

MINUTES OF THE MEETING OF SEPTEMBER 20, 2004

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

The regular meeting of Canton City Council was held on Monday, September 20, 2004, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by 2nd Ward Councilmember Thomas West, 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:

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

NO COUNCILMEMBERS ABSENT

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member West. Agenda corrections and changes, Members of Council. You're being asked to suspend Rule 22 to add the second reading of Ordinance 13 to and including #24. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move that we suspend Rule 22A and add Ordinances 13 through 24 on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the second reading Ordinances 13 through and including #24 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 13 through and including #24 are a legal part of your agenda. Members of Council, on the Agenda, under second readings, your Agenda states that you'll be voting on Ordinance #19. That's erroneous--the ordinance that will be just given its second reading. And also under first reading, you're being asked to adopt Ordinance #11. We'll go into house recess for that Committee to respond. This brings your Agenda up to date.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We have no scheduled Public Hearings.

MINUTES OF THE MEETING OF SEPTEMBER 20, 2004**PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):**

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Ordinances and Resolutions for adoption.

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 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 20, 2004.***

498. BOARD OF ELECTIONS (STARK COUNTY), 201 3rd ST NE., CANTON, OH 44702: BALLOT LANGUAGE FOR ISSUE #14-CITY OF CANTON S CORPORATIONS. - RECEIVED & FILED
499. COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT, CITY OF CANTON, MARGY POORMAN, DIRECTOR: REQUEST TO ESTABLISH \$5,900 FAIR REUSE VALUE OF A PARCEL ON 14TH STREET NE & CONVEY TO THE J.R. COLEMAN FAMILY SERVICES CORPORATION. - C&E DEVELOPMENT CMTE
500. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF B-3 GENERAL BUSINESS ZONING FOR THE AUTO ELECTRIC ANNEXATION AREA. - LAW DEPARTMENT **PUBLIC HRG 10/25/04 @ 7:30 PM**
501. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO ESTABLISH & DESIGNATE A NEW CANTON CENTRAL NEIGHBORHOODS CRA TO COMBINE 4 EXISTING CRAs INTO 1 LARGE CRA & ADD QUALIFYING NEIGHBORHOODS & RECENTLY ANNEXED AREAS. - C&E DEVELOPMENT CMTE
502. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST APPROVAL OF \$36,859.77 CHANGE ORDER #2 SUBMITTED BY ENVIRONMENTAL PROFESSIONALS FOR ASBESTOS REMOVAL IN THE KRESGE BLOCK. - C&E DEVELOPMENT & FINANCE CMTES
503. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO AMEND CITY

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CODE CHAPTER 971 TO ALLOW FOR THE CONTRACTING OF ADVERTISERS AT THE CIVIC CENTER. - JUDICIARY CMTE

504. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST SUPPLEMENTAL APPROPRIATIONS & REDUCTIONS IN APPROPRIATIONS TO ADJUST THE CITY'S 2004 BUDGET TO MEET ONGOING OPERATIONAL NEEDS OF VARIOUS DEPARTMENTS. - FINANCE CMTE
505. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO GRANT AN EASEMENT TO RALPH & NANCY DAYTON TO ALLOW A GARAGE & DRIVEWAY TO REMAIN AT 316 - 25TH SW WHICH ENCROACHES ON CITY RIGHT OF WAY. - PUBLIC SAFETY & THOROUGHFARES CMTE
506. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST PAYMENT OF \$20,979.59 MORAL OB TO NORTH AMERICAN SALT COMPANY FOR ROAD SALT. - FINANCE CMTE
507. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST WATER MAIN EXTENSION TO ONE PROPERTY ON SINCLAIR DRIVEN W IN THE VILLAGE OF MEYERS LAKE. - ENVIRONMENTAL & PUBLIC UTILITIES
508. THRISTINO, FRANK, PARK POLICE SERGEANT, CANTON, OHIO: LETTER TO PRESIDENT OF COUNCIL REQUESTING AN INVESTIGATION AS TO WHY THE LAW DEPT INTERFERED W/PARK COMMISSION DECISION TO ARM PARK POLICE AS LAW ENFORCEMENT OFFICERS. - PARK & RECREATION CMTE
509. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 8/31/04. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances for the first reading and referral. 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 #12 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS, WITH THE EXCEPTION OF ORDINANCE 11, WHICH WAS RETURNED TO THE AGENDA & ADOPTED FOLLOWING ITS READING, REFERRAL, AND A COMMITTEE MEETING.

