

**MINUTES OF THE MEETING OF SEPTEMBER 26, 2005**

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

*The regular meeting of Canton City Council was held on Monday, September 26, 2005, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (as follows) 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.*

**ROLL CALL TAKEN BY CLERK VANCKUNAS:**

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

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Casar. (*referring to invocation*). Agenda corrections and changes, Members, you're being asked to suspend Rule 22A to add the second reading of Ordinances 8 and 10. Number 9 will not be considered this evening; it's being retained in committee. The Chair will recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 8 and 10 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to add ordinances 8 and 10 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances 8 and 10 are a legal part of your agenda. Member Casar, you'll suspend Rule 22A to add Ordinance 7A to the agenda too.

MEMBER CASAR: Mr. President, point of order, but do we have to suspend 24B?

PRESIDENT DENCZAK: 22A to add Ordinance 7A to the agenda, for the first reading.

MEMBER CASAR: Mr. President, but the Ordinance was not to get it put on the agenda...we'd have to suspend 24B because it didn't have its normal suspension. (*He is informed by the Clerk that there was a communication on last week's agenda*) It was on as a communication last week?...

PRESIDENT DENCZAK: Yes.

MEMBER CASAR: Okay. Mr. President, I move that Rule 22A be suspended and we put on Ordinance 7A on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinance 7A which relates to services for the Sirpilla Annexation. If that Ordinance is added to the agenda it will be referred to the Annexation Committee. Moved and seconded, are there any remarks?... If not, roll call vote please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 7A is a legal part of your agenda. This brings your agenda up to date, Member of Council.

**PUBLIC HEARINGS****7:30 PM PUBLIC HEARING RE: REZONING OF HARMONT AVENUE**

PRESIDENT DENCZAK: We have 2 scheduled public hearings. The first public hearing was scheduled for 7:30. It's a request by DeHoff Development Company to rezone 3456, 3526 and 3516 Harmont Avenue NE from R-1A to PB-3 Planned General Business for a retail/commercial development. The Planning Commission recommends approval. This is a zone change. Is there anyone in the audience wishing to speak for or against this zone change, please come forward?

MS. CALAHAN: My name is Veronica Calahan. I reside at 3406 - 34<sup>th</sup> Street NE in the City of Canton. My zip code is 44705. Mayor Creighton, Mr. Denczak and Members of Council, first of all, I'd like to apologize for not being able to come to the committee meetings when it was held in August. My husband on that day was in a very bad accident at work where he shattered his leg and broke his wrist. He's still banged up pretty much at home and I needed you to know that because I have been elected as spokesperson for our community and the residents there were depending on me to be there. So, my apologizes as to why you felt that no one was opposed to this because we are. I do have 2 copies for Mayor Creighton and Mr. Denczak, I understand that Mr. Dougherty already received it with 56 signed petition signatures that this community is not in favor of this rezoning. I know I have 3 minutes and I didn't get to address you before, but I'll try really quickly to give you some of the key point reasons why we're not in favor of this. We have a tremendous amount of vacancies in our community that we would like to have filled prior to rezoning any more properties. Many of us are property owners. We are making large investments into our community. We appreciate our community. We do not want to see more structures built which have a tendency to become vacant in a short period of time in that community. We respect, Mayor Creighton, we respect this Council and the efforts to revitalize Stark County in the City of Canton and we're not saying we wouldn't re-visit this issue if given the opportunity but we ask that you join forces together to help make a difference. Our crime rate has escalated through the ceiling. Our gangs are using the stores over there, which is Wal Mart at the present time, for initiations. I know many of you have been reading your newspaper. I know that you see the gun, the gun hold ups that are happening over at Wal Mart parking lot. I know that many of you are seeing that the Canton Police Department is being summoned to that store on a regular basis. I live directly in front on 34<sup>th</sup> Street of this area that is proposed. I get police chases through my yard with the gate all the time. Okay? So does many of my other neighbors. We are havin' a problem with the traffic. We're havin' a problem with the sewage. We're havin' a problem with the trash. If at any given time we're out cleaning up our yards, five minutes later, it doesn't even take 5 minutes, we still got pop bottles and trash and why is these all issues? Because if we don't invest in that community and change the mind-set of these residents, we can't appreciate what you're trying to do. So, it's not that we're against what you're doing, but we need you to make an investment. There's been a lot of talk about the TIF dollars but I have questions for you. You can't guarantee us that if TIF dollars were allocated to this community, that it would be spent on 34<sup>th</sup> and 35<sup>th</sup> Street and I don't like to talk about rumors. I'm a factual type of person but it is my understanding that many areas in that community would be a, able to apply for those dollars, which means us residents, again, would be here again for Council and if you or whoever, do not agree with our views, you won't approve that spendage. So, we ask that you really take into consideration our feelings, our views, our concerns. Again, I have 50....wait a minute, I don't want to misquote, I have 56 signatures that were gotten through the community while I was at the hospital with my husband. They have all the full names and addresses and phone numbers if you want to check. Another point that we want to point out is, it's been said over and over again,

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people are not gonna come from Jackson Township, Alliance, Massillon, wherever, to shop in our community. We agree with you, so, how can you put more businesses.....

PRESIDENT DENCZAK: Ma'am... I'm....Ma'am, I'm sorry but your 3 minutes are up. Bring your remarks to a close.

