

MINUTES OF THE MEETING APRIL 9, 2012

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. I want to thank all the Neighborhood Association Members for coming down this evening. We really appreciate it, as always. You do exceptional work for our city and we're very grateful for your public service. With a quorum being present, the Chair does call this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, PATRICK BARTON, JAMES BABCOCK, MARY CIRELLI, JOE COLE, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, KEVIN FISHER, EDMOND MACK & FRANK MORRIS)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Twelve yeas, Mr. President. All present.

PRESIDENT SCHULMAN: Thank you Madame Clerk. It's nice to have Member Cirelli back. I'm glad you're feeling better and it's nice to have Member Mack back. I know he's been on a number of legal matters that he's done very well on and I know from personal experience you can't help it so, welcome back. Tonight's invocation will be given by our Majority Leader David Dougherty. Will you all please remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on April 9, 2012 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Majority Leader and Ward 6 Council Member, David Dougherty. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Leader. We are now under Agenda Corrections and Changes. Leader. We're now under Agenda Corrections and Changes. Leader.

MEMBER DOUGHERTY: Mr. President, I'd like to suspend Rule 22A to add 2nd Readings Ordinances #10.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add the 2nd Reading of Ordinance #10. Any remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 22A is suspended and that Ordinance is a legal part of your agenda.

PUBLIC HEARINGS

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PRESIDENT SCHULMAN: Turning now to Public Hearing. We actually have a Public Hearing this evening and it is scheduled for **7:30** and it's 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; THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME AT 509 15TH ST NW FROM B-2 (NEIGHBORHOOD BUSINESS) TO PB-3 (PLANNED GENERAL BUSINESS) IN WARD 9. Is there anyone in the audience wishing to speak for or against this Ordinance will you please step forward. I have to repeat this. Is there anyone in the audience wishing to speak for or against this Ordinance, would you please step forward. No one has stepped forward so, the matter now rests in the hands of Council and the Ordinance will be voted upon later this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: We're now under Old Business. I turn Old Business over to Director Warren Price. Director.

DIRECTOR PRICE: Thank you Mr. President. We have three items of Old Business. The first, Leroy Lynch spoke. He was concerned about the fact that he was not provided with an interpreter during the Civil Service test and the Law Department is investigating the matter. The next speaker was Patricia Kirk. I do want Miss Kirk to know that I did fill out my Tree Commission Academy application. I filled out my check and I do plan on attending if accepted to the program. And finally Pete DiGiacomo had called, had spoken regarding and speculating, if the Pound is no longer taking our stray animals what we would do if a pit bull's on the loose. My understanding with the Pound's situation is not good for us, it only effects feral cats. That's all I had. Thank you.

PRESIDENT SCHULMAN: Thank you Director.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Turning now to Public Speaks. We have eight speakers scheduled this evening. Our first is Mr. Charles Killins. Mr. Killins. Well, he's usually here. I hope he's OK. Alright our next speaker is Marcia Zawacky. Thank you, thank you. I don't what to say that the clerks kept saying Marsha, Marsha, Marsha, just to throw me off. Good evening. If you'll give us your name and your residential address, Marcia.

MARCIA ZAWACKY: Good evening and thank you, I really appreciate that.

PRESIDENT SCHULMAN: You're welcome.

MARCIA ZAWACKY: I am Marcia Zawacky and my residential address is 2831 Harrison Avenue NW which is in the city of Canton and I came here tonight, whether it passes or not, to acknowledge Patricia Kirk in her endurance and her, that she has stayed at this as long as she has and it appears that her efforts are going to actually come to fruition and ultimately we would like to pay tribute to her by getting her a Tree of Life from the Wilderness Center. So, I just, I had to, you guys hear me get up and say some other things and I had to let you know that I really admire the fact that she has stayed with this as long as has and it's now coming to fruition.

PRESIDENT SCHULMAN: Great. (*APPLAUSE*) Thank you very much. Our next speaker is Richard Drake.

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Mr. Drake good evening. Welcome again. If you'll give us your name and your residential address please.

RICHARD DRAKE: Richard Drake. 3020 Sycamore Avenue SE, Canton, Ohio. I was just going to pick up where I left off last time I was here. I only got three minutes. First, just congratulating Pat Kirk for all her hard work and her endurance, trying to get all this set up for you guys and as I mentioned before, the Tree Ordinance is only as good as the people who manage it. The trees are only as safe as the arborist who take care of them. And speaking of the trees, everyone knows what Ohio Power does to the trees. It is very noticeable. Now all the trees that I've done, with all your cityscape trees on average, they just look nicer, so it's sort of hard to tell I was there except for some city crews or someone pruned the ends of the apple trees there in the square and now you got little antennas sticking up. What I really wanted to say was something sad happened over the weekend. I don't know if Council's aware of it or not but, Schneider Lumber donated that huge fountain that's over there in the Garden Center and a lot of us have spent a lot of time over there getting the trees, everything ready and the Park Department got that fountain all in, tried it out and it's perfect. Well over the weekend an 11 year old boy climbed up on that and it's busted. Since it's imported from Italy, it's worth about \$30,000.00 or so. They're going to donate it, have a dedication, so I don't know what's going to happen. I know Mr. Perry's really scrambling trying to get things in order so maybe Council can pitch in and sort of help him. It's a sad thing that the family was there and they let the boy climb up on it. It just a fluke thing that happened but just imagine, I mean that's imported stone from Italy. It's just something you don't get around here and it just goes, different things that happen all over and I don't know if you're aware of something else that happened out, maybe the Safety Director does, out at the Pizza Oven on West Tusc, where a homeless guy was darn near beat to death out there over the weekend and a gang attacked him after hours, late at night and then they left and then they came back and beat him some more so these are your deer in the headlights. I mean these guys carry weapons and stuff, you know something that's early, they're just children, but these ain't kids to me, these are thugs and killers and Lord help them if they ever attack me and I'm ever able to defend myself cause there's going to be a lot of dead deer laying around. So I'm just giving my opinion on things and I'm sure if the shoes are on the other foot, you'd think the same way I am maybe. What are you going to do about this. It's all over, it's just the way the economy is and times. I grant we need things for our kids, we need programs and we need to have something for them to do so it's up for you guys to figure out and someone mentioned to me one time, don't be part of the problem be part of the solution so I put that on you guys to take that. And again I thank Pat for all she's done and her work and whatever happens to the Tree app, happens with the Tree Ordinance, I'm saying, how it's getting voted on but I'm not Ohio Power with no restrictions. I think you agree with me on this Allen. If they're going to come in and butcher a tree even after storm damage, cut the dern thing down. Don't leave a liability for someone else to have to contend with later or cause a fatality. In our occupation, we're losing 8 to 10 people a month so figure that out on deaths. We have the most dangerous profession in the world so let's try to get the right people in the right places.