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- #1 (1ST 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 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #3 (1ST RDG) AN ORDINANCE RE-AUTHORIZING ORDINANCE NO. 185/2002; CONSENTING TO AND APPROVING THE PERMANENT CLOSURE AND UPGRADING OF PUBLIC GRADERAILROAD CROSSINGS; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO SUBSIDY AGREEMENT WITH THE OHIO RAIL DEVELOPMENT COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #4 (1ST RDG) AN ORDINANCE VACATING PORTIONS OF A 19' UNNAMED ALLEY NORTH OF WINFIELD WAY NE; APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 21677, 21678, 21680 AND 21681; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND PUBLIC SAFETY TO ENTER INTO LICENSE AGREEMENTS WITH BP PRODUCTS NORTH AMERICA, INC. TO PERMIT INSTALLATION OF TWO MONITORING WELLS ON A TEMPORARY BASIS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO THE BOARD OF STARK COUNTY COMMISSIONERS AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Intergovernmental & Public Service Committee
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH PLAIN TOWNSHIP TO SUBMIT AN OHIO PUBLIC WORKS COMMISSION GRANT APPLICATION, BEGIN CONSULTANT SELECTION FOR FINAL ENGINEERING DESIGN AND ASSIGN PROJECT DEVELOPMENT RESPONSIBILITIES FOR THE 25TH STREET NE STORM SEWER PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee

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- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO WORK AGREEMENTS IN CONJUNCTION WITH THE MARKET AVENUE NORTH SANITARY/SEWER REPLACEMENT PROJECT, GP 1070; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee
- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH STARK COUNTY TO SUBMIT AN OHIO PUBLIC WORKS COMMISSION GRANT APPLICATION AND ASSIGN PROJECT DEVELOPMENT RESPONSIBILITIES FOR VARIOUS ROAD AND HIGHWAY PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Public Safety & Thoroughfares and Finance Committees
- #10 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MODIFICATION WITH URS CORPORATION IN AN AMOUNT NOT TO EXCEED \$20,077.00 TO PERFORM ADDITIONAL ENVIRONMENTAL STUDIES FOR THE TUSCARAWAS STREET IMPROVEMENT PROJECT WITH ODOT, GP 1064; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares and Finance Committees
- #11 (1ST RDG) **ADOPTED AS ORDINANCE NO. 175/2004** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE CITY OF CANTON RAILROAD ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR THE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee
- #12 (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE K-MART/EASTRIDGE CEDA #2 ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee

PRESIDENT DENCZAK: The Chair is going to declare an in-house recess at this time for the Annexation Committee to meet in regards to Ordinance #11 on the Agenda this evening. You're now in recess.

COUNCIL RECESSED AT 7:38 PM FOR THE COMMITTEE TO MEET RE: O#11. THE COUNCIL MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 7:43 PM.

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

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MEMBER CASAR: Mr. President, I move Rule 22A be suspended on Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that Rule 22A be adopted to add Ordinance #11 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is a legal part of your agenda, Member Casar.

#11 **ADOPTED AS ORDINANCE NO. 175/2004** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE CITY OF CANTON RAILROAD ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR THE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move that Statutory Rules be suspended on Ordinance #11; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #11. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #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. 175/2004**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Second reading of Ordinances please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #13 THROUGH AND INCLUDING #24 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #17 WAS ADOPTED FOLLOWING ITS SECOND READING.

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- #13 (2ND RDG) AN ORDINANCE AMENDING SECTION 113.02, STREET/ALLEY VACATION FEE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON.
- #14 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED REAL 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
- #15 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED REAL 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
- #16 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/89, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17 (2ND RDG) **ADOPTED AS ORDINANCE NO. 176/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT WITH THE CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION TO PROVIDE TWO POLICE OFFICERS; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move that statutory rules be suspended on Ordinance #17; seconded.

PRESIDENT DENCZAK: There is a move to dispense with the three readings of Ordinance #17. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

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

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

NO FURTHER REMARKS

ROLL CALL: 10 YEAS, 0 NAYS, 2 ABSTENTIONS
(ABSTAINED - ZACHARY AND HART)

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PRESIDENT DENCZAK: Ordinance #17 is adopted.

#17 ADOPTED AS ORDINANCE NO. 176/2004

- #18 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE WPCC MISCELLANEOUS IMPROVEMENTS PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO LEASE AGREEMENT WITH THE STARK COUNTY EDUCATIONAL SERVICE CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE WOODLAND AVENUE NW RELIEF STORM SEWER PROJECT, GP 1062, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AN EASEMENT AT THE ESTABLISHED FAIR MARKET VALUE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #21 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE-YEAR CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE CHILDREN'S ARTS CONNECTION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #22 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE INSTALLATION OF BACKWATER VALVES; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #23 (2ND RDG) AN ORDINANCE AMENDING SECTION 943.03 OF THE CODIFIED ORDINANCES BY THE ADDITION OF SUBSECTION (F) AND ADDING SECTIONS 943.60 AND 947.22 TO CHAPTERS 943 AND 947 RESPECTIVELY OF PART 9, STREETS, UTILITIES AND PUBLIC SERVICES CODE AND AMENDING SECTION 1379.03, ROOFS, GUTTERS AND DOWNSPOUTS, OF THE BUILDING CODE OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #24 (2ND RDG) AN ORDINANCE AMENDING CHAPTER 181, INCOME TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF SEPTEMBER 20, 2004**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #25 THROUGH AND INCLUDING #33 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL 3RD READING ORDINANCES WERE ADOPTED.

#25 (3RD RDG) **ADOPTED AS ORDINANCE NO. 177/2004** AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, CARMELITA COURT, NW

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #25. Are there any remarks under this Ordinance.... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #25 is adopted. **#25 ADOPTED AS ORDINANCE NO. 177/2004**

#26 (3RD RDG) **ADOPTED AS ORDINANCE NO. 178/2004** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH WEDU PROPERTIES, LLC TO PROVIDE REAL PROPERTY TAX EXEMPTION FOR THE RESTORATION OF AN OFFICE/RETAIL BUILDING; AUTHORIZING THE GRANTING OF 75% TEN YEAR REAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #26; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #26. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #26 is adopted. **#26 ADOPTED AS ORDINANCE NO. 178/2004**

#27 (3RD RDG) **ADOPTED AS ORDINANCE NO. 179/2004** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH V & S SCHULER ENGINEERING TO PROVIDE REAL PROPERTY TAX EXEMPTION FOR A NEW OFFICE BUILDING; AUTHORIZING THE GRANTING OF 75% TEN YEAR REAL

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PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709(C) and (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #27; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #27. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #27 is adopted.

#27 ADOPTED AS ORDINANCE NO. 179/2004

#28 (3RD RDG) **ADOPTED AS ORDINANCE NO. 180/2004** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HABITAT FOR HUMANITY OF GREATER CANTON INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$60,000.00 FOR REIMBURSEMENT OF ACQUISITION AND SITE DEVELOPMENT COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #28; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #28. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #28 is adopted.

#28 ADOPTED AS ORDINANCE NO. 180/2004

#29 (3RD RDG) **ADOPTED AS ORDINANCE NO. 181/2004** A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AN PUBLIC INSTITUTIONS COPIES OF THE 2004 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES, TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #29; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #29. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #29 is adopted. **#29 ADOPTED AS ORDINANCE NO. 181/2004**

#30 (3RD RDG) **ADOPTED AS ORDINANCE NO 182/2004** 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 #30; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #30. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #30 is adopted. **#30 ADOPTED AS ORDINANCE NO. 182/2004**

#31 (3RD RDG) **ADOPTED AS ORDINANCE NO 183/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO MODIFICATION #1 WITH GPD ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$8,913.00 FOR ADDITIONAL DESIGN WORK FOR THE MARKET AVENUE NORTH SANITARY SEWER REPLACEMENT, GP 1070; AMENDING APPROPRIATION O.1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #31; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #31. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #31 is adopted. **#31 ADOPTED AS ORDINANCE NO. 183/2004**

#32 (3RD RDG) **ADOPTED AS ORDINANCE NO 184/2004** AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #32; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #32. Are there any remarks under this Ordinance?... Very well, roll call vote please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #32 is adopted.

#32 ADOPTED AS ORDINANCE NO. 184/2004

#33 (3RD RDG) **ADOPTED AS ORDINANCE NO 185/2004** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE BIGLER 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 #33; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #33. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #33 is adopted.

#33 ADOPTED AS ORDINANCE NO. 185/2004**ORDINANCES AND FORMAL RESOLUTIONS – POSTPONED MATTER:**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for Postponed Matter. Ordinance #34 Member Casar?....

#34 (RECEIVED ALL 3 RDGS; POSTPONED FROM 9/13/04)

POSTPONED AGAIN TO 9/27/2004 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #34; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #34. Are there any remarks under this ordinance?

MEMBER CASAR: Mr. President, after, and I gave every Councilmember a fact sheet on this property at 501 Cherry Avenue and some of the questions that were asked for the last couple weeks have been answered but, all, but there's still some unanswered questions and/or information that we requested. So, after talking with Chief of Staff Concatto, he agrees that we should postpone this, agrees with myself that we should postpone this until September 27th, so, I do move; seconded

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance 34 until September 27th, the year 2004. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

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NO REMARKS

ORDINANCE POSTPONED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #34 is postponed until September 27th, the year 2004.#35 (RECEIVED ALL 3 RDGS; POSTPONED FROM 8/23&9/13/04)

ADOPTED AS ORDINANCE NO. 186/2004 AN ORDINANCE AUTHORIZING MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN INTERIM AGREEMENT WITH THE U. S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT TO PARTICIPATE IN THE FAIR HOUSING ASSISTANCE PROGRAM; ESTABLISHING THE 2215 FAIR HOUSING ASSISTANCE PROGRAM FUND; AMENDING APPROPRIATION O.1/2004 AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #35; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #35. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #35 is adopted.

#35 ADOPTED AS ORDINANCE NO. 186/2004**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfares will meet at 6:15 on the, September 27th.MEMBER MALLONN: Mr. President, Environmental and Public Utilities will meet September 27th at 6:30.

MEMBER PRATER: Mr. President, Annexation Committee will meet 9/27/04 at 6:15.

MEMBER CARBENIA: Mr. President, Community and Economic Development will meet the same time, 6:15, 9/27/04.

MEMBER BERNABEI: Mr. President, the Judiciary Committee will meet at 6:00 on 9/27.

MEMBER HAWK: Mr. President, the Finance Committee will meet at 6:00 on 9/27.

PRESIDENT DENCZAK: Any other Committees?... Who is Chairing Intergovernmental and Public Service?

MEMBER DIAMOND: Mr. President, my Committee will also meet on that day at that time. Thank you.

MINUTES OF THE MEETING OF SEPTEMBER 20, 2004**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT DENCZAK: Public Speaks, Open Forum, we have 5 people signed up to speak. The first speaker is Joel Scott.

MR. SCOTT: Hi. My name is Joel Scott. I work for.... My address is 8855 Louisville Street, Louisville Ohio. I work for Collins and Aikman. In 2002 you gave them a tax abatement. This is kind of addressed to the Mayor and her staff. The company's following up through with their promises with 92 jobs they promised to bring in. The layoffs keep coming, keep coming, and we got notice a couple weeks ago that they're sending about 60 to 70 jobs down to Homesville. Their tax abatement, I don't think they're keeping their promise. Just wondering if you could do further investigation and see where we're at.

MEMBER CARBENIA: Mr. President, yes, later on I was going to ask to have the Economic Development Department or maybe Manuel Patterson to investigate this because under the agreement, it does state that they're going to have these jobs and they've received tax abatement, personal and property tax. So, I wanna look into that because they're not doing what they're supposed to and we want, we want to try to help these young workers that are in our town and we want to try to keep them here.

MAYOR CREIGHTON: Mr. President, thank you. I will address this through Community Development. I would just remind everyone that tax abatement agreements are reviewed at the, usually, in March of the next year because the Department of Development requires them to file a report on December the 31st and we normally just don't go in and grab an abatement out from underneath from someone, but I will be happy to get an explanation and report back to you.

MR. SCOTT: Thank you.

PRESIDENT DENCZAK: The next speaker is David Stewart. (*Mr. Stewart declined to speak.*) The next speaker is Ruby Brogdon.

MRS. BROGDON: My name is Ruby Brogdon. I live at 1617 3rd Street NE. I am complaining about 2 houses that's grewed up. One's in front of me with a big bag of garbage in the front. It is 1620 is one and 1521 is the other one. And, on Riverside Drive, we have to walk in the street on the opposite side of the wall. A tree is grewed out. I almost got hit by a big truck that couldn't see me when I stepped out. The next complaint is on Riverside Drive, around the creek, that needs cleaned out. We had, a few years ago, it's been a long time, someone murdered a young lady and threw her over in there. So, some of you might not remember, and I would like to see that this house, these houses are cleaned up. One is right in front of me. The other one is on the opposite side down in front of me and that's all I have to say.

MAYOR CREIGHTON: Mr. President, Mrs. Brogdon....

PRESIDENT DENCZAK: Mrs. Brogdon, over here. The Mayor.

MAYOR CREIGHTON: Hi.

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MRS. BROGDON: Hi.

MAYOR CREIGHTON: Question, 1620 and 1521 3rd Street NE, tell me about those houses, is it just garbage out front or are the houses in ill-repair?

MRS. BROGDON: When I, I haven't been back in Canton but 2 weeks. I went and registered to vote. I used to speak up here. Mr. Denczak has been here longer than I have and Mrs. Babcock. *(laughter)* Mr. Bernabei they have already heard from me, so...*(audience laughter)*

PRESIDENT DENCZAK: *(inaudible)*

MRS. BROGDON: I'm back at my same habit, complaining. So, 16, ah, it look like they deserted. They cut it real nice at 1521. It look like they deserted this house, it got trees in the yard and everything. In front of me, this young man, he kept this nice, but now it's growed up and a big bag of garbage, it look like garbage in the front and it look like, I don't know what happened to him, he used to keep it real nice. When no one was living in the house, he would come and cut the grass. Nothing done and it's in front of me.

MEMBER ZACHARY: Mr. President, if I could just address Mrs. Bogdon.

MRS. BROGDON: Pardon?

MEMBER ZACHARY: I'm sorry, if I could just address you, Mrs. Brodgon. I did try to return your phone call but you gave me a work number and, unfortunately, the answering service wouldn't let me leave a message with them.

MS. BROGDON: Yeah, sometimes they gets nasty that answering service.....

MEMBER ZACHARY: I would be more than happy to sit down and meet with you.

MS. BROGDON: They only comes on....they, they only on from 10 to 5, but I do have, I have a personal number in my apartment.

MEMBER ZACHARY: Okay. Okay. If you would give me that number, I would be more than happy to sit down and meet with you.

MS. BROGDON: Yeah, I will give you my personal number.

MEMBER ZACHARY: I do keep a copy of all the properties that have been turned in. It could be that those properties are already on the list and we'll see where they are in the process. If not, we'll get them turned in and taken care of.

MS. BROGDON: But I don't care what. All I want is it cleaned up. Cleaned up.

MEMBER ZACHARY: Yes ma'am.

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MS. BROGDON: And I've already reported it to the Health Department today about the dogs and smellin'.

PRESIDENT DENCZAK: The next speaker is Bill Aston.

MR. ASTON: Hello. I am Bill Aston, 1924 Dennison NW, Mt. Vernon Neighborhood. You don't have to move to live in a better neighborhood. I want to congratulate the City, Mayor Creighton and everyone else that was involved in hiring our new Economic Development Director, Margy Poorman. Along with that, I want to talk about the development of some businesses. In our neighborhood, along Cleveland Avenue between 38th Street and Route 62, there is many, many businesses. Obviously, it's a very business-oriented area. There's almost any kind of fast food franchise you can think of, some are local ones, there are several family-owned, locally-owned restaurants there. There's a number of other businesses, automobile businesses along that area. There's doctors, lawyers, veterinarians, a great, a great amount of businesses along that area. There's also others that are less desirable, at least in my mind. There's at least 2 businesses that um, the quick cash places. I don't really find those that desirable and I kind of see them as preying on people that, that need the money and it just kind of gets them deeper into debt. Also, there's a number of car lots there, some of them not as great as others may be. But, coming closer to my point, we do have several empty businesses in that area, one or two are for sale, a couple others have been empty for a long time and if, if we all remember two and a half years ago, what happened with an empty business in our neighborhood. Shame on us all. But, as I move forward with this, and back to the new Economic Director, I hope that she assumes her duties and gets assimilated in our, in our City, that she not forget our outlying neighborhoods and that as these businesses would leave, that there would be plans working with other people who want to come in, more family-oriented businesses that would take over. Again, like I said, we have several businesses empty in our neighborhood right now. And, again, I'll just conclude. We can all live together in a better neighborhood and Canton could be that better neighborhood for all of us. Thank you for your time.

PRESIDENT DENCZAK: The next speaker is Greg Roach.

MR. ROACH: My name is Greg Roach. My address is 2107 37th Street NW. I'm also from that Mt. Vernon neighborhood and, I have a little different point of view than what Mr. Aston does. I'm, I'd like to address you about a persistent zoning violator in our neighborhood. The zoning law calls for a commercial business to have a buffer between the business and a residential neighborhood and there's a business on the corner of Mt. Vernon and Cleveland Avenue called XTC Video. Their back lot is zoned residential and, adjacent to another residential business. And in a *Repository* article dated September 14th a representative of the Law Director's office stated that this business must plant trees at the back of the lot, creating a buffer. Well, the back lot is zoned residential, and if that's the case, the only true buffer between the business and the residential area is the asphalt itself. I'm sure that the Zoning Department is aware of this. For some reason they cannot or will not enforce their own ordinances. Mayor Creighton is aware of this. If you, if you drive up Cleveland Avenue, there's other vacant buildings up there. There's a business located in the 3700 block of Cleveland Avenue that's been vacant for at least 2 years, and should be opened back up. Is the, is the City going to turn the same blind eye on this business that it already has on a persistent violator? And, if that is the case, um, we should, we should eliminate the Zoning Department if they're not willing to enforce their own ordinances, we should eliminate the Law Director's Office and their support services if they're going to continue to thumb their nose at the residents of the neighborhoods and, unless the Mayor steps up and exercises some kind of managerial authority over the whole situation, we should move to a Council-base, truly Council-based government, take the money we save from salaries and support services for some other, some other purposeful need and I'm here making a call, a call to action for City Council. It's a sad commentary on what's going on there, and, in my view it may be in the best interest of the City's residents for a

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number of the government representatives to get their resumes together and prepare to move back into the private sector. Thank you for your time.

PRESIDENT DENCZAK: Mayor, are you familiar on what's going on here?

LAW DIRECTOR MARTUCCIO: Mr. President, last week, Member Hart brought to my attention a letter that was offered by a resident of the Mt. Vernon Association, Mr. Kelleher, some 3 months ago. My understanding is that he has since moved to another state, but, I said I would check the allegations in the letter, and I have. We had the one and only Zoning Inspector that we have re-visit XTC. We reviewed the letters in our file. We have sent lawyers, letters to the lawyer representing XTC, letting them know that they have been in, have not been in compliance with certain zoning regulations such as striping in their paved parking lot, handicapped spaces, the buffer space you mentioned, the greenery. They have come into compliance with some of it. Some of the striping, the handicapped spaces and so on, they have not come into compliance with the greenspace and we are going to pursue that, as a zoning violation that we have brought to their attention. There are others in the area that Mr. Aston and you have discussed that have come to our attention. Unfortunately, with only one Zoning Inspector and part of a part-time lawyer devoted to zoning, as these things are brought to our attention, then we can pursue them a little more vigorously. With regard to the other comments, I would invite you, Mr. Roach to make an appointment to come and meet with me, to come and talk about the amount of time that the Law Department has spent on that particular area, that particular business and some of the other things we do, so that you can understand a little better what we're involved in. We spent a great deal of Law Department time and a great deal of City money on expert consultants in the form of David Langdon to address certain issues that came up a couple of years ago and last year. Part of what you mentioned is in litigation, specifically part of a lot being zoned residential. We are being sued, obviously, by the association along with the business, in the dispute over part of that parking lot, so I really can't comment on the merits of that, other than to say that it will be fully addressed by the Court, along with any nuisance value the business may have been, have brought to the neighborhood. But, again, we are renewing our efforts to look at those zoning regulations and I do invite you afterwards, or to give me a call and come up and meet with me and we can talk a little bit more about what we've done or haven't done in your eyes with regards to that particular place, or your neighborhood.

PRESIDENT DENCZAK: That ends the Public Speaks portion. Member Mallonn?....

MEMBER MALLONN: Yes, Mr. President, I would like to call a Parks and Recreation Committee meeting on September 27th at 6:45 in regards to communication number 508. Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: Public Speaks, we're now under Public Speaks. I'm sorry. There's writing here I can't even read it. Miscellaneous Business, I'm sorry. Before we go into Miscellaneous Business, Members of Council, I have an announcement to make. I have some good news and I have some bad news. The good news is there was twins born in Columbus, Ohio, and that's the bad news. The good news is they were born to the daughter of Rita and Don Casar here in Canton. Those 2 kids should have been born here in Canton because I understand they're both Democrats (*laughter*) and we need more Democrats in Canton. One of them, when they grow up, they may get a chance to ring the bell in the Stock Market. (*laughter*)

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MEMBER CASAR: Mr. President, no, you said there were, you, Mr. President you said they were Democrats, I don't think so.

PRESIDENT DENCZAK: What?

MEMBER CASAR: You said they were Democrats, I don't think they'll get to ring the bell.

PRESIDENT DENCZAK: Oh, (*laughter*) that's true, that's true.

MAYOR CREIGHTON: I thought maybe there was somebody smart in your family?

MEMBER CASAR: All right, she just crossed the line.

PRESIDENT DENCZAK: Aren't they born to Don's daughter and son-in-law?... The children's names are Lisa and Luke and we wish them luck in their newborn children and when you bring them to Canton, bring them to a Council meeting so they can meet the Chair. I'll make sure they're Democrats. Okay, is there any other Miscellaneous Business?

MEMBER DOUGHERTY: Mr. President, yeah, I just want to give out some thanks for Saturday. We had our annual picnic which was a great success. Over 300 people attended. We nearly ran out of food. That would be 400 hamburgs, 300 hot dogs in 2 hours so, as you were talking about Don, there's a lot of people who were busy and couldn't make it and I appreciate everyone's donations. Mary, thanks for handing those fliers out for me again and getting the word out. We sent out 3,000 fliers so that people would get notified. Member Hawk, thank you for coming in the morning and then, I believe you did some volunteer work with Habitat later on in the day. Mayor, thanks for stopping by. Joe, thank you for stopping by and making sure things were going okay. RA, I'm going to need you to cook again next year because we have to teach Member Hart how to get that done right, okay?, so, it's your job and he said he tried really hard and did a good job but, we gotta work with him a little bit, okay? I appreciate Richard, what you did too and Rosemary did the Heart Walk in the morning and then we put her to work when she came down there so, I think she was pretty tired by the end of the day. Thanks to the staff for their help and everything they did and all the donations. Member Schirack donated and I appreciate it. You gotta realize too that there's a lot of people that helped out, you got Chips Enterprises giving donations, I just want to run this down. I haven't done this kind of thing in the past. This is our 12th year that we've done this. Hostess, Wonder Hostess donated, McDonalds of course, Mary Ann Donuts, Fisher Foods, Nickles Bakery, Canton Chair, Keep Canton Clean, Family Time Entertainment--they donate their time when they come and give that 2 hours of entertainment, so, they do an excellent job and I really appreciate what they do there. McKinley Grand, Marriott, also, let us use their refrigerator so things wouldn't spoil on us while we were working. The Health Department too, are one of the bigger departments that really donate groceries. We had 50 bags of groceries and stuff that we could get out so, we did that also. It was a good success. Thank you very much.

MAYOR CREIGHTON: I appreciate Dave's remarks but I think that the audience and the public should know that this is really a project that Dave Dougherty started. And, not only was Dave there but his entire family, and that speaks volumes of the family unit that they have that they gave of their time and I understand that some people could not be there because of other responsibilities but, it's really kind of Dave to take his time and, and organizational skills so on behalf of the entire City, Dave, and I know that everybody that helped, we really appreciate what you've done and what you'll

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continue to do through the years. Thank you very much. (*APPLAUSE*)

PRESIDENT DENCZAK: Member Dougherty, did you pick up all the trash after the, because I don't want to read in the paper again where the Mayor's cleaning up trash downtown. (*laughter*) Is there any other miscellaneous business?...

MEMBER HART: Yeah, Mr. President, again, I want to thank Dave and his family because, you know, they've been there and I watched those kids grow up. Especially Dave. Also in terms of entertainment, I guess you haven't lived until you've been there and you've watched Dave do the 'macarana' and some of his other dances, and I did hear many comments that those were the finest burned hamburgers and hotdogs that some of those folks every had the opportunity to eat, so I will try to get a little better at cooking. But, I was asked to read the letter that I passed out to Councilmembers last week and to the Law Director and so, if you'll just give me your indulgence for a few minutes. It says: I ask that you read this letter into record at a term, near term meeting of City Council regarding zoning issues on Cleveland Avenue North, most especially in the Mt. Vernon Neighborhood. Re: The Adult Book Store at the corner of Mt. Vernon and Cleveland. All those zoning issues exist beyond this establishment. You and I have conducted several discussions concerning zoning problems in this area and I addressed these issues before Council and Public Speaks at its meetings on November 25, 2002 and I presume they are a matter of record. For now, I would like to advise you of the following. My wife has been in contact with the City's Zoning Inspector. The Inspector assured her that the proprietor of the identified adult business at the corner of Cleveland Avenue North and Mt. Vernon duly has been notified, in writing, of his zoning violations. Chapter 1161 of the City's Ordinance specifically states the procedures to be followed including enforcement. Without delving into the procedures, this establishment failed to follow in requesting waivers, variances, etc. The fact that the Zoning Inspector notified the owner that he was in violation invoked Section 1161.99, penalty, of the City's Ordinance regarding zoning which reads as follows: Any person who violates a zoning ordinance or fails to comply with any of its requirements, shall be fined not more than \$500 and in addition, pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner of tenant of any building, structure, premises or part thereof, and any architect, builder, contractor....

PRESIDENT DENCZAK: Member Hart, how much longer is this letter?

MEMBER HART: Just, probably another 30 seconds.agent, or persons who commits, participates in or assists, maintains. It says, it sounds to me that a whole cast of characters involved in this project including owner, architect, builder, contractor, agent each should be subject to a \$4,500 monthly fine for non-compliance. It says in closing, I presume that the Law Director's advice is to do nothing unilaterally in allowing the pending law suit to run its course. It says, sorry, Mr. Hart, to me, this is gutless government, too much of which the citizens of Canton have been receiving since we moved here in 1978.