MS. CALAHAN: Okay, so with that, I'll just say so, how can we filtrate more businesses over there if we don't have an economic base to support them, and, you talk about job, job, um, jobs, jobs that will be available. Well, guess what, if the people are uneducated and unable to obtain those jobs, you're still not bringing dollars into our community. Thank you very much.

PRESIDENT DENCZAK: Is there anyone else?... Come to the microphone.

MS. BORDA: Thank you for the opportunity to speak this evening. My name is Beth Borda with DeHoff Development Company.

PRESIDENT DENCZAK: State your home address please.

MS. BORDA: 821 South Main Street, North Canton, Ohio.

PRESIDENT DENCZAK: That is your home address?

MS. BORDA: That's not my home address. Would you like my home address?

PRESIDENT DENCZAK: The Council Rule says your home address please.

MS. BORDA: 4852 Laverton Avenue, Canton, Ohio.

PRESIDENT DENCZAK: Okay, go ahead.

MS. BORDA: Thank you. DeHoff Development Company tonight is proposing that approximately 6 acres, located on Harmont Avenue, between Route 62 and 35<sup>th</sup> Street, be rezoned for a neighborhood shopping plaza. (*Ms Borda placed a large map on an easel for public viewing and explanation*). You all have a copy of this at your seat, but there's a big one for your reference. Actually, this site was up for a proposed rezoning last year and it was defeated unanimously by the Canton Planning Commission, and it was presented by Spectra who is a developer that follows Wal Mart and they wanted to do a strip center here at this plaza. We were approached by a land owner after that was defeated who asked us to become involved in this project. The first thing we did was contact David Dougherty because we knew that there was opposition in the community and we knew that we needed to talk to the Councilman to find out what the issues were. In addition to talking with David Dougherty, we held 2 community meetings, both at the Total Living Center. One was a small group meeting and one was a large group meeting. We had subsequently met with several residents who live in the area and had several phone conversations with people in the community as well. We're coming here before you tonight proposing a development of the same site because we believe ours is better and for 4 reasons. Number 1, we believe we have an improved layout. As you can see here, we are proposing a restaurant, a small retail area and a bank to be included in this site. We also are proposing infrastructure improvements that were not proposed. We are proposing that a full turn lane, the length of Harmont between 62 and 35<sup>th</sup> Street, be implemented. In addition, we're proposing that right and left turn lanes be implemented on 35<sup>th</sup> Street. We have also committed to the community a document of covenants and restrictions, that you have before you as well, and basically, these

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help to control the, the look and use of the development. By use, there are many businesses that are, that will be restricted from the development. High grade building materials, because we care about the look of this development and how it will last through the, through the years. Signage, ground-mounted signage and one pile-on sign only will mark the development. Lighting that shines down and not across to impede those living around the development. Landscaping....again, we heard from the community. They do not want people running through the yard and they also do not want a lot of sound coming from this development and so we have proposed to put a 6-ft. fence along the east side of the development, and finally, we are proposing to implement tax increment financing, which is a TIF, and a TIF allows you to collect revenue generated from real property taxes of the new buildings that will be created as part of the project and to set that revenue aside in a separate account, and I do have to disagree with Miss Calahan because we have established a TIF District, again, which you have a map of and, the TIF District has been bounded by Lesh on the north, 30<sup>th</sup> Street on the south, Harmont on the west, and Richmond on the east. We have calculated approximately \$275,000 in revenue can be generated from the TIF over a 10-year period, some of which will go towards the infrastructure improvements that we mentioned and some that can go directly to that designated area to be used however the community wishes. I know that there are some objections from the people in the neighborhood and we have worked tirelessly with them to do our best to answer many of those objections.

PRESIDENT DENCZAK: Your 3 minutes are up. Bring your remarks to a close please.

MS. BORDA: Thank you. We'd just like to say that I know that some people do not like developers because they come into town, they build what they want to build and then they leave--but that is not who we are. DeHoff Development has been doing business in this community for over 40 years and we will be doing business for another 40 years. For months we've been working with David Dougherty, the City of Canton and the neighborhood. We have done our best to listen and we have done our best to include in the covenants and restrictions the things that we have heard. Very few developers go to this degree when they propose a development. We believe that if given the opportunity, we are the best suited to develop this site on Harmont and it will be developed in a way that everyone can be proud of. Thank you.

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

MR. CHAPMAN: Mayor Creighton, Members of Council, I would just like to speak a little bit concerning this project.

PRESIDENT DENCZAK: Sir, state, state your name and address please.

MR. CHAPMAN: Charles Chapman, 3407 - 35<sup>th</sup> Street NE.

PRESIDENT DENCZAK: Okay, go ahead.

MR. CHAPMAN: I would just like to speak on the project that we are trying to get going there on Harmont and, if anybody would be concerned, it would be me because I'm the next adjoining property. I'm for it. I see Mr. DeHoff's work, the buildings that he puts up and so forth and I think it would be an addition to that section of Harmont. The way it looks now, it's pretty drab and I think it would add to our community if this is built. So, I appreciate your time. Thank you.

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

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MR. SMITH: My name is Robert Smith. I live at 3428 - 35<sup>th</sup> Street. I'm 4 doors down from the proposed development and with the development that is already there, I think that this would just help. I see it as a convenience, really, for the neighborhood. The traffic pattern that is already there is already generated. There isn't much we can do about that. I think new development there will help the traffic flow and will just be more convenient for our neighbors. With all respect to the petition, I didn't sign the petition. I told the people then that I thought that what's proposed there, it would just be more convenient and I think it would be an enhancement to the neighborhood. So, I'm in favor of the zone change.

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

MR. CHENALT: My name is Donald Chenalt. I live at 3719 - 35<sup>th</sup> Street. I am for the proposal that DeHoff has shown. I see some good in it and I think it will benefit the neighborhood, get rid of those junkie houses that are there, are about ready to fall down, some of them look so bad. But, it will, I see a lot of good in it and I'm totally for having something done about it. Thank you.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to....come forward please.

MS. SAVAGE: Hi, I'm Rochele Savage, I live at 3810 - 35<sup>th</sup> Street NE. No, I don't live right next door to where the buildings are going to go, I do live 12 houses up the street, but I still have to deal with the traffic like everybody else does, and the trash...from...and we can't do anything about Wal Mart, Burger King, McDonalds or any of those places now, but, and I understand these stores can't control the trash backed up. Customers go there and buy stuff and throw their trash in our yards but, we don't need any more stores down there. There are so many empty. Apples, Pat Catan's, the Denny's....we don't need another restaurant there. We have Bob Evans there, what do we need another restaurant for, and you want to talk about sewers? You'ns just got done fixin' our sewers. You put some more restaurants and buildings in there that are going to be using sinks and toilets and grease and food that's gonna go down the sewers, what's going to happen to these houses? They're not thinkin' about that. It's gonna back up again and just 2 years ago, they fixed our street because everybody's basements were backing up and getting sewage and everything in there, and I'm against it. I've been there for 37 years. I'm the one that went around with the petition because I was asked to and, yes, there are people that didn't want it from the other builder a year ago, and now, all of a sudden, they decide they want it because DeHoff has made promises and I hope that if you'ns allow it, that the promises he made those people, that's really true. Thank you for listening.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this zone change, please come forward...? Is there anyone else in the audience wishing to speak for or against this zone change, please come forward...? Is there anyone else in the audience wishing to speak for or against this zone change, 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. At the request of the Ward Councilman involved, the Chair's going to exercise the prerogative and go directly to Ordinances for the third reading.

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD & FINAL READING**

PRESIDENT DENCZAK: The Chair's going to go to Ordinance #15. Let the journal show that all Ordinances will be given their reading as required by State Law. Ordinance #15 please.

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#15 (3<sup>RD</sup> RDG) **ADOPTED, AS AMENDED, AS ORDINANCE NO. 197/2005** AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #15. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President. I moved to amend Ordinance #15 with a substitute Ordinance that all Councilpersons have in front of them; seconded.

**AMENDMENT: Pursuant to Rule 38, I move to amend Agenda Item No. 15 by substituting the ordinance attached to this Amendment for the one currently pending before Council.**

**SEE AMENDMENT ORDINANCE ON NEXT PAGE.**

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parts of Out Lot Nos. 808 and 807 in the City of Canton, Stark  
known as and being Lot Nos. 37248, 37250, 37251, 37252 and

(Single-Family Residential) to PB-3 (Planned General Business);  
Ohio Zoning Map are amended to rezone the area hereinafter described from R-1a  
Section 1, Ordinance No. 2277 and the district boundaries of the City of Canton,

CANTON, STATE OF OHIO, THAT:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

hereinafter in Section 1 from R-1a to PB-3:

change in the district boundaries of the Zoning Map changing the land described  
WHEREAS, Canton City Council is satisfied that there is good cause shown for the

than thirty (30) days prior to the date of said public hearing; and

in THE REPOSITORY, a newspaper of general circulation in the City of Canton, not less  
Council Chambers on September 26, 2005, at 7:30 p.m., a notice of which was published

WHEREAS, a public hearing concerning this zoning change was held in Canton City

General Business); and

Avenue N.E., Canton, Ohio, from R-1a (Single-Family Residential) to PB-3 (Planned  
Lot Nos. 37248 thru 37252 and parts of Out Lot Nos. 808 and 807, located on Harmon

August 8, 2005, and filed its report with Canton City Council approving a request to rezone  
WHEREAS, the Planning Commission of the City of Canton held a meeting on

DECLARING THE SAME TO BE AN EMERGENCY  
KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND  
AN ORDINANCE AMENDING ORDINANCE NO. 2277, AS AMENDED,

**ORDINANCE NO.**

Recorded in Volume \_\_\_\_\_ Page \_\_\_\_\_

PASSED: \_\_\_\_\_

3rd Reading \_\_\_\_\_

2nd Reading \_\_\_\_\_

Referred to \_\_\_\_\_

By: Janet W. Creighton, Mayor  
5148  
8154102  
JMK

1st Reading \_\_\_\_\_

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Clerk of Council \_\_\_\_\_

Mayor \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
President of Council

PASSED:

take effect and be in force from and after the earliest period allowed by law; be in force immediately upon its passage and approval by the Mayor; otherwise, it shall be in force immediately upon its passage and approval by the Mayor; otherwise, it shall be in force upon the affirmative vote of two-thirds of the elected and/or appointed members to Council; it shall take effect and delay in the enhanced use of the property. And provided it receives the affirmative vote of citizens of the City of Canton; the emergency being the necessity to avoid unnecessarily necessary for the immediate preservation of the public peace, health or safety of the  
Section 6. This ordinance is hereby declared to be an emergency measure

repealed.

Section 7. All ordinances or parts of ordinances inconsistent with this ordinance are

any legal and/or equitable remedies available at law; zoning of R-1a. The City of Canton shall enforce the provisions contained herein through covenants and restrictions the zoning of the subject property shall revert to the original comply to the proposed use of the scheduled, texts, conditions and Declaration of Deed real property, or any future owner or user fails to substantially implement, conform and  
Section 8. In the event that the current owner, applicant, and/or proposed user of the

on the west and Richmond Avenue on the east; B and the borders are East Road on the north, 30th Street on the south, Harmon Avenue & Tax Increment Financing (TIF) District. The TIF District is outlined on attached Exhibit

Section 9. The foregoing zone change is also subject to declaration of the area as are on file with the zoning inspector.

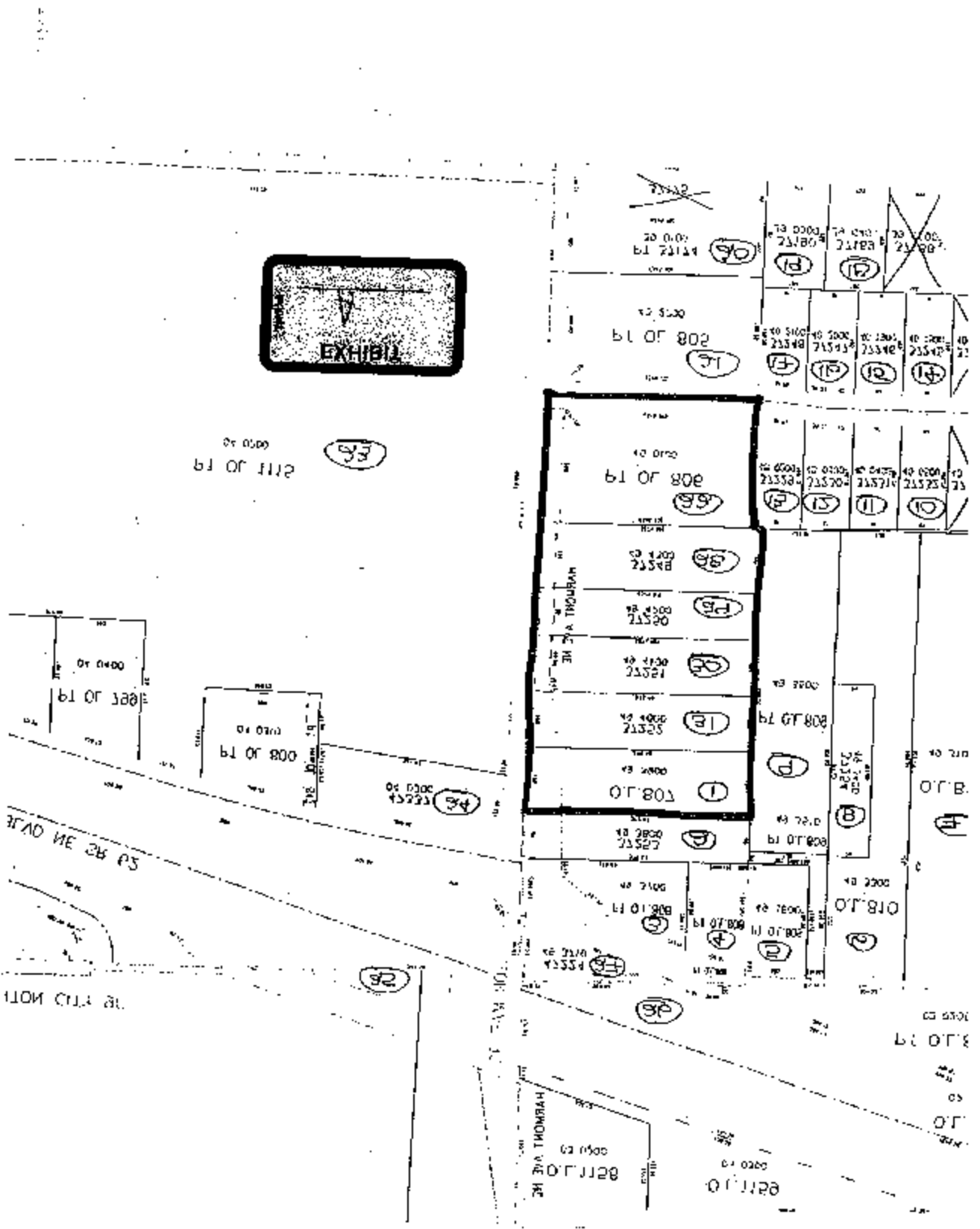
of Deed Covenant and Restrictions attached to the amended application, copies of which property, to the plans, drawings, photographs, schedules, texts, conditions and Declaration Planned District Zone change, as amended, and any future owner or user of said real and applicant, and/or proposed user of real property, as listed on the application for conditioned upon the implementation, conformance and compliance by the current owner

