

-MINUTES FROM SPECIAL COUNCIL MEETING
CITY OF NORTH CANTON
TUESDAY, SEPTEMBER 29, 2015

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Special Council Meeting Tuesday, September 29, 2015 at 6:00 pm.

2. Roll Call

COUNCIL PRESIDENT PETERS: Clerk, please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Griffith, Kiesling, Peters and Werren. Thus having 6 in attendance.

COUNCIL PRESIDENT PETERS: May I have a motion and a second to excuse Member Fonte.

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to excuse Councilman Fonte.

COUNCIL PRESIDENT PETERS: Thank you very much. We're here this evening for a special council meeting to hear an appeal of the Planning Commission's approval of a conditional use permit for Maple Street Commerce's Hoover District South Parking Lot Expansion PC-403-14. We are proceeding under an order of the Stark County Common Pleas Court, case number 2015CV00824, and under our objection that North Canton's Charter requires such appeals be heard by only the City's Zoning and Building Standards Board of Appeals, and that as a home-rule charter municipality, the City has the authority to determine its own standing requirements for an appeal. Please note that although this is a public meeting, and we welcome all that wish to attend, only those that have appealed the Planning Commission's decision in this matter and a representative for the Planning Commission have the right to present their oral argument this evening. Those that have appealed, the appellants, shall go first. Each appellant shall have five minutes to present his or her argument. Please step up to the podium and state your name and address; the timer will then begin. As a courtesy to all of those in attendance, when your time has concluded, please stop and return to your seat. Because a single representative for the Planning Commission may address Council regarding the written appeal, and all of the appellants' comments, that representative shall have up to 15 minutes for oral argument, which may include questions from Council. I noticed that the appellant's attorney's legal counsel is here if you wish to grant your attorney 15 minutes to speak on your behalf I will allow that. Or if you want to or it's either your attorney speak for 15 minutes or each appellant gets 5. I'll leave that up to you.

CHUCK OSBORNE: Yeah, I'm not going to take away the right of the appellants to speak so we'll all (inaudible) to speak.

COUNCIL PRESIDENT PETERS: Okay, very good at this time you may proceed the appellants may proceed in no particular order whoever wants to go first. State your name and address when you come to the podium, please.

4. Recognition of Visitors

CHUCK OSBORNE: 307 Fairview St SE, North Canton, Ohio. As you mentioned I do have my attorneys here Robert Cyperski and Jim Vaughn. [Reading from a prepared script.] I'm here tonight on an appeal filed originally October 10, 2014 by myself and my wife and subsequently again by my wife, me and numerous other city residents on November 7, 2014 from a recommendation of the Planning Commission to allow expansion of the Hoover district south parking lot. Both appeals filed with the city are part of the record now on file. The City of North Canton has allowed wholesale violation of the zoning code and expansion of the Hoover district parking lot. The origins of the City's participation in the gross mishandling of the required approvals for plan and expansion began when after approving a zone change for a portion of the parking lot from residential to business in 2013. Maple Street Commerce alerted the city that it wish to decline the zone change to business previously approved by the City's Planning Commission. At this point it did not take a genius to realize that some people were against and that it was not going to be pretty despite numerous, unanimous opposition from nearby residents the expansion was approved the City's Planning Commission. The wholesale violation to the City's zoning code are too numerous to detail I will attempt to highlight the violations that are part of the record now. Off-street parking and loading regulations Chapter 1153 "parking shall be limited 400 feet of the entrance to a building they were already at 410 feet and now you've increased 560 feet at a minimum and probably closer to 700 feet at a maximum. The parking code requires 10 foot wide parking stalls. The YMCA was required to have 10 foot when they expanded their parking lot a number of years ago and they were required to comply. The Hoover district was allowed 9 foot parking for some unknown reason. Obviously to cram greater density of cars and means more traffic to the lot and the city streets. The same chapter requires landscaping on interior parking lot. In the minutes of the May 7, 2014 Planning Commission meeting Member Tim Morrow raised this concern stating "your landscaping a third grader could have come up with a better plan than that." Mr. Morrow also stated that "you're trying to create an office building complex and you have a factory parking lot. I think you've got some serious problems." Chapter 1155 Landscaping, Screening and Outdoor Lighting, it duplicates some of the requirements of interior landscaping on the parking lot. And also gets into the lighting. Given the neighborhoods to the south and southeast of the parking lot have lost not one, not one but two protective buffer of trees. One being the mature Pin Oaks on East Maple and the second being the 100's of trees

