

**MINUTES OF THE MEETING OF MARCH 21, 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, March 21, 2005, at 7:30 P.M. in the Canton City Council Chamber. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Ward 3 Councilmember James E. Griffin followed by the Pledge of Allegiance led by President of Council Denczak.*

***ROLL CALL TAKEN BY CLERK OF COUNCIL VANCKUNAS:***

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

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Griffin. Agenda corrections, Members of Council, you're being asked to suspend Rule 24B to add Resolution 39. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Resolution #39 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that you suspend Rule 24B. Are there any remarks...? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #39 is a legal part of your agenda. You're being asked to suspend Rule 22A to add Communication 182 from Member Bernabei and Communication #183 from Member West. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances...Communications #182 and 183 to this evening's Agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution...or...suspend Rule 22A to add Communication or Resolution 182....Communications 182 and 183 to the agenda. Are there any remarks...? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Communications 182 and 183 are a legal part of your agenda. You're being asked to suspend Rule 22A to add Ordinances 11 and 12 to the agenda. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 11 and 12 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that you suspend Rule 22A to add Ordinances 11 and 12 to the

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agenda. Are there any remarks...? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances 11 and 12 are a legal part of your agenda.

**PUBLIC HEARINGS****7:30PM PUBLIC HEARING RE: PLEASANT VIEW ANNEXATION**

PRESIDENT DENCZAK: Members of Council, we have three scheduled public hearings this evening. The Chair opens the Public Hearing in regards to the matter of the annexation of approximately 42.3072 acres known as the Pleasant View/Eastridge Annexation area; assigning same to Ward 6 and zoning said territory as B-3 General Business District. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this annexation, please come forward...? Is there anyone in the audience wishing to speak for or against this annexation, please come forward...? Is there anyone in the audience wishing to speak for or against this annexation, 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.

**7:31PM PUBLIC HEARING RE: MALONE COLLEGE ZONE CHANGE**

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:31. The Chair opens the public hearing in regards to a request by Malone College to rezone 515 25<sup>th</sup> Street NW from PR-1 to PB-4 to allow a new electronic message center to promote school and community activities. The planning Commission recommends denial. Is there anyone in the audience wishing to speak for or against this zoning, please come forward...?

MR. FRANTA: Hello. My name is Timothy Franta. I live at 4307 2<sup>nd</sup> Street and I'm the President of Canton Sign Company. I'm also here representing Malone College and ....thank you (*Referred to someone turning on the microphone for him*). Usually I don't need a microphone. The new sign, we're asking to rezone a small section of the property on Rt. 62 so they can put a new, modern, electronic message center, very similar to the one that was allowed to be put up across Rt. 62 for the Church of the Nazarene, and, if anybody has any questions about it, I, I think I gave everybody a drawing....about the sign or anything regarding it. The only type of messages that are, that are going to be putting on it are public service announcements and the things regarding a school scheduling and what. (*Speaker returns to audience*)

PRESIDENT DENCZAK: Is there anyone in the audience wishing to speak for or against this annexation, please come forward...? Is there anyone in the audience wishing to speak for or against this annexation, please come forward...? Is there anyone in the audience wishing to speak for or against this annexation, please come forward...? Apparently not, the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening.

**7:32PM PUBLIC HEARING RE: VIENNA WOODS ZONE CHANGE**

PRESIDENT DENCZAK: We have a 7:32 pm request for zoning change. The Chair opens this public hearing in regards to a request by Hettler-Largent Engineering Company for Vienna Woods Phase II to rezone lot 42388 on Danube Way SW from R-1A to PB-3 to permit construction of a maintenance building, neighborhood center and playground area for the allotment. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this annexation, please come forward...? Is there anyone in the audience wishing to speak for or against this annexation, please come forward...? Is there anyone in the audience wishing to speak for or against this annexation, 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

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follow later this evening.

**PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):**

PRESIDENT DENCZAK: Public Speaks, Ordinances and Resolutions for Adoption. We have several speakers signed up for this evening. The first speaker is Jim Stevenson.

MR, STEVENSON: How do you do? I just wanna make available the knowledge that I've recently completed....

PRESIDENT DENCZAK: State your name and address please.

MR. STEVENSON: I'm sorry. Jim Stevenson, President of Stevenson's Building and Development, 3217 Malvern Court NW, Canton....

PRESIDENT DENCZAK: Go ahead.

MR. STEVENSON: I recently completed a subdivision and in the subdivision we used homes that have approximately the value and size that are in question in this project. It was brought to my attention that these lands and figures are not available. I'm making them available to everyone that would be interested. That's all. They are available. Thank you.

PRESIDENT DENCZAK: Thank you. The next speaker is John Bejcek. Is that correct?

MR. BEJCEK: I'm John Bejcek, 14580 Rickel Road. Mayor, Members of Council, I'll be speaking tonight on behalf of the members and affiliates of the East Central Ohio Building and Construction Trades Council and I'm honored to speak before you tonight. I'd like to address Councilman Hawk, that you were recently quoted in the newspaper saying that this has been a long process with a lot questions. Well, the questions were good and it's just time to bring it to a vote and go forward, I believe, in reference to the Summit School, ah, the Summit Redevelopment Project. Let me caution Council that this decision that you're going to make tonight, if cast with haste, can set this city back a small fortune. This vote tonight carries an enormous amount of risk with little or no reward. I would ask tonight that if all your questions have not been answered, that you abstain from voting just to go forward. A hasty decision is not a fiscally responsible decision, an irresponsible decision that can render political ramifications. Why do you think so much scrutiny has been cast upon this project? It's because you're about to grant or give away tax payers dollars with no guarantee as to the return on the investment. I believe that this proposal is just a tip of the iceberg when it comes to unscrupulous developers with outstretched palms. Your approval tonight will open the floodgates. Unless you hold these developers and the contractors they hire accountable, the only way you will do this is to approach this project like you would do any other, approach any other city project that has taxpayers' dollars at stake. Design this agreement with the city and its citizens and taxpayers and voters in mind. Make provisions in this agreement to define the percentage of local work force that is to be utilized on this project. Make sure that workers are properly classified, W-2 employees so that the city can receive the income taxes that it's due. Implement responsible contracting language in this agreement. The members I represent here tonight live, work, pay taxes and vote in Canton. We want nothing more than to see this city and its redevelopments efforts succeed. You have the power to make it happen. Thank you. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: The next speaker is Darlene Leghart.

MS. LEGHART: Good evening. My name is Darlene Leghart, and I live at....

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MEMBER CASAR: Mr. President....

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: ....a point of information, order. I believe that she spoke last week and it's in, our Rules state that other speakers should come forward first.

PRESIDENT DENCZAK: Yes, you're right Member Casar. She did speak at the last meeting of Council. Ma'am, I'll have to recognize all the other speakers and recognize you last.

MS. LEGHART: Okay, that's fine. Thank you.

PRESIDENT DENCZAK: The next speaker is Tom Ascani

MR. ASCANI: My name's Tom Ascani. I reside at 230 38<sup>th</sup> Street NW, City of Canton. Mayor, Members of Council, I'm here to talk about one specific phase of the Summit Project, and that's your selection of financing this project. You are indicating to me and everybody else that the monies will come from the Capital Improvement account. This account annually receives about 5 million dollars from the General Fund, 2.5 million dollars is already encumbered for debt retirement so that leaves 2.5 million dollars for the Capital Improvement expenditures for the entire City of Canton. To those that don't understand what Capital Improvements monies are used for, it's used for street improvements, sanitary sewer improvements, water line improvements, park department and all other sundry items or materials needed in the various departments in the city. The critical part is the replacement of vehicles—both Fire, Police and Street and Sewer. Not Sewer, Sewer's been put in another area, but the Street Department. Those expenditures of leaving only 2.5 million dollars for the entire Capital Improvements for the City of Canton is minuscule. The City's street program today, and nothing against this Administration, but the past Administration, they are allocating approximately a million dollars to do resurfacing of the streets in their annual budget. That does not even begin to meet the demands and needs of the various Council people from their wards as to have their street improvements completed. Each individual Councilperson here should understand, when you allocate this amount of money from Capital Improvements, you are denying yourself the opportunity to have money available to meet your constituency's requirements for street improvements in their neighborhoods, and you represent those neighborhoods. So, let's be serious about how we're going to finance this project. I'm also concerned about the ability or the lack of ability of people putting a restriction on the amount of money that we're going to give to this project. I would like to see an additional amendment of Mr. Bernabei's or some language that would not extend any more financial responsibility to the City of Canton for the continuation of the improvements in this project, and last week, there was a gentleman here that spoke in favor of it and he indicated, and I think the records will show, that he said that he will be coming back to the City of Canton for lighting improvements, for street improvements, for sidewalk improvements, for landscape improvements and I would like to know where that money's gonna come from. If it's coming from Capital Improvements, then you should ask those questions and you should reassure yourself that you're not spending that money to enhance this project at the expense of the people in your Wards. So, my closing comments are you have a civic responsibility to the entire city, you have a moral responsibility to do what's right for the people in your constituency and I can only say two things tonight; one, is the Council-at-Large Members of this body are representing the entire city when Member Bernabei and Member Casar are telling me that they're concerned about the entire city and not one isolated incident of improvement in the City of Canton. I, I suggest you look at Habitat For Humanity; they are a non-profit organization, they have done an excellent job in rehabbing neighborhoods and I ask you to look at the 5<sup>th</sup> and 6<sup>th</sup> Street from Cherry to Riverside, the improvements of Habitat from the Humanity homes that have been built there, probably 25 to 30 in the last two years, and those neighborhoods are coming back. The Washington School.....

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PRESIDENT DENCZAK: Mr. Ascani, Mr. Ascani, your three minutes are up here. Bring your remarks to a close.

MR. ASCANI: Fine. Thank you. Thank you. The Washington School Rehab area is a vital neighborhood now and the home improvements there are showing the signs of what Habitat For Humanity has done there and all we have to do is look to them to give us assistance in this project. Thank you. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: The next speaker is David DeCharia.

MR. DeCHARIA: I'm Dave DeCharia. I live at 233 Bellflower Avenue NW. I am the co-owner of 3DM Properties Incorporated. We are members of the DBD. We work in several areas of the city but mostly concentrate on the Summit area. We have rehabed 6 single family homes for re-sale and have purchased and rehabed 8 rental buildings with a total of 18 units. Now this may seem small to some, but for me it is big. I left my job at Doctor's Hospital after 15 years and 4 weeks paid vacation with full benefits to start our business. My business partner is an electrical engineer with a master's degree in business and he did the same thing. He left his job to join me as a real estate investor. Perhaps there is no one else here so far, who has invested more into the Summit neighborhood than myself and my business partner. I say this because a letter in the paper last week wondering if the Mayor or City Council would borrow against their own home to fund this project. I have already done that. I have put my own home at risk by borrowing against it to have my starter money to begin investing in the housing in the City of Canton, particularly in the Summit area. We started our business with no help from the city and we went out on a limb all on our own. I have the vision to leave my job after 15 years and start out on my own to secure my own future. It's been a difficult struggle to start up a business from scratch and make a name for yourself. If I can have the vision then I would think that City Council should be able to also have the vision that building new housing in the core of the city will only benefit our city. Many people spoke here last week and a few of them mentioned that when new housing happens, other investors and rehabers will be interested and jump on the band wagon. Well, 3DM Properties is already on the band wagon and has been for several years. What we have done is not huge but what we have done has helped and every little bit helps. Having new housing built can only help the goal of cleaning up the Summit Neighborhood. I adore Steve Coon for his investment in the downtown area. I can only hope some day we are as well known and can have as much of an impact in the Summit neighborhood as he is having today, downtown. However, the only problem with our shiny new downtown is what good is it if it is surrounded by slum neighborhoods. 3DM Properties would like to see new housing blend in with new rehab housing and our well-kept rental units in the Summit neighborhood. Thank you. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: The Chair is checking over some of these people who spoke last week so we can make sure that I recognize them last. I think I've got them all now. The next speaker is Shawn O'Brien.

MR. O'BRIEN: Good evening. Shawn O'Brien. I live at 1460 Hillbrook, North Canton. I happen to be one of those developers. I hope that you don't feel that I am an unscrupulous developer. I'd like to think that what we have done is done and has been good for the City of Canton. What I want to do first off is I wanted to tell the Council that I do appreciate fiscal conservatism. As a taxpayer, I do appreciate when the, when a Councilman is concerned about spending taxpayer's money and with that I wanted to make sure that I acknowledge that I appreciate that aspect, but, I think there comes a time where conservative financial conservatism gets in the way of vision. I'd like to think that I've had some vision along the way and I've done some things that this Council has seen that somebody really questioned along the way, and I want to draw some parallels between what I've done with my skate park and the Summit School Program or the Summit School building issue. When I first came to this Council, there were people that were concerned that they were spending too much, or that the City was at too much risk with the money that I was asking for the skate park. Well, 'ya know what, I've heard the

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same thing here, that it's too much money. I guess what I would come back and say is this. If not now, when? You need to have a beginning. There needs to be a time where vision comes about and trumps fiscal conservatism, and it's with that that I would ask this Council to approve one of the proposals tonight for the Summit School property. I, as a developer, would love to see new housing here in the City of Canton. I think you'll see me here in another month or so, hopefully with my own development on 44<sup>th</sup> Street and Cleveland Avenue. But, I would ask you to take a leap of faith, just like you did with my skate park. You took a leap of faith and I'm here to tell you that it's been a very successful venture of the skate park and therefore, please vote yes for tonight's reading. Thank you. (*AUDIENCE APPLAUSE*)

PRESIDENT DENCZAK: Mr. Ketler spoke last week. I'll have to recognize him last and Joe Race spoke last week. I'll have to recognize him last.

MEMBER CARBENIA: May I say something, Mr. President?

PRESIDENT DENCZAK: Member Carbenia.

MEMBER CARBENIA: Mr. O'Brien, you did come to the City and get some money through CCIC but he had some matching funds. I mean, he, he give his building to put this up, but he had some matching funds and I'd like to just let everybody know that he just didn't come and ask for the money.

PRESIDENT DENCZAK: Your point of clarification is recognized, Member Carbenia. The next speaker is Daniel Fonte.

MR. FONTE: My name is Dan Fonte and I reside at 4395 Ravenna Avenue SE, East Canton. Mr. President, Mayor and Members of Council, I come here, maybe at a different angle, than what everybody else is comin' at here. I'm comin' at here looking at this as I'm gonna be maybe a potential buyer of one of these homes, but all I know about these homes is what I read in the paper. So, it makes it hard for me to be wanna be a buyer of a home when I don't know all the particulars and I don't know, I was hopin' to come here tonight and maybe see something, but I haven't. All I know about it is that it's three bedrooms, 1300 square feet and the costs are gonna range from \$90,000 to \$120,000. Is that pretty much accurate of what I just said? Okay. Well, here's my questions to 'ya. Number 1, are these homes 2-story or are they 1-story ranch type? Number 2, how many bathrooms are in the homes? Number 3, do these have full basements or are they crawl space or are they slab homes? The interior now, are the floors hardwood, are they carpeted, are they vinyl, vinyl tile, or are they ceramic tile and which rooms have those? Are there garages? Are they attached 2-car garages, 1-car garages; are there paved driveways? In the exterior of the homes, are they masonry or are they sided, vinyl sided or is there a mix of both? What's the floor plan look like? I was hopin' to come here and see an artist's rendition or a floor plan or something here so I can see if this is what I would be interested in, but, I don't see none of that. Are there different floors plans? 'Ya know, and I know I'm askin' ya questions and I'm hopin' for some answers because I want to be a potential buyer. Now the lots. What's the size of the lot and are they fully landscaped, and what's the square foot costs gone be? I heard 90,000 and 120,000 but I don't know the square footage costs and I'd be interested in that. And then, finally, is there some kind of estimate what the monthly payments might be if you bought one of these homes and you had 20% down or 30% down? Is there some kind of a range for people to understand that or, and I guess, that's all, so... Those are my questions. I'm an interested buyer but, I can't get no answers. It seems like when I talk to somebody they say well, I really don't know the answers. So, I come here tonight hopin' for some answers. I was actually hopin' to see something, but I haven't seen nothin' so, I thank you very much for your time and hopefully I'll get some answers tonight.

MEMBER CARBENIA: Mr. President, I'd just like to tell Mr. Fonte that those are the same questions that I

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asked and I had gotten no information other than what you have read in the paper. The questions I've asked on those, let's see the plans, how much it would cost, never came. Never gave it to us.

PRESIDENT DENCZAK: The next speaker is Gene Barnhart.

MR. BARNHART: Mr. President, Mayor Creighton, Members of Council. My name is Gene Barnhart. My residence is 2805 Coventry Lane NW. That is in Jackson Township as many of you are aware. For almost 50 years before my semi-retirement, I was a lawyer practicing in downtown Canton. In addition, my wife and I own a property on Clarendon Avenue NW which is the home of our daughter and our two twin grandsons who are students at Raff. So, I have, as a former citizen of Canton and as the owner of property in Canton, an interest in Canton. I'm also a preservationist. I think we'll all agree that Canton must address housing. Consequently, the Urban Housing Foundation is to be complimented for submitting a plan. However, I suggest alternatives should be considered. UHF proposal is really quite expensive and it will impact only a small area of the City. After the first 14 houses, will the city advance another million dollars to build 14 more? No builder can build without the subsidy. Everybody agrees to that. You're not going to have any builders coming in after those first 14 houses are built and build houses unless they receive the subsidy. They can't do it. It's not that they don't want to do it, they can't, economically. Moreover the site acquisition costs will certainly go up, not down because those who want to sell their property in the surrounding area, suddenly will be realizing, hey, I'm sitting on a gold mine. Additionally, I think it must be remembered that the Summit neighborhood has many buildings with 2, 3 or more apartments and that those apartments, generally, not always, but generally, are populated by a highly transient citizen. One of the most important stated goals of the project is to stimulate home improvement by surrounding neighbors. However, because so many buildings in that area are subdivided into 2, 3 or more rental units, will the new houses encourage the absentee owners of those apartment buildings to improve their properties? I would suggest they will not. Without regard to how you decide tonight, I think you have not considered some of the most important things that should be considered because they are happening within 60 miles of us. In Cleveland and in Cuyahoga County, there are two programs which have been extremely successful. They have been so successful that they have been acknowledged nationwide. They are low-interest loan programs. The older established by the Cleveland Restoration Society in 1992, has enabled hundreds of home owners to improve their homes. The second.....

PRESIDENT DENCZAK: Mr. Barnhart, your 3 minutes are up. Please bring your remarks to a close.

MR. BARNHART: All right sir. The second provides the similar loans. This is done by a reduction in the loan rate which is purchased by a deposit. I would suggest that Council consider very strongly using this million dollars or another million dollars to make that loan deposit with a bank. Key Bank does it in Cleveland and Cuyahoga County. They provide a rate that is roughly 2 to 3 percent below the market rate. There have been hundreds of homes that have been improved. It could be controlled by Council and it would, it would apply to most of the city. Thank you very much. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: The Chair will now revert back to the people that spoke previously. Darlene Leghart.

MS. LEGHART: Good evening. My name is Darlene Leghart and I live at 1333 Woodward Place NW, Canton. However, you know that I spend 99 percent of my time at 906 12<sup>th</sup> Street NW located in the Summit Neighborhood. Tonight I am here again, as a representative of Summit United Neighbors, to support the ordinances for the condos, even though you postponed it, and the market value housing on 10<sup>th</sup> and 11<sup>th</sup> Streets. I would like to share with you other support information that we have gathered regarding support of these ordinances. We have over 160 signatures from concerned adults, residents and stake holders that are in favor

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of the original ordinances regarding the Summit houses. We are in favor of the 10<sup>th</sup> and 11<sup>th</sup> Streets housing to be done as one package, not split. We have a dozen or more support letters from business owners located in and around the Summit neighborhood. All of them in favor of both of the ordinances. Many have made comments, though, however, like it's time to stop the Canton exodus and in life there are no guarantees so we understand the hesitation, but as someone once said, you can only coast downhill. We also have the support of over 260 children and staff who signed this banner from the Summit School. *(Someone in audience holds up a banner)* The children in the Summit neighborhood are very concerned about their neighborhood. We thank you in advance. We realize this is a difficult, very difficult decision to make, however, we thank you and hope for a favorable response. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: Will you bring them forward. Please make this a matter of record. *(MS. LEGHART SUBMITTED LETTERS OF SUPPORT ON FILE IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED MARCH 21, 2005)* The next speaker is Joe Race.

MR. RACE: Good evening, ladies and gentlemen. My name is Joe Race and I'm the Executive Director of the Building Industry Association of Stark County. I would just like to once more thank you all .....

PRESIDENT DENCZAK: State your address please.

MR. RACE: Oh sure, it's 2525 Glenmont Road NW in Canton, Ohio 44708. I'd like to thank you once more for the opportunity we've had to have dialogue with you in the past few years over this entire project. No matter how you feel about it, the only thing that I'd like to get across tonight is that we, we think it's a good idea to do something to invigorate the housing stock in the city and we think anything that does that is a good idea. We'd love to be with you at the table however it gets done to do it. In between last week and this week, we've heard many different scenarios of how this amendment and project agreement could be followed through tonight and we're not quite sure where it stands and what's going to happen. We've heard such things that the Monument Road site could be cut out and that the Summit site could be cut out. There's so many things going on, so many maneuvering behinds the scenes. I'd just like to state for the record that we still want to do both projects. We want to do the Monument Road Project as condominiums and we want to do the Summit School Project in its totality. Together, they're very progressive thinking and they reflect the housing trends that are going to be happening in the United States for years to come. However, if we have to lose one of them and Monument Road goes, we still would like to do Summit Road in its totality. I want to thank you once more for all you've been, as far as a help to us in trying to get something done. Good night. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: Your last speaker is Chris Ketler.

MR. KETLER: Hello, Members of Council. My name is Chris Ketler and I reside at 1302 9<sup>th</sup> Street NW. Yes, once again, I brought my family with me. *(AS HE LAYS THE PICTURES ON THE TABLE)*

PRESIDENT DENCZAK: Sir, since your last speech with those 2 kids, did you register them as Democrats as I asked to? *(AUDIENCE LAUGHTER)*

MR. KETLER: Well I think that the affiliation of the parties of my children is not really pertinent to the matter at this time...

PRESIDENT DENCZAK: It is, it is to me.

MR. KETLER: But it is something that I'll be strongly addressing as they mature. Okay?

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PRESIDENT DENCZAK: Okay. Go ahead.

MR. KETLER: I hope this doesn't take away from my 3 minutes either.

PRESIDENT DENCZAK: No it does not. I might, I might even give you an extra minute there.

MR. KETLER: I live at 1302 9<sup>th</sup> Street NW in the heart of the Summit neighborhood. I'm here again to represent my family and to show my support for the original issue, to build condos and the homes in the Summit neighborhood and I will continue to address both those issues. This proposal will benefit not only the city but also Stark County which is the fourth fastest growing county for new home construction in the country. Except new homes aren't being constructed in Canton. Think of the income tax generated by professional working middle class families, and multiply that by the possibility of 24 residences proposed to be built. What if the future leaders to come to our community as a direct result of this proposal. Leaders that will be the type of people who will take advantage of these homes and what if other taxes and fees generated by the city and the county, for example, license plate fees. What if new children who can attend our new school, what an opportunity to amend, what an opportunity new schools and new homes - you can't get that kind of incentive but once in a life time and that's now. These are great returns on investment that's already being spent because the homes are coming down in the city at a rapid pace with no plans to build on them other than Habitat Homes. Families cannot live on empty lots alone. The amended proposal, to me, does not seem to get as much done with the money granted as the original proposal. No bang for the buck. And the amended proposal works off of a "what if" principal of the homes moving, to continue the redevelopment effort. What we need now, Council, is a vision. A vision of greatness. An opportunity to bring the children of the city back home. A place where our children won't want to leave as soon as they're educated to do great things in someone else's home town. From talking with the BIA Home, the BIA...

PRESIDENT DENCZAK: Sir, how far are you going to go with that? *(THE ROOM FILED WITH LAUGHTER AS MR. KETLER REMOVED T-SHIRTS AS A VISUAL EFFECT IN SUPPORT OF THE ORDINANCE)*

MR. KETLER: Three minutes. In talking with the BIA, the homes are not to be Habitat Homes but rather, multi-level homes for families that will fit into our community by design and compliment the neighborhoods. These homes will be a foundation for growth throughout the city and for the condos, I want everyone, just for a moment, close your eyes and envision this picture—of condos with professional young couples looking out over our national treasure, the McKinley Monument, attending concerts in the park and other activities. As far as seniors, walking along, holding hands, *(REMOVED ANOTHER T-SHIRT - AUDIENCE LAUGHTER)*...and professional couples. They'll be the next generation of families that could purchase a home in our city, or, they could go somewhere else. The seniors would thank us for the opportunity to remember their city as it once was, and could be again. I support the condominiums as an important, critical part of this issue. It is the spark that is going to start the fire. This is important, folks, I hope we listen here. I had a little fun, I hope you did too. This is the spark that is gonna start the fire that could rage throughout every section of this city. Every good Boy Scout knows that you have to have a good spark to start a good fire. Councilmembers, I'm asking you tonight to create a spark. Just not a little spark, okay. For the sake of my family, create one heck of a spark. A spark that's going to light up the city, all right, and that's gonna create opportunities. Pass the issue...for the homes, for the condos in Summit neighborhood...tonight. One last time guys....bloom.....bloom where you're planted. Thank you very much. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: Well, we saved the best for the last, I guess. This is the Public Speaks under Ordinances and Resolutions for Adoptions.

**MINUTES OF THE MEETING OF MARCH 21, 2005****INFORMAL RESOLUTIONS**

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

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #38, 39, 40, & POSTPONED RESOLUTIONS #31 & 32 FROM 3/14/05 BY TITLE, AS SHOWN BELOW. RESOLUTION #31 WAS DEFEATED; ALL OTHERS WERE ADOPTED. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED MARCH 21, 2005.***

#38 CARBENIA, JOE, WARD 9 COUNCILMEMBER- CITY COUNCIL URGES CONGRESS TO OPPOSE ALL SOCIAL SECURITY PRIVATIZATION EFFORTS. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #38; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #38. Are there any remarks under this Resolution?

MEMBER CARBENIA: Mr. President, I'd like to have the Resolution read please.

READ BY CLERK OF COUNCIL VANCKUNAS: *RESPECTFULLY SUBMITTED BY WARD 9 COUNCILMEMBER JOE CARBENIA. Whereas, President Franklin D. Roosevelt, in the year 1934, signed Social Security into law enabling millions of hard working Americans to earn benefits by paying into a fund which would later be paid back to them upon retirement. In addition, because of the Social Security System, families of workers who tragically died young and people with disabilities were able to maintain a standard of living which otherwise may not have been available to them; and WHEREAS; Presently, Social Security is the main source of income for the nation's majority of retirees, disabled workers and their dependents, and survivors of deceased workers. In order to keep these Americans out of poverty, Social Security must be maintained and strengthened; and WHEREAS, Privatization of Social Security will only serve to diminish the quality of life for those Americans who depend on these benefits to survive. In order to pay for these "private accounts" cuts will be made in guaranteed benefits, money will be diverted from the Social Security Trust Fund, and the federal deficit will be increased, as well as the retirement age. NOW, THEREFORE, BE IT RESOLVED: That we the Members of the Council of the City of Canton, Ohio, do hereby publicly urge Congress to pursue bi-partisan efforts that will guarantee full benefits for all deserving Americans, to oppose all privatization efforts destined to destroy Social Security, and above all, respect the promise made to all American taxpayers that Social Security will be there for them and their families when they retire. After all, it is their money.*

PRESIDENT DENCZAK: Are there any further remarks...? If not, by voice vote, all those in favor signify by saying aye. Those opposed no. *(VOICE VOTE WAS NOT UNANIMOUS, THEREFORE PRESIDENT DENCZAK CALLED FOR A ROLL CALL VOTE)* Roll call vote, please.

NO FURTHER REMARKS

ROLL CALL: 10 YEAS, 2 NAYS  
(HART & DIAMOND VOTED NO)

PRESIDENT DENCZAK: That was a surprise. Resolution #38 is adopted. *(AUDIENCE APPLAUSE)*

#39 PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENT OF LISA SIMS TO THE

**MINUTES OF THE MEETING OF MARCH 21, 2005****CANTON CONSTRUCTION BOARD FILLING THE UNEXPIRED TERM OF MIKE KING THRU 12/31/06 - ADOPTED BY COUNCIL**

MEMBER CASAR: Mr. President, I move we adopt Resolution #39; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #39. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #39 ADOPTED BY VOICE VOTE

PRESIDENT DENCZAK: Very well, Resolution #39 is adopted.

#40 ZACHARY, KELLY, WARD 4 COUNCILMEMBER: REQUESTING PLACEMENT OF A STREET LIGHT IN THE 400 BLOCK OF LUCIDA AVENUE SE - ADOPTED BY COUNCIL, COPY TO SERVICE DIRECTOR & STREET LIGHT COMMITTEE)

MEMBER CASAR: Mr. President, I move we adopt Resolution #40; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #40. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #40 ADOPTED BY VOICE VOTE

PRESIDENT DENCZAK: Resolution #40 is adopted.

**INFORMAL RESOLUTIONS - POSTPONED MATTER:**

#31 **POSTPONED FROM 3/14/05** - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE: RECOMMENDING COUNCIL TAKE NO ACTION & ALLOW THE AUTOMATIC SEWER RATE INCREASE OF 3.3% TO TAKE EFFECT ON 7/1/2005. -- DEFEATED BY COUNCIL, COPY TO LAW DIR

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #31. Are there any remarks under this Resolution?

LAW DIRECTOR MARTUCCIO: Mr. President, pursuant to the request made of me earlier, I have reviewed both Resolutions 31 and 32. The Informal Resolution before you, #31, has a lot of boiler plate describing what I did earlier about the requirements about the Ordinance that was passed a few years ago. The bottom line is, that the Environmental and Public Utilities Committee did their mandatory review of the recommendation by the Service Director and they recommended, with the adoption of this Resolution, that Council take no action allowing, take no action, thus allowing the automatic sewer rate schedule increase of 3.3% to go into force and effect July 1, 2005. Here is my suggestion. Based on the recommendation, I would suggest that this take place in two parts. A yes vote means you agree with the Committee's recommendation and that no further action be taken, thus allowing the Consumer Price Index to automatically kick in and the rates to go up in July. A yes vote means the automatic CPI will kick in this July. If you vote no, that means you disagree with the recommendation. If more no votes occur than yes, then they'll ask someone to make a motion to request the Law

**MINUTES OF THE MEETING OF MARCH 21, 2005**

Director to prepare the necessary legislation to waive the modifications. So, again, a yes vote means no further action is necessary and the Consumer Price Index automatically kicks in for the Service Director's analysis.

PRESIDENT DENCZAK: Is that clear to Members of Council?... Are there any other remarks?...

MEMBER BERNABEI: Mr. President, may I inquire of the Administration-- Service Director or Mayor-- what is your recommendation with regard to this?

SERVICE DIRECTOR CONCATTO: Mr. President, our recommendation is that you allow the 3.3% increase to go into effect by doing no action, by taking no action, and if I may expand on that a little bit. First of all, the rates have not been raised since 2001 and what time, at which time they were raised 3.4%. I think it's important to note that, especially tonight, that these funds are not Capital Improvement Funds. We are not raising rates to increase or improve our Capital Improvement Funds. These funds go into enterprise funds that are separate from Capital and cannot be used for Capital. A couple weeks ago I had Tracy at a Committee meeting concerning these. Tracy Mills is Superintendent out at Water Pollution Control. Some of his reasoning, and I agreed to it as the Superintendent, he gave me these issues. #1, a review of the 5410 Sanitary Sewer Fund, in the case the cash balance to be nearly, down nearly \$700,000 over the last 13 months. WPCC has been advised by the Ohio Environmental Protection Agency that a new discharge permit is forthcoming. It is anticipated that the new permit will include several new requirements. One would be the development of a capacity management operation, the maintenance program, for operating sanitary sewer collection system, but more importantly, EPA is gonna require a phosphorus removal. The current facility is not designed to remove phosphorus and a major construction project will be necessary. It is anticipated that the construction for the phosphorus removal could be in the millions of dollars and upwards to 20 million dollars. Obviously, this small increase will not fund that and we would probably have to do some bond issue for it, but we feel that these are reason enough to ask for the 3.3%. The 3.3%, as you know, it was determined by the Consumer Index as the Ordinance states. It is, that's how we came to 3.3% and I'd just like to make one other statement. That is Council can do a number of things. They don't just have to waive this. They could increase it or they could decrease it. Right, Mr. Law Director? I mean, you don't, the issue is that you would make an amendment, the Ordinance states that you can make an amendment to do a number of things. Disagree with my recommendation and do nothing and not raise it. You could raise it more or you could pick your own number. I think you have, as Council, has the ability to do all those. Thank you.

MEMBER CASAR: Mr. President, I'd like to ask the Service Director a couple of questions if I may please.

PRESIDENT DENCZAK: Go ahead.

MEMBER CASAR: Service Director Concatto, this 3.3, approximately, what would it cost the sewer users in the City of Canton, an average of?

SERVICE DIRECTOR CONCATTO: Mr. President, the basic sewer rate is currently \$7.60. The increase would go to \$7.85 and that's a minimum based on 400 cubic feet. So, it's approximately 25, 25cents.

MEMBER CASAR: But what is this...what is it in reality, what the average home owner uses? I don't want to know the minimum, but do you have any average what that would cost per mi...to pay a little more? And then I wanna ask the question also, what will the 3.3 raise?

SERVICE DIRECTOR CONCATTO: I don't have the.....

**MINUTES OF THE MEETING OF MARCH 21, 2005**

MEMBER CASAR: Approximately. Approximately.

SERVICE DIRECTOR CONCATTO: I don't have the average. I can tell you that if you, I think the minimum, based on 400 cubic feet, and I really don't want to state, because I really don't know the average, if it's over 100 cubic feet, each additional 100 cubic feet, it goes from \$1.39 to \$1.44, which is 5 cents, for every 100 cubic feet. So, what was your second question?

MEMBER CASAR: I guess my que..., if you're asking for..to increase this 3.3, you must have some inclining, or some idea how much more is gonna come in to meet your needs and that's what I'm asking. Approximately, how much money would be comin' in with this 3.3 increase?

SERVICE DIRECTOR CONCATTO: I don't have that answer. I have the answer that, what the 3% per cubic, for the minimum based on 400 cubic feet. I don't have the answer on what that would bring in total.

PRESIDENT DENCZAK: Are there any other remarks?

MEMBER WEST: Does this have to be voted on tonight?

PRESIDENT DENCZAK: Member West....?

MEMBER WEST: Does this have to be voted on tonight?

PRESIDENT DENCZAK: Does this have to be voted on tonight?...

LAW DIRECTOR MARTUCCIO: Mr. President, pursuant to the Codified Ordinances which drive this annual approach, if Council does not take action by March 31<sup>st</sup>, that the 3.3% increase will automatically go into effect by July 1<sup>st</sup>. I believe we only have one more meeting before March 31<sup>st</sup>, that being Monday.

MEMBER DIAMOND: Mr. President, I understand the justification that Service Director Concatto stated both in our Committee meetings, previous and here, and I think that the question that Member Casar's asking, that would make sense to me also, if somebody is doing an objective evaluation of our funds and our expenses in a department to justify an increase or decrease, you would want to know how much money are we down? What do you anticipate our expenses to be, as opposed to what is the rate increase by virtue of a 3% increase. So, I guess I would want to know that information too. I understand the difference areas that you spoke of, but what does that equal out to and does this 3%, 3.5%, does that take into account what you need for the expenses? And, I would ask, since we do have another meeting, if we could get that information, and postpone this until next week.

SERVICE DIRECTOR CONCATTO: Mr. President, two weeks ago, I brought Tracy Mills to the Committee meetings of Council prepared to answer those questions because he's the Superintendent of WPCC where these sewer funds come into. I'm sure at that time he could have the answers. I did not bring him here this evening. I did not know these questions would be posed, would be asked. I know he has the answer. I'm sorry, I don't. I didn't know what questions would be asked. That's the best I could tell 'ya. I know that, that the Superintendent did his homework and I'm sure he, he could tell you that, but he's not here.

PRESIDENT DENCZAK: Any other remarks?... The question you're voting on now is Resolution #31. Roll call vote please.

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NO REMARKS

ROLL CALL VOTE: 0 YEAS, 12 NAYS

LAW DIRECTOR MARTUCCIO: Mr. President, I would request that, in light of the vote, that someone on Council move to request the Law Director to prepare an Ordinance to waive the automatic increase and I'll have it here next week.

MEMBER CASAR: Mr. President, I so move; seconded.

PRESIDENT DENCZAK: Moved and seconded to instruct the Law Director prepare an Ordinance. Are there any remarks?... If not, by voice vote all those in favor signify by saying aye. All those opposed no.

NO REMARKS ADOPTED BY VOICE VOTE FOR LAW DIRECTOR TO PREPARE ORDINANCE

PRESIDENT DENCZAK: Resolution 31 requires an Ordinance, which will appear next meeting.

LAW DIRECTOR MARTUCCIO: Yes.

#32 **POSTPONED FROM 3/14/05** ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE: RECOMMENDING AN ORDINANCE BE ADOPTED WHICH WOULD WAIVE THE AUTOMATIC SANITATION RATE INCREASE OF 3.3% WHICH WOULD TAKE EFFECT 7/1/2005. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #32. Are there any remarks under this Resolution?...

LAW DIRECTOR MARTUCCIO: Mr. President. Thank you. The nature of Resolution #32 is that the Committee is recommending a waiver or a stopping of the automatic sanitation rate schedule increase. So, if you do not want a 3.3% to automatically go into effect, vote yes. Yes waives, yes stops.

PRESIDENT DENCZAK: Is that clear to Members of Council?... Are there any remarks under this Resolution...? If not, the question you're voting on now is Resolution #32. Member Casar....?

MEMBER CASAR: Yes.

PRESIDENT DENCZAK: Roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: The Resolution is passed and will be sent to the Law Director.

**COMMUNICATIONS**

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

MEMBER CASAR: Mr. President, Mr. President, I request that Resolution, I mean Communication #182 from

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Thomas Bernabei be read please; seconded.

PRESIDENT DENCZAK: Under Roberts Rules of Order, a communication can be read but there can be no discussion on the communication. Is that clear? Madame Clerk, will you please read communication #182

***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 MARCH 21, 2005. (PLEASE NOTE COMMUNICATION #183 WAS READ IN FULL FOLLOWING COMMUNICATIONS)***

172. AUDITOR R.A. MALLONN, CITY OF CANTON: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2005 DATED 3/11/2005 - CLERK OF COUNCIL
173. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION RESCINDING O.179/2004 AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH V & S SCHULER ENGINEERING, INC.- COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTE
174. HEALTH COMMISSIONER ROBERT PATTISON, CITY OF CANTON: REQUESTING \$13,573 APPROPRIATION FROM 2328 PHI FUND FOR THE PUBLIC HEALTH INFRASTRUCTURE GRANT. - FINANCE CMTE
175. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE OF HEARING 4/4/05 @ 9:00 AM AT DEPT OF JOB & FAMILY SERVICES OFFICE IN CANTON RE: PERMIT RENEWAL REQUEST OF BAIT NABALAH, INC., DBA BEST FOR LESS @ 1100 12<sup>TH</sup> ST NW - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
176. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE OF HEARING 4/4/05 @ 11:30AM AT DEPT OF JOB & FAMILY SERVICES OFFICE IN CANTON RE: PERMIT RENEWAL REQUEST OF TRASH ENTERPRISES, INC. DBA CHERRY MARKET @ 1494 CHERRY AVE., SE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
177. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE OF HEARING 4/4/05 @ 10:00 AM AT DEPT OF JOB & FAMILY SERVICES OFFICE IN CANTON RE: PERMIT RENEWAL REQUEST BY TAP INVESTMENTS, LLC, DBA AP @ 903 12<sup>TH</sup> ST NE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
178. MANN, JOHN M. PASTOR, TRINITY LUTHERAN CHURCH, 415 W. TUSCARAWAS ST, CANTON, OH 44702: SUPPORTING DEVELOPMENT OF HOMES & CONDOMINIUMS IN THE SUMMIT SCHOOL NEIGHBORHOOD. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
179. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING COUNCIL ADOPT LEGISLATION APPROVING THE TENTATIVE AGREEMENT NEGOTIATED W/CPFFA LOCAL 249 - PERSONNEL AND FINANCE CMTE
180. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUESTING APPROVAL OF \$50,000 MORAL OBLIGATION TO THE CANTON CITY SCHOOL DISTRICT BOAR OF EDUCATION IN ACCORDANCE WITH O/151/2003 AUTHORIZING MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO AGREEMENT FOR PURCHASE, SALE & EXCHANGE OF REAL

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ESTATE W/MICHAEL A. GRAVILA - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE CMTES

181. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUESTING AUTHORIZING TO APPROVE \$19,931 FEE MODIFICATION FOR GPD ASSOCIATES FOR EVALUATION & DESIGN OF RETENTION BASIN FOR STEESE AREA DRAINAGE PROJECT, GP 1082, & REQUEST \$19,931 TRANSFER OF FUNDS FOR SAME. - ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE CMTES

**SUSPENDED RULE 22A TO ADD A#182&183:**

182. BERNABEI, THOMAS M, COUNCILMEMBER AT LARGE, CITY OF CANTON: DETAILING HIS POSITION ON THE SUMMIT SCHOOL SITE HOUSING PROJECT AND THE PURPOSES FOR HIS AMENDMENT THERETO. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
183. WEST, THOMAS E, WARD 2 COUNCILMEMBER, CITY OF CANTON: REQUESTING LEGISLATION RENAMING MAHONING ROAD NE BETWEEN 4<sup>TH</sup> ST NE & 12<sup>TH</sup> ST NE "O'JAY'S BOULEVARD NE. - PUBLIC SAFETY & THOROUGHFARES CMTE

#182 READ IN ITS ENTIRETY BY CLERK OF COUNCIL VANCKUNAS: *Dated March 21, 2005. Dear Mr. President and Honorable Members of City Council: The purpose of this communication is to memorialize the reasons for my position on the subject of the Summit School site housing project and the purposes of the amendment which I am introducing to Council. The amendment splits the original proposal of Councilmember Hawk into Phase 1 and 2 as described below. This Amendment fully supports the concept of City assisted single-family owner occupied housing in the Summit School Area on 10<sup>th</sup> and 11<sup>th</sup> Streets NW. Phase 1 of the amendment approves the grant of City funds to the Urban Housing Foundation in the amount of \$496,500.00 for the purchase of ten existing properties within the boundaries of Croad to Noel on both 10<sup>th</sup> and 11<sup>th</sup> Street NW and including 929 10<sup>th</sup> St. And 916 10<sup>th</sup> St. This site constitutes approximately 2/3 of the originally proposed site. The amendment provides the opportunity to the Foundation to construct up to 10 houses on these lots, under the same terms and conditions as contained in the original proposal. Since the Foundation has indicated that it anticipates building only 7 houses within the first year of the Project, this amendment is consistent with the Foundation's stated needs. Phase 2 of the amendment provides that upon the completion of the construction and sale of 75% of the homes to be constructed in Phase 1, the City shall provide to the Foundation additional funds not to exceed \$500,000 for the acquisition and site preparation expenses for real properties in areas deemed to be most conducive for the development of single family owner occupied homes in the Summit School housing area. Phase 2 specifically omits a commitment to the portion of the original site from Cato to Croad which includes the acquisition of the 6-8 unit apartment building on the corner of 11<sup>th</sup> & Cato and the auto repair shop immediately next door. The proposed purchase price of these 2 parcels alone is \$316,000. The demolition of these buildings leaves serious site issues with regard to fill and grading. More importantly the purchase and demolition of 1 or both of these buildings may involve potential environmental hazards and expenses, none of which have been ascertained or accounted for in the original proposal. In addition to the concerns state above, \$316,000 is an extraordinary amount of money to expend on the acquisition of 2 residential building sites. If in fact it is the City's goal to construct new inner-city housing, we should make a maximum effort to construct as much housing as possible for as small an investment as possible. It would appear that a much more efficient expenditure of this money could be made by the acquisition of other properties in the area at a much more reasonable cost, thus leading to the construction of more housing units. The amendment eliminates one-half of the financial risk of the Project to the City. Instead of advancing \$1.066 million on what has been acknowledge even by the Foundation to be a risky undertaking, by doing the Project in 2 phases, the City will be advancing less than one-half of the whole amount and will proceed with additional housing only upon successful completion*

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*of the first half of the Project. If all of the funds are expended initially and the project thereafter fails, the taxpayers will be stuck with a very expensive parcel of real estate. We are expending City income tax generated dollars and we owe the citizens of Canton, both within and outside of Ward 1, the highest degree of fiscal responsibility in doing this Project. My following comments are concerns and reservations which I have about the project, regardless of whether it is done in 1 or 2 phases: A: Site selection was haphazard. As recently as May 2004 the proposed primary site for this housing was in the area bounded by 3<sup>rd</sup> to 4<sup>th</sup> Streets NW and High to Wells Avenue NW behind Timken High School. Monument Road was a throw-in that no one takes credit for. The selection of the north side of Summit School, from Cato to Noel, is troubling both for the reasons discussed above as well as for the approximately 20 foot grade differential between 10<sup>th</sup> & 11<sup>th</sup> Streets NW which makes the site particularly difficult. B) The project will be completed at extraordinary cost to the taxpayers of Income Tax revenue. Taxpayers are being asked to initially subsidize housing at a cost of approximately \$71,000 per building lot, (\$1.066 million divided by approximately 15 building sites. This is the base cost, not the final. The City is also being asked to provide street lighting, sidewalks, curbs and gutters at an estimated cost of \$39,000. The Foundation has suggested that it may need to construct an east/west alley between 10<sup>th</sup> and 11<sup>th</sup> Street NW at an estimated cost of \$65,000. This is not budgeted. There may additionally be unknown contingencies involving environmental clean ups. If these or any other contingencies develop, the Foundation will need to request the City for funding of these costs as well. C) The properties being acquired have not been appraised. The cost of \$1.066 million is based upon offers negotiated by the Foundation with area property owners. The Stark County Auditor's appraisals for these same properties is substantially less. The reality of the prices being paid is exemplified by the following: A residential property located at 1010 Troy Place NW, which is also adjacent to the new Summit School site, and which was appraised by the Stark County Auditor at a value of \$35,800, was sold at auction on March 10, 2006 for \$30,000. (D) Despite the many months of planning which the proponents of this proposal say have been made, there exist for Council's review no site plan, no renditions of proposed housing and no floor plans. This information should be available for review before being asked to commit \$1.066 million to the project. D) Finally, the Project as proposed expends \$1.066 million for the construction of 14 single houses, if successful, in the Summit School area. It provides no mechanism, however, as originally promised for the creation of a substantial recoupment fund which would fund a second or third project in this or some other ward. We all essentially agree that we cannot afford to do this again with capital improvement dollars. We need a more comprehensive plan. The problems which exist with regard to this Project result directly from the fact that the City has not appropriately led, directed or reviewed this Project. The City should have been intimately involved in the site selection process, in reviewing property valuations, providing civil engineering expertise and in requiring documentation as to proposed site plans, housing renditions, floor plans and costs. The City needs to develop an array of alternatives for the financing of housing, not only for new housing but additionally for the renovation of existing housing stock. In the same manner that the City has been able to refocus its annexation efforts by the appointment of Mr. Sam Sliman as Annexation czar, the same effort and direction needs to be made in the appointment of someone as Housing Director or Coordinator. This person needs to familiarize him or herself with all available funding sources and mechanisms being utilized by other cities in Ohio as well as nationally. As in the case of the annexation process, this does not require the appointment or hiring of a high-salaried new employee but rather the assignment of this responsibility, with possibly some reasonable additional stipend, to an existing employee with the appropriate qualifications, background and enthusiasm for housing. I urge the Mayor to make such an appointment. Thank you for your attention. Sincerely, Thomas M. Bernabei, Councilmember at Large.*

PRESIDENT DENCZAK: The communication is sent to the Community & Economic Development Committee.

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the first reading. Let the Journal show that

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all Ordinances are being given their reading as required by State Law. Member Casar, do you wish to go to the postponed Ordinances?

MEMBER CASAR: Mr. President, I wish that you would use the President's prerogative to move to Ordinances #22 and 23.

PRESIDENT DENCZAK: First, let me explain that the, all Ordinances are being given their reading as required by Law and the Chair is going to exercise its prerogative and go to postponed ordinances.

**ORDINANCES - POSTPONED MATTER:**

#22 **POSTPONED INDEFINITELY** AN ORDINANCE AUTHORIZING THE MAYOR TO REIMBURSE #350,000 TO THE URBAN HOUSING FOUNDATION FOR MONEYS EXPENDED TO PURCHASE PROPERTY LOCATED @ 808 MONUMENT RD NW AND REQUESTING A \$350,000 SUPPLEMENTAL APPROPRIATION FROM THE 6010 WORKER'S COMPENSATION FUND FOR SAME; AND DECLARING THE SAME TO BE AN EMERGENCY. *(Previously received all 3 readings; postponed from 3/14/05)*

PRESIDENT DENCZAK; Ordinance #22?...

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #22. Are there any remarks?...

MEMBER HAWK: Mr. President, I would like to ask if Ordinance #22 be permanently and indefinitely postponed; seconded.

PRESIDENT DENCZAK: Moved and seconded that Ordinance 22 be postponed indefinitely. Are there any remarks...? If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS            ORDINANCE #22 POSTPONED INDEFINITELY BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK; Ordinance #23, Member Casar.

#23 **ADOPTED AS ORDINANCE NO. 50/2005** AN ORDINANCE AUTHORIZING THE MAYOR TO REIMBURSE THE URBAN HOUSING FOUNDATION IN A GRANT AMOUNT NOT TO EXCEED \$1,066,000.00 FOR MONEYS EXPENDED FOR THE PURCHASE OF EIGHTEEN (18) LOTS LOCATED NEAR SUMMIT SCHOOL, CANTON, OHIO; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY *(Previously received all 3 readings; postponed from 3/14/05)*

MEMBER BERNABEI: Mr. President, point of order, for members of the audience who are not familiar with Council procedures and so forth, could you explain to them the significance of the postponement indefinite.

PRESIDENT DENCZAK: The postpone is not to a specific date, but is postponed indefinitely which means the ordinance is defeated or dead. It will not appear before Council again. Ordinance #23.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #23. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, I move to amend Ordinance #23. Pursuant to Rule 36, I would move to amend Ordinance #23, by submitting the substitute attached to this amendment from the original ordinance currently pending before Council. Every member, the Law Director gave everyone a--member, every member a copy of this amendment which is basically the same ordinance that we had originally, but this cleans it up and 'ya know, what we call a clean ordinance. All the I's are dotted and the T's are crossed and so forth, so it's nothing new to us other than a cleaned up version; seconded.

**AMENDMENT #1 TO ORDINANCE #23:** Pursuant to Rule 36, I hereby move to amend Agenda Item No. 23 by substituting the ordinance attached to this Amendment for the ordinance currently pending before council.

Attached ordinance:

ORDINANCE NO. \_\_\_\_\_

*AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT THE URBAN HOUSING FOUNDATION AN AMOUNT NOT TO EXCEED \$1,066,000.00 FOR MONEYS TO BE EXPENDED FOR THE PURCHASE OF UP TO EIGHTEEN (18) LOTS LOCATED NEAR SUMMIT SCHOOL, CANTON, OHIO; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY*

*WHEREAS, Ohio Revised Code Section 133.51 provides that municipalities may issue or incur public obligations, including general obligations, to provide or assist in providing housing pursuant to Section 16, Article VIII of the Ohio Constitution; and*

*WHEREAS, the City desires to enhance the availability of new housing in the City and to improve the economic and general well being of the citizens of the City by investing its general funds in the improvement of housing stock in the Summit Area Neighborhood and finds this to be a valid public purpose; and*

*WHEREAS, the Urban Housing Foundation (Foundation) is a non-profit corporation with one of its purposes being to provide new housing which is architecturally compatible with the housing stock in the Summit Area Neighborhood; and*

*WHEREAS, the Foundation has agreed to contract with quality builders to construct market rate new "stick-built" single-family owner occupied homes in the Summit Area Neighborhood; and*

*WHEREAS, the City agrees to provide a grant in an amount not to exceed \$1,066,000.00 to the Foundation for the purchase of up to eighteen (18) lots of real property located in the Summit School area of Canton, Ohio, conditioned upon Foundation agreeing to enter into a Project Agreement with the City to construct new "stick-built" owner occupied housing at market rate under terms acceptable to the City including, but not limited to, compliance with all applicable local, state and federal laws and regulations;*

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

*Section 1. The City shall grant the Urban Housing Foundation, a non-profit corporation, an amount not to exceed \$1,066,000.00 for moneys to be expended for the purchase of up to eighteen (18) lots located in Ward*

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*I near Summit School, Canton, Ohio, conditioned upon the Foundation agreeing to enter into a Project Agreement with the City to construct new quality “stick-built” single-family owner occupied homes at market rate under terms acceptable to the City.*

*Section 2. The Auditor is authorized and directed to make a loan in the amount of \$1,066,000.00 from the 6010 Worker’s Compensation Fund to the 4501 Capital Improvement Fund to fund said grant and to draw his warrants upon receipt of vouchers duly approved by the proper departmental authority. This loan will be repaid pursuant to the amortization schedule attached hereto and marked Exhibit A.*

*Section 3. Appropriation Ordinance No. 253/2004, as amended, is amended by making the following supplemental appropriations:*

<i>FROM:</i>	<i>Unappropriated Balance of the 6010 Worker’s Compensation Fund</i>	<i>\$1,066,000.00</i>
<i>TO:</i>	<i>6010 501001 Worker’s Compensation- Mayor</i>	<i>\$1,066,000.00</i>
<i>FROM:</i>	<i>Unappropriated Balance of the 4501 Capital Improvement Fund</i>	<i>\$1,066,000.00</i>
<i>TO:</i>	<i>4501 501001 Capital Improvement- Mayor</i>	<i>\$1,066,000.00</i>

*Section 4. The Mayor or Director of Public Service is authorized to enter into a Project Agreement with the Urban Housing Foundation to contract with competent and qualified builders to construct new, quality “stick built” single-family owner occupied homes with design and construction standards acceptable to the City. Said Officials, in conjunction with the Law Department, are further authorized to make any additional amendments necessary to finalize the Project Agreement.*

*Section 5. The execution of the foregoing described grant for the purchase of real property will occur upon and be subject to compliance with Ohio Revised Code Section 176.04, which provides for a review of the proposed plans by the Housing Advisory Board.*

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

*PASSED:* \_\_\_\_\_  
*President of Council*

*ATTEST:* \_\_\_\_\_ *APPROVED:* \_\_\_\_\_  
*Clerk of Council* *Mayor*

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PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #23 per the copy before each of you. Are there any remarks?...

LAW DIRECTOR MARTUCCIO: Mr. President, for clarification, it is the one marked with a right, in the right hand corner with a number 1, top right hand corner. In the left hand, top end corner, it indicates it's document 1175. Majority Leader Casar is correct. This version is substantially based on the original that is in Council's file and Chairman Carbenia's file. However, it is more accurate, it is more fully fleshed out in terms of the appropriation account and it includes references to State Law that require that this be reviewed by the Housing Advisory Board of this project agreement that is attached to it, so in essence, it is substantially the same ordinance. It still reflects the \$1.066 million figure for purchase of up to 18 lots in the same area under the general terms and conditions referring to the project agreement. Thank you.

PRESIDENT DENCZAK: Are there any further remarks?... The question before you now is the amendment. The Chair's going to ask for roll call on this. Roll call please.

NO REMARKS

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

PRESIDENT DENCZAK; The amendment is passed. The question before you now is the Ordinance as amended. Are there any remarks under this ordinance as amended? ...

MEMBER BERNABEI: Mr. President, initially I wish to apologize to the Members of Council and to the audience tonight for the unusual stance of asking that that very lengthy communication be read. I wish everyone to understand that I think this is a very serious matter and I want my position to be clearly understood and on the record. The second reason that I requested that it be read was for members of the Administration who have difficulty in reading.... (LAUGHTER).....and that was facetious also.

PRESIDENT DENCZAK: Anybody wish to retaliate...?

SERVICE DIRECTOR CONCATTO: I have some notes here but I can't read them. (LAUGHTER)

PRESIDENT DENCZAK: Are there any other remarks under this ordinance as amended?...

MEMBER BERNABEI: Mr. President, I move to amend the amended Ordinance #23 as provided in the copy of the amendment dated March 21, 2005 which has been provided to all Members of Council and to the Council staff; seconded.

PRESIDENT DENCZAK; Moved and seconded to amend this, per the amendment before each of you. I do not have a copy of that amendment.

**AMENDMENT TO O#23 FROM THOMAS M BERNABEI, COUNCILMAN AT LARGE - 3/21/05: I move to amend Ordinance #23 as follows:**

*1. The City shall enter into a Project Agreement with the Urban Housing Foundation (Foundation), a non-profit corporation, for the purpose of constructing quality "stick-built" single family owner occupied homes at market rate in the Summit School area, as follows:*

*A. Phase I. In Phase I, City shall grant to the Foundation an amount not to exceed \$496,500 for the acquisition of real property in the area bounded by Croad Ct NW to Noel Ct NW from 10<sup>th</sup> to 11<sup>th</sup> Streets NW and,*

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*in addition, the properties located at 929 and 916 10<sup>th</sup> St. NW. The address of the properties to be acquired are identified on Exhibit A attached hereto. The Foundation shall purchase all the properties identified on Exhibit A, demolish all buildings, engineer, replat grad and develop the entire site into not less than 8 buildable lots for the construction of single-family owner-occupied homes thereon in accordance with the terms and conditions of the Project Agreement.*

*B. Phase II. Upon the completion of the construction and sale of 75% of the Homes to be constructed under Phase I, the city shall grant to the Foundation additional funds in an amount not to exceed \$500,000 which funds shall be applied toward the purchase of real property and the cost of site preparation in a Summit School area deemed to be most conducive, economically and otherwise, for the development of single-family owner occupied housing.*

*2. The Law Director is hereby authorized and directed to prepare amendments to the Project Agreement consisting with the provisions of this amendment.*

*3. The Auditor is authorized and directed to make a loan in an amount not to exceed \$496,500 from the 6010 Worker’s Compensation Fund to the 4501 Capital Improvement Fund to fund said grand and to draw his warrants upon receipt of vouchers duly approved by the proper departmental authority. Appropriation Ordinance #253/2004, as amended, is amended by making the following supplemental appropriations:*

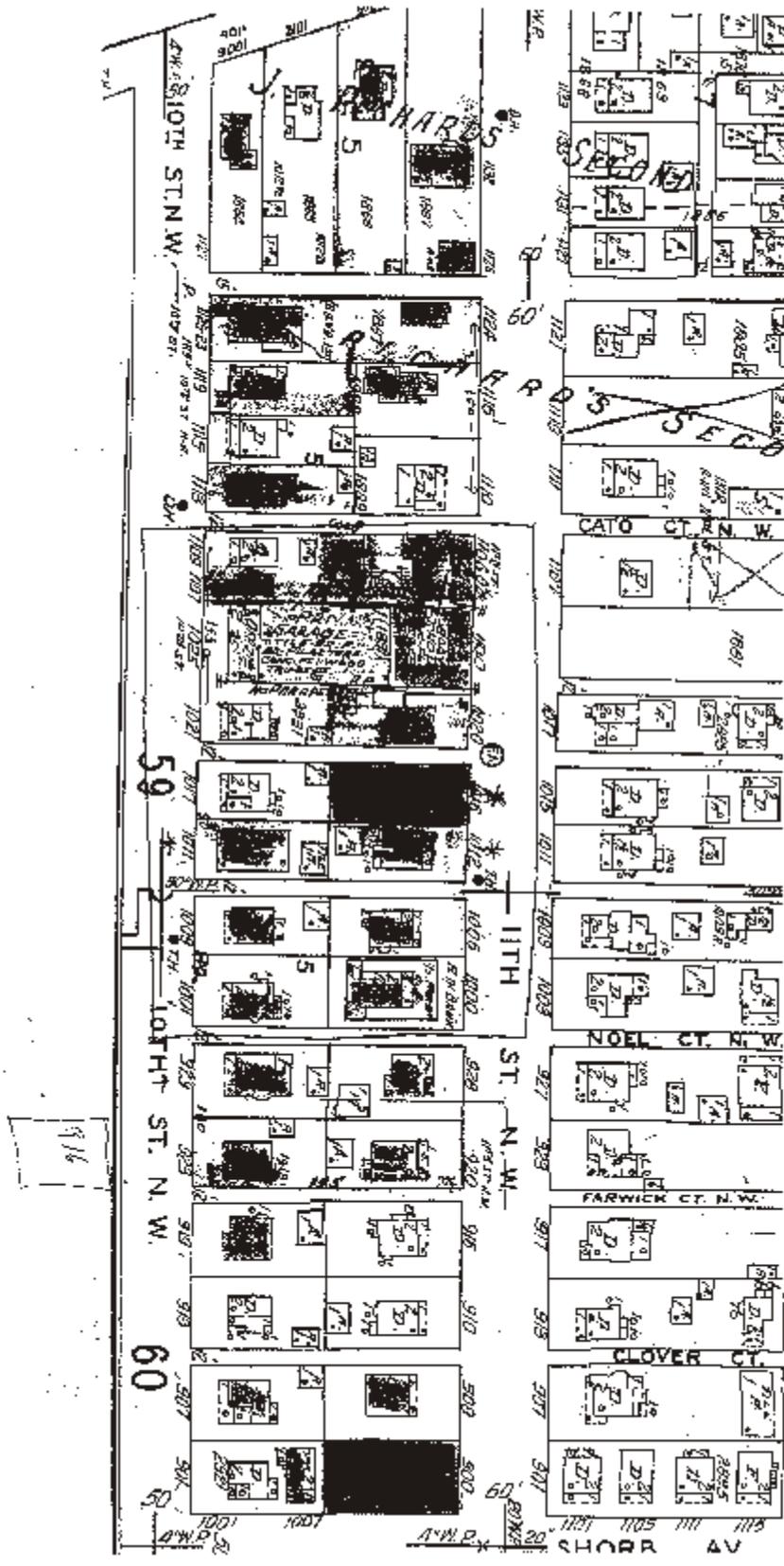
<i>FROM:</i>	<i>Unappropriated Balance of the 6010 Worker’s Compensation Fund</i>	<i>\$496,500</i>
<i>TO:</i>	<i>6010 501001 Worker’s Compensation-Mayor</i>	<i>\$496,500</i>
<i>FROM:</i>	<i>Unappropriated Balance of the 4501 Capital Improvement Fund</i>	<i>\$496,500</i>
<i>TO:</i>	<i>4501 501001 Capital Improvement-Mayor</i>	<i>\$496,500</i>

**PHASE I  
SUMMIT SCHOOL HOUSING AREA**

	<u>SALE PRICE</u>	<u>AUDITOR’S APPRAISED VALUE</u>
<i>1016 11<sup>TH</sup> St NW</i>	<i>\$ 8,000</i>	<i>\$ 4,000 - Vacant lot</i>
<i>1012 11<sup>th</sup> St NW</i>	<i>20,000 Estimate</i>	<i>43,700 - Vacant home</i>
<i>1006 11<sup>th</sup> St NW</i>	<i>36,000</i>	<i>42,100 - 1 unit rental</i>
<i>1000 11<sup>th</sup> St NW</i>	<i>100,000</i>	<i>56,100 - 7 unit apt.</i>
<i>1017 10<sup>th</sup> St NW</i>	<i>55,000</i>	<i>38,900 - owner occupy</i>
<i>1011 10<sup>th</sup> St NW</i>	<i>100,000</i>	<i>58,000 - 4 unit rental</i>
<i>1009 10<sup>th</sup> St NW</i>	<i>47,500</i>	<i>40,800 - 2 unit rental</i>
<i>1101 10<sup>th</sup> St NW</i>	<i>70,000 Estimate</i>	<i>47,700 - 2 unit rental</i>
<i>929 10<sup>th</sup> St NW</i>	<i>30,000</i>	<i>54,100 - vacant home</i>
<i>916 10<sup>th</sup> St NW</i>	<i><u>30,000</u></i>	<i><u>36,300</u> - vacant home</i>
<i>TOTAL</i>	<i>\$496,500</i>	<i>\$421,700</i>

**SEE ATTACHED MAP ON NEXT PAGE**

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MEMBER BERNABEI: Mr. President, for clarification again for everyone and for members of the audience who do not have copies of this, this is the amendment which was discussed in the communication which would divide the project into a phase I and a phase II.

PRESIDENT DENCZAK: Moved and seconded to amend this per the amendment before each of you. Are there any remarks...? Now the Chair's going to ask for roll call.....Member Casar....?

MEMBER CASAR: Mr. President, I would like to make a few remarks. I would like to, first of all, thank the, like to thank Member Hawk for his vision and many hours of hard work that he's put into the Summit Project. Along with Member Hawk, I applaud the Building Industry Association, the BIA, and Urban Housing Foundation for their commitment to build market-rate homes in the City of Canton...

PRESIDENT DENCZAK: Member Casar, the question before you now is the amendment. Your remarks now are not germane to the amendment. You may make those upon adoption, final adoption of the Ordinance.

MEMBER CASAR: Two more paragraphs it will be to the amendment.

PRESIDENT DENCZAK: What's that?

MEMBER CASAR: Two more sentences, it will be to the amendment.

PRESIDENT DENCZAK: Go ahead.

MEMBER CASAR: I would like to state that I have always supported revitalization of the city and especially neighborhoods. This being said, I feel that this amendment gives myself and other members of Council an opportunity to support the neighborhood project. This amendment says that the City will give the Foundation \$496,000 to acquire the properties, demolish all the properties and build the single-family, owner-occupied homes and upon the completion, the construction itself, 35% of the homes to be constructed under phase I, the city shall grant the Foundation, the existing \$500,000. This is very important to grant the additional \$500,000 for completion of the project. This amendment I am sure that is not perfect, is the foundation of the amount of money that they requested to do this project. But it also gives Council the ability to monitor the first phase, to see that all work is completed as the project agreement states and that we, and then we will go forward with the second phase. I think this is a far, it's a compromise on Council's side, I know it would be a compromise for me to even go for this amendment because as one of the speakers so eloquently put it this evening, we are using capital.....

PRESIDENT DENCZAK: Member Casar, once again, I gotta cut it off, you've got an amendment that you're talking about now and we're discussing it and giving it your personal views on it here.

MEMBER CASAR: I agree.

PRESIDENT DENCZAK: Okay. The question before Council now is to amend, as stated by Member Bernabei. Law Director....?

LAW DIRECTOR MARTUCCIO: Mr. President, just for clarification again, for the purposes of Council and the other folks present in the audience. Before you, is an amendment amending the substituted

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amendment. What we originally had is largely in tact. Most of it stays exactly as written originally and amended, but, if you vote

yes now in this next roll call, what you're saying is that you agree to amend the Ordinance to a new form. The new form will split the Summit Housing Project into 2 phases as described in Mr. Bernabei's detailed letter. So, again, a yes vote on this amendment, is a vote to split the project at Summit into 2 phases. If your intent is to vote on the ordinance that does not split it, then your vote would be a no on this amendment. Thank you, Mr. President.

PRESIDENT DENCZAK: The question you're voting on now is the amendment. Again, the Chair is going to ask for a roll call vote.

NO REMARKS

ROLL CALL, 4 YEAS, 8 NAYS

(CASAR, CARBENIA, BERNABEI, GRIFFIN - YEA)

(BABCOCK, HAWK, WEST, ZACHARY, PRATER, DOUGHERTY, HART, DIAMOND - NAY)

PRESIDENT DENCZAK: (AUDIENCE APPLAUSE) The amendment is... please, please. The amendment is defeated. The question before you now is per the first amendment. Is there any remarks under this ordinance, as amended? The question you're voting on now is per the first amendment. Roll call vote please.

MEMBER HAWK: Mr. President, pursuant to Rule 36, I hereby move to further amend the substituted ordinance for Agenda Item #23 as follows.

PRESIDENT DENCZAK: Does everyone have a copy of this one?...

MEMBER HAWK: I think Mr. Martuccio will pass these out to you.

LAW DIRECTOR MARTUCCIO: They're getting it now, Mr. President.

**AMENDMENT O#23 FROM: GREG HAWK, WARD 1 COUNCILMAN, 3/21/05:** *Pursuant to Rule 36, I hereby move to amend the substituted ordinance for Agenda Item No.23 as follows: 1. Renumber the current Section 1 as Section 1(a) and add a new Section 1 (b) which shall read as follows: Section 1 (b). The City shall delete from the Project Agreement the purchase and \$30,000 cost of the property located at 916 10<sup>th</sup> St NW. The City shall further make an additional one-time grant to the Foundation in an amount not to exceed \$70,000 for moneys to be expended for site preparation of the aforementioned properties. 2. Amend the caption, the fifth Whereas clause, and Sections 2 and 3 to substitute the figure of \$1,106,000 for the figure of \$1,066,000 in order to add a net increase of \$40,000.*

PRESIDENT DENCZAK: Member Hawk, did you move to adopt the amendment?...

MEMBER HAWK: I move we adopt this amendment; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt the amendment before each of you. Are there any remarks under this amendment?

LAW DIRECTOR MARTUCCIO: Mr. President. Thank you, Mr. President. This is a very short amendment and not very complicated. Again, now we're back to the cleaned version of the amendment that is looking at the Summit Housing Project as a whole, however, two things are being requested here. First,

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it's being moved that current section 1 be divided. The current section 1 remain as 1A and a new paragraph 1B be added. The section 1B will delete from the project agreement, or remove, the purchase and the \$30,000 cost of the property located at 916 10<sup>th</sup> Street NW. The City shall further make an additional one-time grant to the Foundation in an amount not to exceed \$70,000. The money is to be expended for site preparation of the aforementioned properties. That being the properties in the Summit area. Two—with that being done, that removes \$30,000 from the 1.066 dollar figure. So, in order to make a net contribution back of 70, one would have to add \$40,000 to the figure. Therefore, number 2 amends the caption of the ordinance, the fifth whereas clause, and sections 2 and 3 to substitute the figure of \$1,106,000.00 everywhere the figure of \$1,066,000 appears in order to add the net increase of \$40,000. Does anyone not understand what the amendment is doing?... Ah, let me try again. Mr. Hawk has asked us to prepare an amendment which does 2 things. One—the amendment is asking to take off the list of properties that are to be purchased for the Summit Development a property at 916 10<sup>th</sup> Street NW. It is a property that was previously referred to in a communication, is outside the major project. By taking that off the list, it also takes off the \$30,000 purchase price. That takes the project down from \$1,066,000.00 to \$1,036,000.00. However, in order to make up for the monies that won't be made by the Foundation in the development of the Monument group, it is being moved that you amend this ordinance by adding the 30 you would save in theory, along with another 40, making \$70,000 to the reduced figure. Again, a net gain of \$40,000. So everywhere it says \$1,066,000.00 it would now have to say \$1,106,000.00 because the figure went up by \$40,000. Again, what this does is it takes one of the properties out, it takes that alleged savings, adds \$40,000 to it and gives the Foundation another \$70,000 solely for a one-time grant to prepare the site of the Summit County, or, I'm sorry, the Summit area homes.

MEMBER CASAR: Mr. President, I have a few questions to ask Member Hawk.

PRESIDENT DENCZAK: Members of Council, first, let me assure you that I'm not enforcing the 3 minute's speaks time because of the importance of this matter. So, I'm not going to enforce the 3 minute time limit.

MEMBER CASAR: Member Hawk, where do you propose we get this additional \$40,000.00 from?

MEMBER HAWK: It will be funded by, it will be funded along with the rest of the project.

MEMBER CASAR: And where is that so the record states....?

MEMBER HAWK: Those will be Capital, Capital funds, paid back over a period of 3 to 4 years yet to be determined but it will be a minimum of 3 years, maximum of 5 years.

MEMBER CASAR: My second question, why the late, of this amendment?

MEMBER HAWK: It will be and as we know, that, the some of the developmental costs of the \$70,000, we're going to realize from the area known as the Monument Road Project. Those developmental costs are going to be poured into the Summit Housing Project because I deleted the Monument Road Project and will require some funding to develop the Summit Housing Project in its entirety.

MEMBER CASAR: That's what bothers me in regard to this whole project, program, whatever you wanna call it. The BIA Foundation, has put up and this will lead to the amendment, Mr. President, no money, zero, zilch, nothing, and now because their project, their failed project on Monument has failed, once again they stick their hands out and want an additional amount of money from the taxpayers of the City of Canton to

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build approximately 7 to 13, 14, I don't know, I heard a lot of numbers. I don't think it's fair, I don't think it's fiscally responsible that we, as Councilmembers, even grant them, at this point, an additional cent. I am prepared and I will vote no on the complete ordinance if every one cares or not, that's besides the point. I think this Council has tried to meet this BIA and the Foundation half way. They refuse, I think that Member Bernabei said it all, there's no sense of getting into that point again, because he said it all and everyone heard it, and if anybody, if this falls on deaf ears, then so be it to the Councilmembers that support this type of program it benefits a few at the expense of many.

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

MEMBER CARBENIA: Mr. President, I just have one thing to say. Possibly, we should make another amendment and just give them everything that's in Capital Improvement, don't worry about the roads or nothing and we can just go on from here since they're not gonna tell us what they're gonna use, we might as well give them everything and I never seen us give two grants to one person at one time.

PRESIDENT DENCZAK: Any other remarks?... Member Bernabei?...

MEMBER BERNABEI: Question for Member Hawk. Your amendment states in the second sense that the city shall further make an additional one time grant to the Foundation in an amount not to exceed \$70,000. What is the significance in the meaning of one time? Does that mean you do not intend to come back to Council for any additional funding for this project regardless of any unknown contingencies and so forth?

MEMBER HAWK: This, excuse me, this is just for this portion of the process and if it so displeases everyone, I'm prepared to withdraw this if we need to in order to make it go forward.

MEMBER WEST: Yeah, that was my question. Mr. President, that was my question. If this doesn't get passed tonight, will the project still go forward?

MEMBER HAWK: Yes, I believe it will.

PRESIDENT DENCZAK: Any further, any further remarks?...

MEMBER CASAR: Mr. President, I would just like to state that I don't understand why, whenever we're using the City's money, any government money, that, like any other thing that we do, we must have bids, site plans and everything, and why this project is spelled out, they can do what they want to do. They don't have to tell us, they don't have to be responsible for it, I don't understand that. I'd be asking some simple questions and they refuse to give them to us, and in my opinion, it's wrong. I'm not against the project, I would just like to just see it moderated for a little bit so it would be something that we could hang our hats on and say hey, we built the 7, they're great, let's give 'em more and go with it, even though I'm against using Capital Improvement monies, I could do that, but I cannot and I will not the way it is presented and the way, without the amendment that we proposed.

PRESIDENT DENCZAK: Any further remarks?... The question you're voting on now is the amendment to the amendment before each of you. Roll call vote please.

NO REMARKS

ROLL CALL: 2 YEAS, 10 NAYS  
(HAWK, HART - YEAS)

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PRESIDENT DENCZAK: The amendment has been defeated. The question before you now is the ordinance as originally amended. Are there any further remarks under this Ordinance as originally amended?...

MEMBER BERNABEI: Mr. President, a question for the Law Director. Council provided some direction several weeks ago to you to ask if you could possibly negotiate with the Foundation an additional clause in the agreement which would provide for the identification of workers, general contractors, subcontractors and so forth, on this particular project, for the purposes of assisting the City of Canton with regard to the question of income tax. Has that been accomplished?

LAW DIRECTOR MARTUCCIO: Yes, Member Bernabei. Mr. President. Yes, Member Bernabei, we have language in the ordinance that requires compliance with all local, state and federal applicable laws and I spoke with the head of the Income Tax division under Mr. Schirack and I was informed that all permits must be, that are required by law will be taken according to law and when they are, they've been in the habit of providing all of the required information to the Income Tax department. They said they've had quite a remarkable success rate in tracking down contractors and sub-contractors to make sure that the information that's required is provided. Thank you.

PRESIDENT DENCZAK: Are there any further remarks under the Ordinance as amended?

MEMBER CASAR: Mr. President. I would just like to state to Members of Council that if you feel in your heart that this is the way the City of Canton should go for revitalizing neighborhoods; if you feel that we are getting the best buck for our dollar, or best buck, best project for our dollar, then vote yes. If you feel, as Member Bernabei so eloquently spelled out in his communication to Council with all the unanswered questions the amount of money that they're paying for two projects, no site plans and so forth and etc., then I urge you and I feel that you should vote no.

PRESIDENT DENCZAK: Are there any further remarks?...

MEMBER WEST: Mr. President, yes. Mr. President, I urge Council, looking at this project, I listened to Member Bernabei and Member Casar. They have very good, very thought this out, they really are trying to protect the City, but as I, I've lived on 11<sup>th</sup> Street, and I see what happens on 11<sup>th</sup> Street. I've seen many of those houses that are now empty and knowing full well that if we split the project, and what type of activity happens in that community, we're gonna have more chaos and I have talked to the many members in the community here, and, I can see, and I can feel their pain when they deal with that type of chaos. So, I'm supporting the project in full and hoping and praying that this is going to revitalize that area. Not only that, but that it spills over into Ward 2 which is next door. And, if we leave this vacant, if we leave all those houses, those 16 houses or 17 houses that are now boarded up or empty, then that will spill over negatively in Ward 2. So, that's the sole reason that I'm voting for this project and believe the BIA that they're going to build quality homes for quality people that will move in that area. And, I'm going to hold them to that standard, that they told me that they're going to build good quality homes. They're going to build all of them within a year so, I'm holding you to that and hope that each one of you are walking down that street and really see the viability that will come out of this project. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: Are there any other further remarks?...

MEMBER HART: Yeah, Mr. President, my ward, Ward 7 is just north of Member Hawk's ward and when I have met with, in particular, many new young homeowners, their big question is, how much time do they

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want to spend in the City of Canton. How much time do they want, how much time and money do they want to invest in their home? You know, their greatest fear is do I over-invest and possibly lose money? Do I go out and move into the suburbs and at least according to Sunday's article in many of the areas in Jackson Township, be taxed to death. And, I feel that with the, with the approval of this building project, we're gonna give people a reason to stay in Canton and invest in the neighborhoods. You know, the school systems gets nearly 25 million dollars in property tax and if we can increase property value by maybe 3% of that, we could get an additional upwards up to \$800,000.00. God bless the BIA, but, I don't see them as being the savior, I see the rehabbers as coming in, the young couples who are willing to come in, buy the old homes and invest in them and fix them up and if we could have 300 homes in, in the city and down in the Summit area rehabed at \$50,000 a piece invested in them, do the math. That's an additional 15 million. If we could have 300 students back attending Summit School at \$5,300 apiece, you're nearly looking at 1.6 million dollars. If throughout the City of Canton we could end up with an additional 1,200 homes improved, whether it's that siding, additions, air conditioning, furnaces, electrical work, bathroom improvements at \$12,000.00 apiece, you're looking at another 15 million dollars. If we could maintain the student base in the City of Canton, and add at least the minimum of additional 300 students somewhere in the City of Canton, we're going to end up with an additional 1.6 million dollars. We've had a huge improvement in downtown with the Timken Campus, with the downtown improvement that began with the Millennium Project and we see what money has been invested there, there's going to be an additional federal investment in the Federal Campus in downtown Canton., if there is neighborhood redevelopment around the downtown redevelopment, we can count on greater development in the City of Canton. We're going to raise the quality of life, we're going to make Canton a better place to live and everyone will benefit and I hope we will all support Greg's hard work on this. Thank you. (AUDIENCE APPLAUSE)

PRESIDENT DENCZAK: Are there any further remarks?...

MEMBER ZACHARY: Mr. President. Mr. President, I would just like, I'm not gonna justify why I'm voting the way I'm voting and I commend everyone who has put hard work and effort into this project. There's 2 sides to every story always. But, I would just like to suggest, there's a lot of people out here in the audience today and they all care, whether it's for or against this project. But, I would like to state, or each of you, whether it goes your way or not, you have 12 members of Council up here who have all worked very hard for the past 14 months. They all have their own passions; we all want to see our wards progress. Do we sacrifice the baby right now to see if Canton moves forward? For some of us, we do. But, for those of us who don't, whatever the case may be, I would ask that you, as residents of Canton, please continue to support us as a Council as a whole. Please continue to support your individual council people as well as your council at large members because we all feel that we're doing something that's in the best interest for the wards or the areas that we represent. Thank you.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER CARBENIA: Mr. President, as a Committee Chairman I would like to tell you that I will vote no on this issue. This was brought forward to this Committee. This Committee has asked for information and the information was not given to us, the pertinent information. No plans. No drawings. No amount of money that we were going to get--many, many different facets were asked for. They don't want to pay for infrastructure, they don't wanna pay for lights, they don't wanna pay for curb cups--they want us to be, help them replat, they want everything free. The money is coming out of the Capital Improvement Fund which takes care of the roads, the buildings and so on in this city. The Capital Improvement itself is, is the thing that is very vital to this city. We have, we have, now in the State, undivided local government funds might be taken away, 20%. The last time we got in \$6 million debt, this fund helped us bail out, but, my reason for

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voting no is because they did not give us the information that we wanted and on top of that, as I am a person for labor, they don't want to pay prevailing wage, a living wage to, for this project and to quote Franklin Delano Roosevelt, I would like to say no business which depends for existence of paying less than living wage to its workers has a right to continue in this country. So be it. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: Are they any, are there any other remarks?...

MEMBER DIAMOND: Mr. President, it's interesting that Member Carbenia quoted Frank Delano Roosevelt. I was in a meeting this evening and his photo was on a wall and underneath and I don't know verbatim but the two sentences that struck me were he who never tries, never succeeds, and I think that I have sat here for 16, 17 years and I'd say the last 12 years we have spent millions and millions and millions of dollars on our downtown and I think our downtown is coming back. This Council decided to make that a priority. I think we've done great things and I think that private citizens have taken up. My example is Steve Coon has done a wonderful, wonderful job of restoring our downtown. We've provided the infrastructure. We took Capital Improvement dollars, millions and millions and millions of dollars and to my recollection, I don't ever recall us having this many meetings, this much discussion on those millions of dollars which came out Capital Improvements which were for the benefit of our downtown and I think that was a wise use of those dollars. I think that our town has lost hundreds, if not thousands of manufacturing jobs. We've lost tens of thousands of residents. A city does not come back to life without taking a chance, without taking a risk, without doing something different. I for one am willing to start channeling some of our monies into the neighborhoods. Every Councilperson here, every two months, stands up and says we are for the neighborhoods. Well now is the time where we can take a chance, and it's a partnership with the Realtors, with the developers, with the BIA, with the school, with the City government for all of us to come together and take a chance on Ward 1. The number of rentals in Ward 1 is astronomical. The number of boarded up homes, if you don't live there, you don't know that. My ward is the most northern part of the city. This project, should it take off and move throughout the city, will never reach my ward, will never benefit the residents of Ward 8 but several years ago, one million dollars from the Capital Improvement budget was given to me to do Mt. Vernon Boulevard, one street. One million dollars was put into a neighborhood and it took an existing, somewhat dilapidated neighborhood and it, it restored it to the beauty that it is now, and I believe every ward deserves a chance to have dollars funneled into it and I believe I'm taking a risk for the residents of Ward 1. Thank you. *(AUDIENCE APPLAUSE)*

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

MEMBER CARBENIA: Yeah, point of personal privilege. I believe downtown has been brought back by Block Grant money and other monies. The Capital Improvement money that she talked about was spent in her district was for roads and sewers and so on, that's not for housing. We've never done this housing before...never.

PRESIDENT DENCZAK: Are there any other remarks...? The question that you're voting on now is the ordinance as amended, originally, originally amended. Roll call vote.

NO REMARKS

ROLL CALL, 8 YEAS, 4 NAYS  
(CASAR, CARBENIA, HARK, GRIFFIN VOTED NO)  
**#23 ADOPTED AS ORDINANCE NO. 50/2005**

PRESIDENT DENCZAK: *(AUDIENCE APPLAUSE FOR PASSAGE OF ORDINANCE 23)* Please.... The ordinance, as amended with the emergency clause, has passed. We'll go back to the original place on the Agenda.

**MINUTES OF THE MEETING OF MARCH 21, 2005****ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: Ordinances and formal resolutions for their first readings. Ordinance #1 please.

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #10 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.***

- #1 (1<sup>ST</sup> 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 \$900,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to the Community & Economic Development Committee
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE OR FAIR MARKET VALUE EOF 11 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Community & Economic Development committee
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A PORTION OF WOODROW COURT NE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1664, 1665 AND 1666; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares
- #5 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1043 AND 1044; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares
- #6 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 35339, 35340 AND 35342; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares
- #7 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUTLOT 304; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares

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- #8 (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A PORTION OF ESTEP PLACE SW; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares
- #9 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND PUBLIC SAFETY TO ENTER INTO A LICENSE AGREEMENT WITH CANTON AUTO REPAIR & TOWING TO PERMIT INSTALLATION OF MONITORING WELLS ON A TEMPORARY BASIS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities
- #10 (1<sup>ST</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE CENTRAL ALLIED/HARMONT ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT DENCZAK: Ordinances for their Second Reading.

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #11 THROUGH AND INCLUDING #12 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.***

- #11 (2<sup>ND</sup> RDG) AN ORDINANCE VACATING THE SECOND STREET NW CUT-THRU, WEST OF FULTON NW AND NORTH OF WEST TUSCARAWAS STREET; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH THE GREATER AKRON ATHLETIC CLUB; AND DECLARING THE SAME TO BE AN EMERGENCY

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE REMAINING ORDINANCES #13 THROUGH AND INCLUDING #21 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.***

- #13 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 51/2005** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH PRECISION POWDER COATINGS, INC DBA PPC, INC TO PROVIDE REAL AND PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 © AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS  
(MEMBER DOUGHERTY EXCUSED FROM VOTING)

PRESIDENT DENCZAK: Ordinance #13 is adopted.

**#13 ADOPTED AS ORDINANCE NO. 51/2005**

#14 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 52/2005** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

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 is adopted.

**#14 ADOPTED AS ORDINANCE NO. 52/2005**

#15 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 53/2005** AN ORDINANCE AMENDING ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED; 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...? Very well, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

**#15 ADOPTED AS ORDINANCE NO. 53/2005**

#16 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 54/2005** AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT BETWEEN THE CITY OF CANTON AND LOCAL 3449 AND OHIO COUNCIL 8, AFSCME; 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...? Very well, roll call vote please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted.

**#16 ADOPTED AS ORDINANCE NO. 54/2005**

#17 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 55/2005** AN ORDINANCE AUTHORIZING THE MAYOR TO CO-APPLY FOR A BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, TO ENTER INTO AGREEMENT TO ACCEPT AND ADMINISTER THE GRANT, AND TO EXECUTE A LETTER OF UNDERSTANDING WITH STARK COUNTY, OHIO, CONCERNING REALLOCATION OF PROCEEDS OF THE GRANT; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; 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. Are there any remarks under this Ordinance...? Very well, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.

**#17 ADOPTED AS ORDINANCE NO. 55/2005**

#18 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 56/2005** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF A TAPPING AND LINE STOPPING SYSTEM AND A VALVE INSERTION SYSTEM FOR THE WATER DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted.

**#18 ADOPTED AS ORDINANCE NO. 56/2005**

#19 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 57/2005** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE PLEASANT VIEW/EASTRIDGE ANNEXATION AREA CONTAINING APPROXIMATELY 42.3072 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS B-3 (GENERAL BUSINESS DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY

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

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PRESIDENT DENCZAK: Nineteen, Ordinance 19. The Ordinance is 19. I thought you said 18.

MEMBER CASAR: I shall say 19, but that's what I said; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #19. Are there any remarks under this Ordinance...? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

**#19 ADOPTED AS ORDINANCE NO. 57/2005**

#20 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 58/2005** 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 (MALONE COLLEGE, 515 25<sup>TH</sup> ST. NW)

MEMBER CASAR: Mr. President, I move we adopt Ordinance #20; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20. Are there any remarks under this Ordinance...?

MEMBER CASAR: I would like to ask the Law Director a question if I may please.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Mr. President, for the information of this Council, the Planning Board recommended denial?

LAW DIRECTOR MARTUCCIO: Mr. President, that's correct. The Ordinance is written in the affirmative. We are speaking about the Malone College, 25<sup>th</sup> Street Ordinance?... Yes, the Planning Commission did recommend denial but the Ordinance is written in the affirmative. So, if it is your desire to allow the electronic sign, you vote yes. If it is your decision to not allow the electronic sign and agree with the denial of the Planning Commission, you vote no.

PRESIDENT DENCZAK: Are there any further remarks...?

MEMBER HART: Yeah, Mr. President. Again, in Committee when this was discussed, you know, I had asked my fellow members to vote yes, to override the Planning Commission and, again, this will be almost literally with the Church of the Nazarene, right across from Malone College on Rt. 62 which does have a new sign of this type and will also go along with typical signs that are at the Football Hall of Fame and Fawcett Stadium. So again, I just ask for your support on this. It will effect no residents, it's right out along Rt. 62. Thank you.

PRESIDENT DENCZAK: Any further remarks?

MEMBER CASAR: Mr. President, I realize the church right across the street has this sign and now they're asking for the sign and next will probably come Rossi's and then after that it might be the senior high-rise apartment complex along there and pretty soon there will be a lot of signs and I feel that's why we have a

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zoning, I feel that's why we have a Planning Commission to review these particular requests and that's why I'm not going to support it.

MEMBER CARBENIA: Mr. President, I have a question. Did we not turn down somebody for a sign on Cleveland Avenue for it being too large and stuff?

PRESIDENT DENCZAK: I believe so.

MEMBER CARBENIA: Has the Councilperson asked us to?

MEMBER HART: Yes, that sign was turned down. It's almost right at 30<sup>th</sup> and Cleveland and the reasoning behind that was because of the type of sign with the, with the traffic light right there at 30<sup>th</sup> and Cleveland, more people may be likely to be paying attention to the sign and again because of the high rate of collisions from, you know, 21<sup>st</sup> Street and Cleveland up north to about 34<sup>th</sup>, it was not viewed as a good idea to have that type of a sign. Again, up along Rt. 62 and 77, we presently have those signs.

MEMBER CARBENIA: Thank you. I'm going to be consistent, vote no.

MEMBER BERNABEI: Mr. President, I don't want to be quoted on this in the future and I don't want to be held to this comment, but for once I believe that I have to agree with Member Hart's logic. (*AUDIENCE LAUGHTER & APPLAUSE*)

MEMBER CASAR: Mr. President.....

PRESIDENT DENCZAK: Council's now composed of 9 Democrats and 3 Republicans. (*LAUGHTER*) Who's asking for the floor now?...

MEMBER CASAR: Mr. President, I just wanted to, I have no problem with the signs at Malone College but what's it have to be an electrical sign for to, 'ya know, going across the street when people are traveling 62. I can't understand the concept of this. I can see a nice sign that says Malone College; I don't have a problem with that, but Member Hart, why do they have to have a sign, a message sign?

MEMBER HART: Communication purposes, you know, just like the Football Hall of Fame there at Fawcett Stadium. It's there to communicate what's going on to the community, what's going on at least at the church, at the Church of the Nazarene, what's going on at Malone College. Yeah, I don't want to say for advertising. We're not necessarily looking at the Las Vegas type, and I think that's the quote that Service Director Miller used, but 'ya know, to communicate to people to advertise and I, I don't think we're looking at any type of safety issues along Rt. 62, just along Rt. 77, there's been no increase of any type of accidents with people looking at those signs as they've been, you know, driving by along there.

PRESIDENT DENCZAK: Any further remarks?...

MEMBER DIAMOND: Mr. President, an example would be Walsh College. They have an electrical sign and they advertise things such as their MBA Program, their graduate programs, things of that nature, things that the public would be interested in learning about and they don't have to climb up on a ladder every time they want to give out an announcement as to a spring program, a fall program, it eliminates that need. It is a modern day sign, and this is in an excellent position. This is not on a Cleveland Avenue or a Market Avenue

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where you would be distracted. This is high up on a hill. I support Member Hart and I thank Member Bernabei for his knowledgeable comments. Thank you.

PRESIDENT DENCZAK: Are there any further remarks...? The question you're voting on now is Ordinance #20. Roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 2 NAYS  
(CASAR, CARBENIA - NAYS)

PRESIDENT DENCZAK: The Ordinance has passed. It would have taken 9 votes to override the Ordinance. Ordinance #21 please. **#20 ADOPTED AS ORDINANCE NO. 58/2005**

#21 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 59/2005** 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 (VIENNA WOODS ZONE CHANGE)

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

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted. **#21 ADOPTED AS ORDINANCE NO. 59/2005**

PRESIDENT DENCZAK; Ordinances #22 and 23 were previously acted upon.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER PRATER: Annexation Committee will meet 3/28 at 6pm.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will meet next Monday evening at 6:00

MEMBER CARBENIA: Mr. President, Community and Economic Development will meet 3/28 at 6pm.

MEMBER DIAMOND: Mr. President, Intergovernmental and Public Service will also meet on the 28<sup>th</sup> at 6:00.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, 3/28, at 6:00.

MEMBER GRIFFIN: Mr. President, Environmental and Public Utilities will meet on the 28<sup>th</sup> at 6:00.

**MINUTES OF THE MEETING OF MARCH 21, 2005****PUBLIC SPEAKS**

PRESIDENT DENCZAK; Miscellaneous Business. Is there any miscellaneous business?... I'm ahead of myself. Public Speaks. Yes, we have one speaker signed up. Karen Dogan

MS. DOGAN: Good evening Mayor Creighton, Members of Council and Mr. Denczak and members. My name is Karen A. King Dogan. I live at 1500 Bramblewood Circle NE in Massillon, and I want to thank you for affording me the opportunity to speak this evening. The Coalition of Black Trade Unions, otherwise known as CBTU, Akron and vicinity, will be honoring two of Canton's finest, Captain Bruce Allison and Sergeant Grant Pressley. It is their 7<sup>th</sup> Annual Black History banquet. It will be held on Friday, April the 8<sup>th</sup>. The dinner is 6:30pm. The cost of a ticket is \$25.00. It will be held at Prince of Peace Baptist Church, 844 Garth Avenue in Akron. You may contact me, Karen King Dogan. I am the Executive Vice President and you can reach me at 330, like the staff, (*LAUGHTER*) 330 284-3482, and Mayor, I did fax one over to you. Okay. Thank you.

**MISCELLANEOUS BUSINESS**

PRESIDENT DENCZAK: I apologize for overlooking that, Members of Council. We're now under Miscellaneous Business. Is there any Miscellaneous Business?... I have, the Chair has a question to ask the Service Director. Are the power brooms working now?.. Are the power sweepers working now?

SERVICE DIRECTOR CONCATTO: It's Spring...

PRESIDENT DENCZAK: Yeah, I know.

SERVICE DIRECTOR CONCATTO: I was just joking. The power sweepers on the street, on the sidewalks?

PRESIDENT DENCZAK: No, well, on my sidewalk now, yeah, but in the streets.

SERVICE DIRECTOR CONCATTO: Normally, they wait 'til April 15<sup>th</sup> to take the plows off and right now, I don't think the sweepers are operating. It depends a lot on the weather, but, I'm sure they will be very soon.

PRESIDENT DENCZAK: Would somebody come by my house with a broom tomorrow and help me sweep the street? Mayor, you're good at that aren't you? (*AUDIENCE LAUGHTER*) We're now under Miscellaneous Business. We're still under Miscellaneous Business. Member Schirack....or....Mr. Schirack.

MR. SCHIRACK: I just want to remind everybody here that the tax filing has been changed to April 15<sup>th</sup>, it was April 30<sup>th</sup> but now it's April 15<sup>th</sup> this year. House Bill 95 requires that and I appreciate that. Tell all your friends. Thank you.

MEMBER WEST: Mr. President, Service Director, I spoke to you some time last week about 12<sup>th</sup> Street in terms of how rough it rides. Many people who ride down, I mean, I got a Tahoe and I'm really bumping up and down. Have they made any decisions on what they're going to do with that project?

SERVICE DIRECTOR CONCATTO: Mr. President, actually they need to wait until it's warm enough to do blacktop, hot, hot and cold mix, instead of the cold mix. So, as soon as the weather, I forget, I think it has to

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get up above 50 for a certain amount of time before we can start doing that, but obviously, I drove down there, you're absolutely right, it's very bumpy. I don't know if we can make any interim repairs to that, but we'll look at it, but we will have to wait until the blacktop is ready.

MEMBER CARBENIA: Mr. President, I'd like to ask the Mayor if under, if we're gonna have a second, or committee meeting on the CCIC money that you want. I was wondering if you could give us a copy of that list on what CCIC has put out over this past year. I guess since 2004 to now, this way, the Councilpeople will see what's on the agenda and what you have down.

MAYOR CREIGHTON: Mr. President, yes, Member Carbenia, we can gather that information. In fact, I know that they have new programs that Margy had helped create and Mandwell, we tracked those things. We'll be glad to give you that information. I don't have it with me tonight.

MEMBER CARBENIA: That's all right. I know that they do very good record keeping so, I'm pretty satisfied with it, I just think that all Council should see it.

PRESIDENT DENCZAK: Any other Miscellaneous Business?...

MEMBER CARBENIA: Mr. President, one more thing if I can. I would like to thank the people who voted for the delay on the Ordinance last week for me because I was in the hospital. I would like to thank all them, and that's all I have to say. Thank you very much, I appreciate it.

LAW DIRECTOR MARTUCCIO: As you know, as Law Director, I don't get a vote on your Resolutions and Ordinances and it's difficult not to express opinion sometimes. Earlier tonight, you passed an Informal Resolution requesting that privatization of social security not take place and FDR was quoted several times tonight so, I couldn't help but share this with you. A few weeks ago, I was asked to portray my political hero, Franklin Delano Roosevelt at the Inaugural Ball where every President and First Lady was present being portrayed by someone. So there I was, having done the research, thinking about FDR, with my glasses, my nens-pin glasses and my cigarette, holder in mouth and when I saw the gentleman portraying the current President, Mr. Bush, Judge Mike Howard, I approached him and said, (*IN IMITATION OF THE VOICE OF PRESIDENT ROOSEVELT*) 'Mr. President, you leave my social security alone, it has been just fine for 70 years'. And that's how I feel. (*AUDIENCE APPLAUSE AND LAUGHTER*)

PRESIDENT DENCZAK: Not being old enough to have known Franklin Roosevelt, I think I saw his pictures a couple times and boy, you look just like him. Is there any other Miscellaneous Business? ...

MEMBER CASAR: I move to 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: 9:45 p.m.

**MINUTES OF THE MEETING OF MARCH 21, 2005**

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL