

MINUTES OF THE MEETING JANUARY 7, 2013

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. Before we begin, I know we have new reporters but can they keep the noise down please, you know, this is a Council Meeting. I want to wish the Mayor and his Administration and my good friends as Members of City Council and the audience, a very healthy, happy, prosperous New Year to each and every one of you. And the Central Catholic kids who I was going to introduce have flown the coupe. Just goes to figure doesn't it Member Griffin....Oh wait, there's one...one person who happens to be related to Member Hawk.

MEMBER HAWK: The next generation.

PRESIDENT SCHULMAN: So we have one member left from Central Catholic who happens to be a great basketball player despite the fact that he's related to Member Hawk. Welcome, thank you, nice to have you here. And we want to really move through this tonight because there's a big game on. I think a lot of us want the Irish to win, Member Griffin. Okay, with a roll call...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:

11 COUNCIL MEMBERS PRESENT: (JAMES GRIFFIN, JAMES BABCOCK, MARY CIRELLI, JOE COLE, GREG HAWK, THOMAS WEST, CHRIS SMITH, KEVIN FISHER, JOHN MARIOL, EDMOND MACK & FRANK MORRIS)

ELEVEN COUNCIL MEMBERS PRESENT. MEMBER DOUGHERTY ABSENT.

CLERK TIMBERLAKE: Eleven yeas Mr. President.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader, Dave Dougherty from this evening's meeting

MEMBER GRIFFIN: Mr. President I move we that we excuse Leader Dougherty from tonight's meeting.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that Leader Dougherty be excused from this evening's meeting. Any remarks? I understand he's ill and I know there is a bad strain of flu going around. So, we hope he gets better soon and is back next week. No other comments, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion carries and Leader Dougherty is excused from this evenings meeting. And by the way Member Cirelli sounds, she may be the next person that's going to be excused from this evening's meeting. We'll have our Our invocation will be given tonight by Council Member at Large Joe Cole. If you'll all please stand and remain standing for our Pledge of Allegiance.

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The regular meeting of Canton City Council was held on January 7, 2013 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 Council at Large Member, Joseph Cole. The Pledge of Allegiance led by President Schulman.

PRESIDENT SCHULMAN: I thought that was an unusually long invocation. I think Member Cole snuck that last part in there just so we wouldn't know what he was saying.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We're now under Agenda Corrections and changes.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: I move that Rule 22A be suspended and add 2nd Reading Ordinance 3 through 5...including 5.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to suspend Rule 22A to add the 2nd Reading Ordinances 3 to 5. Any remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, the motion carries and Rule 22A is therefore suspended.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: Turning now to Public Hearings. We have none scheduled this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: Turning to Old Business. Chief of Staff, Director Price has informed me that he has no Old Business.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: So that moves us to Public Speaks. We have five speakers this evening. I think most of you have spoken but for those who haven't, we do have on the board in front of you, a timer. Council likes to hear from you and wants to hear from you. If you'll just keep your remarks to 3 minutes however, we'll all be here after the meeting. Perhaps not tonight but at some point, you'll be able to talk to us. Our first speaker is James Parker. Mr. Parker, as always, welcome. Happy New Year to you. If you'll give us your name and your residential address.

JAMES PARKER: Thank you Council President Schulman. James Parker, 630 Penny Street SE, North Canton, Ohio. Concerning the leachate pipeline and we need to think global, act local. Long term agreements

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shouldn't be decided on an emergency basis. For example, we saw an emergency measure to sell \$25,000.00 of t-shirts, tchotchkes emblazon with Canton established 1805 with a on star on it, how original. Turned out expos facto that it's all made in China and...when...Council President Schulman, will you please ask Council Leader Dougherty upon his return if he has had Junior Achievement or the Urban League, anyone, hocking any of these items as he indicated should or would be done. Secondly, what is the City's return on the investment to date for this emergency outlet? In terms of sales for fiscal 2013, what projections does he anticipate? Public private partnerships corrupt both partners, for example, in Congress, there are milker bills often introduced in the area of taxes. Members threaten to impose a new tax increase, then it gets withdrawn after campaign contributions flow in. The Solyndra scandal is just one example that this crony capitalism comes from all sides. When I was a child growing up in Canton playing at Mother Gooseland, skating at the park with the bonfires, what I remember most was the biodiversity, aqua life of the creeks. Under every rock would be crayfish, fresh water clams, muskrat and mink were everywhere. Not anymore, only a staff infection my child contracted this summer. While I strongly support Honorable Mayor Healy and his Administration, I can say...I cannot say the same for whatever cabal of prevaricators constitute this an emergency measure. Nor do I care for the equivocators who seek to abridge and amend the due process system. Let it be vetted out and carefully reviewed as possible. Contingency planning, testing and 3rd party independent pure review for example. Do you know the leachate is a boiling point. Compression, pressure and time exert can create massive heat on structures. What is the answer, as Sherlock Holmes pointed out when you have eliminated the impossible, what remains is however improbable has to be the answer. The first rule of public health is that nonfeasance is better than malfeasance. Please do your due diligence and not accept this emergency. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. Parker. Our next speaker is Chuck Osborne. Mr. Osborne, Happy New Year to you. If you'll give us your name and your residential address and welcome as always to Canton City Council.

CHUCK OSBORNE: Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. As I told this body here several weeks ago, I'm here for 2 reasons. Number 1, as a resident of North Canton, we have a stake in the upgrade of your treatment plant to the tune of several million dollars. And secondly, we're involving a fracking ways that will eventually find its way into the landfill. In today's Beacon Journal article and I quote "American Landfill is accepting drill cuttings, drilling muds and fracking sands that could have elevated radiation and part from exposure to underground rocks." That's per the parent company of American Landfill Waste Management. So, we're dealing with introduction of new materials. In the last 10 days, I've hand delivered and emailed many of you on Council, a 2007 article regarding the City of Alliance's experience with leachate. This is probably well prior to introduction of fracking materials. They had numerous environmental violations. At one point they were ordered by Alliance to stop taking leachate. The plant Superintendent, Mr. Amavelli stated "I would have lived a lot better if we didn't take this leachate." I did update my information. I have talked to him today. They have ironed out the problems that they had during those rough years. Apparently they were accepting any and all leachate that they...they brought to them. There was some very highly hot or toxic leachate that they now know to stay away from. Again, you're accepting the private industry's problems and there are other ways I think to deal with your situation. Number 1, the federal Government will give you increased time span if you ask to meet these requirements and they also understand municipalities are under extreme financial pressures and they will provide funds to help upgrade your facilities. I did also learn today from Mr. Amavelli that the sludge that they have leftover from their waste treatment, the sludge has been further processed. It's not something that has to be disposed of in a landfill or incinerator. I'm wondering why the City of Canton doesn't have additional steps to render their sludge more

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safe for the environment. Also in today's Beacon Journal article, I want to point out it doesn't seem to be very profitable for Canton. It says you expect to receive 60,000 gallons of leachate per day, the contract recalls...calls for allowing them...or processing 100,000 gallons a day without charge. So, it sounds like your going to be doing it for free. Again, do your homework, each and every one of you do your own due diligence, just don't listen to someone's 2 minute speel how...what a great deal it is.

PRESIDENT SCHULMAN: Okay, thank you very much Mr. Osbourne.

CHUCK OSBOURNE: Thank you.

PRESIDENT SCHULMAN: Our next speaker is Renee Bogue. Ms. Bogue, good evening. Welcome to Canton City Council, if you'll give us your name and your residential address please.

RENEE BOGUE: Certainly, my name is Renee Bogue. I live at 204 Willow Avenue in Mass...excuse me, Massillon. Okay...

PRESIDENT SCHULMAN: Please begin, thank you very much.

RENEE BOGUE: Thank you. I am a recently retired educator with the Perry Local Schools who have 35 years of service. When working with my students who were writing research papers based on their side of a controversial issue...issue, excuse me, I would ask them to search for resources that were current, credible and authoritative. I would ask my students to look closely at the credentials of the author to see if he or she were qualified to write on the topic. When looking at this leachate issue, I ask myself where is the research. Where is the research from Physicists and Environmental Scientists? Where is the pure reviewed documentation by qualified toxicologists? Where is the study done by the United States Geological Survey on the Nimishillen and how this would impact it and residential ground water wells. Has the USGS done studies to learn whether the stream could be gaining or losing at various times of the year? Is it not true that there have been documented events of flooding over the stream banks? Is it not true that there are fishing derbies and other uses of the stream by children? What documentation do you have that will show us that the solidification process works, i.e. water soluble radiant and other contaminants will not leach into the landfill leachate collection system when we have rainfall. Two years ago, I donated an old 6 volume set on the history of Stark County to the McKinley Museum. The history of Stark County will be written again. In the future, generation after generation after generation will ask what poisoned the Nimishillen and what very possibly poisoned the wells along it. Who causes ecological disaster that affected both wildlife and human life? And if Council approves this, in that history book will be listed the names of a handful of Councilmen and Councilwomen who held the power to protect their community but they just didn't care. Thank you.

PRESIDENT SCHULMAN: Thank you very much Ms. Bogue. Our next speaker is Dan Lincoln. Mr. Lincoln, good evening and welcome to Canton City Council. If you'll give us your name and your residential address please.

DAN LINCOLN: Dan Lincoln, 8866 Bowmont Ave, Magnolia.

PRESIDENT SCHULMAN: You're good. Thanks.

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DAN LINCOLN: Thanks. I want to talk again about the pipeline and kind of what Chuck had started on. I'd like to talk about some of the knowns and some of the unknowns of the drilling wastes that's headed into the landfills. Just one quick study I pulled up is recently the University of Pennsylvania had a study, geochemical evaluation of flowback brine from marcellus gas wells in Pennsylvania. And just to jump 3 of the points of the conclusion, flowback water from the later stage flowback from our marcellus wells contain very high concentrations of TDS, in those TDS is strontium, barium, radium, other elements. In the level of TDS, some of these other constituents can be 5 to 10 times higher then concentration of sea water, which is really gross. The late stage flowback contains concentrations of rating 226, 228 barium and other constituents far higher then drinking water limits. They noted that improper disposal of the flowback can lead to unsafe levels of these and other constituents in water, iota and sediment in wells and streams. So, there's a real issue about to dispose of these contaminants that are being brought up from the shale. And the final comment they made, the high salinity and toxicity of these waters must be a key criteria in technology for disposal of both flowback waters and continuing outflow of production waters. And their solidification of drilling waste fluids happening in Ohio and out of Ohio and it's being trucked and dumped into our landfills. So, we know that the fluids are a problem. The stuff that's in the fluids comes from the shale. So, the same stuff exists in the cuttings as well but you can (*inaudible*). Some of the unknowns...so this is some of the known...some of the unknowns, ODNR has been so frustrated with the Ohio Department of Health's failure to analyze the Ohio shale well drilling waste they have enlisted the USGS to perform the tests. That means that even the agencies that are responsible to regulate the waste stream from shale wells, don't know specifically what they're dealing with or how much of it there is. We've been talking to a lot of experts about this as much as we can because we have jobs to work too but, you know, we put our efforts in. And...and one of our people, one of our doctor's even commented that there are 33 different isotopes of radium alone and to not know what we're dealing with and just say "Oh there must be some regulation and the places can handle this, so we already have agencies that'll handle it" is inadequate. There's a long history of oil and gas industry having the regulations in place before they ever show up and inadequate controls and pollution problems and...they're known for it. Out of state drilling waste containing more unknown constituents, we have no control over, are pouring into Ohio's landfills and therefore into the leachate. And again, this talks of bringing in rails and barges and there's...there's a tremendous amount of potential for drilling waste and cuttings coming to Ohio landfills. Since the hazardous elements have not been identified, nor the total quantity that will be dumped in any particular landfill, it's impossible to judge the potential risks leachate, containing drilling wastes as acceptable. And it's impossible to know that all appropriate regulations have been created and invoked, we don't know what we're dealing with. There's no way anybody in this room can say that the regulations in place are adequate to handle what's coming. We don't know. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. Appreciate it, thanks. Our next speaker is William Turner. Mr. Turner, good evening. Welcome to Canton City Council. If you'll give us your name and your residential address sir.

WILLIAM TURNER: Yes, my name is William Turner. I live at 1122 Park Avenue here in the City Canton, southwest side...southwest side of the City. My Councilman is Kevin Fisher. I thank you first of all for this space, allowing me to come and to not vent but to allow City Council to know that I have a concern. My concern is closer to home than those things that I've heard so far tonight and in the last Council Meeting that I've heard. My concern is for the..the violence that's evident not only in our schools but in our community. And I'm not saying it's something that I know that you're not...that you're not aware of, I realize that you. But I want you to know that I speak for...for a majority of our...our community that are concerned. In light of

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what has happened in other parts of the Country, schools and those parts of the Country. We're not far removed from it and we...we...we...we want to feel confident that more than enough is being done to get us security in our hearts and our minds to know that when our children go to school, when they walk the streets, when our families are out into the community that they're going to be safe. We realize we can't do everything. But however, I do believe you know, that there's some more things that can be done. And we'll be coming here periodically, you know, to..to show our face and to let you know that we are concerned about these things and we are going to do everything that we can to help you to make our communities as safe as possible. I have inquired informally about some things that can be done and I realize, you know, there are some...there are some...some other things that have to take place in order for us to get to where we...where we want to get. However, I realize that Council has limitations and we...and we...and we respect that as well. However, I'm...I'm of a mind that we can do more. I'm reminded of something J.F.K. said, "Some men see things as they are and they ask why but other men see things as they should be and ask why not." Why can't we do better than we've already done. Thank you.

PRESIDENT SCHULMAN: Thank you sir. And I think all of us know Mr. Turner was just elected the new President of the N.A.A.C.P., we wish you the very best, I believe I'm correct, am I not? Am I wrong? Oh, I'm sorry...I...I was told by the Clerk that this was Mr. Turner that was elected to the N.A.A.....well, you should have been President of the N.A.A.C.P. Who is the new President?

UNKNOWN SPEAKER: (Inaudible)

PRESIDENT SCHULMAN: Oh, okay. Well see, I get that information all the time. But excellent, thank you very much sir. We appreciate it. We appreciate all you speakers. Thank you for coming down.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Madame Clerk if I could get this back on the trail. Please read Resolution #1 by title.

#1. CNCL-AT-LRG MBRS BABCOCK & COLE; WARD CNCL MBRS HAWK, WEST, GRIFFIN, SMITH, DOUGHERTY, FISHER, MARIOL & MORRIS: SUPPORTING THE WELLS REDEVELOPMENT PROJECT. - ADOPTED

PRESIDENT SCHULMAN: Leader Griffin.

MEMBER GRIFFIN: Mr. President, I move that we adopt Informal Resolution #1.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution #1. Are there any remarks?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: *(Inaudible)*

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PRESIDENT SCHULMAN: Thank you. Any other remarks? Hearing none in regard to Resolution #1, by voice vote all those in favor of the Resolution signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #1 PASSED BY VOICE VOTE

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

COMMUNICATIONS

PRESIDENT SCHULMAN: Turning to Communications. Let the journal show that all Communications have been 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 JANUARY 7, 2013.

1. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERT DATED 12/12/12. - RECEIVED & FILED
2. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERT DATED 12/19/12. - RECEIVED & FILED
3. AUDITOR MALLONN: MONTHLY RPT BY FUND 12/1/12 - 12/31/12. - RECEIVED & FILED
4. AUDITOR MALLONN: YRLY RPT BY FUND 1/1/12 - 12/31/12. - RECEIVED & FILED
5. CNCL-AT-LRG MBR CIRELLI: REQ CITY TO HIRE AN INDEPENDENT FORENSIC AUDITOR TO AUDIT CANTON COMMUNITY IMPROVEMENT CORP; REQ THAT AUDIT BE PAID FOR BY CCIC. - PERSONNEL & FINANCE COMMITTEES
6. LIQUOR CONTROL DIVISION (OHIO):REQ NEW C1 C2 LIQ PERMIT FOR LILO OIL INC DBA BP MARKET AV @ 1200 N MARKET AV. - RECEIVED & FILED
7. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER D2 D2X & D3 LIQ PERMIT FROM BUCKEYE CLUB 11 DBA BUCKEYE CLUB 11 @ 1537 HARRISON AVE SW TO DAVE KIEFFER @ 1537 HARRISON AVE SW. - RECEIVED & FILED
8. MAYOR HEALY: ADVISE OF RE-APPT OF TERRY PRATER TO BOARD OF PARK COMMISSIONERS FOR 3 YR TERM EFFECTIVE 1/1/13 - 12/31/15. - RECEIVED & FILED
9. MAYOR HEALY: ADVISE OF RE-APPT OF AUDREY LAVIN TO CANTON CITY PLANNING COMMISSION FOR 6 YR TERM EFFECTIVE 1/1/13 - 12/31/18. - RECEIVED & FILED
10. MAYOR HEALY: ADVISE OF RE-APPT OF AMANDA STEWART TO CANTON CITY PLANNING COMMISSION FOR 6 YR TERM EFFECTIVE 1/1/13 - 12/31/18. - RECEIVED & FILED

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11. MAYOR HEALY: ADVISE OF RE-APPT OF JEFFREY MCDANIELS TO STARK METROPOLITAN HOUSING AUTHORITY BOARD OF COMMISSIONERS FOR 5 YR TERM EFFECTIVE 2/1/13 - 1/31/18. - RECEIVED & FILED
12. MAYOR HEALY: ADVISE OF RE-APPT OF DONALD PETERSON TO CANTON COMMUNITY IMPROVEMENT CORP FOR 1 YR TERM EFFECTIVE 1/1/13 - 12/31/13. - RECEIVED & FILED
13. MAYOR HEALY: ADVISE OF RE-APPT OF STEVE KATZ TO CANTON COMMUNITY IMPROVEMENT CORP FOR 1 YR TERM EFFECTIVE 1/1/13 - 12/31/13. - RECEIVED & FILED
14. MAYOR HEALY: ADVISE OF RE-APPT OF ROBERT THOMPSON TO CANTON COMMUNITY IMPROVEMENT CORP FOR 1 YR TERM EFFECTIVE 1/1/13 - 12/31/13. - RECEIVED & FILED
15. MAYOR HEALY: AUTHORIZE RE-APPT OF DONALD PETERSON TO CANTON RECREATION BOARD EFFECTIVE 1/1/13 - 12/31/17. - PERSONNEL COMMITTEE
16. MAYOR HEALY: AUTHORIZE RE-APPT OF STEVE LAMIELL TO BOARD OF ZONING APPEALS FOR 3 YR TERM EFFECTIVE 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
17. MAYOR HEALY: AUTHORIZE RE-APPT OF KARL "BUTCH" KRAUS TO BOARD OF ZONING APPEALS FOR 3 YR TERM EFFECTIVE 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
18. MAYOR HEALY: AUTHORIZE APPT OF JENNIFER LEWIS TO CITY'S BOARD OF ZONING APPEALS FOR 3 YR TERM EFFECTIVE 1/14/13 - 1/13/16. - PERSONNEL COMMITTEE
19. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO PAY MORAL OB TO OHIO BILLING INC. FOR AMBULANCE SERV PERFORMED IN NOVEMBER, 2012. - FINANCE COMMITTEE
20. SAFETY DIRECTOR REAM: REQ COUNCIL RATIFY TENTATIVE AGMT OF WAGE SCHEDULE FOR CPPA WITH CITY OF CANTON EFFECTIVE 1/1/13. - FINANCE & PERSONNEL COMMITTEES
21. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT W/SMITH & NEJEDLIK, INC TO COMPLETE APPRAISAL REVIEW WORK FOR 12TH ST N CORRIDOR PROJ; MAKE SUPP APPROP OF \$194,500.00 FROM UNAPPROP BAL OF CAP FUND TO 4501-202077 THE CAPITAL - 12TH ST N CORRIDOR PROJ, GP 1098; & AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
22. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ENGINEERING CONSULTANT CONTRACT BETWEEN CITY & URS CORP FOR 11TH ST SE, INTERSECTION & ROADWAY IMPROVEMENT PROJ, PID 90465, GP 1144; AUTHORIZE AUDITOR TO ESTABLISH & CREATE 4568 FUND (11TH ST SE, INTERSECTION & ROADWAY IMPROVEMENT PROJ, GP 1144) FOR PURPOSE OF TRACKING PROJ REVENUES &

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EXPENDITURES; MAKE SUPP APPROP OF \$247,920.00 FROM 4568 (11TH ST SE PROJ) UNAPPROP BAL TO 4568-202095 (11TH ST SE PROJ); MAKE SUPP APPROP OF \$61,980.00 FROM 4501 (CAPITAL FUND) UNAPPROP BAL TO 4501-202095 (CAPITAL - 11TH ST SE PROJ); AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COOP AGMT W/ OTHER PROJ STAKEHOLDERS INCLUDING BUT NOT LIMITED TO ODOT & ADJACENT PROP OWNERS; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

23. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH OHIO POWER CO., AKA AMERICAN ELECTRIC POWER (AEP) FOR USE OF EXISTING AEP CONDUITS & INSTALLATION/REMOVAL OF CITY OWNED ELECTRICAL CONDUCTORS IN CONDUITS TO FACILITATE PROJ IN AMT OF \$53,031.00; AUTHORIZE TO RECV TRANSPORTATION REVIEW ADVISORY COUNCIL FUNDS (TRAC) THROUGH ODOT TO FUND COST OF BOTH CONSTRUCTION & AEP CONTRACTS; MAKE SUPP APPROP OF \$755,260.99 FROM UNAPPROP BAL OF 4567 (WALNUT/CHERRY COMPLETE STREETS PROJ FUND, GP 1153) TO 4567-202090 (WALNUT/CHERRY PROJ FUND); MAKE SUPP APPROP OF \$53,031.00 FROM UNAPPROP BAL OF 2113 (MUNI ROAD FUND, MRF) TO 2113-202090 (MRF FUND - WALNUT/CHERRY PROJ GP 1153); AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
24. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE CHANGE ORDER #1 FOR 55TH ST NE STORM SEWER PROJ, GP 1125 CONTRACT #2011-38 W/CTI ENGINEERS, INC FOR AMT OF \$37,600.00; MAKE SUPP APPROP OF \$37,600.00 FROM 4501 (CAPITAL FUND) UNAPPROP BAL TO 4501-202087 (CAPITAL FUND - 55TH ST NE STORM SEWER PROJ, GP 1125); AND AUTHORIZE & DIRECT AUDITOR TO DRAW WARRANTS & MAKE PAYMENTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
25. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR OR ECONOMIC DEV DIR TO ADVERTISE FOR & RECV PROF QUALIFICATIONS FOR PROJ MGMT CONSULTING SERV FOR MAHONING ROAD CORRIDOR ECONOMIC DEVELOPMENT PROJ & ENTER INTO CONTRACT NOT TO EXCEED \$50,000.00 PER YR FOR 2 YEARS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
26. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY-INS FOR DECEMBER 2012 TO AMBULANCE LOCK BOX. - RECEIVED & FILED
27. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR DECEMBER 2012. - RECEIVED & FILED
28. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF DECEMBER 31, 2012. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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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 AND #2 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENGINEERING CONSULTANT CONTRACT WITH RICHLAND ENGINEERING LIMITED FOR THE 3RD STREET SE, BRIDGE REHABILITATION PROJECT, PID 91972, GP 1167; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER PROJECT STAKEHOLDERS; AND DECLARING THE SAME TO BE AN EMERGENCY (\$118,217.00)

Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 7:53 P.M. FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #2; RECONVENED AT 7:55 P.M.)

- #2. (1ST RDG) **ADOPTED AS ORDINANCE NO. 1/2013** AN ORDINANCE APPROVING CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND THE CANTON POLICE PATROLMEN'S ASSOCIATION; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance & Personnel Committees

PRESIDENT SCHULMAN: Leader Griffin.

MEMBER GRIFFIN: Mr. President, I move we suspend Rule 22A to place Ordinance #2 back on the this evening's agenda.

PRESIDENT SCHULMAN: Okay, I'm sorry. Let's do this first, I'm going to declare an in house recess for Finance and the Personnel Committees to meet in regard to Ordinances #2 and then you're now in recess and we'll return and get it back on the agenda.

PRESIDENT SCHULMAN: Council will reconvene its recess. Now, Member Griffin. Sorry.

MEMBER GRIFFIN: Mr. President, I move that we suspend Rule 22A and place Ordinance #2 back on this evening's agenda.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A and place Ordinance #2 back on this evening's Agenda. Any remarks? Hearing none, Madame Clerk roll call vote please.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Ordinance 2 is a legal part of your Agenda. Member Griffin.

MEMBER GRIFFIN: Mr. President, I move that we suspend the Statutory Rules on Ordinance #2.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #2. Any remarks on that motion? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

MEMBER GRIFFIN: Mr. President, I move that we adopt Ordinance #2.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #2. Any remarks under this Ordinance? Hearing none, Madame Clerk again roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#2 ADOPTED AS ORDINANCE NO. 1/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 2 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their Second Reading. Madame Clerk, would you please begin with Ordinance 3.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #3 THROUGH #5 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:#3. (2ND RDG) A RESOLUTION TO SUBMIT BEFORE THE ELECTORATE OF THE CITY OF

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CANTON A 4.0 MILL LEVY OUTSIDE THE 10 MILL LIMITATION FOR THE CANTON PARK SYSTEM FOR A PERIOD NOT TO EXCEED THREE YEARS
Referred to Parks & Recreation Committee

- #4. (2ND 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
- #5. (2ND 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

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. Turning now to Ordinances and Formal Resolutions for the Third, final Reading and vote. Would you please begin with Ordinance #6.

- #6. (3RD RDG) ***POSTPONED UNTIL 1/14/13 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 Griffin, I'll recognize a motion to postpone Ordinance 6.

MEMBER GRIFFIN: Mr. President, I move that we postpone Ordinance #6 until January 14, 2012...13.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to postpone Ordinance #6 until January 14, 2013. Are there any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. And the Ordinance is postponed for one week. Ordinance 7 please Madame Clerk.

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#7. (3RD RDG) **ADOPTED AS ORDINANCE NO. 2/2013** 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

PRESIDENT SCHULMAN: Leader Griffin.

MEMBER GRIFFIN: Mr. President, I make a motion we adopt Ordinance #7.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #7. Any remarks under this Ordinance?

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Fisher.

MEMBER FISHER: Just quickly, I know I could be a pain on some of these things with Department Heads. So, I wanted to...to thank both our former Member Barton from MIS and also Gary Young for the...answering the numerous questions I kept throwing at them on this since I have worked with different Government softwares over the years, they were very helpful on it. Thank you.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#7 ADOPTED AS ORDINANCE NO. 2/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 7 is adopted. Ordinance 8.

#8. (3RD RDG) **POSTPONED UNTIL 1/14/13** 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

PRESIDENT SCHULMAN: Leader Griffin.

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MEMBER GRIFFIN: Mr. President, I make a motion that we adopt Ordinance 8.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 8. Any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: *(Inaudible)*....amounts to? *(Inaudible)*

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, this is an Ordinance sponsored by the Auditor, Mr. Mallonn and when it was brought to us we weren't sure exactly what the current rate is but I asked for Council's sake if we could put a cap on it for future and they agreed that it would not exceed 4%. I have an appendix attached but I can't discern an easy answer for you, there are a lot of numbers listed for a lot of parts and contracts and so on.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. Martuccio for trying to explain that, appreciate that. I assume Mr....our Finance Director does not know either? Okay, thank you very much both of you.

PRESIDENT SCHULMAN: We're trying to get some idea Member Cirelli on how much the contract is actually contracted for.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Is it something we should hold until next week?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, it appears to be about 58,000 per year at present for a number of performance items. It's from a company called IMMIX Technology who provided a quotation.

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PRESIDENT SCHULMAN: Does that satisfy you Member Cirelli?

MEMBER CIRELLI: Thank you Mr. President. And I think you can understand when we just heard our Safety Director talk about giving a 2% raise and then we hear something here that's 4% and usually the standard cost of living is like less than 3% now I believe. So, I just didn't know how that all occurred and I appreciate you trying to figure that out and what I'm hearing you say and I could be hearing this incorrectly, 58,000 per year possibly to the year of 2016 it will be held to there, is that correct sir?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member Cirelli, when this was discussed at our last meeting on December 17th or whatever the date was, I don't recall exactly what was said when the Auditor's made their presentation to Committee but it seems from what I have in front of me that it's from June of 2013 and then...2014 and then again from 2014 to '15. So, the figure I'm quoting you, the 58,000 approximately, includes hardware maintenance of about 15,000 license fees of about 3 and software maintenance of about 40,000. It could be for a 2 year time period from what I'm now seeing, reading between several separate sections here.

PRESIDENT SCHULMAN: In light of the confusion, is there a motion to postpone so we can get an answer to this question or what is....

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I make a motion that we postpone this until next Monday.

PRESIDENT SCHULMAN: Is there a second?

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we postpone voting on Ordinance #8 until next week. Any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. And Ordinance 8 is postponed for one week so we can get to the bottom of what it means to not exceed 4%. Ordinance #9 please Madame Clerk.

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 3/2013** 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

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EXCEED \$65,000.00 PER YEAR, FOR THE CONTINUED USE OF THE BANNER SOFTWARE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Mr. President, I make a motion that we adopt Ordinance #9.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#9 ADOPTED AS ORDINANCE NO. 3/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Motion carries, Ordinance #9 is adopted. Ordinance #10 please.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 4/2013** 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

PRESIDENT SCHULMAN: Leader Griffin.

MEMBER GRIFFIN: Mr. President, I make a motion that we adopt Ordinance 11.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: I think it's Ordinance #10.

MEMBER GRIFFIN: 10.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 10. Any remarks? Hearing none, Madame Clerk roll call vote please.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#10 ADOPTED AS ORDINANCE NO. 4/2013

PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #11 please.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 5/2013** 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

PRESIDENT SCHULMAN: Leader Griffin.

MEMBER GRIFFIN: Mr. President, I make a motion to adopt Ordinance #11.

MEMBER BABCOCK: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#11 ADOPTED AS ORDINANCE NO. 5/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 11 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Turning now to Announcement of Committee Meetings.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin..

MEMBER GRIFFIN: The Personnel Committee will meet next Monday, January 14th at 6:15.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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MEMBER WEST: Capital Improvement will meet same time, same place.

PRESIDENT SCHULMAN: Any other Announcements? Hearing none.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business. Before you begin, where'd Ed go?

CLERK TIMBERLAKE: In the back.

PRESIDENT SCHULMAN: Oh, Ed is way in the back.

MEMBER WEST: Where's he at?

PRESIDENT SCHULMAN: Some of you know that Ed Balint who has been covering City Council and the Administration for many years and extraordinarily ably in my judgment at least, is going to go to Courts and Matt Rink who did a number of articles has done great work over in Massillon for the Independent, which is a sister paper, has moved over to the Repository and now will be covering the Administration, City Hall and City Council. We welcome you Mr. Rink, we wish you the very best and Ed, obviously we wish you the very best in your Court assignment. Thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: Now if that doesn't get good news coverage, I don't know what will. So just remember that. One other thing I'd like to say, the postponement on the leachate, the Chief of Staff has been in discussion with all of us or some of us certainly on this issue. We're going to meet again. So, we'll get back to you and let you know what the story is. There are some concerns obviously the members of Public Speaks tonight from the community expressed their concerns and there are serious concerns. As we...as we've said and as...well maybe I should just say what I've said. It's Hopson's Choice, there are just no good choices. It reminds me of what President Obama said about the Iraq war, "There are just no good choices" ya know, there just...you have to select bad choices. So, we'll be very cautious, concerned and exercise consideration but we'll get back to you. And I would like to say one other thing about this, I said it the last time, some of the speakers have suggested that we don't care or that safety is not a concern for the community from our vantage point and I understand the frustration a lot of citizens in regard to the fracking issue and this particular leachate issue. But I just want to remind our fellow citizens, we live in this community too, we care about this community, we don't want to see it harmed and particularly, none of us here want to see our environment harmed or our water supply harmed or generations coming after us harmed. So, rest assured...rest assured that the Mayor and I just say that particularly Director Price as been incredibly involved in this and as concerned as any of us are about this issue to suggest otherwise is really an insult, not only to him but to the people that we select in our City to be Superintendents of the various enterprises that they run. These people are experts, they don't...they live in the community too. They don't want to see harm to the community anymore than any one of us does. So, we make the best considered judgements and you vote on it and they're tough decisions and their...their not always the best decisions. Sometimes you just have to select the worst but you have to make those decisions in Government and in life. So, with that said, that's an update as to what we're doing on this issue. Any other Miscellaneous Business, Member Cirelli?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes.

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MEMBER CIRELLI: I just want to tell everybody there is a movie "Promise Land" you might want to see it. It's really...I was a little disappointed in it and it has to do with this issue. And also, I caught some advertisements, January 22nd CNBC is having something called "Fracking USA" and so they're advertising that. So, it might be something everybody would want to catch that also. I don't know whether they're pros or cons or what they're going to have on it but it seems to be doing a lot of advertising on TV.

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

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Yes, that was a misprint in the Canton Repository regarding the 4th Ward informational meeting. They had the time as 5:00 on Wednesday the 9th. That time is at 6:00 and it's opened to the public. The Agenda for the evening will be safety, crime, development and abandoned housing and demolition. Chief Lawver will be there, Fonda Williams and Angela Cavanaugh. So, please come out and spread the word. Thank you.

PRESIDENT SCHULMAN: Thank you Member Smith. Any other Miscellaneous Business? Director Price.

SERVICE DIRECTOR PRICE: Mr. President, thank you. There were 4 items addressed by one of our speakers this evening that I...that I did want to clarify and I don't want to debate folks about this but when...when you have statements that aren't necessarily true, at least for our facility. I do want to clarify some of those statements. First, the issues with the Alliance Waste Water Treatment Plant, their Superintendent is Joe Amabeli. I used to work for the City of Alliance in the late '90s and was on their City Council as well before I came here and moved to Canton. The Alliance Waste Water Treatment Plant has had a number of environmental issues in the past in the late '90s while I was with the City, although not, I was the Zoning Inspector. But we were facing some fairly serious bypass issues and...and the City was fined \$150,000.00 by the EPA for discharging into the Mahoning River raw sewage. The leachate issue that the City faced environmental action over was number 1, not American Landfill. We're aware of the landfill that they faced the environmental issue with, that environmental issue...there were 2 problems, one was aluminum dross that was a byproduct of aluminum smelting process and number 2 was an excess of organics that were in the water. But that did have nothing to do with American Landfill, just...just so you know and there have been decisions made in the past long before I got here regarding accepting landfill leachate by truck and the City's Water Reclamation Facility decided not to take landfill leachate mainly because of aluminum dross issue. Now that landfill in question that caused a noncompliance issue in Alliance has now isolated or segmented the aluminum dross from the...the main landfill. However, we're not going to be taking waste from that landfill that caused that problem for Alliance years ago. The question was asked, why doesn't the City of Canton have additional steps to render our sludge more safe for the environment. That is also misleading. Our sludge that goes into the incinerator is incinerated into ash is about as safe as it gets. That ash is essentially a benign substance. Again, it is still placed in the landfill, we pay a tipping fee with the Kimble transfer station, that we're in contract with to have that ash taken away and it is...it's just ash. Meanwhile, the Alliance Waste Water Treatment Plant uses biodigestion. Biodigestion requires heat, heat requires gas and to biodigest requires equipment that would take up about an acre, I know that because if you'd like to look at our old biodigesters, they're at the Water Reclamation Facility and we abandoned those with the plant redesign in the 1970's. To biodigest as Alliance does would require a complete overhaul of our plant operation and an entirely new phase to our treatment which would be alleviated with the membranes. Okay, so the proposed project, we have to meet the EPA requirements for phosphoreus and nitrogen removal, replace the biodigestion process, which by the way will not lead us to compliance on our effluent discharge program. The 100,000 gallons per day without charge, while that might sound free, as I indicated when we first talked about this issue, our tipping fee if we do not reach this deal or some deal that's less money than what

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we're being quoted by the landfills now, that's the benefit of our bargain. If we don't accept American Landfill's leachate, the cost per ton to process our sludge at the landfill will go from \$17.00 a wet ton to 45 or so dollars per wet ton, that's the quote we received from the competitors. So, another words, that's a cost to the City of Canton and our rate payers of about another half million dollars per year in our solids disposal costs. So, while I'm not threatening, the fact is that, that cost, where our benefit is, yes up to 100,000 gallons per day at the landfill leachate, we would be processing that at no charge. However, we are saving 2/3 of the price on the tipping fee or a half million dollars a year in the tipping fee that the landfill will charge us to dispose of our solids. So, if we don't take their leachate, our tipping fee goes from \$17.00 a wet ton to \$45.00 a wet ton which equates to an approximate 5% rate increase to cover that additional cost and so we're under a 3 year plan right now and that 3 year plan assumed a 15 to \$20.00 per ton wet fill charge to dispose of our solids. If...if we don't get to that 15 to \$20.00 per wet ton range to dispose of our solids, we will have to...we will have to come up with that money basically. Finally, it was stated that the feds could just give us more time. Number 1, our plan is not directly regulated by the Federal EPA, the feds will not give us more time. Our permit is not issued by the Federal Government, it is issued by the Ohio Environmental Protection Agency. If this plan isn't under construction and we don't have this matter solved by April of next year, then we won't meet our compliance deadline. And as it was pointed out, you know, graciously by our President and I do appreciate Council's willingness to continue the dialogue with us on this and, you know, I've been in your shoes in a different community and I understand particularly these environmental issues, they're just difficult because we all are concerned about the environment and the safety of this community. As one final antidotal note though, and...and President of Council eluded to it, it's not me personally but whoever is the Director of Public Service of this City and any City, that's a statutory City in Ohio, I'm concerned about our safety and not just because I live here, because my kids live here part time anyway and that, you know, I'm concerned about our environment. I'm also concerned because at least while I'm in this office, the permit holder, literally the responsible party for our compliance and for this permit, when you look at the Ordinances that we've adopted that adopt federal law, that person is me. That is whoever is the Service Director and so, naturally just by way of the legal authority and consequences for not meeting the permit limits we're not going to advocate something that we don't think at least meets those limits. And I'm not saying that people aren't rightly concerned about what goes in these landfills and what we process cause I could tell ya, even without the...the...the byproduct of drilling, what is coming out of those landfills in the terms of leachate, it's a hazardous substance, it's a toxic substance by definition but if you'd look at our own Codified Ordinances, you would see that industrial permit and discharge program is regulated and created by a Federal statute that's enforced by the Ohio EPA, that our own Ordinances set up the system for treating those toxic substances. But on those particular four matters, those four items that...that I discussed, I did want to clarify those because I hate to leave it out there especially with an individual whose been in local Government, who...who may speak with...with some authority on that subject, just to let you know some of those distinctions regarding those four specific matters. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you Director. Member West.

MEMBER WEST: Just one thing if you could clarify. When it comes down to the sludge that goes to the landfills, someone had mentioned that you can take that sludge and use it for farming or...can you address that?

SERVICE DIRECTOR PRICE: Yes, you can and Alliance has decided to do land application. The land application tends to occur in the outlying townships, which is also the source for their drinking water. And so, from the Gulf of Mexico to the shores of Lake Erie, you'll note and I've seen firsthand because I go up there quite a bit, you'll see new algae blooms in Lake Erie and dead zones that have not existed since pre EPA in the 1960's. And the reason for those dead zones and for that algae, one of the reasons, particularly in Lake Erie is because of the remarkable amount of concentrated organics that is leaching off of the land from land application of not only waste water

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sludge which can be used and is used in the food we eat, to grow that food as...as fertilizer, that's what Alliance does, they sell their landfill, or I'm sorry, they sell their sludge and it's landfill, or I'm sorry, it's land applied as fertilizer by farmers. Okay, we have never done that because as...as you well know Canton is the 2nd largest ground source water system in Ohio. The last thing we want to do with our sludge and you can do the reverse math if we're going to save a half million dollars when we drop our tipping fee from \$45.00 to \$17.00 a wet ton, we have a lot of wet tons of sludge that we have to process and to sell that to the community, the surrounding area with the expectation that, that's going to be applied to farmland where in and around for instances the Sugar Creek Water Treatment Plant which is where, you know, you got a lot of farmland for instance, we can't really restrict who buys it once we get rid of it. And so, Canton has avoided land application as a means of disposal. The other thing that we are aware of and that is apparently currently being considered by EPA are dramatically more stringent regulations to municipal waste treaters in terms of whether or not you're going to even be able to do land application with this sludge in the future given the more, the ever growing more stringent environmental regulatory environment.

MEMBER WEST: Thank you, I know that you have done a ton of work on this. I want to thank you and applaud you and thank you for educating me on it because I want to tell you, this is...each that goes by it gets confusing and more confusing. Member Cirelli sends us about 20 emails a day. Thank you for that by the way, you increase my reading. But no, we thank you on this. This matter is serious, I know that the Service Director wouldn't guide us in the wrong direction, especially on this, he's been drinking some of this dirty water before and we all witnessed that. *(Laughter)* I don't think you want to taste the sludge do you? But my last thing I want to say is on January 17th at 5:30, Ward 2 will host their annual meeting here in Council...Council Chambers and we will be discussing goals and objectives for 2012 as well as 2013. And then after that meeting at 6:00 we will host a...Redflex will be here...Redflex automated traffic cameras to educate the community. So this will be open dialogue for the community to come and ask questions, question answer period. They'll do a brief presentation and address all the questions. That way everybody is adequately informed on the same information that each and every Council Member has up here. So, that will be the 17th at 6:00. Okay, thank you.

PRESIDENT SCHULMAN: Thank you Member West. Any other remarks?

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Slightly less sludge related news, I just wanted to pass along because I know he is a friend of many people here, that Sherrod Brown, our United State Senator, his daughter Emily, who I know several of us were involved in different campaigns where Emily was working on. She and her husband Michael had their first son this past week, Leo Sherrod Brown McDonald. So, he's got a tough name to live up to. But I wanted to pass that along because I know many of here are friends with Sherrod Brown. Thank you.

PRESIDENT SCHULMAN: Thank you Member Fisher. Any other...yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: I'm sorry folks, I know some of us want to get out of here to see the game. But I think there's something else we need to put in this cauldron of concerns as we continue to consider the leachate concerns as we continue to consider the leachate and the 12 mile pipeline. I have been here long enough to witness this Council fighting amongst themselves over whether or not to impose a \$5.00 license plate because they thought it was too much for a year to have our constituents pay. And I understand that. We need to understand, very clearly as a society that it's not about good and evil and, you know, environmental versus evil industrialists, it's...it's not that easy. It's complicated. We as a society want to pay 3 or 4 or \$5.00 a 1,000 cubic feet for natural gas, we don't

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want to pay \$8.00 so some people are saying go for the shale baby, drill, drill, drill because we want our cheap gas. We don't want to pay \$8.00 a gallon for milk so we have factory farms and we have cheap meat. We don't want to drive 4 cylinder cars and have small houses that are well insulated. I don't hear a lot of talk about conservation. So, we are facing evil choices, hard choices. If we are going to make decisions to turn difficult waste products into someone else's neighborhood or someone else's County or someone else's State so they have to worry about their kids and their landfills and their creeks, we're just passing the buck. Which maybe the right choice here, I'm not saying it's not but we have to understand that this stuff that we are choosing to generate as byproducts as a society because of our consumer choices has to be dealt with by somebody, somehow using the best standards, the best safest standards and that costs money. You know as Mr. Price, I was listening to his concise and articulate explanation, what I'm hearing him say is, we can say no to this pipeline and excepting this leachate, which is good, that's...that's a good choice, that's a fine choice, I'm not criticizing it but there's a consequence and the consequence is we'll pay more to get rid of our byproducts from our sewer water and stuff that goes in it and we'll have to raise it by 5% I think he said or \$500,000.00, which probably translates to a couple \$3.00 a month I think. I'm just guessing, for the average rate payer. So, all of our decisions that we as a City make, this Administration and Council have consequences and if we're going to chose to take the high road and be as pure and safe as we can, that's fine. We just have to understand that it's probably going to cost more money and if we want to have cheap or natural gas then we're just fueling the gas companies to come in and rape the land, you know, in the view of a lot of people. If we want bigger cars and less insulation in our homes, then we have to be prepared to pay the consequences. Pardon me for philosophizing but this decision is just getting kicked down the road week by week by week because we want to take it seriously and I think that's one of the concerns we have to have because we represent a lot of diverse interests in among our constituents and we have to take into consideration that sometimes taking the high road is going to cost them more money as it probably will and should sometimes. Just my thought as we debate and discuss and figure out to do in these terrible choices. Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I don't want to belabor this but Mr. Price can you tell us what we're doing with it right now?

PRESIDENT SCHULMAN: The sludge?

MEMBER CIRELLI: What were going through (*inaudible*) treatment plants right now, what are we doing with it?

SERVICE DIRECTOR PRICE: As we speak right, the sludge goes through a belt press which reduces the moisture content to a percentage that is...is ideal for incineration. The moisture that's taken out of the sludge to the belt press is run back through the plant. The sludge that remains, which I think has about a 20% moisture content is incinerated and is being incinerated as we speak.

MEMBER CIRELLI: Because I had...whenever...I think you were here Warren whenever I questioned the fact that when I...that was my committee and I was questioning why we couldn't take and use that to, as some other Cities do, to burn and make their own electricity to run their own plant. You know, I thought that would have been a good thing to go but now we're going to go into a \$90,000.00 new waste water treatment plant that's going to come in here and I have real concerns. Are we going to be wasting taxpayers money with this whole process too. Now, everything comes from the taxpayer, one way or another.

SERVICE DIRECTOR PRICE: The...Mr. President.

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PRESIDENT SCHULMAN: Sure.

SERVICE DIRECTOR PRICE: To produce power from the sewer treatment process, you're...you're relying on the methane gas byproduct, which is then used to run generators, which is then sold back to the power grid. That is a biodigestion process, which is what the Alliance Waste Water Treatment Plant uses. Although, I don't believe that they generate any power from. We were approached three years ago by a company that was initially called Shmack Energy Quasar, they have agreements with the Ohio State Universities, Wayne County Campus as well as the City of Akron and they, with a Federal grant under the stimulus program were going to be able to fully fund the construction of an energy reclamation facility at our reclamation plant totally paid for by the Federal Government. The City wouldn't spend a dime. They would then...we would then provide them with our sludge to process in that facility, it would undergo a biodigestion process but again that process requires heat to create the methane. Alright, so you have an independent fuel that's heating up the...the sludge to produce the methane gas, alright, which in the end even with the Federal grant paying for 100% of that multimillion dollar facility which would have had to been staff by, I think almost 20 people and...oh by the way, they would have been permitted to bring in under the contract, well I think the Wooster facility is taking in like old dog food, you name it, organics that just sit outside and things. But anyway, even though paid for entirely by the United States of America, we still would have had to make up for the costs of producing that electricity. We would have still had to pay a 30 plus dollar per wet ton fee to...to make that facility economically viable for quasar even though they're selling that power back to the grid. In other words, even though heavily subsidized with the plant operation we have, that means of...of...of producing power still would have cost us double what it costs us to incinerate our...our sledge now. And so, to do the quasar energy facility, would have actually resulted, while we would have been a little greener and we would have been processing our sludge through a biodigester that's hooked up to a generator that would produce some power for us, we actually would have had to raise rates by approximately 3% to fund that increase in the tipping fee.

PRESIDENT SCHULMAN: Anything else Member Cirelli? Leader Griffin.

MEMBER GRIFFIN: Mr. President, I make a motion we adjourn.

MEMBER BABCOCK: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. Drive carefully ladies and gentlemen, thank you for coming.
(Gavel falls)

ADJOURNMENT TIME: 8:34 P.M.

ATTEST: JANUARY 14, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: JANUARY 14, 2013
ALLEN SCHULMAN
PRESIDENT