immediately abutting our property on the south side of the parking lot. This requirement is critically important. At that same May 7 meeting Commission Morrow said "lighting needs low level lighting in that parking lot right now you've got those old factory lights in that parking lot." That's totally unacceptable in my mind with the loss of all trees and lighting from the buildings and the trees needs to be addressed. Chapter 1145 all the conditional use regulations; total non-compliance there. Chapter 1133 Single Family and Two Family Residential Districts states "although a use maybe indicated as permitted principle conditional or accessory use in a particular residential district it shall not be approved on a parcel unless it can be located thereon in full compliance with all the standards and other regulations of this ordinance. Locating a large commercial parking lot utilize for business purposes conflicts with the intent of a district zoned residential. Chapter 1177 Conditional Use Permits states that "the Planning Commission shall review the proposed use to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of the zoning ordinance and complies with the general criteria established for all conditional uses and specific requirements established for that particular use." Total non-compliance one of the requirements under that section and this was addressed by Judge Farmers' ruling council has never approved the recommendation of that Planning Commission. How were they able to go ahead and proceed with construction without that approval? How were they able to proceed with construction when they knew there was a stay or there should have been a stay on construction? Chapter 1121 Title and Purpose this chapter states in part "...that the purpose of the zoning code is to regulate and restrict the ways in which land can be used in order to promote the public health, safety, convenience, prosperity or general." Some of the listed purposes of the zoning code are to provide adequate open spaces for light and air, protect the character and value of residential areas, manage congestion on the streets by locating uses in such manner that they would cause the least interference with and be damaged least by traffic movements." I am sorry to see this city and this council behaving in this manner it has regarded in the expansion of the parking lot. It has greatly intruded onto the peace and tranquility of a North Canton neighborhood.

COUNCIL PRESIDENT PETERS: Yeah, Chuck your time is up. Thank you.

CHUCK OSBORNE: I have just two more paragraphs.

COUNCIL PRESIDENT PETERS: Your time is up, Chuck. We've got five minutes and we're adhering to that.

(Chuck Osborne continues to speak)

CHUCK OSBORNE: I just ask that this city council reverse or modify the recommendations of the Planning Commission without delay and enforcement immediate compliance.

(Council President Peters gaveled Mr. Osborne as he continued to speak)

COUNCIL PRESIDENT PETERS: Chuck, each appellant gets five minutes, please. It's only fair to everybody.

CHUCK OSBORNE: And your side is 15 minutes?

COUNCIL PRESIDENT PETERS: Alright, is there anyone else wishing to address council at this time?

MARIA HARRIS: 325 Fairview Street. I just think that when it all started I think it was very disrespectful to all the residents on Fairview and the surrounding area that we weren't even told about anything, we weren't spoken to and then all of sudden all the trees everything's just gone. No one listened to us. Now my biggest problem is I'm seeing trees leaning now. I'm also seeing what I think might be a spring because there's water starting at the top of the hill and goes down to what I call a cesspool due to the fact that it is just laying there. That water does not move whatsoever. I have never in my entire years that I've lived in this home had so many mosquitoes. It's terrible. I cannot even sit outside with all the mosquitoes. And another thing the trees are starting to lean; they're looking like they're ready to they're going to fall. There's no doubt about it I imagine we have a bad winter and the heaviness of the snow they will fall. There's a very large tree that they took down it's not on my property but it's on the neighbor's and it's actually laying in their backyard. Now they rent there so they have never said anything but it's no one even removed that. There were actual shrubs and big large branches that I actually had to move off of my property line because no one came and cleaned up. And when I saw them there doing the grass which they did do a good job on the grass I might say I asked them if they could clear that away and they just turned away and walked. So I don't know who you had hired doing that but... So I'm just very disappointed I just think things went way too fast. I looked down at that parking lot each and every day and I see no cars, no cars 30 feet from the end to the Hoover building. I see absolutely no cars parked there.