Section 10. The foregoing zone change from R-1a to RB-3 is subject to and

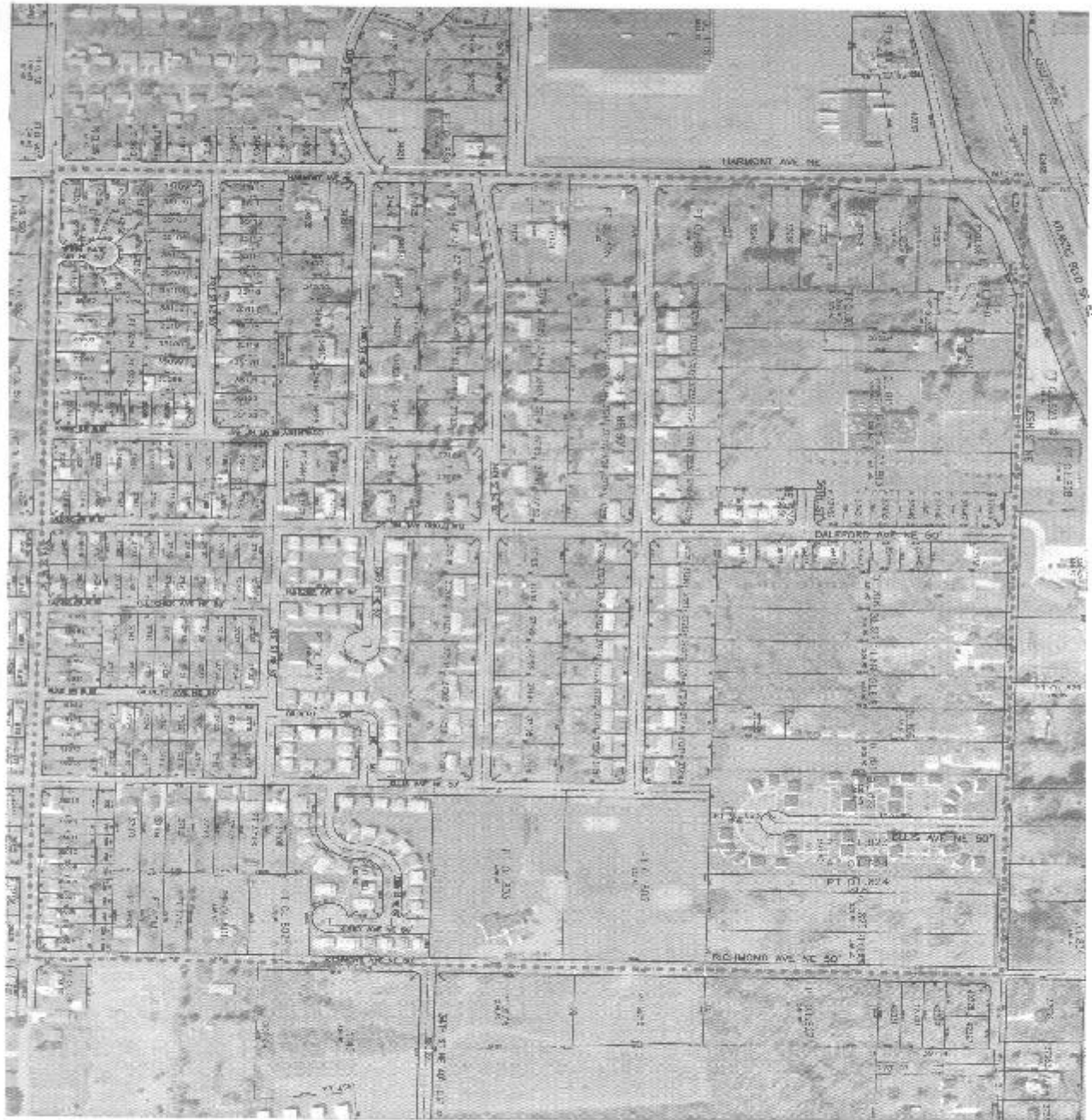
the map of the foregoing parcels is attached as Exhibit A  
County, Ohio, and located on Harmon Avenue N.E. A copy of



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1. DE  
 2. TO CHANGE  
 3. THE TOTAL  
 4. AREA  
 5. OF THE  
 6. PROJECT  
 7. HARRISON AVE. N.E.  
 8. CITY OF CANTON  
 9. DEWANE COUNTY, OHIO  
 10. HARRISONT DEVELOPMENT  
 11. TIF DISTRICT 14A

DEHOTT DEVELOPMENT CO.  
 821 S. MAIN ST.  
 NORTH CANTON, OHIO 44708

**GBC DESIGN, INC.**  
 2019 Pro. Center, N. Akron, OH 44316  
 Phone: 330.819.2222 Fax: 330.819.1792

09/26/05

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PRESIDENT DENCZAK: Moved and seconded to amend Ordinance 15 per the copy before each of you. Are there any remarks under the amendment?... The question you're voting on now is the amendment. By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT APPROVED 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 remarks under this ordinance as amended?

MEMBER DOUGHERTY: Mr. President. Yes, this has been a long process. As I said, there's a company that came in and wanted to do this from Tennessee. That project really wasn't a good one. The neighborhood was totally against it. I was against it too. Mr. DeHoff came along as a local businessman, does good work. I've seen some of his work and he, he really wanted to do right by the neighbors. We had a lot of meetings, I had meetings at peoples' homes after the 2 major meetings. People called me up, wanted to get together because they wanted to understand. I think that's what's important here, understand exactly what this is all about because this is totally different than anything we've ever done and to be able to put all kind of restrictions upon them so that, so that things like drive-thrus and things like sexually-oriented businesses and tattoo parlors and things like that, none of that can ever go there for the next 99 years. It's, it's not allowed, there's restrictions in there for not being able to have operations there 24/7, there's, they have to be shut down, you know, the upper part by 35<sup>th</sup> Street where the residents are, they're not, businesses aren't going to be allowed to stay open late and, you know, Mr. DeHoff also agreed to put a, a fence on the east side, which he didn't have to agree to, but it cuts down on the noise and cuts down on, for security reasons. People wandering through the back of the, that property and then into the peoples' yards. So, I think that he really went above and beyond the help, put the restrictions on that helps the neighborhood and, and the TIF is the big thing too because monies will go to 35<sup>th</sup> and 34<sup>th</sup> Street, and it will go to other streets and that's, and that's the fact and, and we're going to get the property tax for over the next 10 years, gonna equal close to \$275,000. Now, some of that money we need to improve the road on Harmont and we, we want to put turning lanes in where they need to go. We're growin' out there, it's a good thing. You know, when I got into Council everybody in the neighborhood said we got to do something out here. This place is dead. Mahoning Road's dead, 62's dead. Well, it's not dead anymore and then we have some other issues because we have traffic and things like that that we have to deal with. We can turn this thing into a positive thing and I think this is a good project and I understand both sides. It was a tough issue for me and, but I do respect, respectfully ask for your passage. Thank you.

PRESIDENT DENCZAK: Are there any other remarks?

MEMBER ZACHARY: Mr. President. I'm just personally curious. It does seem to be a good project for an area that doesn't have anything in it such as blighted areas of Ward 4. I've had residents who are crying out for something exactly like this in, in Ward 4, or, even in Ward 2, Tom, and I'm just kinda curious with so much that is around the area being that there is a bank in that area. There's probably one inside that Wal Mart because they have everything that you could ever want in that store. I'm just kinda curious as to why the nature of the businesses that are being brought in, are being brought in. It's nothing different than what's already there and I respect Councilman Dougherty so much because he really has built up that particular area in his ward and he's like my model councilperson and I'd love to duplicate what he's doing in my Ward, but I'm just kinda curious with so much retail that is already there, why not do it somewhere else?

PRESIDENT DENCZAK: Are there any other remarks?... If not, the question you're voting on now is the Ordinance as amended. Roll call vote please.

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NO FURTHER REMARKS

ROLL CALL: 11 YEAS, 1 NAY (ZACHARY VOTED NO)

PRESIDENT DENCZAK: The Ordinance has, has passed with the emergency.

**#15 ADOPTED AS AMENDED AS ORDINANCE NO. 197/2005**

PRESIDENT DENCZAK: We'll go back to the original place on the agenda now.

**PUBLIC HEARINGS****7:31 PM PUBLIC HEARING RE: VACATION OF GROVE & FOREST SW**

PRESIDENT DENCZAK: There was a scheduled Public Hearing for 7:31. The Chair opens the public hearing in regards to the request by Aultman Hospital to vacate parts of Grove and 4<sup>th</sup> SW, replat several lots and the vacated portion of Grove and Forest for hospital parking. Again, the Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this vacation, please come forward?... Is there anyone in the audience wishing to speak for or against this vacation, please come forward?... Is there anyone in the audience wishing to speak for or against this vacation, 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 (ORDINANCE OR RESOLUTIONS FOR ADOPTION ONLY):**

PRESIDENT DENCZAK: Public Speaks, Ordinance or Resolutions for Adoption. No one has signed up for that portion.

**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal Resolutions. It will not be necessary to excuse members. Let the Journal show that all Members of Council are present.

**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 SEPTEMBER 26, 2005.***

461. DEPARTMENT OF TRANSPORTATION, (STATE OF OHIO), CENTRAL OFFICE, P O BOX 899, COLUMBUS, OH 43216: SUBMITTING DUPLICATE COPY OF EXECUTED CO-OPERATIVE CONTRACT BETWEEN CITY OF CANTON & DIRECTOR OF TRANSPORTATION FORM CANTON MARKET SIGNAL SYSTEM PROJECT #485(05), FEDERAL PROJECT #E050(484) - SERVICE DIRECTOR
462. LIQUOR CONTROL DIVISION, (STATE OF OHIO), 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE OF HEARING TO BE HELD 10/17/05 @ 1:00 PM AT STARK COUNTY DEPT. OF JOB & FAMILY SERVICES, 221 THIRD ST., ON OBJECTION TO ISSUANCE OF NEW C1,2 LIQUOR PERMIT AS REQUESTED BY HALL MART, INC. DBA HALL FUEL MART, 3325 HARMONT AVE., NE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

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463. LIQUOR CONTROL DIVISION, (STATE OF OHIO), 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE OF HEARING TO BE HELD 10/17/05 @ 1:30 PM AT STARK COUNTY DEPT. OF JOB & FAMILY SERVICES, 221 THIRD ST., ON OBJECTION TO ISSUANCE OF NEW C1, C2, D6 LIQUOR PERMIT AS REQUESTED BY SPEE D FOODS DBA SPEE D FOODS #26, 1735 CLEVELAND AVE., NW - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
464. SAFETY DIRECTOR HUNT, CITY OF CANTON: REQUESTING \$1,168 SUPPLEMENTAL APPROPRIATION FROM 2812 EMS TRAINING & EQUIPMENT FUNDS FOR THE FIRE DEPT. - FINANCE CMTE
465. SERVICE DIRECTOR CONCATTO, CITY OF CANTON: REQUESTING APPROVAL OF CHANGE ORDER #4 FOR \$33,448.48 AS PART OF THE CONTRACT WITH SUPERIOR PAVING & MATERIALS FOR CONSTRUCTION OF THE 44<sup>TH</sup> STREET NE IMPROVEMENT PROJECT, GP 1056. - FINANCE CMTE
466. SERVICE DIRECTOR CONCATTO, CITY OF CANTON: REQUESTING APPROVAL OF WATER MAIN EXTENSION IN PERRY TOWNSHIP TO SERVE THE STERLING RIDGE ALLOTMENT. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
467. SERVICE DIRECTOR CONCATTO, CITY OF CANTON: REQUESTING AUTHORIZATION TO EXECUTE THE NECESSARY AGREEMENT DOCUMENT WITH THE STARK COUNTY ENGINEER &/OR STARK COUNTY COMMISSIONERS IN THE ACQUISITION OF PROPERTY EASEMENTS FOR THE COLUMBUS ROAD/HARMONT AVE NE INTERSECTION IMPROVEMENT PROJECT. - PUBLIC PROPERTY CAPITA IMPROVEMENT AND FINANCE CMTES

