

MINUTES OF THE MEETING DECEMBER 17, 2012

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. Before we begin tonight's meeting, Pastor Morgan is going to say our invocation or give our invocation tonight at the request of Member Cirelli. We went through another mass tragedy of horrible proportions as all of us know on Friday. I want to take this time for a moment of silence for the families affected in Newtown, for the people of Newtown. Newtown is obviously like, unfortunately every city in the country including our own. We've seen certainly enough of these tragedies and with that, let's have a moment of silence.

MOMENT OF SILENCE OBSERVED

PRESIDENT SCHULMAN: Thank you. With a quorum being present, the Chair 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, JAMES GRIFFIN, JAMES BABCOCK, MARY CIRELLI, JOE COLE, GREG HAWK, THOMAS WEST, CHRIS SMITH, KEVIN FISHER, JOHN MARIOL, EDMOND MACK & FRANK MORRIS)

TWELVE COUNCIL MEMBERS PRESENT

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. All Members of Council are here. We are, as I said, privileged to have our invocation given tonight by Pastor David Morgan. Pastor Morgan. Would you all stand and please remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on December 17, 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 Pastor David Morgan. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Pastor Morgan very much. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading of Ordinances 6 through 11 and Resolution 4A.

MEMBER GRIFFIN: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading Ordinances 6 through 11 and 4A. Are there 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. The motion carries and Rule 22A is suspended.

MINUTES OF THE MEETING DECEMBER 17, 2012**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: Turning to Public Hearings. We have no Public Hearings this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: It's my understanding under Old Business the Chief of Staff has no Old Business to discuss with us.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Turning now to Public Speaks. We do have nine speakers this evening. I would just preface this by saying that a number of the speakers are going to address us on the leachate pipeline. That has been postponed. It will not be voted upon tonight so if you would prefer to talk to us later, you are more than welcome to do so. We would be happy to hear from you tonight however so, don't be concerned. Our first speaker is Chuck Osborne. Mr. Osborne, good evening. Welcome to Canton City Council. If you'll give us your name and your residential address please sir.

CHUCK OSBORNE: Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. As you mentioned earlier, I still would like to speak to item 12 on your, tonight's agenda. It is no, not a secret that the city of Canton has sewer and water infrastructure in place to support a city which once had a population of nearly twice it's current size. I know there must be financial pressures given that the current population makes it difficult to maintain the current water and sewer infrastructure but under, to undertake the processing of leachate from a landfill does not seem to me to be a force of action I would take at this time. This is not something that I would consider in a hurried manner as I saw it was on the agenda as an emergency. In the press it is reported that an expert from American Landfill was to speak and provide their expertise on this proposal. I don't think that would be a very unbiased source of information. We're all layman on this issue. I think you should see, seek independent scientific thorough review and that's not something you can do in a week or in a month's time. I would urge you to, this body to secure an independent scientific study before considering this proposal. This is not a decision that should be rushed through on an emergency just before Christmas, which I also find it very unseemingly that an issue as important as this would presented and expected to be passed while everybody's minds are on other more personal aspects of modern day living. You might find that rather than being beneficial to the community as a whole, that this issue creates more problems than anyone anticipates. Leachate from a landfill doesn't not belong at a municipal sewage treatment plant. Take the time to have a full study completed by an unbiased independent scientist as to what is being proposed. The city of North Canton is being asked to support the upgrade of your sewage treatment plant here in Canton and I think that's going to be anywhere between 5 and \$7,000,000.00 in financial support and as a resident of North Canton, I ask that this body consider this proposal very, very carefully. Leachate is a problem of American Landfill. Do not bring their problem to your city and to the center of Stark County.

PRESIDENT SCHULMAN: Thank you very much Mr. Osborne. Appreciate it. (*APPLAUSE*) Our next speaker is James Parker. Mr. Parker as always, good evening. If you'll step forward and give us your name and your residential address and Happy Holidays to you and your family.

JAMES PARKER: Thank you very kindly Council President Schulman. James Parker, 630 Penny Street, North Canton, Ohio, southeast section. I can hardly speak after hearing the moving words of Pastor Dave Morgan. Thank you for your blessings and prayer for those beyond consolation. The leachate, the aluminum dross that's within that landfill, aluminum is a known neuro toxin especially reactive to catalyst with heavy metals like mercury, especially harmful to mitochondria of the cell, more when the testosterone is involved. This is a main concern to many autism researchers such as Boyd Hailey, M.D., University of Kentucky who is

MINUTES OF THE MEETING DECEMBER 17, 2012

a foremost aluminum, mercury researcher in the country. Autism is a 4 to 1 male/female ratio which helps explain the testosterone connection, effecting 1 in every 110 births. Please vote against running leachate that has been serially filtered through aluminum dross fires and God knows what else. I'll give you a reminder, the Romans use of lead pipes made neurological cripples of many of the populus leading to its downfall. A concern of cameras, Redflex Systems, while I would love to completely support something Councilman West has worked so diligently on, some concerns remain. Number 1, funeral processions; number 2, juicing the poor people of the neighborhood, people already at the brink of bankruptcy holding on by a string, merchants and consumer perspectives. Someone going to the emergency room may be following an ambulance. Among other concerns no criminal case has ever, to the best of my knowledge, been solved using Redflex film. There are already cameras at most the intersections such as 12th and Market. Most of these cities that have used this system have rescinded their contracts over high accident rates caused by too sudden of stopping to trying to avoid a ticket. Simply put, he or she who did not break the speed limit over 2 or 3 miles an hour cast the first vote in favor of this system, in this contract. Lastly, I hope you can entertain the concept of inviting Gene Larea here of Redflex, rather of Permaculture Solutions to brief you on the potential of reutilization, the big buzz word, in overcoming our obstacles as far as our dilapidated, run down homes that need destroyed. You could save the basements and the foundations of torn down homes for farming, fish and produce among other possibilities. The future is now. Act local, think global. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. Parker. (*APPLAUSE*) Our next speaker is Daniel Lincoln. Mr. Lincoln, good evening. If you'll step forward and give us your name, your residential address and Happy Birthday to you and I believe your families are all here so, or Happy Birthday, Happy Holidays to you and your family. Unless it is your birthday, in which case, Happy Birthday.

DANIEL LINCOLN: No, couple months off, thanks.

PRESIDENT SCHULMAN: Good evening sir.

DANIEL LINCOLN: Daniel Lincoln, 8866 Bowmont Avenue, Magnolia, Ohio and I'd like to talk about the leachate pipeline also. The Ohio EPA has granted solidification permits to several companies that are solidifying liquids from oil and gas exploration production waste. Other o and g waste include solid waste, considered solid waste, are also being spread, also being spread in landfills including American Landfill. These wastes include drill cuttings, drill fluid, roll bank fluid, roll back fracturing sand and service fluids which all present known and some unknown hazards. Solidification does not remove the harmful fluids, it really renders them as not free liquids because they won't pass through a paint filter. You're literally put through, putting a deposit in a paint filter in time of 5 minutes. If it doesn't drip through it's now considered solid waste and it goes to the landfill. All the fluids are still there. A gallon of diesel fuel is still a gallon of diesel fuel. These liquids include numerous harmful chemicals such as benzene, cadmium, arsenic, mercurium, radium 226. The Ohio EPA just issued a advisory September 18th of this year and it's titled "the solidification and disposal activities associated with drilling related wastes and solid waste landfills". This is their advisory on this issue and I only took one excerpt from this because it speaks a lot to what we're dealing with here. "Because of the presence of radiation and potentially high levels of TDS, that's total dissolved solids, that are in the liquids and they're corrosive and harmful, the landfill may need perform monitoring of landfill systems such as those related to leachate collection to determine potential impacts to human health or the environment associated with these waste screens. The EPA is giving everybody a warning that when you start taking in these drilling wastes, leachate systems and whoever receives your leachate has got some problems coming

MINUTES OF THE MEETING DECEMBER 17, 2012

down the road, potential problems (*inaudible*). In other words, the landfill leachate systems and the receiver of the landfill leachate are at high risk of contamination or harm because of this drilling waste and it's not unreasonable to expect hundreds of thousands of tons of drilling waste to be dumped in Ohio landfills and since the half life of radium 226 is 1600 years, this increase risk will continue to rise and it's basically forever. Ohio already accepts many thousands of drilling waste from out of state. All the states are trying to get rid of their shale oil waste and the Canton water, Waste Water Reclamation Facility planning study, re-selection membrane biorack or equipment proposal, doesn't even contain the word radioactivity or radium.

PRESIDENT SCHULMAN: You have about 30 seconds sir.

DANIEL LINCOLN: Thank you. So I, it doesn't appear that it was designed to handle radioactive waste so, it's pretty much a, it's coming down the pipeline. It hasn't been considered looks like, so this vote is premature. The whole idea I'm against anyways. So, OK, using the landfills as an indirect way to dump carcinogenic toxic radioactive drilling waste through our treatment plants into our surface waters is not safe or effective. It's just another loophole used to side step the difficulties encountered in treating this waste.

PRESIDENT SCHULMAN: Thank you very much sir. Appreciate it. (*APPLAUSE*) Our next speaker is Joseph Lincoln. Mr. Lincoln good evening. If you'll step forward and Happy Holidays to you. If you'll give us your name and your residential address.

JOSEPH LINCOLN: My name is Joseph Lincoln. I live at 8866 Bowmont Avenue, Magnolia, Ohio. I'll start by saying that I'm deeply disappointed that this proposition is even made it this far. A joint venture between the city of Canton and a privately owned landfill to publically fund a pipeline for liquid waste. I'd have a hard time coming up with a worse idea myself but I'll try. What if this proposal which radically undermines the representation of the public by giving a private company exclusive rights, not even available to the public, took place right at the beginning of a rapid influx of dangerous chemicals and radioactive waste being trucked into the landfill. Millions of tons of regulation exempt waste, carcinogens, alkanes, formaldehyde, benzene, talumium, organic carbon chained molecules so dangerous that they have been described in laboratory tests as cancer causing even when diluted to parts per trillion. That time is right now. Natural gas extraction in this part of the country produces some very dangerous wastes and they're putting it in the American Landfill in Waynesburg, Ohio. There are shallow wells that provide drinking water to families that live right on Nimishillen Creek. It's not acceptable to vote for this proposition and believe that monitoring the creek will keep those families safe. Contaminated drinking water has caused lesions on the brain, damaged DNA, organ failure, unexplained spasms of shooting pain all over the body, inability to have children and death. This isn't just something I read online, I have met people who have had this happen. It's true. I come to you today as a deeply disappointed deployed veteran, scholar engineering student and a citizen of Stark County. This proposition never should have even made it this far and I beg you on behalf of any sliver of humanity you may have, protect your community and do not support this pipeline. Thanks.

PRESIDENT SCHULMAN: Thank you very much Mr. Lincoln. (*APPLAUSE*) Our next speaker is Suzanne Garver. Miss Garver, good evening. If you'll step forward. Happy Holidays to you and would you give us your name and your residential address.

SUZANNE GARVER: Happy Holidays to you.

MINUTES OF THE MEETING DECEMBER 17, 2012

PRESIDENT SCHULMAN: Thank you.

SUZANNE GARVER: My name is Suzanne Garver, 5915 Linder Circle NE, Canton. The, there's a water monitoring device near the bridge on Middlebranch Road on the Nimishillen creek around 47th Street that monitors how much water's pulled out of the stream and it is used, let's see if I get this right, it's used to purge the northeast Canton well field so the idea that the condition of our surface water is not related to our drinking water is ridiculous. I've lived on the Nimishillen creek going through our backyard for 32 years. I've seen this water system become so polluted that only a few carp dare to remain, dare to swim upstream. Our children used to fish for blue gills 30 years ago now nothing lives in this water. The geese nearby and the ducks don't even swim in it. My calls to the ODNR have gone unanswered. I've even written two letters to the officials here in Canton city and one letter in regard to the well field, the northeast well field and how, what drilling would impact it. One letter was replied to 12 months later and I've yet to receive a reply four months from my second letter. To believe, let's see, the oil drilling and waste will definitely make matters infinitely worse. Why can't our politicians see this? To believe that a treatment system can take additional drilling waste with this many component parts such as radium 226 and 228 that cannot be filtered is ludicrous. We need you to act in our best interest by insuring action that gives us clean water by cleaning up what already exists and by not filtering additional toxic substances. With the best intentions my wish for each of you Council Members tonight is to have the ongoing ability to separate fiction, which could be selected information from the oil and gas industry, from research based data that shows the many hazards that result from oil drilling and it's ramifications. My wish is also for you to be able to incorporate, process and see this information in relation to both the short term and most especially the long term effects that contaminated air, water and soil have on your and our families and subsequent generations. To have the courage to make decisions that are in the interest of all our health now and in the future. Soren Kirkaguard who's lived in the early 1800's said there are two ways to be fooled, one is to believe what isn't true and the other is to refuse to believe what is true. I pray that you do not succumb to special interests. Thank you.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Our next speaker is Alexandra Lincoln. Miss Lincoln good evening. Happy Holidays to you. If you'll give us your name and your residential address please. Welcome.

ALEXANDRA LINCOLN: Hello my name is Alexandra Lincoln. I am from 8866 Bowmont Avenue, Magnolia, Ohio and I'm here to actually read a letter written by Allison Osello with the Food and Water Watch System. She wrote a letter to you guys and I'm just a college student here to read that for you guys.

PRESIDENT SCHULMAN: Thank you.

ALEXANDRA LINCOLN: I'm writing today to express Food and Water Watches opposition to the proposal you are considering today to allowing a pipeline from the American Landfill to Canton Waste Water Treatment Plant for accepting leachate. It is my understanding that American Landfill has been accepting drill cuttings from the oil and gas industry that are waste from the horizontal hydraulic fracturing or fracking method of drilling. As you may already know, not only does accepting fracking waste pose problems for the landfill itself, the potential for leachate from the landfill being contaminated with radioactive elements that a waste water treatment plant cannot address is high. The drill cuttings are coated with used drilling fluids that can contain contaminants such as benzene, cadmium, arsenic, mercury and radium 226. I'm a chemical engineering major and those are serious chemicals if you don't know. Dumping loads of drill cuttings in

MINUTES OF THE MEETING DECEMBER 17, 2012

landfills could lead to operational problems like landfill lining degradation resulting in leaks of radioactive material and other harmful contaminants. Also, layers of drill cutting waste could plug up the flow of landfills causing spills out of the size. Radium 226 contamination would persist for more than a thousand years after the landfill closed and worker exposure during the landfill operation is of concern. The New York Times reviewed documents on oil and gas wells in Pennsylvania and West Virginia and found that at least 116 wells produced waste water with radiation levels that were more than 100 times the USA EPA's drinking water standard. At least 15 of the wells had waste water more than 1,000 times the standard. Again, this waste water is what is being mixed with the drill cuttings before taken to landfills and Ohio was awash with waste from neighboring states that allow fracking. Conventional facilities are not equipped to treat radioactive material as you may be aware and so running this leachate through your treatment plant will do nothing to address this issue before this still potentially toxic water is released into the Nimishillen creek. I urge you to not only reject the proposed pipeline on the grounds that leachate could be impossible to treat at your waste water treatment facility but further to begin addressing the landfills acceptance of this potentially radioactive material. Please work with your solid waste district to address this immediately and request that the American Landfill monitors and rejects radioactive loads of waste. At present according to the American Landfill, they have no monitoring system for radiation. Thank you for your consideration. I look forward to hearing about each of your positions on this issue and request that you notify me of the Council's vote tonight.

PRESIDENT SCHULMAN: Thank you Miss Lincoln very much. *(APPLAUSE)* Our next speaker is Leon Cote. Mr. Cote good evening. As always, welcome to Canton City Council. Happy Holidays to you and your significant, much better looking other.

LEON COTE: President Schulman, Majority Leader Dougherty, Members of the Council, Merry Christmas, Happy New Year and a very healthy 2013 for all of you. The reason I am up here and I see I've already used 15 seconds. The reason I am up here is to talk about item 1 on your agenda's this evening. It's about a 4 mill levy for the parks. Let me state this, as it stands right now, if you put that on the ballot, it's not going to pass and in May you're going to be back at the same spot you're at right now. I'd like to read you a little thing from that. Section 5, the passage of this Resolution requires that 2/3's affirmative vote of the elected and or appointed Members of Council pursuant to Section 5705.191 of the Ohio Revised Code. The 4 mill levy will bring in \$2,916,290.00 to be used for parks, the Southeast Community Center, Babe Stearn Center and the Canton City Schools. Now let me tell you why it's not going to pass. Number 1, there are Wards in this city that vote and vote heavy that their kids don't go to Canton City Schools. They go to Plain Local. They're not going to vote to bail out the Canton City Schools. There are certain quadrants of the city that do not have recreation centers for our children. I'm saying that it's not going to pass but if you were to do this, if you were to amend this proposal and ask for 2 mill it would provide \$1,458,145.00 for the Parks Department. That gives them their budget plus \$250,000.00 that they desperately need for improvements. And if this Board and the alderman guarantee that the \$1,200,000.00 that's in the budget this year for Parks Department were to go to hire 24 additional police and/or combination police and fire, it will pass. Let me remind you, next year's an election year. We're down from 172 police officers, down to about 133 to 136. Our crime rate has spiked to 16% and I don't believe for a minute that's because of the beds at the jail. We need more policemen on the street, not cameras on the post. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much Mr. Cote as always. *(APPLAUSE)* Our next speaker is Renee Bogue. I hope I've pronounced your name right. Good evening, welcome, Happy Holidays. If you'll give us your name and your residential address.

MINUTES OF THE MEETING DECEMBER 17, 2012

RENEE BOGUE: My name is Renee Bogue and my address is 204 Willow Avenue NE, Massillon.

PRESIDENT SCHULMAN: Good evening, welcome.

RENEE BOGUE: Thank you. The proposed legislation is of extreme concern. The newspaper said there would be more review however, what are the qualifications of those conducting the review. If information is coming from those with gas and oil industry connections, that information would not be impartial. Council is not aware of the enormity of this issue. If this legislation is passed, then Council will have knowingly, willfully, purposely and dangerously caused harm on enumerable levels. The most detrimental being that to human health and mortality of workers and residents. This will open Canton city to lawsuits. I strongly urge Council to view Dr. Martin Resnikoff's video at the Kent State University task website at taskohio.org. That's t-a-s-k-o-h-i-o-o-r-g. and Martin's, Dr. Martin Resnikoff is spelled R-e-s-n-i-k-o-f-f. The video is found under resources, points of interest. Look under the heading radiation. Dr. Resnikoff is the Senior Associate at Radioactive Waste Management Associates and he is an international consultant on international waste management issues. I'm extremely surprised at the timing of this legislation as it comes at the busiest time of year for Canton residents. Please remember that one of your jobs on Council is to protect your residents. This legislation will endanger your citizens. Since I have a minute left, I'm going to tell you something on a personal note. My eight year old niece lives in southern Ohio. They do a lot of coal mining there. They also have a large incident of childhood leukemia. She got leukemia. She's had twelve spinal taps and she's on an aggressive form of chemotherapy. My father was a welder. He was exposed to a lot of asbestos. This week I watched him in the hospital as he had to take a bite of food and then put his oxygen back and then take a bite of food and then put his oxygen back on. He has to carry a tank with him. He was exposed to asbestos and I'm not sure if those children down there with leukemia that's the result of coal mining or not but it's, it's interesting that, that is a coincidence. What are these workers going to be exposed to and these people that live along the creek and our future generations, our children and those children. I'm afraid that Canton's going to become a cancer cluster. Please do not pass this legislation.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Thank you Miss Bogue. We wish your family the very best. You know that too. The last speaker is Pete DiGiacomo. Mr. DiGiacomo if you'll step forward and take credit for giving us these wonderful items that are in front of us and the Chief of Staff is already indicated he's eaten all of them.

PETE DIGIACOMO: He needs some of that water to drink to wash it down maybe. My name's Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. I had no intention of coming here tonight and speaking until I sat back there and listened to about the budget for next year. We have a fiscal cliff down in Washington, we don't need one here. I would like, hopefully it would get passed. That being said, I also heard about the CIC that is not audited by the city of Canton. That would be kinda like, hey you going to give me a blank check and I told have to tell you what I'm going to do with it because a couple of my friends, they'll go ahead and write down everything I spend my money on. But I'm not going to tell the person that gives me the check what I spend my money on. If I'm correct, if I'm incorrect, then I apologize but if the city is giving money, \$250,000.00 to whatever organization, I as a citizen of the city of Canton, feel that there should be some feedback, some responsibility, accountability for that money. That's all I wanted to say. The other thing is, everybody have a Merry Christmas, Happy Hanukkah, have a joyous Kwanza. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much sir. (*APPLAUSE*) And that concludes Public Speaks.

MINUTES OF THE MEETING DECEMBER 17, 2012**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: Under Informal Resolutions. We have none this evening.

COMMUNICATIONS

PRESIDENT SCHULMAN: Turning to Communications. Let the journal show that all 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 DECEMBER 17, 2012.

461. CLERK TIMBERLAKE: REQ LAW DEPT TO PREPARE RESOLUTION FOR 2013 LIQUOR PERMIT RENEWAL OBJECTIONS. - JUDICIARY COMMITTEE
462. SERVICE DIRECTOR PRICE: REQ AUTHORITY FOR MAYOR &/OR SERV DIR TO ENTER INTO AN ENGINEERING CONSULTANT CONTRACT BETWEEN CITY & REL FOR 3RD ST SE BRIDGE REHAB PROJ, PID 91972, GP 1167; REQ \$118,217.00 SUPP APPROP FROM 4501 (CAPITAL FUND) UNAPPROP BAL TO 4501-202096 (CAPITAL FUND - 3RD ST SE BRIDGE REHAB PROJ, PID GP 1167; AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO COOP AGMTS W/OTHER PROJ STAKEHOLDERS INCLUDING BUT NOT LIMITED TO: ODOT & TO REC FUNDS SECURED THRU ODOT; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPARTMENT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
463. SERVICE DIRECTOR PRICE: REQ AUTHORITY TO MAKE APPLICATION FOR, ACCEPT & EXECUTE A GRANT FROM STARK -TUSC-WAYNE JOINT SOLID WASTE MNGMT DIST UNDER 2013 RECYCLING MAKES SENSE GRANT PROG. - FINANCE COMMITTEE
464. STARK COUNTY AUDITOR HAROLD: RECEIPT OF CERTIFICATE OF ESTIMATED PROPERTY TAX REVENUE (PARKS & REC LEVY). - RECEIVED & FILED
465. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 11/30/12. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) A RESOLUTION TO SUBMIT BEFORE THE ELECTORATE OF THE CITY OF CANTON A 4.0 MILL LEVY OUTSIDE THE 10 MILL LIMITATION FOR THE

MINUTES OF THE MEETING DECEMBER 17, 2012

CANTON PARK SYSTEM FOR A PERIOD NOT TO EXCEED THREE YEARS

Referred to Parks & Recreation Committee

- #2. (1ST RDG) AN ORDINANCE AMENDING VARIOUS CHAPTERS IN TITLE NINE - PEDESTRIANS, BICYCLES AND MOTORCYCLES OF PART THREE - TRAFFIC CODE; PART SEVEN - BUSINESS REGULATION CODE; AND PART FIFTEEN - FIRE PREVENTION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO A LONG-TERM AGREEMENT WITH MARATHON PETROLEUM COMPANY TO ALLOW DISCHARGE OF TREATED WATER INTO CANTON'S EXISTING NAVARRE ROAD SW STORM SEWER SYSTEM; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5301 STORM WATER OPERATING FUND AND THE 5303 MARATHON/NAVARRE ROAD STORM SEWER FUND; AUTHORIZING THE CITY TO RECEIVE AND DEPOSIT FUNDS FEES FROM MPC; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 8:10 P.M. FOR THE JUDICIARY COMMITTEE TO DISCUSS ORDINANCE #4 AND #4A; RECONVENED AT 8:14 P.M.)

- #4. (1ST RDG) **ADOPTED AS ORDINANCE NO. 206/2012** A RESOLUTION OBJECTING TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY (DG HOLDING & MGMT CO. INC. DBA THE SPOT @ 2600 8TH ST NE & PATIO)
Referred to Judiciary Committee
- #4A. (1ST RDG) **ADOPTED AS ORDINANCE NO. 207/2012** A RESOLUTION OBJECTING TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY (JOHN L. JONES DBA JOHN LS @ 704 4TH ST SW)
Referred to Judiciary Committee

(COUNCIL RECESSED AT 8:14 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #5; RECONVENED AT 8:16 P.M.)

- #5. (1ST RDG) **ADOPTED AS ORDINANCE NO. 208/2012** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND EXECUTE THE 2013 RECYCLING MAKES SENSE GRANT FROM THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

MINUTES OF THE MEETING DECEMBER 17, 2012

PRESIDENT SCHULMAN: And at this time the Chair will declare an in house recess for the Judiciary and Finance Committees to meet in regard to Ordinances 4, 4A, and 5 on your agenda this evening. You're now in recess.

PRESIDENT SCHULMAN: Council will reconvene its recess. Leader.

MEMBER DOUGHERTY: Yes, Mr. President, I move we suspend Rule 22A to place Ordinances 4, 4A and 5 back on the agenda.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinances 4, 4A and 5 back on this evening's Agenda. 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. Ordinances 4, 4A and 5 are a legal part of your Agenda. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 4.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 4. 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. The motion carries. Leader, you've heard the three readings.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 4.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 4. Are there any remarks under this Ordinance? Hearing none, Madame Clerk again roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

MINUTES OF THE MEETING DECEMBER 17, 2012

#4 ADOPTED AS ORDINANCE NO. 206/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 4 has been adopted. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 4A.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 4A. Are there 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: Motion carries. Leader, you've heard the three readings.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 4A.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 4A. 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.

#4A ADOPTED AS ORDINANCE NO. 207/2012

PRESIDENT SCHULMAN: Ordinance 4A is adopted. Thank you Madame Clerk. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 5.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 5. Any remarks under that motion? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

MINUTES OF THE MEETING DECEMBER 17, 2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Leader, you've heard the three readings.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 5.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 5. Any remarks under this Ordinance? Hearing none, Madame Clerk again roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#5 ADOPTED AS ORDINANCE NO. 208/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 5 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their Second Reading. Would you please begin with Ordinance 6.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #11 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #6. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A ONE-YEAR CONTRACT WITH ACS GOVERNMENT SYSTEMS INC., IN AN AMOUNT NOT TO EXCEED \$25,000.00, FOR REMOTE DATABASE ADMINISTRATIVE SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A THREE-YEAR EXTENSION THROUGH JUNE 27, 2016, WITH IMMIX TECHNOLOGY INC., IN AN AMOUNT NOT TO EXCEED FOUR PERCENT OF THE CURRENT RATE, FOR CONTINUED USE OF THE KRONOS TIME AND ATTENDANCE SOFTWARE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A THREE-YEAR EXTENSION THROUGH SEPTEMBER 30, 2016, WITH ACS GOVERNMENT SYSTEMS INC., IN AMOUNT NOT TO EXCEED \$65,000.00 PER YEAR, FOR THE CONTINUED USE OF THE BANNER SOFTWARE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) **#9 ADOPTED AS ORDINANCE NO. 209/2012** AN ORDINANCE ADOPTING

MINUTES OF THE MEETING DECEMBER 17, 2012**APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2013; AND DECLARING THE SAME TO BE AN EMERGENCY**

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Statutory Rules on Ordinance 9.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Statutory Rules for Ordinance 9. Any remarks? Hearing none....

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: This is just the motion to suspend.

MEMBER CIRELLI: Oh, I'm sorry.

PRESIDENT SCHULMAN: It's alright. 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.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion to suspend carries. Leader you've heard the three readings.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 9.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9. Now are there any remarks? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President we received, if I recall, the Ordinance approximately two weeks ago. I then as soon as I could called the Auditor's office and his, he and his employee were very polite to get me something to compare. So they provided me and I came and picked it up, the years 2011 and 2012. A large packet which also I was told that Council Member Mariol had requested the same thing, so we wanted to do, at least I know I wanted to do a comparable of 2013 budget with the 2011 and 12 budget. Now this was a very, very timely and I didn't get through it all. I'll be the first to say that because I didn't have enough time. You know for this budget to come that quick and to be passed under 2nd Reading for an emergency is totally inexcusable on the part of the administration. It should have had all 3 Readings. I am opening to coming back for another meeting, if this should fail tonight to give the newer Members of Council and other people that had wanted to delve into this

MINUTES OF THE MEETING DECEMBER 17, 2012

further. I don't have a problem because in the past, we have done this. And also in the past, I was generally used to a temporary budget and I was OK with that, had it came down as a temporary budget, I wouldn't have a problem. And as I said in Committee Meetings, I then called our Law Director and he got back to me as soon as he could but he was sick for quite a time and that was last Friday. As a matter of fact, it's still on my recording and I tried to reiterate to everyone what he said. I know there's something's that have to be flagged for the total year and how this budget is because it's a moving target. But he said he didn't have enough time to prepare me, prepare the proper amendments the proper way, working with the Auditor's office and the Financial Director. Well you know there's an old saying that goes, "If you have lack of preparation on your part does not prove constitute an emergency on mine". So in all honesty I vote my conscientious. On this one I have to vote it down. Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks? Member Hawk.

MEMBER HAWK: Mr. President, thank you sir very much. I too would've like to have seen a little more time on this but I'm, Member Mariol made a very reasonable request to have a special meeting and give us that extra week or so to discuss this. I'm very disappointed to the fact that, that offer, that, that was rejected. In my estimation this budget does not provide enough police for, the money for the Police Department for our city. I'd like to see more police, therefore I will be voting no. I did vote yes on the Mayor's first budget when he came into office and I have voted no on every consequent budget, every budget thereafter. And again I voted no on all those budgets because they, I do not believe they provided enough money for the Police Department. John I'm sorry that your request wasn't honored but I will vote no on this budget.

PRESIDENT SCHULMAN: Thank you Member Hawk. Any other remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS
(MEMBERS CIRELLI, HAWK AND MARIOL VOTED NAY)

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

#9 ADOPTED AS ORDINANCE NO. 209/2012

PRESIDENT SCHULMAN: Motion carries. Thank you very much. Moving on to Ordinance 10.

- #10. (2ND RDG) AN ORDINANCE AMENDING SECTION 761.01, COMMERCIAL HAULER'S LICENSE; SECTION 763.04, TAXICAB COMPANY'S LICENSE, REQUIREMENTS AND LICENSE FEE; SECTION 763.07, LICENSING, EXPIRATION; RENEWAL; AND CHAPTER 1507, DEMOLITION OF BUILDINGS (REPEALED), OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS AND PROFESSIONAL SERVICES FOR THE CITY OF CANTON'S OPERATIONS DURING THE 2013 CALENDAR YEAR; AUTHORIZING ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING DECEMBER 17, 2012ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We turn now to Ordinances and Formal Resolutions for the Third, final Reading and vote. Would you please begin with Ordinance 12.

#12. (3RD RDG) ***POSTPONED UNTIL 1/7/13 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LONG-TERM AGREEMENT WITH AMERICAN LANDFILL, INC. FOR LEACHATE AND SLUDGE DISPOSAL; AND DECLARING THE SAME TO BE AN EMERGENCY***

PRESIDENT SCHULMAN: Leader.

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

MEMBER GRIFFIN: Seconded.

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

MEMBER DOUGHERTY: Mr. President, I move we postpone Ordinance 12 until January 7, 2013.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance #12 until January 7, 2013. Any remarks? Let me just make a quick remark so you understand the reason for this. We are very fortunate to have Director Price as our Service Director and I know the Mayor feels similarly fortunate to have him as Chief of Staff. Member Cirelli and I and Member West spent over an hour with Director West, oh Director West, Director Price's time and we really appreciated that. There are concerns as this audience expressed tonight on this Ordinance. We need more time to delve into the concerns and as we've indicated, as I've sent to Member Cirelli and sent to all of you, particularly Member Cirelli, we do live in an industrial society. There's certain dangers and hazards associated with living in an industrial society that we have to unfortunately accept however, in this instance, just to be on the safe side, because that is our guiding star, to protect the welfare, the health and the safety of our citizens, we want more time to talk to the Superintendent. To talk to the landfill engineers, not their marketing people, the scientists at the landfill and I think I agree with some of the speakers this evening. We should also hear from some independent scientists and I'd like to hear from the Ohio EPA and the US EPA. I don't know what it is that's going to be pumped into this station and I think we all should be concerned about it. Lastly, this Nimishillen watershed is horrible. It's in horrible condition. Not because of us by the way, not because of us but because of others as the Director has pointed out, upstream who are apparently permitted with somewhat impunity to just dump into this watershed. But it is in horrible condition and when I say horrible, potentially dangerous to human life and other life forms so, we need to make really sure what we're doing here. And the Director agrees and I compliment him. I compliment the administration. I know that there are jobs potentially with this pipeline. I understand that. There's got to be a balance eventually between protecting our citizens, as Member Cirelli has stated so eloquently and business interests. So with that long winded explanation, that's the reason this has been postponed. Any other remarks? Hearing none, by voice vote, all those in favor of the motion signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

MINUTES OF THE MEETING DECEMBER 17, 2012

PRESIDENT SCHULMAN: The ayes have it. The motion carries. It's postponed until January 7, 2013. Madame Clerk, Ordinance 13.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 210/2012** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT GRANT WITH 1₂ R POWER CO.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: I have a question and I don't know who could possibly answer it, maybe possibly the Chief of Staff could answer it. Mr. Price to my understanding they make a cable, I believe it is, or something, is these, is what they make, is it going to be used by the people that are doing the hydrofracking? Oh, and I was, Mr. President and to on behalf of the Chief of Staff, I didn't realize Fonda Williams was here. I was looking for him earlier before Committee because I would have asked that question from him.

PRESIDENT SCHULMAN: Director Williams.

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: Mr. President. No the items that 1₂ R Power Cable Company makes is not for the fracking industry whatsoever. The cables they make are for arc furnaces.

MEMBER CIRELLI: Mr. President I want to thank, I'm going to call him Member but,

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: Fonda's fine.

MEMBER CIRELLI: Our CD Director, Fonda Williams very much. And thank you for being here sir.

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: Thank you.

MEMBER CIRELLI: And I hope you'll see I had some things I wanted to converse with you.

MINUTES OF THE MEETING DECEMBER 17, 2012

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: Thank you.

PRESIDENT SCHULMAN: Thank you Director. 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.

#13 ADOPTED AS ORDINANCE NO. 210/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 13 is adopted and we wish the company all the success. Ordinance 14 please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 211/2012** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH 1² R POWER CO. TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#14 ADOPTED AS ORDINANCE NO. 211/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 14 is adopted. Ordinance 15.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 212/2012** 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 (PARCEL # 02-24286 FOR JACQUELINE & CARLSTON HEDGESPETH ON 4TH ST NE)

MINUTES OF THE MEETING DECEMBER 17, 2012

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#15 ADOPTED AS ORDINANCE NO. 212/2012

PRESIDENT SCHULMAN: Ordinance 15 is adopted. Ordinance 16 please.

#16. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 213/2012** 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 (PARCEL # 02-13025 FOR DEAN & JENNIFER KING ON RICHARD PLACE NW)_____

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks under this Ordinance?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I move we amend Ordinance 16 per the copy in front of all Council Members.

PRESIDENT SCHULMAN: Is there a second.

MEMBER GRIFFIN: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Section 1 of Agenda Item No. 16 to delete the language "Dean &" from the "Convey To" portion of the ordinance.

MINUTES OF THE MEETING DECEMBER 17, 2012

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to amend Ordinance 16 per the copy before each Member of Council. Any remarks? By voice vote, 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. Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16 as amended. Any remarks under this motion? 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 AMENDED AS ORDINANCE NO. 213/2012

PRESIDENT SCHULMAN: Ordinance 16 as amended is adopted. Ordinance 17 please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 214/2012** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #1 WITH GOODWILL INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$25,000.00 FOR THE BROWNFIELD JOB TRAINING GRANT; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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. 214/2012

MINUTES OF THE MEETING DECEMBER 17, 2012

PRESIDENT SCHULMAN: Ordinance 17 is adopted. Ordinance 18.

#18. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 215/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION TRANSFERS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (TO PRESERVE THE INTEGRITY OF COMPENSATED ABSENCES FUND)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. Any remarks under this Ordinance?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER DOUGHERTY: I move we amend Ordinance 18 per the copy in front of all Council Members.

MEMBER GRIFFIN: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 18 by substituting the attached revised Exhibit A for the originally proposed Exhibit A.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 18 per the copy before each one of you. Any remarks under that motion? Hearing none, 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. The motion carries. Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18 as amended. Any remarks

MINUTES OF THE MEETING DECEMBER 17, 2012

under the Ordinance as amended?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you very much. I'm going to ask the Finance Director DiRuzza to please remind us of the amount of money we're transferring. I think this is a very beneficial package and something we should all be proud to do.

PRESIDENT SCHULMAN: Director.

FINANCE DIRECTOR DIRUZZA: We are transferring to the Compensated Absences \$993,000.00. On an earlier Ordinance we appropriate \$650,000.00 of it and on this particular amendment we are appropriating \$50,000.00 more to Comp Absences.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Question to the, Mr. DiRuzza. Sir does that make the fund whole now?

PRESIDENT SCHULMAN: Director.

FINANCE DIRECTOR DIRUZZA: Compensated Absences Fund....

MEMBER CIRELLI: Yes.

FINANCE DIRECTOR DIRUZZA: ...it's not really whole but it is able to sustain money. Since we took this money and put it back in there, it's more whole from where it was in the past.

MEMBER CIRELLI: Mr. President, might I say...

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: ...it's manageable?

PRESIDENT SCHULMAN: I'm sorry, Director Price wanted to just add, Director.

SERVICE DIRECTOR PRICE: Just as a general point. The city, municipalities are not required to maintain a Compensated Absence Fund. Canton has done that and that was a pretty aggressive thing to do and something that we've certainly benefitted from. Bottom line is when folks retire and entitled to terminal pay-outs for accumulated benefits that we have to pay by statute, most cities simply don't plan for that and/or plan for it out of their

MINUTES OF THE MEETING DECEMBER 17, 2012

departmental budgets. We do it out of a centralized fund. In terms of making the fund whole, it is somewhat of a crap shoot year to year to try to forecast the number of retirements we'll receive and what a healthy balance to that fund is. The balance had fallen to, you know, below a quarter of a million dollars. We weren't very comfortable there but while we may debate over the budget and have different opinions, I think that we're able to enter next year with a multimillion dollar carry over and also restore funding to some of these funds is a real good sign of the times and while we were not at the level of the compensated absence fund that may, that we may want to be, ultimately the more we have in that fund the better but we try to forecast that as accurately as possible. I think we'll be able to handle the retirement simple pay-outs that we would have next year and it's always a balance between contributing to that fund and safeguarding those dollars and putting those dollars where they could, would go. But we're not quite at a comfortable level yet but we're at a much better level than we will have been last year.

PRESIDENT SCHULMAN: Thank you Director. Member Cirelli.

MEMBER HAWK: Mr. President.

MEMBER CIRELLI: Mr. President. To Mr. Price and thank you for the explanation. So what I hear you saying, I don't want to put words in your mouth, is that it's more or less now it would be manageable sir?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Yea, that's a good way to put it.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you. Mr. Price thank you very much for the explanation. I think it helped enlighten the new gentlemen on Council. This Compensated Absence Fund was put in place I think in 2001 or 2002 as Auditor Mallonn's office came up with it. It has been a true savior for our budget for the years that it has been in effect. We are one of the first cities to have something along those lines. It pays out to people who retire therefore reduces the burden to our General Fund. It was one of the better programs that we've ever put in effect and that's why I asked Mr. DiRuzza how much money we've paid into this year. Good program folks. We should stick with it. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hawk. Any other remarks? Hearing none, Madame Clerk roll call vote on Ordinance 18 as amended.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#18 ADOPTED AS AMENDED AS ORDINANCE NO. 215/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 18 is adopted. Ordinance 19 please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 216/2012** AN ORDINANCE AMENDING

MINUTES OF THE MEETING DECEMBER 17, 2012

APPROPRIATION ORDINANCE NO. 220/2011, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (HEALTH AND LIFE INSURANCE FUND)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 19.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. 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.

#19 ADOPTED AS ORDINANCE NO. 216/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 19 is adopted. Ordinance 20 please.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 217/2012** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A DONATION IN THE AMOUNT OF \$50,000.00 FROM SARTA TO PROVIDE FUNDING FOR A PLAYGROUND AREA AND WALKING PATH; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2450 SARTA AREA IMPROVEMENT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Ordinance 20.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20. Any remarks?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes, Director.

SERVICE DIRECTOR PRICE: Councilwoman Smith, I will say this directly to you. I have a lot of respect for what you were able to pull off with this and when I say pull off I mean, you took a situation that I didn't fully

MINUTES OF THE MEETING DECEMBER 17, 2012

comprehend how it was effecting your residents having that, that SARTA facility in and around the neighborhoods in your Ward and you not only managed to, along with your constituents, you know on a grassroots level, but you put it all together and were not only able to point out to SARTA some of the problems that your folks were experiencing, but also to get them to change some of their habits. But you also managed to, out of that process and those meetings, manage to obtain this consideration for transferring that ½ acre sliver which, by the way if we'd not been able to do, SARTA and entity that I want to thank as well, because they certainly stepped up to the plate, but that helped us get a \$15,000,000.00 grant for the Mahoning Road Project and having done that favor for us, you took what was perceived by a negative to your constituents, turned that into not only a positive but a real positive that we're getting \$50,000.00 here, some playground equipment for some kids in your Ward and trails so they don't have to walk out on the streets. So, I personally along with thanking SARTA or whatever, I just have to say personally I really respected how you handled it and I wouldn't, I'd rather be on your side of the negotiating table than against you certainly. But this would not have happened without Councilwoman Smith personally basically negotiating this for her people so I think she....(APPLAUSE).

PRESIDENT SCHULMAN: Thank you Director. Any other remarks? Hearing none, Madame Clerk roll call vote please.

CLERK TIMBERLAKE: Twelve yeas. (LAUGHTER)

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#20 ADOPTED AS ORDINANCE NO. 217/2012

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance 20 is adopted. _____

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Announcement of Committee Meetings please.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Griffin.

MEMBER GRIFFIN: Parks and Recreation would like to meet on January 7th at 6:15.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes Leader.

MEMBER DOUGHERTY: Public Property Capital Improvement, January 7, 2013 at 6:15.

PRESIDENT SCHULMAN: Member West.

MINUTES OF THE MEETING DECEMBER 17, 2012

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

PRESIDENT SCHULMAN: Thank you. Any other Announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business. Before everybody starts I just want to say it's been a great year with all of you. It never ceases to amaze me how, I mean this, how extraordinary you all are. From the Mayor, his administration, the Law Director, Members of Council. You have the interests of the citizens of our community at heart always. We may have our differences of opinion sometimes but, you know you look around and you see other Councils, other administrations, I wouldn't trade, I wouldn't trade you for anything. It's a pleasure to sit up here and what you work. It's a pleasure to know you behind the scenes. I just wish you a very Happy Holiday season and a healthy, happy politically prosperous New Year and let's hope the economy rockets because we could sure use it. Any other Miscellaneous remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I just want to thank Pastor David Morgan for filling in my said. As a parent that has buried a child, Friday was just a little bit too close for me because in reality I want everybody to keep in mind, there were 28 children that died that day including unfortunately the fella that committed the crime and his mother also. They were somebody's child. So, always keep them in their thoughts also.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Mayor Healy.

MAYOR HEALY: Thank you Mr. President. Two things. One, I wanted to just let everybody know where I was today. I was in Columbus, Ohio and doing something that I thought was extraordinary not for myself but for the Unites States of America. I was part of the Electoral College for the state of Ohio. Myself and 17 others had the formal process of voting for President Barack Obama to re-elect him and that happened today and we certified it and it will be sent to Washington and Ohio's electoral votes were submitted today and that formalizes the process. So, it's a little confusing to some people how the presidency works for the election but this is the next step of the process and I was a part of it. The first time ever and it was quite exciting to be a part of. So, I just wanted to share that with everybody that, that was done today. Also would like to, to just wish everybody Happy Holidays and thank you for your support this year and look forward to working with you all next year.

PRESIDENT SCHULMAN: Thank you Mayor.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just briefly I wanted to thank the Council President, Allen Schulman for coming down and helping out today with a meeting we had with some members of the downtown community and relationship to the VXi discussion last week. I think we're well on our way of making some resolution to that. I know the administrations working on it as well so, I just wanted to thank you for your efforts today. I appreciate you.

PRESIDENT SCHULMAN: Thank you.

MINUTES OF THE MEETING DECEMBER 17, 2012

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Hey, last Friday we had our paper sale for Ex-News boys. I was a great day, great weather and that. If you didn't get a chance to get a paper, I have some papers here. I have my can here and we're still taking collections, so appreciate...we spent \$252,000.00 last year and we need all the support we can get. Thank you.

PRESIDENT SCHULMAN: Thank you Member Griffin very much. Any other?

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Yes Member Mack.

MEMBER MACK: First I would just like to thank Mr. DiGiacomo for the pinwheels. They were very delicious. I've been eating them the entire meeting. Excellent, excellent. Second thing is, and we may have disagreements in some things here as a body but, I must say that I'm proud to serve with each and every one of you and I'm really looking forward to next year.

PRESIDENT SCHULMAN: Thank you Member Mack. Any other remarks? Leader for the last time this year.

MEMBER DOUGHERTY: Member Cirelli want to know who gave these to us. Mr. DiGiacomo gave us these.

MEMBER GRIFFIN: Thank you sir.

MEMBER DOUGHERTY: Thank you very much. *(APPLAUSE)*

Inaudible comment from audience.

MEMBER DOUGHERTY: I too want to wish everyone a great holiday season. Be safe, come back. Let's do this again and wish the best for everybody and give a little more than you get this holiday season. I move to adjourn.

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Happy Holidays everybody. Motion is adopted. *(Gavel falls)*

ADJOURNMENT TIME: 8:49 P.M.

MINUTES OF THE MEETING DECEMBER 17, 2012

ATTEST: DECEMBER 21, 2012
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: DECEMBER 21, 2012
ALLEN SCHULMAN
PRESIDENT