RITA PALMER: 307 Fairview Street SE. [Reading from a prepared script.] I contend that the conditional use permit for the Hoover south parking lot is in violation of Ordinance 1177.06 because Council never did adopt or deny the recommendations of the Planning Commission, Judge Kristin Farmer noted this is her ruling on the appeal. Further, I contend that the conditional use for the Hoover south parking lot cannot now be approved by council unless it is in full compliance with all of the standards and other regulations of Ordinance 1133. Further, the Planning commission may assign reasonable requirements to ensure that the proposed development is appropriate in the location in which it is proposed Ordinance 1145.01. It is these reasonable requirements to which I now draw your attention. Since council did not ensure that all work was stopped at the time of our appeal, some of these items may seem untimely or costly. However, the zoning code is to be followed and any expenses that will be incurred should be borne by the city and IRG and not placed on the backs of these appellants who have to go to court and spend thousands of dollars to receive their just hearing before tis elected body. I request the following for this parking lot development to be made appropriate: 1) Ordinance 1153.08 demands that citizens not be required to walk more than 400 feet to the nearest building entrance. The lot before any addition was 410 feet from the nearest door. Now it extends from 560 to 650 feet. These added spaces in the extended lot must be eliminated to ensure that no one has to walk an

unreasonable distance to enter the building. 2) Ordinance 1153.11 mandates that the width of all parking spaces be 10 not 9 feet. The lot should be restriped to widen the parking spaces. 3) Next, Ordinance 1153.03 dictates that 5% of the parking lot should be turned into islands that are 10 feet wide in a horizontal dimension and certain one major shade tree for every 10 parking spaces. This is another reason to restripe the lot. Planning Commission member Tim Morrow cited this violation on May 7, 2014 as a serious problem. 4) Ordinance 1155.11 deals with nighttime lighting in an R2F district which covers the back part of the lot. Tim Morrow said on May 7, 2015, that the factory lights in the lot are "totally unacceptable." These lights should be changed to low level lighting. Further, the building entrance lights create a nuisance and should be reduce in intensity or turned off at night. 5) Lastly, Ordinance 1145.02 deals with conditional use criteria as related to property values in the neighborhoods. Since the once significant buffer of trees that afforded privacy to the neighborhoods has been reduced by a number in the hundreds, more large deciduous trees as opposed to shrubs or fir trees should be planted in an expanded buffer area. These are among the bare minimum "reasonable requirements" that should be met by IRG or the City or both in order for the Hoover sough parking lot to come into compliance with the North Canton Zoning Code. Thank you.

JIM BLAINE: 404 McKinley Ave SE, North Canton. I haven't seen anybody here since the last time I stood here. I realize this is probably a dog and pony show really cause nothing's going to happen of it with the examples of what has come out of here before in reference to the same subject. I know the last time I was assured that I would be contacted, the neighborhood would be contacted, the association would be contacted about the traffic problem coming out of the parking lot. The traffic is increased ten-fold like I said it would be. Even farther than when I had it studied before. I have called David Mayor Held since then and that meeting was never attended also by the city. He assured me that he was going to get in touch with Mrs. Werren and contact me about the possible breakaway barriers there was all kinds of suggestions you guys might remember if not you could look in the minutes from the meeting. But all this was just was all lip service nothing was ever done, nobody ever contacted me even though I didn't try to contact the city. I did speak personally with David Held in my front yard in reference in which time I was told that the fire chief and the police chief didn't like the idea of a break away barrier okayed. So it wasn't going to happen but we would set up another meeting and we decide something and which we are willing to do. But basically we hear is a lot of lip service; we're going to do this and we're going to do that, we're going to meet with you, we're going to take care of this and do that and then it just goes away. So I don't think this is going to go anywhere. It's a shame that we had to spend as much money as we did to get this hearing. Last time I spoke here I got a civics lesson from Mr. Fox and found out that it was according to Judge Farmer it was improper civic lesson but it could of all been taken a different route we couldn't spent this money, we wouldn't have to be here right now if people you people in particular would just listen to what the constituents are saying. There's a problem, there's definitely a problem there's a lot of angry people. I have not seen Stephanie one time in our neighborhood she didn't contact people and they were "what's going on, why are you people upset". We don't hear we have a council that lives in this little building and rules from afar. It's not what we need. Something needs to be done and I realize it's gone, its water under the bridge now you can't bring back trees. More than likely nothing's going to be done about the traffic we have to watch our own children which brings me down to the last two minutes. You've dug the retaining ditch we've heard it called cesspool, whatever, but there is one thing there is about that ditch is there is no fence around it, no nothing now that fills up with water. There is a lot of kids in that neighborhood come to find out its turned into a pretty big magnet for kids they all want to go down there when there's water down there. Yeah, you say it's the parent's problem, it is until one of them falls in there and drowns. You've got no fence around it, it fills up you have a very large discharge and as the city engineer will tell you it doesn't take much water to suck a kid down underneath the water and hold him under there until he's dead. And that's a problem it should be addressed. I will see if it is. Other than that I'm really sorry that we had to get this far. I really wish people would get out and talk to their constituents and find out solve some problems rather than deny that they're there or say they're crazy. Thank you.