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for the first reading. Ordinance #1, please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #7A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK METROPOLITAN HOUSING AUTHORITY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$31,495.00 FOR ASBESTOS ABATEMENT; INSPECTION AND DEMOLITION OF TWO STRUCTURES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development & Finance Committees

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- #3 (1<sup>ST</sup> RDG) A RESOLUTION ADOPTING A RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION POLICY FOR THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF CANTON CITY LOTS 30824, 30825 AND 30826; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #5 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOT 725; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #6 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$30,900.00 TO R G SMITH; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees
- #7 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT THE NECESSARY APPLICATIONS TO THE DIRECTOR OF OHIO PUBLIC WORKS COMMISSION AND TO EXECUTE CONTRACTS FOR CURRENT STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FUNDING FOR CAPITAL IMPROVEMENT PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees
- #7A (1<sup>ST</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE SIRPILLA ANNEXATION AREA UPON IT BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

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

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #8 AND #10 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #9 WAS RETAIN IN COMMITTEE & NOT GIVEN A SECOND READING.***

- #8 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$7,158.43 TO HILSCHER CLARKE ELECTRIC COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 **RETAINED IN COMMITTEE** AN ORDINANCE ESTABLISHING A 3% CONVENIENCE FEE FOR ANY ON-LINE PAYMENT MADE TO CITY DEPARTMENTS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ANNUALLY REVIEW THE CONVENIENCE FEE; AUTHORIZING THE

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AUDITOR TO FUNDS SAID ACCOUNT; AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

- #10 (2<sup>ND</sup> RDG) A RESOLUTION AUTHORIZING THE MAYOR TO WITHDRAW THE CITY FROM NORTHEAST OHIO FOUR COUNTY REGIONAL PLANNING AND DEVELOPMENT ORGANIZATION (NEFCO)

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD & FINAL READING**

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

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ ORDINANCES #11 THROUGH #17 FOR THEIR THIRD & FINAL TIME BY TITLE, WITH THE EXCEPTION OF #15 WHICH WAS PREVIOUSLY ACTED UPON. THE FOLLOWING ORDINANCES WERE ADOPTED AFTER THEIR 3<sup>RD</sup> READINGS.***

- #11 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 198/2005** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, IS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$17,715.58 from 2312 STD Control Fund, etc.)

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted. **#11 ADOPTED AS ORDINANCE NO. 198/2005**

- #12 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 199/2005** AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted. **#12 ADOPTED AS ORDINANCE NO. 199/2005**

- #13 (3<sup>RD</sup> RDG) **ADOPTED AS RESOLUTION NO. 200/2005** A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND

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PUBLIC INSTITUTIONS COPIES OF THE 2005 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES; TO AFFIX A PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #13 is adopted.

**#13 ADOPTED AS ORDINANCE NO. 200/2005**

#14 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 201/2005** AN ORDINANCE VACATING PORTIONS OF GROVE PLACE SW AND FOREST AVENUE SW; APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOT NOS 11663, 15743, 15744, 15745, 15746, 16060 AND THE VACATED PORTIONS OF GROVE PLACE SW & FOREST AVENUE SW; AND DECLARING THE SAME TO BE AN EMERGENCY

**PUBLIC HRG HELD 9/26/05 @ 7:31 PM**

MEMBER CASAR: Mr. President, I move we adopt Ordinance #14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 has been adopted.

**#14 ADOPTED AS ORDINANCE NO. 201/2005**

#15 **PREVIOUSLY ADOPTED AS AMENDED AS ORDINANCE NO. 197/2005** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (DeHoff Development zone change)

**PUBLIC HRG HELD 9/26/05 @ 7:30 PM**

#16 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 202/2005** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT NOS 14114 AND 14115; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16. Are there any remarks under this Ordinance?

MEMBER CARBENIA: Mr. Chairman, Mr. President. I just hope that we vote on 16 and 17 and get them out of the way.

PRESIDENT DENCZAK: Member Bernabei, do you want to discuss these 2 ordinances? (*CHUCKLING -NO*)



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*AUDIBLE REMARKS FROM MEMBER BERNABEI*) Okay, the question you're voting on now is Ordinance 16. Are there any remarks?... Roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted.

**#16 ADOPTED AS ORDINANCE NO. 202/2005**

#17 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 203/2005** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE DONALD L. MOORE ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #17 is adopted.

**#17 ADOPTED AS ORDINANCE NO. 203/2005**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of committee meetings, please.

MEMBER CARBENIA: Mr. President, Community and Economic Development Committee will meet 10/3 at 6:15.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfares will also meet that evening.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will meet at 6:00.

PRESIDENT DENCZAK: Are there any other Committees?...

MEMBER PRATER: Mr. President, Annexation Committee will meet 10/3/05 at 6:15.

MEMBER DOUGHERTY: Mr. President, I'll amend that to 6:15 so that everyone stops lookin' at me. *(laughter)*

MEMBER HAWK: Mr. President, to avert any stares for Mr. Dougherty, Finance Committee will meet Monday at 6:15.

**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT DENCZAK: Public Speaks, Open Forum. One person signed up to speak. Chris Ketler....?

MR. KETLER: Good evening Council, Mr. President and diligent Mayor. Christ Ketler, 1302 - 9<sup>th</sup> Street NW Canton. I'm here to talk briefly about some of the issues that are going on in my neighborhood and voicing

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concern of the continuance of the Neighborhood Task Force. The crime element is feeling the pressure. We are seeing prostitutes that are now carrying purses where they weren't before, trying to blend in with the people that are walking on the street. Also, the prostitution and drug dealing are going into the houses and into the back doors of the homes and apartments, not as obvious as they once were. Okay. We find that people in the neighborhood and in the street are not admitting that they are not gang members and not wearing gang colors as frequently, although it's still going on. I have several people throughout my neighborhood and actually throughout the city that are contacting me and finding out what are we doing and how can I get involved and how can I show my support, and we're trying to bring everybody together in order to be unified and show that support that goes beyond Summit Neighborhood but throughout the whole city. One of the things that I've heard mentioned, in newspapers and talk on the streets is that officers are indiscriminately using aggressive force. You know, I find this rather shocking but more than that, I think I find it surprising. Having had an opportunity to speak with a number of people in the law enforcement, I think I've spoken with officers from the Vice Department personally on my front porch, ah, Captain Myers from the Neighborhood Task Force---I've even spoke with a member from the DEA in great extent, and I find that they all support what's going on with the Neighborhood Task Force. Yes, there were problems when they first started, but they are all realizing the underlying issue that drugs are coming off the streets and drugs is where the problem is. The thing about the aggressive nature of these officers that I find so surprising is that when the Task Force is working with people like the DEA or the Stark County Sheriff's Department or other professional officers, that there's not an accountability amongst those officers, that one officer wouldn't hold another officer or another branch of law enforcement wouldn't hold another branch of law enforcement to a high moral, ethical standard and I'm sure that that would be the case in this situation. I also am finding like that people that get away with something are ones that are going to be the ones that are gonna cry, cry wolf. I know that they spend a great deal of time from the conversation, conversations I've had with them, investigating and looking into these matters before they move and sometimes, maybe, they didn't move quick enough and in that case, they look like they got away with it and thus crying wolf. Again, we're here to show our support for the Task Force. It's making a difference. It may not be as quick as some people would like, but I, we see it as making a difference and again, we want to continue to see that working in our community throughout the city and fixing this. I don't see why we should change shifts or change directions of the shift in mid-force. This is what's working right now. Let's continue to keep it working. I recognize my time is done and I thank you.

PRESIDENT DENCZAK: How are those 2 kids?... How are your 2 kids?... *(INAUDIBLE REPLY FROM THE MR. KETLER IN THE AUDIENCE)* Okay. A couple meetings ago he showed up and had, showed us pictures of his kids. Okay.

**MISCELLANEOUS BUSINESS**

PRESIDENT DENCZAK: We're now under miscellaneous business. Is there any miscellaneous business?... Mayor, Safety Director, I have a question to ask you. I do not wish to initiate a debate here, I just want to express my concern about something. At last Monday's meeting, there's a police, a uniformed police officer standing in the back of the room, and, I want to know if that Police Officer was on duty or off duty. Do any of you know?

SAFETY DIRECTOR HUNT: Mr. President. That was Lieutenant Hostettler. He in fact was on duty. I spoke to him before City Council met and he was here to observe City Council proceedings and he was up here at the request of the Chief who has indicated to them that he wants their presence up here if there's anything on the agenda that they see that they're interested in. He has told them, hey, we want you to go up and show your uniform and listen to what's going on.

PRESIDENT DENCZAK: Well sir, you get this message back to the Chief. We're not a police state and this

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Chair is not going to tolerate a police officer in uniform on duty observing a Council meeting . It is my duty, under Ordinance 355/68 to call for a police officer if I see, deem it necessary. The Chief of Police is not gonna send a policeman up here in my Chamber. Now I don't know, I don't like to operate under gestapo-type of tactics but that's what it appeared to me and I know some people showed concern, from the audience, that there was a police officer in here. We all know why he was here, he was here to see if anybody's gonna talk about the Chief. So, I want you to get this message back that I run this Chamber and I will call for a policeman to attend these meetings, not the Chief. (*AUDIENCE APPLAUSE*)

SAFETY DIRECTOR HUNT: Mr. President. I have...I understand what you're saying and I respect what you're saying, however, police officers, at least as long as I've been on this job, have been in this Chambers before—before we had the latest conversation with the Chief; and Lieutenant Hostettler indicated to me that there were items of interest to him on the agenda and, as such, he can come up here and listen just like any other citizen can.

PRESIDENT DENCZAK: Not on duty. That man belongs on the street where the crime is, not in this Chamber. The only time they've ever appeared in this Chamber, to my knowledge, is when there's an issue involving the Police Department. I'm not gonna have an appointed official usurp the authority of an elected official. Is there any other miscellaneous business?...

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:16 PM

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL