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

The regular meeting of Canton City Council was held on Monday, December 13, 2004, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by 3rd Ward Councilmember R.A. Mallonn II, 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:

9 COUNCILMEMBERS PRESENT: (JOE CARBENIA, MARY M. BABCOCK, GREG HAWK, THOMAS E. WEST, R.A. MALLONN II, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART)

3 COUNCILMEMBERS ABSENT: (DONALD E. CASAR, THOMAS M. BERNABEI & ROSEMARY DIAMOND)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Mallonn (referring to giving invocation). Agenda corrections and changes, Members of Council, you're being asked to suspend Rule 22B to add the first reading of Ordinances 7 and 8. You're being asked then to suspend Rule 22A to add the second reading of Ordinances 9 through 20. The Chair will now recognize Rule 22B suspension, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move that Rule 22A...

PRESIDENT DENCZAK: 22B first. 22B first.

MEMBER CARBENIA: I move that Rule 22B be suspended to add Ordinances #9 through...

PRESIDENT DENCZAK: No, numbers 7 and 8. Top of the agenda.

MEMBER CARBENIA: Alright, then I move Rule 22B suspension-- Mr. President, I move Rule 22B be suspended to add Ordinances 7 and 8: seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22B to add the first reading of Ordinances 7 and 8 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS **ROLL CALL: 9 YEAS, 0 NAYS**

PRESIDENT DENCZAK: Rule 22B is suspended and Ordinances 7 and 8 are a legal part of your agenda. The Chair

will now recognize Rule 22A suspension, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move that Rule 22A be suspended to add Ordinances #9 through 20; seconded.

PRESIDENT DENCZAK: Moved and seconded for Rule 22A to be suspended to add second reading of Ordinances 9 through 20. Are there any remarks?... If not, roll call vote please.

NO REMARKS **ROLL CALL: 9 YEAS, 0 NAYS**

PRESIDENT DENCZAK: Ordinances 9 through 20 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There is no public hearing scheduled at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: We have one person signed up under this public speaks for discussion on Ordinances and Resolutions for Adoption Only. Is Mr. Jack Angelo-- Mr. Jack Angelo...?

MR. ANGELO: My name is Jack Angelo. My address is 5037 Fuller Drive NE in Canton. As many of you know, I'm president of the Fraternal Order of Police, Ohio Labor Council, the union that represents the supervisors on the Canton Police Department. Tonight I'd like to ask you for you to vote in favor of the amendment to the personnel ordinance regarding lieutenants on the police department. This is one part of a larger agreement reached between the Union and the City Administration. This agreement will allow the City to receive an immediate savings by eliminating the lieutenant's position which was recently vacated. The Union will also relinquish some positions within the department allowing for a savings by placing civilians in these positions, reassigning the supervisors formerly in these positions to patrol supervision. In turn our union members will receive stability in their work assignments. I thank the administration for their efforts to reach this agreement, and again, ask for your support. Thank you.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions. Excusing Members, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we excuse Member Tom Bernabei, Member Don Casar, and Member Rosemary Diamond.

PRESIDENT DENCZAK: Moved and seconded that Members Casar, Bernabei and Diamond be excused. Are there any remarks?... If not, by roll call vote.

NO REMARKS ROLL CALL: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Members Casar, Bernabei and Diamond have been excused.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED **DECEMBER 13, 2004.**

- 640. AUDITOR KIM R. PEREZ, CITY OF CANTON: SUBMITTING HIS RESIGNATION AS CANTON CITY AUDITOR EFFECTIVE 12/6/2004 @ 11:59 PM. - RECEIVED & FILED (See C#649)
- AUDITOR JAMES M. CARMAN, JR., CITY OF CANTON: CERTIFICATE OF THE TOTAL AMOUNT 641. FROM ALL SOURCES FOR 2004 DATED 12/7/2004. - CLERK OF COUNCIL
- EEO OFFICER LISA A. GISSENDANER, CITY OF CANTON: NOTIFICATION THAT THE EEO 642. OFFICE HAS BEEN RESTRUCTURED & LOCATED ON CITY HALL'S 4TH FLOOR. - RECEIVED & **FILED**
- 643. FINANCE COMMITTEE OF COUNCIL, CITY OF CANTON: REQUEST PREPARATION OF LEGISLATION FOR YEAR 2004 \$500 LUMP SUM BONUS FOR FULL-TIME CITY MANAGEMENT/NON-BARGAINING UNIT EMPLOYEES: REINSTATEMENT OF LONGEVITY PAY BEGINNING IN YEAR 2005; & REINSTATEMENT OF STEP 4 & 5 DISCRETIONARY STEP INCREASES. - PERSONNEL & FINANCE CMTES Suspended Rule 22B to add 1st Rdg O#7 & 8
- 644. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: NOVEMBER 2004 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-NOVEMBER 2004 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
- 645. J & J VENTURES, PAUL COTTRILL, 8401 SHELBYVILLE ROAD, LOUISVILLE KY: REQUEST TO REZONE 3001 CLEVELAND AVENUE NORTH FROM B-3 TO PB-4 FOR AN ELECTRONIC MESSAGE SIGN AT PAPA JOHN'S RESTAURANT. - PLANNING COMMISSION
- 646. LIQUOR CONTROL DIVISION, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: STANLEY M. SENFTEN, DBA CREW NIGHT CLUB, HAS REQUESTED A TRFO D5 LIQUOR PERMIT AT 304 CHERRY AVENUE NE. - INTERGOVERNMENTAL & PUBLIC SERVICE **CMTE**

- MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST COUNCIL CONFIRMATION OF 647. JACK BOLENDER TO SERVE ON THE CANTON INVESTMENT BOARD EFFECTIVE 1/1/05-12/31/06. - PERSONNEL CMTE
- MAYOR JANET CREIGHTON, CITY OF CANTON: LETTER TO CONGRESSMAN RALPH REGULA 648. REQUESTING HIS REVIEW OF OPTIONS OR ALTERNATIVES RE: JMW RAIL TRANSFER STATION'S PROPOSED SOLID WASTE EXPANSION. - RECEIVED & FILED
- MAYOR JANET CREIGHTON. CITY OF CANTON: APPOINTING DEPUTY AUDITOR III JAMES 649. CARMAN TO SERVE AS ACTING CITY AUDITOR EFFECTIVE 12/7/04 DUE TO THE RESIGNATION OF AUDITOR KIM R. PEREZ. - RECEIVED & FILED (See C#640)
- 650. PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: PLANNING COMMISSION RECOMMENDS APPROVAL OF THE REQUEST BY CESO ENGINEERING TO REPLAT OUTLOTS 1112 & 1113 INTO 2 RECONFIGURED OUTLOTS & DEDICATE ADDITIONAL RIGHT OF WAY TO SKOTNICKY COURT SW TO ACCOMMODATE WALMART'S FUTURE DEVELOPMENT. - PUBLIC SAFETY & THOROUGHFARES CMTE
- STARK COUNTY BOARD OF ELECTIONS, 201 3RD ST NW, CANTON OH: CERTIFICATE OF 651. RESULT OF ELECTION HELD 11/2/04 ON CANTON S CORPORATION TAX ISSUE. - RECEIVED & FILED
- 652. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS FILED AS OF 11/30/04. - RECEIVED & FILED
- 653. VIENNA WOODS PHASE II, LP, 1415 OLIVE ST, #310, ST. LOUIS, MO 63103-2334: REQUEST TO REZONE NE CORNER OF DANUBE WAY & VIENNA ROAD SW FROM R-1A TO PB-3 FOR A MAINTENANCE OFFICE FOR THE HOME ASSOCIATION. STORAGE. & GENERAL MAINTENANCE EQUIPMENT. - PLANNING COMMISSION

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #8 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.

(1ST RDG)#1 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

Referred to Judiciary Committee

PUB HRG 1/3/05 @ 7:30 PM

- AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF (1ST RDG)#2 THE CODIFIED ORDINANCES OF THE CITY OF CANTON Referred to Judiciary Committee PUB HRG 1/3/05 @ 7:31 PM
- (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY #3 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**

Referred to Community & Economic Development & Finance Committees

- (1ST RDG)#4 AN ORDINANCE ADOPTING APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2005: AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Finance Committee
- (1ST RDG)A RESOLUTION OBJECTING TO THE RENEWAL OF THREE LIQUOR PERMITS #5 LOCATED WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN **EMERGENCY**

Referred to Intergovernmental & Public Service Committee

(1ST RDG)AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL #6 OBLIGATION IN THE AMOUNT OF \$45,000.00 TO 3-D SERVICE; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Environmental & Public Utilities & Finance Committees

RULE 22B SUSPENDED TO ADD ORDINANCES #7&8

(1ST RDG)AN ORDINANCE AUTHORIZING LUMP SUM BONUSES FOR FULL-TIME #7 MANAGEMENT AND NON-BARGAIN ING UNIT PERSONNEL; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel & Finance Committees

(1ST RDG)#8 AN ORDINANCE AMENDING SECTION 151.26, LONGEVITY, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; REINSTATING DISCRETIONARY STEP INCREASES: SUSPENDING WAGE INCREASES BASED ON THE CPI-U: AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Personnel & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the Second Reading. Ordinance #9, please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #9 THROUGH AND INCLUDING #20 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #18 WAS ADOPTED FOLLOWING ITS SECOND READING.

- #9 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE. (Official Zoning Map)
- #10 (2ND RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE GROFFRE/RICHMOND ANNEXATION AREA CONTAINING 5.578 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE CITY OF CANTON/RAILROAD ANNEXATION AREA CONTAINING APPROXIMATELY 15.013 ACRES; ASSIGNING SAID TERRITORY TO WARD 8 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE); AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES FOR THE COMMUNITY MEDIATION CENTER OF STARK COUNTY; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF OUTLOTS 1009 AND 1015; AND DECLARING THE SAME TO BE AN EMERGENCY

- #16 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENTS WITH VARIOUS LOCAL GOVERNMENT ENTITIES FOR SECURING AND TRANSPORTING PRISONERS TO CANTON MUNICIPAL COURT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17 (2ND RDG) AN ORDINANCEAUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO SCF DEVELOPMENT, LTD. AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18 (2ND RDG) AS ORDINANCE NO. 249/2004 AN ORDINANCE AMENDING ORDINANCE NO. 142/2004; AND DECLARING THE SAME TO BE AN EMERGENCY (Contract w/Simplex Grinnell)

MEMBER CARBENIA: Mr. President, I move that we suspend the statutory three readings for Ordinance 18; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings on Ordinance #18. Are there any remarks?... If not, roll call vote please.

NO REMARKS ROLL CALL: 9 YEAS, 0 NAYS

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

MEMBER CARBENIA: Mr. President, I move that we adopt Ordinance #18; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt 18. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS ROLL CALL: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted. #18 ADOPTED AS ORDINANCE NO. 249/2004

#19 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH THE BOLER COMPANY DBA HENDRICKSON TRAILER SUSPENSION SYSTEMS TO PROVIDE REAL AND PERSONAL PROPERTY TAX EXEMPTIONS TO CONSTRUCT A NEW FACILITY; AUTHORIZING THE GRANTING OF 75% TEN YEAR REAL AND PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

#20 (2ND RDG) AN ORDINANCE AMENDING TITLE FIVE OF PART ONE, ADMINISTRATIVE CODE

BY THE ADDITION OF CHAPTER 146, HOUSING ADVISORY BOARD; AND DECLARING THE SAME TO BE AN EMERGENCY

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 #21 AND #22 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. BOTH 3RD READING ORDINANCES WERE ADOPTED.

#21 (3RD RDG) ADOPTED AS ORDINANCE NO. 250/2004 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED: AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,000 from 2425 Law Dept Dispute Resolution Fund)

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

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

NO REMARKS ROLL CALL: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted. #21 ADOPTED AS ORDINANCE NO. 250/2004

#22 (3RD RDG) ADOPTED AS ORDINANCE NO. 251/2004 AN ORDINANCE AMENDING ORDINANCE NO. 7/2003: AND DECLARING THE SAME TO BE AN EMERGENCY (Reduce number of lieutenants in Police Dept.)

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

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

NO REMARKS ROLL CALL: 8 YEAS, 0 NAYS, 1 ABSTENTION (ZACHARY)

PRESIDENT DENCZAK: Ordinance #22 has passed with the emergency.

#22 ADOPTED AS ORDINANCE NO. 251/2004

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. President, Community & Economic Development and Finance will meet at 5:45.

PRESIDENT DENCZAK: When?

MEMBER CARBENIA: On next Monday night, the 20th.

PRESIDENT DENCZAK: December 20th?

MEMBER CARBENIA: The 20th.

PRESIDENT DENCZAK: Yes.

MEMBER MALLONN: Mr. President, Environmental & Public Utilities will meet December 20th at 6:00.

MEMBER ZACHARY: Mr. President, Personnel will meet Monday, December the 20th, at 6:00.

PRESIDENT DENCZAK: Any other committees?

MEMBER HAWK: Finance Committee will meet Monday, December 20th, 5:45.

PRESIDENT DENCZAK: Any other committees?... There's a Judiciary and IPS matter on the agenda this evening. Does anybody want to call a meeting for Tom Bernabei and Rosemary Diamond?... Member Hart?... Member Carbenia?...

MEMBER CARBENIA: Mr. President, Judiciary will meet December 20th at 5:45, along with Intergovernmental, at 5:45 on the 20th. Is it Intergovernmental?

PRESIDENT DENCZAK: IPS, yeah. Okay.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Open Forum.

MISCELLANEOUS BUSINESS

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

MEMBER CARBENIA: 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: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 7:48 p.m.

ATTEST: APPROVED:

DEBRA VANCKUNAS RAY DENCZAK

CLERK OF COUNCIL PRESIDENT OF COUNCIL