GRETCHEN BERCAW: 320 Fairview St SE. I've lived on Fairview for 15+ years now. Came before you previously to express my concern regarding this particular project and the effects it would have on our neighborhood. On the environment. As well as our neighbors surrounding us. And I am in complete agreement with the four people who have spoken before me relative to their comments it's unfortunate that this elected group who is supposed to be protecting the rights of the individuals in our community are not following the procedures and the laws that have been put in place. I look out upon the Las Vegas strip now, I've had a complete I guess loss of interest in this community as a result of what's taken place over the last several years. And how this community is being administrated you're not listening to the folks that have elected you. And I've never once had Stephanie or Marcia or anyone else come and talk to us about the concerns that we've had in our community. Particularly about this project. Maple Street is now a complete disaster in terms of people walking across Maple. Hoover was there for 50+ years and there was never issues with individuals walking from that parking lot over to the main building. Now people who are walking across the street just bolt right out in front of cars. We understand that there's all the flashing lights that are supposed to be protecting the individuals but we had crosswalks for a reason and it was a controlled environment. The cesspool as Maria indicated has become an issue with misquotes. Our misquote infestation increased this year substantially. And it's unfortunate that we're here at this point that people have had to spend money to get heard again and thankfully the press has picked up the story a little bit and shared with the community in a bigger light. Because I think they need to know what's happening here in North Canton. Thank you.

MELANIE J. ROLL: 308 Portage St, North Canton. At the February 23, 2015 council meeting during public speaks I spoke of the decision by council not to hear the appeal of North Canton citizens regarding the conditional use permit made by the Planning Commission of the property known as the South Parking Lot and owned by IRG. The twisting and turning of the process that has gotten us to this point could have been far shorter. None of us can regain the time and energy that was expended to finally get to this public hearing. If only city government could follow its own rules. Too bad construction of this parking area was not halted until the appeal process worked its way through the courts. But that didn't happen. While the folks who live on Fairview have been greatly impacted other citizens have witnessed changes as well. The elimination of the Stark Parks walking trail that began at the YMCA has forced walkers to look for other options. Yes, there is a sign at the corner of East Maple and Taft noting the beginning of the trail, however most folks chose to begin their walk where Taft St dead ends into the

property owned by IRG. This is not an area suitable for parking cars. If parking is even allowed. It looks to be a storage area for a construction company. In the early discussion of the IRG parking area the Stark Parks trail adjacent to the YMCA was to be kept. Grant money of over \$100,000 was used to build that section of the trail. And then it was demolished. As I said to one of the city administrators I wish IRG would be a better corporate citizen. Thank you.

CLARA DRAPER: 523 Fairview SE. I have lived at that address for 51 years and never, ever have had the water that I have had this past summer. If it wouldn't have been a weekend I would have had city hall come down and look at my backyard. The neighborhood is deteriorating I would think North Canton would want to be proud of the surrounding area of the Hoover Company but it is not happening. I just want to know what the City of North Canton is going to do about the water problems.

COUNCIL PRESIDENT PETERS: Is there anybody else wishing the appellants wishing to speak? Are you an appellant? (No, I am not) No sir, we're only hearing from the appellants.

LARRY TRIPP: I have a letter received from one of the appellant has asked if I could read it.

COUNCIL PRESIDENT PETERS: No, we're only hearing from the appellants.

LARRY TRIPP: Alright, thank you.

COUNCIL PRESIDENT PETERS: Thank you, Mr. Tripp.

(Mr. Osborne was speaking from the gallery)

CHUCK OSBORNE: Mr. and Mrs. Hammen gave me that letter they couldn't come because of recent surgery. They asked if that would be read into the record.

LAW DIRECTOR FOX: Point of order, Mr. Chairman, you ask that he not speak from the audience.

COUNCIL PRESIDENT PETERS: You can leave the comments with us. You bring the comments here we'll enter it into the record. Thank you.

(Mr. Osborne was speaking from the gallery)

CHUCK OSBORNE: Can I get a copy

LAW DIRECTOR FOX: Point of order, Mr. Chairman, he's out of order.

COUNCIL PRESIDENT PETERS: Listen, listen, we're not talking from the audience. Thank you, sir. Yeah, I will have the clerk transcribe this and we'll enter it into the record. Okay, is there any other appellants wishing to speak?

(Someone spoke out from the gallery)

COUNCIL PRESIDENT PETERS: Ma'am, I'm going to have the clerk transcribe these and we will put them into the record. She will transcribe and they will be put into the record. We'll put a copy of the letter the website.

(Someone spoke out from the gallery)

(Letter presented to council by Mr. Thomas & Linda Hammen)

My name is Thomas D. Hammen at 525 Harman St SE. North Canton, Ohio 44720. My wife Linda and I reside 2 houses east of parking lot. We have been here for 15 years and maintained and paid off the mortgage and considered the location a residential area. With the encroachment of the parking area, our home location is closer to being an industrial environment. Less desirable for home ownership, increased rentals and general deterioration of the area. The appeal to city council has initiated to some of the above considerations. On August 21, 2015, Stark County Court of Common Pleas Judge Kristen Farmer reversed the decision of the North Canton City Council to dismiss the appeal by ruling that "...Council's dismissal of the appellant's appeal pursuant to Ordinance 1177.11 was unconstitutional, illegal, arbitrary, capricious, and unreasonable. Thank you, Thomas D. & Linda K. Hammen.

COUNCIL PRESIDENT PETERS: Listen, excuse me sir, we're not going to take comments from the gallery. This is a tem for the appellants to come up and speak. You've had your time is there anybody else? Are there any other appellants wishing to address council during this appeal hearing right now? Okay, seeing none we will now go to the Planning Commission's representative Mr. Benekos?

ENGINEER BENEKOS: Jim Benekos, city engineer. There's several comments I guess I want to ask I want to get with the last lady that spoke Mrs. Draper I want to talk with you after the meeting to get your address I'd like to come out and look at that. Yes, a few of the comments that kept coming up was parking within 400 feet of the building. That is for not for employees, employees parking can be anywhere it doesn't have to be within 400 feet of the building. Traffic was brought up if you did not have the parking lot and the increase parking there the employees would still have to find a place to park. They could be parking on surface streets and finding their way to the building. That would create more of a traffic problem. Although it's been said that you know the traffic or the parking lot isn't full at this point the building's not full at this point. I was there just this evening after 5:00 and there were cars parked along the last row there probably three or four and that's been the case. I

think those people just like to walk. The parking lot is not full and I'll agree to that. The islands and the trees were brought up, the islands were put elsewhere in the parking lot. They do meet the area requirements; the number of trees do meet the requirements per the code. Lighting the developer chose not to add any lighting to the area so the existing lighting that is there did not increase. So lighting should not be an issue to that respect.

LAW DIRECTOR FOX: Mr. Benekos, if I may ask a question about trees because it's been a, a common complaint. The applicant for the conditional use permit as the owner of that private property did it have the authority to remove trees on his property with or without a conditional use permit?

ENGINEER BENEKOS: Yes, a property owner can remove trees on their property they do not need a site plan or conditional use approval. Any property owner can remove trees on their property. Because there was an existing parking lot there they had to maintain the buffer which I think the Planning Commission felt that they did and they did add additional trees to that. Again, being out there today and recently I noticed some of the trees that they added are not looking too good and they need to go in and address maybe replacing some of those trees. Also the retention area the drainage the improvements that they've made they could of made those improvements regardless whether they made the site improvements or not whether they came to the Planning Commission to expand the parking lot or not. The improvements for drainage I think went beyond the requirements for just the additional area and barring tonight this was the first time I've heard of any concerns regarding drainage. So we'll want to look at that and see what the issue is with that.

LAW DIRECTOR FOX: If I may since, since I kind of distracted you already with a follow up there, there were also some concerns that and I don't believe this was an issue for a conditional use permit but just an issue for those that felt that they didn't receive enough information. And I attended the Planning Commission meetings and I know at the initial one there was a you know comments from the Planning Commission although it's not a requirement to hold informational meetings. Are you aware of additional meetings that the applicant had for residents of that area to provide them additional information to have a kind of you know provide feedback on what they had planned in addition to any discussions that they had during the Planning Commission meetings?

ENGINEER BENEKOS: Yes, I know they had at least one public meeting at the civic center they had several of their representatives there to answer questions; they had displays so forth. So yeah I know they had that public meeting, I know they had a number of private meetings with several of the residents.

LAW DIRECTOR FOX: Was there a meeting at the worksite?

ENGINEER BENEKOS: Yes, at the worksite and as I recall it was raining at the worksite there. Yeah, Planning Commission I recall there's a few comments made about when the Planning Commission member making comments about the plan that was presented. And that was probably at the first Planning Commission meeting and they weren't the plans weren't up to standard and they did not meet with the residents that's where the Planning Commission tabled it and requested the developer to go meet with the residents and again reiterating they did that several times privately with individuals and groups and the public meetings. But at the second Planning Commission meeting when they addressed those the Planning Commission member that made those comments initially did vote and approve the plan ultimately. So...

LAW DIRECTOR FOX: Do you recall the, the time in between when the Planning Commission tabled the permit and the second meeting where perhaps new plans were presented?

ENGINEER BENEKOS: Right, as far as there was a public meeting initially and the Planning Commission typically once you have the public hearing they don't need to meet again as a public hearing but they did allow did a public hearing at the second meeting again. So they gave the public opportunity twice here in these chambers to express their views and concerns to the Planning Commission.

LAW DIRECTOR FOX: Did residents take advantage of that?

ENGINEER BENEKOS: Yes, they did.

LAW DIRECTOR FOX: Do you recall the amount of time in between?

ENGINEER BENEKOS: I think the first meeting was in May and the second meeting was in September.

LAW DIRECTOR FOX: Okay.

ENGINEER BENEKOS: There was a lot of time in between there that they were working on the plans.

LAW DIRECTOR FOX: There was a third meeting?

ENGINEER BENEKOS: There was a third meeting; at the second meeting because there was a conditional use and a site plan approval sometimes Planning Commission forgets that there's two. So at the September meeting they only approved the site plan they forgot that they needed to approve the conditional use of that site plan. We recognized that when we were back reviewing the minutes of that meeting and then we held a meeting in October to address that issue. So they just needed to come back it was more of a housekeeping deal they intended to do it at the original which was brought out in the October meeting and so they approved the conditional use in October.

LAW DIRECTOR FOX: They didn't take public comment at that third meeting, correct?

ENGINEER BENEKOS: That's correct. They felt that they had given the public ample opportunity to speak and did not need another public hearing at that point.

COUNCILWOMAN KIESLING: Mr. President, I have a question? (Sure) At the third meeting the site plan was no different than the meeting in September, correct? Nothing had changed between September to October?

ENGINEER BENEKOS: Correct, the site plan was approved in September.

COUNCILWOMAN KIESLING: And the conditional use was approved in October but there was not changes in any of it?

ENGINEER BENEKOS: That's correct.

COUNCILWOMAN KIESLING: Okay, and one other question. As far as the parking spaces why are they striped 9 feet I haven't gone out and measured them? But...

ENGINEER BENEKOS: Yeah, the Planning Commission felt the preponderance of that total parking lot was existing at 9 feet, they did not see a reason to impose a greater restriction on the additional parking spaces. Again it's not a shopping center where it's the public coming to it it's the employees utilizing that parking space.

COUNCIL PRESIDENT PETERS: Okay, anymore questions of the Planning Commission's representative? Marcia?

COUNCILWOMAN KIESLING: I just have one more, I believe I know the answer to it but as far as our zoning code council does not approve conditional uses do not come to council.

ENGINEER BENEKOS: That's correct.

COUNCILWOMAN KIESLING: It's a Planning Commission issue and it's not a council issue.

ENGINEER BENEKOS: Correct, it's not a zoning change so yeah conditional uses do not come to council.

COUNCILWOMAN KIESLING: Okay.

COUNCIL PRESIDENT PETERS: Any other questions of Mr. Benekos? Mr. Law Director?

LAW DIRECTOR FOX: No, sir.

COUNCIL PRESIDENT PETERS: Anything else? Jim, thank you, sir, I appreciate it.

ENGINEER BENEKOS: Thank you.

COUNCIL PRESIDENT PETERS: Alright, at this time I want to thank all of you for appearing this evening. We'll take all of this testimony tonight along with the written appeal under advisement and we'll issue a decision in writing. At this time I will entertain a...

COUNCILMAN GRIFFITH: We should clarify that.

COUNCILWOMAN KIESLING: It will be on the agenda Monday.

COUNCILMAN GRIFFITH: We're going to have it on the agenda Monday and we'll discuss you know we're not just going to issue an opinion there will be discuss about...

COUNCIL PRESIDENT PETERS: Yeah, we're going to discuss it in open meeting but the decision will be in writing.

COUNCILMAN GRIFFITH: Sorry.

COUNCIL PRESIDENT PETERS: No, thank you, I appreciate that. At this I'll entertain a motion to adjourn.

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

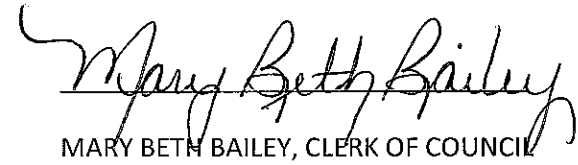
Roll call vote of 6 yes to adjourn.

6. Adjourn:

Roll call vote of 6 yes to adjourn.

[Let the record reflect Charles Osborne set up a tripod and appeared to videotape the Council meeting.]

COUNCIL PRESIDENT PETERS: We are adjourned.


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT

Sept. 29, 2015

Appeal Hearing

To:

North Canton Council

My name is Thomas P. Hammen
At 525 Hartman St. S.E., North Canton
Ohio 44720. My wife Linda and I reside
2 houses east of parking lot. We have been
here for 15 years and maintained and paid off
the mortgage and considered the location a
residential area.

With the encroachment of the parking
area, our home location is closer to being an
industrial environment. Less desirable for home
ownership, increased rentals and general deterioration
of the area.

The appeal to city council was initiated
to some of the above considerations.

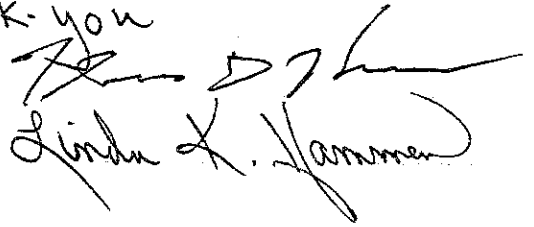
On August 21, 2015, Stark County Court of
Common Pleas Judge Kristen Farmer reversed the
decision of North Canton City Council to dismiss
the appeal by ruling that "... Council's dismissal of
the Appellant's appeal pursuant to Ordinance 1172.11
was unconstitutional, illegal, arbitrary, capricious

AND UNREASONABLE.

Thank you

Thomas D. Hammen

Linda K. Hammen

A handwritten signature in cursive script, appearing to read "Linda K. Hammen". The signature is written in dark ink and is positioned to the right of the typed name "Linda K. Hammen".