PRESIDENT DENCZAK: Who signed it?

MEMBER HART: This is John Kelleher. He lived at 1820 Mt. Vernon NW before he just recently moved. There's a ..

LAW DIRECTOR MARTUCCIO: Mr. President, I think you'll understand the comments I made last week now that

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they're in context. Let me repeat, I believe I have been called a 'girlie man' without the benefit of an Austrian accent and I mentioned that, it's also flattering to be called gutless when I have one of the biggest bellies I've sported in my entire life. (*Laughter*) I think it's gutless and irresponsible of an elected official who's sworn to uphold the laws of the State of Ohio and Codified Ordinances of Canton and Federal law, to come out blasting like a terminator and put the City's finances at risk. There's certain things that we've had to pursue and we have. There's certain things that we've had to develop, and we have at great time and expense. There are some things that are better left, right now, in the court system, where they are, to be decided by a Judge and/or jury and the Courts of Appeals where it will undoubtedly go, given the nature of the people who are involved in this case and the monies involved. Again, to repeat, we have one and only one Zoning Inspector, and while this neighborhood feels rightfully like their child has been severely injured, we, have to do a form of triage where we get so many zoning complaints and so many allegations of harm around the City, that we have to tend to those which are the worst, in terms of hurting the most people, in terms of facing the most litigation, costing the most money of all of the tax-paying public residents. That will all come out, I assume. And again, I repeat, those issues which have been brought to my attention that are in violation and have not been cured through the attorney and the business, will be taken up again and we will follow them as they are back in our attention. Some are complied with and some weren't.

MEMBER CASAR: Mr. President, I'd like to ask Member Hart two questions. Member Hart, was there a purpose of reading that letter, number one, and what did it really accomplish?

MEMBER HART: I was asked by the residents I try to represent to read the letter.

MEMBER CASAR: I really feel that a copy to all Councilmembers would have sufficed, especially when you're talking about things that are already in litigation.

MEMBER HART: Again, I'm following up on a request that was made to me by my constituency.

MEMBER CASAR: Member....Mr. President, it's just my opinion.

CHIEF OF STAFF CONCATTO: Mr. President, just one quick comment since I've been involved with this issue prior to this Administration and during this Administration. A lot of people, when you're in a position to make a decision, there are a lot of people that may not agree with your decision. We understand that. When we look at this store, this XTC, the video store and all the things that are associated with it, just because we only had one Zoning Inspector does not mean that we did not spend, or that we did spend many, many hours discussing this issue. It was not something that we blindfolded ourselves with. It's something that we looked at, not only from a standard of the neighborhood, but as a City as a whole. These decisions that we made were not made in a vacuum. They were made with a lot of discussion between the Administration, with the Law Department, with Council members, and they were decisions that we felt we had to come to. You may not like the decision, but let me give you this, a lot of effort was put into making those decisions to protect our City and that's how those decisions were arrived.

MEMBER CARBENIA: Mr. President, on this Collins and Aikman, I'm glad the Mayor says that she's in agreement with me to investigate them, but, the only thing I'd like to make clear that the, under this contract, we have a right to re-negotiate or take this away as a Committee of Tax Review Committee and the Tax Review Committee meets in February or March and they, they talk on the subject and investigate these things, but we can, that as a minimum meeting of one meeting a year, we can call other meetings and at those meetings we can take action and I think, I think we're on the same

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Board. So, thank you, Mayor.

MEMBER DIAMOND: Mr. President, Member Casar indicated on the postponed matter, the property on Cherry, that he distributed a fact sheet to all the Councilmembers. Neither Member Hart nor myself received those. Were those distributed in your Caucus only, and if so, can we get a copy?

MEMBER CASAR: Mr. President, I'm sorry that I omitted the 2 Republicans but, Member Concatto, I mean Member Carbenia also said he didn't get one. So, I'll make sure they get a copy. I passed them out in...

PRESIDENT DENCZAK: You'll make sure she gets it? Hart, did you get a copy?

MEMBER CASAR: Mr. President, they weren't there when I passed them out.

PRESIDENT DENCZAK: Okay. Is there any other miscellaneous business?

MEMBER CASAR: Mr. President, I move we adjourn; seconded. Can't....

PRESIDENT DENCZAK: One moment. One moment. I want to notify you, Member Casar. Your estimated adjournment time, you move at this time....

MEMBER CASAR: Mr. President, that's because Hart read that 5-minute letter..

PRESIDENT DENCZAK: Member Casar, the Chair will recognize your motion.

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:32 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