PRESIDENT SCHULMAN: Thank you very much Mr. Drake. (*APPLAUSE*) Our next speaker is Paul Burt. Mr. Burt, good evening. It's always a pleasure to see you. I saw you outside. If you'll give us your name and your residential address for the record please.

PAUL BURT: My name is Paul Burt. I stay at 1458 Housel Avenue SE, Canton, Ohio and we welcome all of you here. This is our first year as Homeowners Association from the Southeast and my topic is the lighting. We have poor lighting over there on the southeast end and right in front of our house we done had a couple of incidents. I have a camera which is in front of my house. It only shows at daytime. It won't show at night. I

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have a pole right across the street in front of my house that I wish that someone can address it, put a light up there so I can film what's going on. Somebody broke into a neighbor's car right across the street. They came and asked me, can I show them. I told 'em no I couldn't because I don't have lighting. My main concern is our lighting over there where we're at, is pretty bad and we need it cause it's a lot going on over there on our streets and I thank you.

PRESIDENT SCHULMAN: Thank you Mr. Burt very much. (*APPLAUSE*) Our next speaker is Darrell Austin. Mr. Austin good evening. If you'll step forward and give us your name and your residential address please and welcome to Canton City Council.

DARRELL AUSTIN: My name's Darrell Austin. My address is 1427 Sycamore Avenue SE and I just have a small point for our Neighborhood Association and these....Are you an active member, the kind that could be missed or are you just contented that your name is on the list? Now think about it members. You know right from wrong. Are you an active member or do you just belong? I don't just belong to the Canton Southeast End Neighborhood Association. I'm here and representative in 4th Ward Council Lady Chris and I'm glad to be a participant of our Neighborhood Association and we have some issues in the southeast end in the 1500 block of Allen Avenue SE which still remains with Joe Jeffries and Groffries with the property. With 100's of tires left in the area and across from that area the city of Canton owns the lots on Ida Place SE and we would hope that as soon as possible the city of Canton could clean up their lots as well as Joe Jeffries did clean their's up. Joe Jeffries still left some debris down there. The land is now cleared, part of it, in the 15...and it is in control with the EPA Department in Pittsburgh now and I talked with Frank Miller from the Health Department today and he told me that he would get back with me because we haven't had any response from them at all in regards to the property and what their intentions were to clean it up. Thank you so much.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Our next speaker is Collin Miller. Mr. Miller good evening. If you'll step forward and give us your name and your residential address please and welcome to Canton City Council.

COLLIN MILLER: My name's Collin Miller and the property that I address is 1315 Cleveland Avenue NW. Basically five years ago my property was raped by the city of Canton, therefore me being emotionally raped by the city of Canton and their lies and denial. City officials or workers entered my property at least on four different occasions to chop down trees, shrubs of various sizes. It was done illegally and it was covered up by the city of Canton. It was paid for by taxpayers dollars because the property owner was never sent a bill or assessed to their taxes. So my concern here is this new bill that you're going to vote on that, you know, I don't know how it's going to effect, in that how does the cutting, this tree law, as the paper states, help cut down crime. Because while those city officials were cutting down the trees in my yard, they robbed my house. It was broke in to and over \$250,000.00 worth of antiques was stolen and again cover up and lies by the past administration under Janet Weir Creighton and the current administration does know about it and just chooses to do nothing. So effectively all those employees are still currently, well we can assume, most of them are currently employed since all of them were protected by the city of Canton and no names were listed. Being that these people are the people that are still going to be in charge of these Ordinances, how effective they are I don't know, but those people are still the ones making judgements. Those people are still the ones that did the criminal act to begin with. Those people are still the ones that are going to be appointing this new Tree Committee that the paper talks about. These people appointed to these Committees are probably only pawns

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by those people that want to manipulate the system by those people that have done this criminal act in the past and still plan to enter people's property and chop down trees or enforce whatever it is they want to enforce making a corrupt and somewhat inept government in charge of more.

PRESIDENT SCHULMAN: Thank you very much sir. Our next speaker is Joyce Sumlin. Miss Sumlin good evening. If you'll step forward and give us your name and your residential address and as always, welcome to Canton City Council.

JOYCE SUMLIN: Good evening my name is Joyce Sumlin and my address is 1627 Gateway SE and I'm speaking on behalf of the Neighborhood Leadership Council. We are hear from numerous Canton Neighborhood Associations as Members of the Neighborhood Leadership Council which has been in existence for 16 years. Our Neighborhood Association will receive \$138,000.00 in grants on April the 24th from the Stark Community Foundation Neighborhood Partnership Grant Program and the partners, J.P Morgan Chase, the Repository, Timken Charitable Trust and Stark Community Foundation. We appreciate the Stark Community Foundation's Board of Trustees who gave an additional \$38,000.00 to NPGP this year making the total contribution for 2012, \$110,000.00. We the members of the Neighborhood Leadership Council are volunteers, yes volunteers, who give our time and energy to making our neighborhoods better places in which to live, learn, work, raise a family and play. Our motto is "You don't have to move to live in a better neighborhood." Would everybody representing a Neighborhood Leadership Council Neighborhood Association please stand. Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you and again thank all of you for your service. Our last speaker is Patricia Kirk. Miss Kirk will you step forward and give us your name and your residential address please.

PATRICIA KIRK: Hi, good evening. My name is Patricia Kirk. I live at 131 5th Street NE and I'm President of the Downtown Central Neighborhood Association. I would like to say that I am very proud of you tonight if you decide to pass the Tree Ordinance and I would also like to say that you are being watched by the entire state of Ohio. Did you know that? I have been getting calls all day long and they are like from Cleveland, Columbus. Hey did you see this article and they're like, Yea, she already called us. But they are watching Canton and I would like to say that I know some people break out in a rash from your mention of an Ordinance but this Tree Ordinance is different and will be different if it passes. It establishes a Tree Commission which represents the people. It's protective and informative and it's not just a proclamation of the latest political trend, it sets standards. The very same tree care standards that other cities in Ohio have lived by for decades. Standards held by the professional tree care experts for decades and you can tell if a tree care expert knows his or her stuff. If you ask to see their current license from their professional association, they will be hurrying to show this to you. If not, then their not a true tree care professional that has been trained. If you think a Tree Ordinance is not important then you must also think crime is not important. You must think health is not important. You must think flooding, destruction and pollution are also not important. You see trees affect all of this and other cities take care of trees and save money because of that fact and to answer internet questions, no I am not filthy rich with nothing better to do, I just believe in doing the right thing. Thank you very much. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you. Thank you Miss Kirk. Thanks to all our speakers this evening.

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PRESIDENT SCHULMAN: We're now under Informal Resolution. Madame Clerk would you please begin with Resolution 30.

#30. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT OF LOVIE HAILEY TO FAIR EMPLOYMENT BD RETRO FROM 3/1/12 - 2/28/15. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 30.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 30. Any discussion? Hearing none, by voice vote all those in favor signify by saying aye, those opposed no.

NO REMARKS

RESOLUTION #30 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Resolution 31 please Madame Clerk.

#31. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT OF VIRGINIA JEFFRIES TO FAIR EMPLOYMENT BD RETRO FROM 3/1/12 - 2/28/15. - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 31.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 31. Any remarks under this Resolution? Hearing none, again by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #31 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. The Resolution is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We turn now to Communications. Let the journal show that all of the Communications are received as read.

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 APRIL 9, 2012.

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153. AUDITOR MALLONN: MONTHLY RPT BY FUND 3/1/12 - 3/30/12. - RECEIVED & FILED
154. AUDITOR MALLONN: YEARLY RPT BY FUND 1/1/12 - 3/30/12. - RECEIVED & FILED
155. CANTON WATER WORKS: 2011 ANNUAL REPORT. - RECEIVED & FILED
156. DEVELOPMENT DIRECTOR WILLIAMS: REQ EXTENSION OF THE ECONOMIC GROWTH INITIATIVE BUSINESS INCENTIVES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
157. HAWK, G, ANNEX CHAIRMAN: REQ TO AMEND GEORGETOWN RD CEDA TO INCLUDE .0179 ACRE PARCEL OF PROPERTY INCLUDED IN THE BROAD AVE ANNEXATION. - ANNEXATION COMMITTEE
158. MAYOR HEALY: AUTHORIZE RE-APPT OF ROBERT FAY TO INCOME TAX REVIEW BD FROM 3/1/12 - 2/28/16. - PERSONNEL COMMITTEE
159. MAYOR HEALY: AUTHORIZE RE-APPT OF WILLIAM SHERER, II TO INCOME TAX REVIEW BD FROM 3/1/12 - 2/28/16. - PERSONNEL COMMITTEE
160. SAFETY DIRECTOR REAM: REQ TO PURCHASE 16 - 2012 CHEVROLET POLICE CRUISERS FROM TAYLOR CHEVROLET @ TOTAL COST OF \$507,624.00, 1 - 2012 FORD E350 CARGO VAN FROM GERMAIN FORD @ TOTAL COST OF \$24,105.00 & ADDTL EQUIP FOR THE 17 VEHICLES @ TOTAL COST OF \$48,000.00 FOR POLICE DEPT THROUGH STATE COOP PURCHASING PROG AS STATED IN ORC SEC 125.04. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
161. SERVICE DIRECTOR PRICE: REQ TO AMEND O#29/2012 TO REMOVE 3 SHEETS THAT REFLECT TOTAL AMT COLLECTED TO DATE. - JUDICIARY COMMITTEE
162. SERVICE DIRECTOR PRICE: REQ TO ENTER INTO TWO YR CONTRACT W/CAPITAL RECOVERY SYSTEMS FOR PURPOSES OF COLLECTING OUTSTANDING CITY DEBTS. - FINANCE COMMITTEE
163. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX FOR MARCH 2012. - RECEIVED & FILED
164. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR MARCH 2012. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the First Reading. Let the Journal show that all the Ordinances are being given their Reading as required by state law. Madame Clerk would you please read the First Reading Ordinance by title.

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NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #9 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (SHARON BENDER, PARCEL #02-29786 ON LOUISIANA AVENUE NW)
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (LATONYA WALKER, PARCEL #02-85789 ON OBY PLACE NW)
Referred to Community & Economic Development Committee
- #3. (1ST RDG) A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS REGARDING ENTERPRISE ZONE TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE DISCHARGE OF THE DEMOLITION LIEN, ASSESSMENT, PENALTY AND INTEREST ON THE PROPERTY LOCATED AT 712 HOOVER PLACE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-24742)
Referred to Judiciary Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO THE REPAIRING AND UPGRADING OF LIGHT TOWERS, UNDERPASS LIGHTING AND CONTROL CENTER ON I-77 UNDER SUPERVISION OF THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL ENGINEERING AGREEMENT WITH BURGESS & NIPLE IN AN AMOUNT NOT TO EXCEED \$171,700.00 FOR THE PURPOSE OF PREPARING PLANS AND SPECIFICATIONS FOR A CITY OF CANTON WATER, SEWER AND STREET IMPROVEMENT PROJECT ON 37TH STREET N.W.; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING

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THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee

- #7. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (POSITION GROUP 20WT, ADMIN ASST III)

Referred to Personnel Committee

- #8. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (AUDITOR - ADMINISTRATION - PERSONNEL \$100,000.00)

Referred to Finance Committee

- #9. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SQUIRE, SANDERS (US) LLP FOR THE PROVISION OF LEGAL SERVICES ASSOCIATED WITH BOND ISSUANCE AND BOND FINANCING ALTERNATIVES RELATED TO ECONOMIC DEVELOPMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. Turning now to Ordinances and Formal Resolutions for their Second Reading. Would you please read Ordinance 10.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #10 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR ONE (1) 2012 OR NEWER HEAVY DUTY CREW TRUCK CAB AND CHASSIS IN AN AMOUNT NOT TO EXCEED \$42,000.00 FOR THE WATER DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO VARIOUS CONTRACTS FOR THE PURCHASE OF VEHICLES PURSUANT TO O.R.C. SECTIONS 125.04 AND 5513.01; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. Turning now to Ordinances and excuse me, Formal Resolutions for their Third and Final Reading and Vote. Would you please begin with Ordinance #11.

- #11. (3RD RDG) ADOPTED AS AMENDED AS ORDINANCE NO. 50/2012 AN ORDINANCE

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AMENDING CHAPTER 917, TREES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 11.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 11. Any remarks under this Ordinance?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I move we amend Ordinance 11 per the copy in front of all Council Members and could we please have that summarized.

MEMBER BARTON: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 11 by the substitution of the attached ordinance for the existing proposed ordinance.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #11 by virtue of the copy before each one of you and it wants to be summarized. Law Director.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Mr. Majority Leader. Ladies and gentleman of Council you have in front of you a sheet that summarizes the amendments to the final version that you're about to vote on tonight and if I can add, Mrs. Kirk congratulations on your perseverance, assuming this does pass, you did it in twice the time it took former Council Member Richard Hart. It took him 12 or 13 years to get recycling through. Topping, the definition of topping has been updated to include some nicknames and also some scientific arborist terms to what topping is and how it's not to be done on trees on public property and in some cases on private property. The second amendment adds a public utility representative to the Tree Commission as an advisory non-voting member. That person will join other, several other city officials as advisory non-voting members including the Service Director, the City Engineer and the Park Director. The third amendment says that the inventory that's to be done will be done in an incremental way as resources allow so that the Commission can act incrementally as they can afford to do an inventory of our public or urban forest starting with main arteries and the trees opposed good health and bad health. It's incremental. The next amendment strikes the fee that had been in the Ordinance for planting trees within the cityscape project areas. The fee is now stricken. The next amendment adds the word OR so that removal of trees that are deemed

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hazardous or dangerous can be done by the owners. Let me say something here. One of the Council Members asked me prior to coming in, they said is there a significant change now between the current Ordinance and the former Ordinance in terms of the duties on homeowners, on residents in our city. The answer is no. The current Ordinance that we now have also puts a duty on land owners if they have branches or trees that could fall on public spaces. If for example you have a tree with a dead or rotten branch that might fall on a sidewalk, an alley or street where pedestrians and cars are, you currently have the duty to take care of that at your own expense. We currently have the right to tell you to do that if you don't and do it ourselves and assess the fee as a lien on your property if you don't. That doesn't change. The new Ordinance contains the same duty. Again it's the same. What does change in this Ordinance is that a Tree Commission's created to begin to help oversee and help regulate a lot of these policies and their fine details. It's a fine tuned organization. Next amendment is to again refer to topping in it's new way and the last amendment is to a section in our criminal section of our Codified Ordinances. We currently have and have had for 30 or 40 years a provision that says the public utility companies cannot trim or otherwise injury trees located on city property without the consent of the Service Director. That's not changing. It used to be that if they disputed that, they could come to Council for an appeal, although that's not been done in my memory. This cleans it up to say that any such appeal should go to the Tree Commission because of those five people, three of them will be expert in the area of trees and so on and they'll have an advisory committee to communicate with as well so, it is the more appropriate body to take appeals should any occur. That's an explanation of the amendments. Thanks for the opportunity.

PRESIDENT SCHULMAN: Thank you. Any questions for the Law Director? It's been moved and seconded to amend Ordinance 11 by virtue of the copy before each of you. Any other remarks? By voice vote then, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Motion carries. Leader.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 11 as amended.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11 as amended. Any remarks? I would like to just say what I said last week and I do think this is the most important environmental legislation that Council's had an opportunity to pass since the passage of the Recycling Ordinance. I also think we, that you pass many Ordinances which deal in the day to day operation of the city. This does that but more. It's going to have an effect on our future as a city. Cities without trees are just not places you want to live. They're not esthetically pleasing nor do they add to any economic benefits to the community. Trees do that. Everything that Miss Kirk has said and I know I speak for all of us, no matter what your vote, she's done an extraordinary job showing that one person can achieve great things if they stick with it and are right on the issues by the way. You hope that you're right when you do these things but nevertheless, this is a very important Ordinance. I usually don't make comments on Ordinances. I feel that's in your domain but this is an Ordinance I think you absolutely should pass. And lastly, as far as the public utilities, I think we have seen what they do and it's not right and it's very destructive and it looks horrible. It makes our streets, our neighborhoods look awful. So I hoping that this Tree Ordinance by virtue of the Tree Commission will have an impact on how

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public utilities look at this. I will give you just one antidotal experience that I saw first hand driving by Hills and Dales. I left, I went by in the morning, spent about 6 hours doing something, came back and they were pruning these trees like they were pruning rose bushes and don't tell me that these utilities are not using just extraordinary efforts to make the very exclusive neighborhoods look good as opposed to what they do to probably every one of our neighborhoods in the city of Canton and that's something that's got to stop and I hope this sends the message to them that this city is a city which we will not tolerate that kind of destruction.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, leader.

MEMBER DOUGHERTY: Who's going to give that message to them?

PRESIDENT SCHULMAN: Well we hope this, are you, is that a, is that a rhetorical question or?

MEMBER DOUGHERTY: I'm looking at the Chief of Staff.

PRESIDENT SCHULMAN: Well I have a feeling that, I never speak for the Chief of Staff but I think that the Chief of Staff would say that we all as a group need to get behind the Chief of Staff and demand when these utilities come out to prune the trees so as to prevent power outages, which by the way, they should do. I mean we want power to our neighborhoods. On the other hand, it should be done with a little more skill and a little more sensitivity to our natural environment.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: So Director would you like to add anything since I did speak for you.

SERVICE DIRECTOR PRICE: No thank you.

PRESIDENT SCHULMAN: OK.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Mr. President. When you mentioned the public utilities that brought to my mind when we had with the Safety Director or the Service Director, excuse me, up in the Mayor's office several of us was there and somebody from the utilities but my question would be to Law Director Martuccio. Does this Ordinance in fact give the city enough teeth that we can prevent them hacking and just destroying the trees like they have done in the past. Are we, do we have something in there that says, whoa you can't go there and or if they do, then they're responsible somehow. Do you feel comfortable that we've got that covered sir?

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PRESIDENT SCHULMAN: Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli the answer is yes and no. Let me explain. The, we absolutely, absolutely can dictate how trees are to be trimmed on city owned property. Absolutely. They have to ask our permission to trim them and we prohibit topping on any city owned property trees that are on city owned property. With regard to private property, they do have easements under their power lines to keep their power lines free from harm and potential damage and they're encouraged to protect their grid. I agree with Mr. Drake. From what I understood when I attended tree school, it's a better thing to remove the tree completely than to hack it to pieces and the problem is, a lot of our, and part of the beauty of the Tree Commission in other communities is it helps educate the neighbors to understand that sometimes it's better to remove the tree entirely than let it be crazily topped and cut in ways that give it a slow death. As Member Dougherty observed earlier, trees are the children of the universe and in those cases where we can prevent topping, we will but on private property it's a little more problematic. Antidotally there's a lot of evidence in those communities that have Tree Commissions, they interact a lot more with their local utility companies than we have the opportunity to and there's a lot more interaction. And there will be someone at Council's request from the utility companies on the Tree Commission in an advisory capacity interacting with them.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Well Mr. President, thank you and Law Director Martuccio I want to thank you but I don't want to see the general public out there think that we have something that's going to protect their private property from the utility companies and think that we're responsible for that and then all the headaches will come, you know, calling to of the administration and or City Council or the Council people and we have to tell it like it is. What we control and what we can't so I appreciate that sir.

PRESIDENT SCHULMAN: Member Cirelli I agree with you also but I do think it's up to each person in the neighborhood to monitor and keep a close observation when these utilities come through and report that and get your Neighborhood Associations to stand up and fight this because it's, it not only is destructive esthetically, it's destructive to your land value. People enjoy trees. They enjoy the shade of trees. Trees are, they really are a healthy part of our environment. When you destroy them, you are destroying the value of your neighborhoods so I would trust that, to follow up on Member Cirelli, we all have a responsibility to protect the environment of our city. Member West.

MEMBER WEST: Just real quick and I'll talk to Pat and deal with her later but I do want to applaud her efforts for this piece of legislation and really putting, reminding each and every one of us that it's very important to look out after these trees. Number one, last year, I think it was last year when the tree fell down on Lawrence Road and hit a bicycle, a motorcyclist and two other trees fell down in Nimisilla Park, no wind blowing, just fell and we have an old city and we have a lot of old trees and Lord know just looking at a tree you can't always tell that it's infected so I'm thankful to Pat for bringing this, you know, to the forefront and just remind Council that, you know, throughout our city we do have some aging items like our housing and our trees and some of the those things have to come down and we need people to monitor that. So I want to thank her for that piece of legislation. Not only is she a member of Ward 2, she's also a fellow social worker and I applaud her coming up

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here as an individual and it tells every person in here that you can come up here as an individual with an issue and this Council's going to hear you. Might not pass tomorrow, but we'll work through it and it will eventually get done. Thank you.

PRESIDENT SCHULMAN: Thank you Member West.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Any other remarks? Director.

SERVICE DIRECTOR PRICE: I shouldn't say anything more about this. The, you know, this isn't an unfunded mandate from Council to my office and I was well aware of this as it came through in fact I think, you know Joe talked to me probably a year ago about sending the Communication so, we're aware of it. The next steps are going to be, once the Commission is formed, you know, that's where we're really going to have to start putting your mandate into action, you know and I have some ideas about how we can do that but, once the Commission's formed, something that makes me very comfortable about the legislation is, are the words "as resources are available" and resources are limited but we're going to have to budget. We haven't even explored what funding opportunities might be out there for such a program and so while I don't want you to think that, you know, I, we certainly don't know at this moment exactly how we're going to enforce this precisely and who's going to be doing it. I do know that it's going to be a mandate to my office. We will figure it out but I think that the first step is to get the Tree Commission formed, you know continue working with Council and it's just something we're going to have to work at and grow as resources are available but clearly it's a priority for this Council. It's a priority for the public and you know, we should treat it as such in terms of our allocation of resources and you know, how we apply for grants and things like that so we will, we're going to get it done.

PRESIDENT SCHULMAN: Thank you very much Director. Any other remarks? OK, the Ordinance you're voting on is Ordinance 11 as amended. Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#11 ADOPTED AS AMENDED AS ORDINANCE NO. 50/2012

PRESIDENT SCHULMAN: Ordinance #11 as amended has been adopted. (*APPLAUSE*) Congratulations Miss Kirk. OK we turn now to Ordinance #12.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 51/2012 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 (TIMOTHY GILLEMS - 509 15TH ST NW)** **PUB HRG 4/9/12 @ 7:30 PM**

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 12.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Any remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Morris.

MEMBER MORRIS: I'd just like to repeat what I said last week in Caucus in regards to the outstanding job that Mr. Gillems has done in the neighborhood cleaning up that corner over there and I would ask that my fellow Council Members support me in voting yes on this.

PRESIDENT SCHULMAN: Thank you Member Morris. Any other remarks? And a yes vote is a yes vote on this. Sometimes it's different. No actually sometimes it's different so you have to be careful. Leader did you...did you move and second, I'm sorry.

MEMBER DOUGHERTY: Yes.

PRESIDENT SCHULMAN: OK, any other remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#12 ADOPTED AS ORDINANCE NO. 51/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #12 is adopted. Ordinance #13 please.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 52/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (HEALTH DEPT FUND NAME CHG \$75,000.00)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 13.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#13 ADOPTED AS ORDINANCE NO. 52/2012

PRESIDENT SCHULMAN: Ordinance #13 is adopted. Ordinance #14 please.

#14. (3RD RDG) ADOPTED AS ORDINANCE NO. 53/2012 AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$3,248.40 TO PHILIP SEDLACKO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 14.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 14. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS

(MEMBERS CIRELLI, MACK AND FISHER VOTED NAY)

CLERK TIMBERLAKE: Nine yeas, three nays Mr. President.

#14 ADOPTED AS ORDINANCE NO. 53/2012

PRESIDENT SCHULMAN: Ordinance 14 is adopted. Ordinance #15 please.

#15. (3RD RDG) ADOPTED AS ORDINANCE NO. 54/2012 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE, EXECUTE AND GRANT A PERMANENT EASEMENT TO THE EAST OHIO GAS COMPANY DBA DOMINION EAST OHIO FOR GAS LINES IN AND THROUGH CITY PROPERTY KNOWN AS REIFSNYDER PARK AND MARTINDALE PARK; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 15.

MEMBER BARTON: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#15 ADOPTED AS ORDINANCE NO. 54/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 15 is adopted. Ordinance #16 please.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 55/2012** AN ORDINANCE AUTHORIZING AND CONSENTING TO INSTALLATION OF CONCRETE OVERLAYS AND PAINTING ON BRIDGES AT CLARENDON AVENUE, HARRISON AVENUE, DUEBER AVENUE AND A 24 INCH OVERHEAD WATER MAIN OVER U.S. 30; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 16.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#16 ADOPTED AS ORDINANCE NO. 55/2012

PRESIDENT SCHULMAN: Ordinance #16 is adopted. Ordinance 17 please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 56/2012** AN ORDINANCE AUTHORIZING AND CONSENTING TO THE SANITARY SEWER BETTERMENT AT A STRUCTURE OVER NIMISHILLEN CREEK; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 17.

MEMBER BARTON: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 17. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#17 ADOPTED AS ORDINANCE NO. 56/2012

PRESIDENT SCHULMAN: Ordinance 17 is adopted. Ordinance 18 please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 57/2012** AN ORDINANCE AUTHORIZING AND CONSENTING TO RESURFACING OF STATE ROUTE 297 (RAFF ROAD) FROM US 30 TO STATE ROUTE 172 (WEST TUSCARAWAS STREET); AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 18.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#18 ADOPTED AS ORDINANCE NO. 57/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 18 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Now we turn to Announcement of Committee meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Finance will meet April 16th at 6:30 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER CIRELLI: Mr. President.

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MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Public Safety and Thoroughfares will meet at 6:30 also.

PRESIDENT SCHULMAN: Thank you. Member Smith.

MEMBER SMITH: Community Development same time, same place.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you. Member West.

MEMBER WEST: Judiciary will meet same time, same place.

MEMBER BARTON: Mr. President.

PRESIDENT SCHULMAN: Thank you. Member Barton.

MEMBER BARTON: Personnel will meet at the same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet the 16th at 6:30.

PRESIDENT SCHULMAN: Any other announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. Today I got my first phone call regarding high grass and weeds. The season has started folks and as we pass the Tree Ordinance in the city of Canton which will help beautify our trees, I remember in 2008 we passed an Ordinance in this city making it an offense that can be fined to the property owners for not maintaining their high grass and weeds. To date I don't believe we've cited or anybody or brought them to court. I think we should start doing this and probably cut down on the 5,000 lots I think we're going to mow within this year to the cost of probably somewhere in the neighborhood of a quarter of a million to \$300,000.00 to mow and maintain these lots. The other thing goes hand in hand with these mowing and maintenance of lots is, we need to establish a land banking program to get really working on that so we can

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get some control of these lots and put them back into the hands of the citizens who will do a fine job with them and maintain them. Those are two priorities we should make happen this summer along with our Tree Ordinance we just passed. Patricia Kirk, thank you very much for your hard work on the Tree Ordinance.

PRESIDENT SCHULMAN: Thank you Member Hawk. *(APPLAUSE)* Member Cirelli.

MEMBER CIRELLI: Mr. President thank you. On the tree or on the grass excuse me, does anybody have a guestimate of what an average size lot it costs the city to mow it. Is that doable from anybody?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: We have approximately 5,000 lots and the cost to the city to maintain those is probably about a quarter million dollars and that's only hitting them once per year.

MEMBER CIRELLI: Mr. President. Thank you Mr. Price. I'm trying to figure out how much that is per lot. I have to get out my calculator because I saw an interesting billboard that someone put up that said they will mow any lot in the city, you know for \$25.00 no matter what the size of the lot was and I thought, whoa, this might be something maybe Canton, if we're paying more than \$25.00 a lot on the bigger lots, we may want to look into this and help with our people....

PRESIDENT SCHULMAN: Director.

MEMBER CIRELLI: ...cause the bottom line is all about money.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Mr. President. I actually saw that billboard myself in front and thought about calling it for my own home cause if they can do it for \$25.00 on 1/2 acre, more power to them. That comes out to roughly and that's a rough number, \$50.00 a lot but you have to keep in mind that includes, that includes some of the more sizeable pieces of property that we maintain. That also includes thousands of notice letters and postage for the due process we have to serve as we do every year. I mean, I hope everybody understands on each one of these lots that we, I mean, even though this is, there's certain properties that we know that are abandon. We know that the owners, you know an absentee owner however, by law before we enter onto private property and do anything with it, we still have to follow the due process clause of the Constitution so we give notice and so, we are probably a little bit more expensive but it's roughly \$50.00 a lot.

PRESIDENT SCHULMAN: Thank you Director. Anything else Member Cirelli?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, just got three announcements. On April the 11th at 5:30 P.M. we are starting a Ward 2 Executive Committee made up of Precinct Committeeman and Neighborhood Association leaders. If anybody from Ward 2 is interested in stopping out by all means you can come to that. It's at 1000 12th Street at 5:30. On the 12th, Stark County Minority Health Coalition will do it's 9th Annual Dinner at Skyland Pines. You're all

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welcome to attend The charge is \$5.00. Of course, they've been asking Council Members to come on out so, you could still get tickets by tomorrow and then also on the 21st of April, B-Earth Day is down at Nimisilla Park. The 21st we will be down there cleaning up the park, planting flowers and we're going to be painting the tennis courts and getting prepared for some new activity in Nimisilla Park so you're all welcome to attend that as well. Alright, thank you.

PRESIDENT SCHULMAN: Thank you Member West. Member Smith.

MEMBER SMITH: Yes, Mr. President. Mr., to address Mr. Burt that had came down about the lighting in his area. There was several projects that Mr. Novelli had on his desk that wasn't taken care of but Chief of Staff, I'll take some of that off your hands and I'll go down and work with Mr. Burt and get some poles and see what we can do about the lighting down there. Some pole numbers. Also I'd like to congratulate the Southeast Neighborhood Association. They're one of our newer Associations and they've really been on the ball and they really getting things together down there so I appreciate them. I appreciate all of the Neighborhood Associations for coming out and helping keeping Canton beautiful. Thank you so much for all you do. (APPLAUSE)

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yes, Mayor Healy.

MAYOR HEALY: Thank you Mr. President. I also would like to congratulate all the citizens that are involved in Neighborhood Associations and thank you for what you do. You know it's, you know it's interesting that we all sit up here with Council and elected officials and fight everyday to make a difference but the real difference is being made by the citizens and particularly those citizens like yourself who are active and involved in stepping up to take back your neighborhoods and do what you can to make Canton better so I want to thank you personally. And also, I want to thank Patricia Kirk. I, Patricia I have the Ordinance in my hand. I just signed it, so it is now signed by the Mayor and it will go into effect in 30 days so it is done, signed by Council, signed by the Mayor, so I just want to let you know it's already in place. 30 days from today it is effective so congratulations. (APPLAUSE)

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Hawk I'm happy to announce that the program that all of Council heard about a few weeks ago, the State sanctioned through the County Commissioners program to help with passing property along more quickly that's been foreclosed upon. The County Commissioners as most of you know, have approved their role in it so it is something that we in the city will follow up on to do our part as well and we appreciate your support of that. The, it is very helpful that the state has sanctioned it in the largest counties. It will help speed things up. I also wanted to thank everyone for coming this evening and echo again the congratulations Miss Kirk deserves. I've seen her on Saturdays in the park beautifying Kresge Park on her own. I've seen her working regularly, not only with the Ordinance but in actuality. I wanted to thank Lola Lewis of the Ohio Department of Natural Resources for her steadfast support over the many years and some of our early folks, Member Cirelli, our Park Director, our Service Director, our City Engineer and a number of people who were involved. Miss Kimbrough, Brenda Kimbrough, thank you as well. It's been, it's been long and as the Service Director observed, it's not quite over. This is the beginning of a new era and the Commission then will have to find it's way through it's faith but we'll be there to help it out. Again congratulations to you for making this happen.

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PRESIDENT SCHULMAN: Thank you Law Director. Any other remarks? May I make one brief comment. You all have received I think the annual report from the Canton Water and our Superintendent Mr. Converse concluded the introduction of that report by saying in 2011 Canton suddenly found itself in the center of an oil and gas boom as flocks of drilling companies and their support industry began to move into this area. While Canton and the surrounding communities embrace the positive elements this boom may bring to the region, it is imperative, IMPERATIVE, capital letters that our source water aquifers remain intact and uncontaminated through this process. Current laws and regulations strongly favor the oil and gas industry making it legally difficult for Canton to prohibit drilling near it's aquifers. And he goes on to say that all the Canton officials are well aware of the dangers that are presented and we'll take additional safeguards and precautions to secure this city's invaluable and irreplaceable water supply. I know that the Law Director is preparing to send down the Water Commission legislation. I also know that Member Babcock is the Chair of the Environmental and Public Utilities Commission which is in charge of oversight of this to some extent. I want, this has been really bothering me and I just wanted it on the public record and I want to reinforce that we're not hostile to the interests of the oil and gas industry. The jobs and economic development they bring to our community is invaluable and important and it's so, it's critical that our citizens be placed to work in good paying jobs and we want them to be welcome in our community however, I think we all have to be mindful that we have a resource that is as Director or Superintendent Converse said, irreplaceable and we cannot afford to allow this supply of water to be in any way harmed by these oil and gas interests and I just want to reiterate that I hope that we all keep that in the forefront. I hoping that Superintendent Converse when he says we're all aware of the dangers and we're all doing something about it, that all of us actually are doing something about it and I would really like if possible for the Leader perhaps to ask the Superintendent at one of our next meetings to come in and take 5 or 10 minutes, or 15 minutes to describe what it, what his concerns are. If anything would happen to our aquifer it would be a disaster for this community on a scale that would be unimaginable so, I really think it is important that we have a report from the Superintendent when he expresses it to us in his report, that's all I need to hear so, with that any other remarks? Leader.

MEMBER DOUGHERTY: Mr. President, Chief of Staff, can you set that up for a future meeting and get a hold of office staff to organize that.

SERVICE DIRECTOR PRICE: Yes and I'll just say one more thing if the President will indulge me.

PRESIDENT SCHULMAN: Sure.

SERVICE DIRECTOR PRICE: I can tell you what the concern is. The concern is they drill too close to the aquifer and contaminate it and we no longer have that resource. That's the concern. Our concern is that 60% of the land within a 3 mile time of travel to the Sugarcreek Water Treatment Plant has already been leased to oil and gas interests. The mineral rights have been leased already. That's our concern and I'm happy to have him come to you but, the biggest concern is that is a matter that has been wholly preempted by state law and there's no local law authority to issue permits. There's no local authority to zone them away from our water treatment plants. The Sugarcreek plant is 20 miles south of the city of Canton. We don't even control the zoning, even if you could control it for zoning, we don't even control the zoning. We control the property that we own and that's the problem is that it's an area that has been entirely preempted by the state. We don't have any local control and what we've done is to try to advocate and you know, we've dealt even directly with, the administration's dealt directly with our state legislators but I'd be happy to, I will invite him, but I'll be happy to have him come and talk a little bit more about that and maybe some of the efforts we've made to try to protect that resource but when 60% of the mineral right interest with in and around the plant were already secured for the oil and gas interest ever walked in the door and when they do walk in the door, it's an area that's been

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preempted by the state, you know it leaves the local officials somewhat frustrated but we'll be happy to share what we know with you. Thank you.

PRESIDENT SCHULMAN: And I just want to add, I've, you know we've had conversations with Chesapeake among others. They're very sensitive to this. I, as I say, we are not hostile to their interests. We understand that you have a balancing between energy and protection of the environment. We get that. But all I'm saying is, I think when the Superintendent of the Water Department says he's concerned and we all are concerned. We know that, what kind of a resource this is in the future, that we at least hear from him and be sensitive to the fact. I will say again publicly, I've sent a letter to Chesapeake privately, we welcome them. We welcome the oil and gas industry to our community. They can be good citizens and good stewards of the community. They've shown that in other places however, we as public officials have to be guardians of our water supply for our community and if anything would happen to that it would be a disaster so, those balancing, that balancing act can be achieved and I don't want anybody to leave thinking that we don't invite them in, welcome them in. We want them here. We just want all of them to be responsible to our resources. So, with that, anything else leader?

MEMBER DOUGHERTY: Yes, just reminding everybody of our meeting tomorrow at 5:00 for the 1st quarterly meeting of our goals and reviewing all those so, hopefully I'll see everybody tomorrow night. I move we adjourn.

MEMBER BARTON: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn. Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you everybody. Thanks again to the Neighborhood Associations. Be careful on your way home. Meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 8:35 P.M.

ATTEST: APRIL 13, 2012
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: APRIL 13, 2012
ALLEN SCHULMAN
PRESIDENT