk to Rosemary, you can see a certain passion in her eyes when she goes to court and there's a child that nobody is there for...not one person to speak on behalf. And I guess, you know, you go and you want to march to that drum and sometimes it's a different drum. And I think that Rosemary will probably be over her tenure as a child advocate be touching far more, many more lives than what she touched here on City Council and serving in the ward. And I guess those kids are really going to be blessed.

MEMBER CASAR: Mr. President, I would just like to say that Member Diamond has served faithfully over the years that she's been here and I know that on many occasions, her and I did not see eye to eye, and that's probably because she had a strong conviction and so do I. But I would like to say and I would like to thank her for her 16 years of serving on Council and although I didn't serve all those 16 years with her, the years that we did serve, I know that she was dedicated, I know she did her work to the best of her ability. And for that, as a member of Council, I thank you.

MEMBER DOUGHERTY: Mr. President. Yes, I too want to thank Rosemary. I have served with her for 16 years here and we got a lot accomplished together, we worked on community policing together...several projects. She never changed on ya; whatever she said is what she did. And that I appreciate in people. So, she always supported me in my projects. She knew I had water problems just like her, so we always tried to support each other to get the, look at the big picture and get things done. So, thank you.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER HAWK: Again, I would also like to thank Member Diamond for all her hard work that she's put forth and as Richard said, the children in Stark County will be very well represented by Member Diamond with her passion for everything that she's done. She's always helped all out and again I'll miss her in Council.

MAYOR CREIGHTON: Mr. President, on behalf of the Administration, we want to wish Rosemary well and thank her for her 16 years of service. She served her constituents well and I know that she'll do a great job in Stark County Family Court.

PRESIDENT DENCZAK: Any other remarks?

CLERK OF COUNCIL VANCKUNAS: Mr. President, may I say on behalf of the Council Office that Rosemary Diamond was an excellent advocate and determined fund-getter for Ward 8. And she was very well spoken and before she did speak on an issue, she always researched it thoroughly. And for that she should be commended.

PRESIDENT DENCZAK: Now, as the Council President, on occasion Rosemary would call me or I would call her on particular issues and I could always take her word as her bond. And I wish her and Don and her family the best in her future. Any other remarks?... The question you're voting on now is Resolution 112. By voice vote, all those in favor, signify by saying aye; those opposed, no.

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NO FURTHER REMARKS

APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The resolution is adopted.

COMMUNICATIONS

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

MEMBER CASAR: Mr. President, I like to request the Clerk of Council read Communication #597 please.

PRESIDENT DENCZAK: Madam Clerk, will you please read—and understand, Members of Council, you cannot discuss this issue—just have the letter read. Communication #597.

COMMUNICATION #597 READ BY CLERK OF COUNCIL VANCKUNAS: Dear Mr. President and Honorable Members: As you are aware, the temporary suspension of previously authorized Consumer Price Index (CPI) based raises for all elected officials and the attorneys in the Law Department will end on December 31, 2005. Said officials and employees are to receive raises for 2006 based upon the U.S. Department of Labor's published CPI - Urban cost-of-living figure for 2005. Through the first 10 months of 2005, the CPI-U is 4.7%. The year-end figure is anticipated to be higher. While all of the elected officials have gone with 0% increases a year longer than any other group of employees in the City, a potential 5% raise is inconsistent with those Council has authorized for most of the City employees who have received, on average, a 3.4% increase for 2006. I am therefore requesting that legislation be adopted on Monday, December 19, to modify the automatic cost-of-living adjustment for calendar year 2006 initially authorized in Ordinance No. 254/95 and 164/2001 to cap the amount at 3.4% for all of the elected officials and the attorneys in the Law Department. I also request that the communication and legislation be added to the agenda, and that the applicable rules be suspended to consider and adopt said legislation. Sincerely, Donald Casar, Majority Leader

PRESIDENT DENCZAK: The Communication is referred to Personnel & Finance.

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 19, 2005.

593. CLERK OF COUNCIL DEBRA VANCKUNAS, CITY OF CANTON: ADVISING ALL COUNCILMEMBERS & ORIGINATORS OF 2004-2005 TERM LEGISLATION THAT PURSUANT TO COUNCIL RULE 29 ANY ORDINANCE REMAINING UNREPORTED OUT OF COMMITTEE AT THE CONCLUSION OF A TERM SHALL BE RESUBMITTED TO THE NEXT TERM OF COUNCIL. - R&F
594. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: NOVEMBER 2005 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-NOVEMBER PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
595. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4905, REYNOLDSBURG, OHIO 43068-9005: NOTICE TO LEGISLATIVE AUTHORITY THAT PAONE & SONS INC, DBA CONESTOGA RESTAURANT HAS REQUESTED A D2,2X,3 TRANSFER OF LOCATION FROM 221 - 2ND ST NW TO 331-33 CLEVELAND AVENUE NW. -

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INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

596. LIQUOR CONTROL DIVISION (STATE OF OHIO):NOTICE TO LEGISLATIVE AUTHORITY THAT JENNIE WALKER DBA CHEN'S BUFFET HAS REQUESTED A NEW D1 PERMIT AT 1916 CLEVELAND AVENUE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
597. (READ IN ENTIRETY--SEE PREVIOUS PAGE) CASAR, MAJORITY LEADER, CITY OF CANTON: REQUEST TO ADOPT LEGISLATION ON 12/19/05 TO MODIFY THE AUTOMATIC CPI-U COST OF LIVING ADJUSTMENT FOR CALENDAR YEAR 2006 TO CAP AT 3.4% FOR ALL ELECTED OFFICIALS & ATTORNEYS IN LAW DEPARTMENT. - PERSONNEL & FINANCE CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: 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 number 1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 & 1A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. BOTH ORDINANCES WERE ADOPTED FOLLOWING RECESS FOR COMMITTEE MEETINGS.

- #1 (1ST RDG) **ADOPTED AS ORDINANCE NO. 264/2005** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS IN APPROPRIATIONS, TRANSFERS AND ADVANCES HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #1A (1ST RDG) **ADOPTED AS ORDINANCE NO. 265/2005** AN ORDINANCE AMENDING ORDINANCE NOS. 245/95 AND 164/2001 AND MODIFYING WAGE INCREASES BASED ON THE CPI-U; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel & Finance Committees

PRESIDENT DENCZAK: The Chair is going to declare an in-house recess now for the committees on Personnel and Finance to meet in regards to Ordinance 1 and 1A. You're now in recess.

COUNCIL RECESSED AT 8:32 P.M. FOR COMMITTEE MEETINGS ON ORDINANCES #1 AND 1A, WHICH WERE RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT DENCZAK RE-CONVENED THE MEETING AT 8:34 P.M.

PRESIDENT DENCZAK: Council is reconvening after the recess. Member Casar...?

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 1 and 1A back on the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to add Ordinances 1 and 1A back to the agenda; are there any

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remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 1 and 1A are a legal part of your agenda. Member Casar...?

#1 **ADOPTED AS ORDINANCE NO. 264/2005** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS IN APPROPRIATIONS, TRANSFERS AND ADVANCES HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: There is a move to dispense with the three readings of Ordinance #1; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three 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, I move we amend Ordinance #1 per the copy that every Councilperson has in front of them; seconded.

PRESIDENT DENCZAK: Is this an amendment?

MEMBER CASAR: Amendment.

AMENDMENT: Pursuant to Rule 36, I move to amend Exhibit A of Agenda Item No. 1 to strike the fourth item on page 2 related to the \$250,000.00 supplemental appropriation in the Mayor's administration and Section 2 on page 3 relating to the same item.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #1 per the copy before each of you; are there any remarks?... 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 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed; the question before you now is this ordinance as amended. Are there any remarks under this ordinance as amended?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #1, as amended, has been adopted.

#1 ADOPTED AS ORDINANCE NO. 264/2005

PRESIDENT DENCZAK: Ordinance 1A, Member Casar?

MEMBER CASAR: Mr. President, I move statutory rules be suspended on Ordinance #1A; seconded.

PRESIDENT DENCZAK: There is a move to dispense with the three readings of Ordinance #1A; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

#1A **ADOPTED AS ORDINANCE NO. 265/2005** AN ORDINANCE AMENDING ORDINANCE NOS. 245/95 AND 164/2001 AND MODIFYING WAGE INCREASES BASED ON THE CPI-U; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #1A; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 1A has been adopted.

#1A ADOPTED AS ORDINANCE NO. 265/2005

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances for the Second Reading. Ordinance #2 please.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #2 & #3 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. BOTH ORDINANCES WERE ADOPTED FOLLOWING THEIR SECOND READINGS.

#2 (2nd RDG) **ADOPTED AS ORDINANCE NO. 266/2005** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A DONATION TO ASSIST IN THE PURCHASE OF WATER RESCUE EQUIPMENT; AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we suspend the statutory rules on Ordinance #2; seconded.

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PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #2; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #2; are there any remarks under this ordinance?.. Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #2 is adopted.

#2 ADOPTED AS ORDINANCE NO. 266/2005

#3 (2nd RDG) **ADOPTED AS ORDINANCE NO. 267/2005** AN ORDINANCE AUTHORIZING AND CONSENTING TO ASPHALT RESURFACING AND PAVEMENT REPAIRS TO US 30 FROM THE WEST CORPORATION LINE TO STATE ROUTE 43S UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we suspend the statutory rules on Ordinance #3; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #3; are there any remarks under this ordinance?.. Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #3 is adopted.

#3 ADOPTED AS ORDINANCE NO. 267/2005

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD & FINAL READING

PRESIDENT DENCZAK: Ordinances and formal resolutions for the third and final reading. Ordinance #4 please.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ

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ORDINANCES #4 THROUGH & INCLUDING #8 FOR THEIR THIRD & FINAL TIME BY TITLE SHOWN AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED FOLLOWING THEIR THIRD & FINAL READINGS.

#4 (3RD RDG) **ADOPTED AS ORDINANCE NO. 268/2005** A RESOLUTION APPROVING AND ADOPTING A NEW CITY OFFICIAL ZONING MAP; AMENDING SECTIONS 1123.79 AND 1125.02 OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #4. Are there any remarks under this Resolution?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #4 is adopted. **#4 ADOPTED AS ORDINANCE NO. 268/2005**

#5 (3RD RDG) **ADOPTED AS ORDINANCE NO. 269/2005** AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2528 MONUMENT PARK ***Amended to add: AND 2530 PARK SPECIAL REV/PROJ FUNDS;** AND DECLARING THE SAME TO BE AN EMERGENCY

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?...

MEMBER CASAR: Mr. President, I move we amend Ordinance #5 per the copy that every Councilperson has in front of them; seconded. AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 5 by the addition of a new Section 2 and the substitution of the attached proposed ordinance for the pending ordinance. See Attached proposed ordinance beginning on next page:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2528 MONUMENT PARK AND 2530 PARK SPECIAL REV/PROJ FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANTON, STATE OF OHIO, THAT:

Section 1. The Auditor, on behalf of the City of Canton, is authorized and directed to establish the 2528 Monument Park Fund for the receipt and disbursement of funds for the maintenance and care of Monument Park.

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Section 2. The Auditor is further authorized and directed to establish the 2530 Park Special REV/PROJ Fund to receive monies from shelter reservation charges, park fines, forfeited deposits, donations, or other monies given to or generated by the Park System.

Section 3. The Auditor is authorized and directed to draw his warrants upon receipt of vouchers duly approved by the proper departmental authority.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Canton; the emergency being the necessity to avoid unnecessary delay in establishing the funds so monies already received can be transferred into the funds and made available for the maintenance and care of the Park system. And provided it receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
ATTEST:
Clerk of Council

President of Council
APPROVED:
Mayor

PRESIDENT DENCZAK: Moved and seconded that you amend Ordinance #5 per the copy before each of you. The question you're voting on now is the amendment. Are there any remarks under the amendment?... By voice vote, all those in favor of the amendment, signify by saying aye; those opposed, no.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: 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 REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #5, as amended, is adopted.

#5 ADOPTED AS ORDINANCE NO. 269/2005

#6 (3RD RDG) **ADOPTED AS ORDINANCE NO. 270/2005** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$3,240.00 TO LISA GISSENDANER; 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 under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #6 is adopted.

#6 ADOPTED AS ORDINANCE NO. 270/2005

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#7 (3RD RDG) **ADOPTED AS ORDINANCE NO. 271/2005** A RESOLUTION OBJECTING TO THE RENEWAL OF ~~ELEVEN~~ ***AMENDED TO READ: TWELVE** LIQUOR PERMITS LOCATED WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE 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?...

MEMBER CASAR: Mr. President, I move we amend Ordinance #7 per attached copy, or everyone's copy in front of them; seconded. ***AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 7 by amending the word "eleven" in the caption to read "twelve" and by amending Section 1 by the addition of No. 12 to read as follows: 12. 08984675896, BP Products North America, Inc., DBA BP Food Mart 5896, 1200 N. Market Street, Canton, Ohio 44714 (ward 2), C1, C2***

PRESIDENT DENCZAK: Moved and seconded to amend Resolution #7 per the copy before each of you. Are there any remarks under the amendment?.. If not, by voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed; the question before you now is the ordinance or resolution as amended. Are there any remarks under this Resolution as amended?.. If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #7, as amended, is adopted.

#7 ADOPTED AS ORDINANCE NO. 271/2005

#8 (3RD RDG) **ADOPTED AS ORDINANCE NO. 272/2005** AN ORDINANCE AMENDING ORDINANCE NO. 208/2005; AND DECLARING THE SAME TO BE AN EMERGENCY

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 call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

#8 ADOPTED AS ORDINANCE NO. 272/2005

ANNOUNCEMENT OF COMMITTEE MEETINGS

MINUTES OF THE MEETING OF DECEMBER 19, 2005

PRESIDENT DENCZAK: Announcement of committee meetings please. Oh, there's a Finance Committee meeting?

MEMBER HAWK: Yes, please, Mr. President. I would like to call a Finance Committee meeting to take a final look at the 2006 budget for Wednesday, December 21st at 9 a.m. in the Caucus Room. I'd like Finance Director Allen, or Chief of Staff Allen, Mr. Hunt, at the Finance Committee meeting—anyone else who wishes to attend. It's not absolutely necessary that all of the other City department heads attend because this is to be a review of the budget that is going to pass for 2006 calendar year.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: No one has signed up, again, for Public Speaks.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Is there any miscellaneous business?.. Members of Council, if you look on your agenda, you will see that the Clerk is putting that the Council will meet in special session for a swearing-in ceremony at 11 a.m. and special Council Meeting at 11:30 a.m. on January 1st, year 2006. The next regular Council Meeting will be held on Monday, January 9th, 2006 at 7:30. This will be the first meeting of the 2006-2007 term of Canton City Council. And I want to say, members of Council, if I don't see you between now and Christmas, I wish you all a happy, merry Christmas, happy, prosperous, healthy New Year. Is there any other Miscellaneous Business?

MEMBER BERNABEI: Mr. President, I would like to invite all Members of Council, staff, and anyone else in the building to go to Mallonn's after this. I would like to buy beverages of your choice in honor of Mrs. Mary Babcock and her retirement.

PRESIDENT DENCZAK: That's the one thing I'm going to miss, Tom, your picking up the tab. Is there any other Miscellaneous Business?

MEMBER HART: Yeah, Mr. President, I just wanted to wish everybody here the very merriest of, and that everyone have a happy and joyous holiday. And also for you, you know, the Republican side had their planning session. And I was elected Minority Leader and the Assistant to the Minority Leader, and I guess my question is if I have a tie vote, do I come to you to break that tie?

PRESIDENT DENCZAK: I'll break the tie for you.

MEMBER HART: Okay, all right.

PRESIDENT DENCZAK: Who nominated you?

MEMBER HART: It was really a difficult vote; I think somebody said maybe a split personality. It took 3 votes for me to get there, so...

CHIEF DEPUTY AUDITOR YOUNG: Mr. President, Members of Council. Since it's the final meeting of this

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legislative body, I just wanted to say on behalf of the Auditor's Office, I appreciate and respect everything that you guys have to deal with on a nightly basis, that your predecessors in 2002 and 2003 were faced with a 5 ½ million dollar deficit—they had to reduce the work force. And you guys inherited a pretty unfortunate budget. But some early steps were done in that Administration or that legislative body in 2003 to set the groundwork for a recovery. But I think that the steps that you guys took in establishing the compensated absence fund which was cited in Mr. Bernabei's resolution, basically I just wanted to let you know that those things are the foundation for not just reacting to a financial crisis; it's laying the foundation for taking the recovery that we felt and laying the groundwork so that that kind of disaster never happens again. I think that this Council has eaten up 25% of an unfunded deficit and I know I say this a lot in committee meetings, but I don't think anyone realizes that on behalf of the, especially the workers and the taxpayers, that unfunded burden that sat there, this Council should be commended for laying the groundwork, setting up a continuous funding basis for solving those issues. And there's not a member in this Council that shouldn't be proud of leaving the city prospectively better off than when you walked in. And on behalf of the Auditor's Office and 2 separate Auditors during that tenure, I want to thank you personally for your commitment to that because that makes all of our jobs a lot easier when the finances are taken care of. And I thank you personally.

MEMBER CASAR: Mr. President, I would like to take this opportunity to thank R.A. Mallonn, our new City Auditor, and especially Gary Young for the work that they did so that we could accomplish what we did in regards to the budget, in regards to a true, balanced budget. Without Gary Young and his staff and Mallonn and his staff, it would have been almost impossible. And I appreciate it. And on behalf, as Majority Leader of Canton City Council, I want to thank the members of the 2004-2005 Council. I feel that we accomplished a lot, personalities sometimes clash on different occasions, but we did the work. We established ourself as a, we communicated with the Administration, and that is why we came out of this 2004-2005 as probably one of the best Councils that I think I've had the pleasure to serve with. I thank you all and I wish you all a Merry Christmas, Happy New Years to you and your family.

LAW DIRECTOR MARTUCCIO: Mr. President, on behalf of the Law Department and in my position, I would like to thank this Council as it comes to an end and the new Council is about to rise like a Phoenix out of the ashes in the new year, thank you so much. It's been a pleasure most of the time to work with this Council and the Administration and the Auditor's Office. I believe you accomplished a great deal and it's been a pleasure working with this term of Council. I would like to conclude as we approach this season with the words of one of my favorite British authors, one of the most well-known characters in history, God bless us every one.

PRESIDENT DENCZAK: Any other Miscellaneous Business?

MEMBER BABCOCK: Mr. President, I just want to thank everybody for all their kind remarks made tonight; I couldn't talk after it was over... It made me feel real good and I know I'm going to miss it because you can't work on a job as long as I have and not miss it. I wish you all the luck in your new term.

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.

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ADJOURNMENT TIME: 8:56 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL