

MINUTES OF THE MEETING APRIL 25, 2011

PRESIDENT PRO TEM DOUGHERTY: With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, JOE COLE, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JIM GRIFFIN, CHRIS SMITH, PATRICK BARTON, MARK BUTTERWORTH & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: All present, Mr. President.

EXCUSING MEMBERS

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I make we excuse President Schulman from tonight's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to excuse President Schulman from tonight's meeting. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Motion carries. President Schulman has been excused. If you could all stand we'll have the invocation given tonight by Ward 7 Council Member Pat Barton.

The regular meeting of Canton City Council was held on April 25, 2011 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 Ward 7 Council Member Patrick Barton. The Pledge of Allegiance led by President Pro Tem Dougherty.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM DOUGHERTY: Thank you Member Barton. We're now under Agenda Corrections. Member Prater.

MEMBER PRATER: Mr. President, I move Rule 22A be suspended to add 2nd Readings of Ordinances #7 through and including #16.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Rule 22A. Are there any remarks? Roll call.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM DOUGHERTY: Public Hearings. We have no Public Hearings this evening.

OLD BUSINESS

PRESIDENT PRO TEM DOUGHERTY: Under Old Business. Mr. Price.

SERVICE DIRECTOR PRICE: We have no Old Business to cover.

PRESIDENT PRO TEM DOUGHERTY: Are you sure?

SERVICE DIRECTOR PRICE: *Shakes head. (Laughter)*

PRESIDENT PRO TEM DOUGHERTY: OK.

PUBLIC SPEAKS

PRESIDENT PRO TEM DOUGHERTY: Public Speaks. We have 9 speakers signed up this evening. Please come forward when your name is called. You'll have three minutes to speak. I'll need your name and address at the beginning. First speaker tonight is Gale Nagel. Come up to the podium here ma'am. Good evening. Welcome.

GALE NAGEL: I'm Gale Nagel at 1503 Easthill Street SE, North Canton, Ohio and even though my address is in North Canton, my property where we have a well is in Plain Township and the neighboring allotments have Canton city water and I feel that we are all connected by the issue of having and protecting fresh, clean water. In regards to the water main extension for Harville or even possibly in the future for the Sugarcreek area, I have the following comments. The Water Department wants to sell more water but hopefully do it responsibly. Mr. Price, I believe that was his name, stated that the water main extension has nothing to do with hydrofracing but I disagree with that. I'd like the Law Director or Mr. Converse to answer. Can Council say they can't use the water for specific purposes like a covenant to restrict the sale of water to certain classes of businesses or purposes, such as purposes as part of the sale contract so that they could prevent it for the use of hydrofracing?

PRESIDENT PRO TEM DOUGHERTY: That question will be answered at a later time in the meeting. You just go ahead and give your three minutes of what you want to know and then we'll get back to you.

GALE NAGEL: That was my main, main thing. I'm very, very concerned about contamination in a number of respects with hydrofracing and the one greatest asset we have in this area is our water and whether you have children or grandchildren that's something that we want to pass on to everyone and if the aquifer or local areas of water are contaminated, those are things that cannot easily be solved and so I just wondered if there were

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legal parameters that could be placed on the contract.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

GALE NAGEL: Thank you.

PRESIDENT PRO TEM DOUGHERTY: Darla Bruno. Good evening.

DARLA BRUNO: Hello. My name's Darla Bruno, 6519 Pebblecreek Avenue NW, Canton. My concern is the water as well. In running the line up to Hartville, you know if we do allow the fracers to tap-in, the drillers, as Chesapeake had stated at the Hartville City Council meeting, they prefer to use municipal water source. They like to tap in. They'll even lay the pipe themselves, they say. I don't want to be the enabler of them getting our water and then using it to frac and then possibly contaminating our aquifer. I mean there's a stream that runs from Hartville down through North Canton, down towards our northeast aquifer and I think that we have to do whatever it takes to protect it so I want to see language in that contract that excludes the use of that water for fracing. Whatever it takes. For whatever reason you need to put, excessive use of water because of the millions of gallons it takes, the threat to the aquifer via the risk of contamination. I think, you know we need more than just saying well, you know the Council can give a permit to say whether or not they can tap-in. While this Council may be very wise and know enough not to do that. You know we do have elections and you guys might not be the ones sitting here in the future and we need to get it in the contract so that we're protected always. I just wanted to make sure that was clear and the other thing I just wanted to make a suggestion, if you're looking to sell water. I travel quite a bit and I buy bottled water and I always check the source and many times you see the municipality of and then the city name. So, why don't we bring a bottler here to Canton and sell our water as bottled water. It would bring jobs to Canton and we make money off the water, so it's a win, win there. I think we should be pursuing more projects like that than extending lines and that sort of thing. That's all I have.

PRESIDENT PRO TEM DOUGHERTY: Thank you. *(Applause)* Amy Rice.

AMY RICE: Hello, my name is Amy Rice. I live at 1334 Portage in North Canton. Great game of duck and dodge Mr. Price. Way to not answers anybody's questions. Water sustains life. Our fear is that the water will be used for horizontal hydraulic fracturing. You guys see money signs but do we, are we looking for the long term effects if our water is contaminated. If it's contaminated, we can't afford to fix that. That's a fact and then it says on page three of your answering Mary Cirelli's questions, the city of Canton owns the water system and has the right to regulate the supply as needed but are you willing to or is it going to come down to those dollar signs. Also that you think that Hartville's only going to use 500,000 gallons per day but, you guys have 15,000,000 gallons per day to sell. We've already talked about how much water goes in to fracturing. 5 per well, maybe 8. There's plenty of water there for them to use it if they need to. I would like to ask as well, Mr. Law Director, does the Council have the right to stop or refuse the sale of water to anyone. We're ducking and dodging that question but I do think it's important to answer for us and then on the other side, on page 4 of those answers, you guys are saying they can't tap into fire hydrants. That's not the concern and we were alerting that Hartville Hardware, the construction manager, Ellis Herb on Lake O Pines Drive, they are already putting a pad on his property for drilling. They do want municipal water and they already have a water line 700 feet within the drilling spot. Is that why this is an emergency? I saw a lot of emergencies on your agenda but I haven't heard one yet. So I think that more needs to go into this and we are watching. We're out

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there voting, maybe you'll see us running. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Lilia Fuguen. Sorry if I didn't pronounce that right. Good evening.

LILIA FUGUEN: Hi yes. I'm Lilia Fuguen. I live at 2819 Brentwood Road NW in Canton, Hills and Dales Village. I am a student at Kent Stark, Kent State University, Stark Branch and this is an alarming issue of a potential sale of our water without exclusion for the issue of hydrofracing. We need to be assured by all of you that there will be language written into this excluding the sale for the use of hydrofracing because this has been proven time and time again to be an extreme danger to water, aquifers. There is a failure rate of one out of every one hundred and fifty wells according to Dr. Anthony Engraffia who's a fracture mechanic professor at Cornell University whom I interviewed three weeks ago in person in Ithaca, New York. This is an incredibly, incredibly enraging issue for citizens here and we need all of you to assure us that you are doing your very best to protect us. We understand that this could be an economically viable option but we also need to be assured that you're not going to be destroying our futures and our children's futures for a few dollars short term. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*Applause*) Erin Stewart.

ERIN STEWART: Good evening ladies and gentlemen.

PRESIDENT PRO TEM DOUGHERTY: Good evening.

ERIN STEWART: My name is Erin Stewart. I live at 491 Colony Road in Canal Fulton but have family in Canton and pretty much grown up here too. And my issue is also pertaining to hydrofracing and basically us giving water to Hartville. I just have a couple concerns as a lot people here do in the hastiness of this and also I feel that we should look further into this. While it may be temporarily beneficial for us to get this revenue from this water, I also believe that we need to take a lot of thought into where this water is going and as Darla and Lilia both said, having certain literature that's basically in this contract saying that we won't be using this water for hydrofracing. It's an incredibly dangerous process. It's lead to contamination in numerous states and numerous cities that have lead to a lot of health concerns with the citizens and I know all of you are here because you're representing your citizens of Canton. We all love Canton and if anything were to happen to our water supply it would really be a horrible, horrible thing so it's just, I know that all of you are putting a lot of thought into this and I am reassured by that but like every other person here, I just want to make sure that our water's going to be safe, so thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*Applause*) Alexandria McCall.

ALEXANDRIA MCCALL: Hi, my name is Alexandria McCall. I live at 577 High Street, Doylestown, Ohio so I'm not a resident of Stark County but I do go to school in Stark County. I do not drink bottled water so I drink out of water fountains and I'm around here a lot and I did previously live in Canton so I'm, I reside here a lot. I'm concerned with the, you guys selling this water for what purposes, I guess to provide for the Hartville Hardware store. I would like to know how much water is needed to run this Hartville, Hartville Hardware store. I cannot imagine it being that much also, I would like to point out that you guys did say that

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you would only be about 500,000 gallons per day would be all that was needed yet, you guys have 15,000,000 to sell so what would, if you guys really want this revenue, why would not sell the 15,000,000 and what is that going to. You guys said that you guys would watch it and make sure that it's not being extracted for alternative purposes but if they have the right, if they're paying for it then they have the right to do what they please with it. I would also like to see that there be some regulation, something in the contract saying that you guys cannot use this for hydraulic fracturing. Like Erin Stewart said there has been cases all over the United States of problems with hydraulic fracturing. I don't know if you guys want you children to be susceptible to cancer or lesions on their skin. That is the risk that this proposes and I'm concerned. I just don't want this to happen. I don't want our aquifers to be ruined so I would like to have some more questions answered. I don't think this is being completely, completely exposed correctly so, thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Nancy Esway. Good evening. Welcome.

NANCY ESWAY: Good evening. I'm Nancy Esway. I live at 3842 Tenth SW in Canton. I want to ensure our good water supply which is in your hands and I want to remind you all here that you took an oath to serve and protect the citizens of Canton and it's resources. I also urge you to read about Midland, Texas which it has been projected will lose it's municipal water supply by 2013 due to hydraulic fracing. It has removed so much water from the city's reservoirs that they're in a crisis situation right now. I urge you specifically to exclude hydraulic fracturing from any uses of our city's water which may go toward another city's use. Let's give Canton a name in addition to the Hall of Fame city as a city that said no to fracing and yes to pure water. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*Applause*) Suzanne Garver. Good evening.

SUZANNE GARVER: Good evening. I think we've touched on a pretty emotional issue and I think we don't want to enable oil companies to be able to do their drilling easily so that's the water concern. Eventually possibly our well water, which we have, might be more valuable than your city water. If drilling is done, the bromides will combine with the chlorine and your water will be more poisonous than just the natural poisonous chemicals that would coming out of it so, I have here some information that was just out today. It's an unofficial list of other states and what they're doing and Philadelphia, and other cities. Philadelphia has refused to purchase Marcellus shale gas as the dumping of flow back waters is polluting their water supply. New York City has called on the U.S. Congress to move hydrofrac drillings exemptions from the Safe Water Drinking Act. The Board of Trustees of Bassett Medical Center based in Cooperstown, New York use the issue of hydrofracing as a public health issue of the highest priority and resolves that hydrofracing method of gas drilling constitutes an unacceptable threat to the health of patients and should be prohibited until such time as it is proven to be safe. With all these other towns east of us and states east of us so concerned about their water supply, they think we need to be also. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Ma'am if you would, your name and address for our record.

SUZANNE GARVER: So sorry, I am just so intent on the message. Sorry Suzanne Garver. 5915 Linder Circle NE, Canton, Ohio.

PRESIDENT PRO TEM DOUGHERTY: Thank you ma'am.

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SUZANNE GARVER: Your welcome. *(Applause)*

PRESIDENT PRO TEM DOUGHERTY: Rosario Carcione.

ROSARIO CARCIONE: My name is Rosario Salvatore Carcione, President of the Canton Professional Firefighters Association. I reside at 525 Giacomo Court NW, Canton, Ohio. One of my Vice-Presidents is going to pass the cost analysis from the union to you in a hard copy in case that email didn't work. There's also a DVD in there, 10 minutes that talks about EMS response. I believe that I've done my part to give each of you enough information. I believe by now you have information from the city for you guys to discuss in private, public to make the right decision. But I'm really talk about tonight is Senate Bill 5, referendum petition. We will be available outside collecting any signatures for anybody who wishes to sign the petition to get this Senate Bill 5 referendum on the November ballot. We also have other locations. The Ohio Association of Firefighters belong to the We Are Ohio group and we will be having a booth at the Waco homecoming May 5th through 7th and this May 6th during First Friday you'll be able to sign a petition at Arcadia Grill. We will have members out during First Friday directing you towards Arcadia if you wish to sign the petition, I would appreciate it. Firefighters of Ohio would appreciate it and I'm sure the teachers, police officers and all the public employees effected by this Senate Bill 5 would appreciate your support. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. *(Applause)* That ends our Public Speaks for this evening.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM DOUGHERTY: Under Informal Resolutions, we have no Resolutions this evening.

COMMUNICATIONS

PRESIDENT PRO TEM DOUGHERTY: 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 APRIL 25, 2011.

144. APPLICANT, TERRY NOLAN: REQ FOR VACATION & REPLAT OF REX AVE NE BETWEEN 11TH ST NE & 12TH ST NE; LODDY AVE NE BETWEEN 11TH ST NE & AMERMAN PL NE; AMERMAN PL NE BETWEEN WALNUT AVE NE & LODDY AVE NE FOR STANDARD PRINTING CO. - PLANNING COMMISSION
145. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERTIFICATE DATED 4/19/11. - RECEIVED & FILED
146. LIQUOR CONTROL DIV (OHIO): REQ NEW D1 D3 D3A LIQ PERMIT FOR LUCCA RESTAURANT LLC DBA LUCCA @ 284 4TH ST NW. - RECEIVED & FILED
147. MAYOR WILLIAM HEALY, SAFETY DIR REAM, SERVICE DIR PRICE: REQ LEGISLATION

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TO TERMINATE THE PAY FREEZE ORDINANCE ALLOWING THE PAY INCREASE TO MGMT & NON-UNION MGMT EMPLOYEES. - PERSONNEL AND FINANCE COMMITTEES

148. PLANNING COMMISSION: RECOMMEND APPRVL OF VACATION & REPLAT OF REX AVE NE BETWEEN 11TH ST NE & 12TH ST NE; LODDY AVE NE BETWEEN 11TH ST NE & AMERMAN PL NE; AMERMAN PL NE BETWEEN WALNUT AVE NE & LODDY AVE NE FOR STANDARD PRINTING CO. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
149. PLANNING COMMISSION: RECOMMEND APPRVL OF REPLAT OF LOTS 22369 THRU 22377, 22379 THRU 22386, 39979 THRU 39983, 41278 THRU 41281, 37575 THRU 37579, 37581 THRU 37585 AND 41273 THRU 41277 FOR UNITED HARD CHROME CORP & UNITED GRINDING AND MACHINE CO INC. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
150. SAFETY DIRECTOR REAM: ADVISE COUNCIL OF EMS COST ANALYSIS. - RECEIVED & FILED
151. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO PAY MORAL OB OF \$675.00 TO MERCY MEDICAL CTR FOR ADVANCED CARDIAC LIFE SUPPORT TRAINING FOR FIRE DEPT. - FINANCE COMMITTEE
152. SERVICE DIRECTOR PRICE: REQ AMEND O#34/2006 WHICH ESTABLISHED TIF FOR LESH RD/30TH ST NE REDEVELOPMENT AREA. - JUDICIARY COMMITTEE
153. WATER SUPERINTENDENT CONVERSE: 2010 ANNUAL REPORT FOR CANTON WATER DEPT. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM DOUGHERTY: First Readings, We are now under Ordinances and Formal Resolutions for their first reading. Please let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKE THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (COMMUNITY DEVELOPMENT YOUTH DEVELOPMENT ADMINISTRATION - OTHER \$50,000.00)
Referred to Community & Economic Development Committee
- #2. (1ST RD) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO, 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (2214 HOME FUND \$700,000.00)

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- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2012 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$170,601.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT (JOBS4US) WITH AMERIDIAL, INC; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO PROFESSIONAL SERVICE CONTRACTS FOR ALL CONTRACTUAL COMMITMENTS, INCLUDING BOND LEGAL COUNSEL AND RELATED BANK SERVICES NECESSARY FOR THE CITY OF CANTON TO ISSUE A BOND ANTICIPATION NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #6. (1ST RDG) **ADOPTED AS ORDINANCE NO. 61/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOB CREATION TAX INCENTIVE AGREEMENT WITH PROJECT VENUS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

PRESIDENT PRO TEM DOUGHERTY: At this time the Chair would like to declare an in house recess in order to address Ordinance #6. You are in recess.

(COUNCIL RECESSED AT 7:54 PM FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #6; RECONVENED AT 8:00 PM)

PRESIDENT PRO TEM DOUGHERTY: Council is reconvening after the recess, Mr. Prater.

MEMBER PRATER: Mr. President, I move we suspend Rule 22A to place Ordinance #6 back on this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Rule 22A. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Ordinance 6 is a legal part of the agenda. Member Prater.

MEMBER PRATER: Mr. President, I move we suspend the Statutory Rules on Ordinance #6.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved to suspend the Statutory Rules on Ordinance 6. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings, Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #6.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 6. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#6 ADOPTED AS ORDINANCE NO. 61/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 6 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM DOUGHERTY: We're now under Ordinances for their Second Reading. Madame Clerk Ordinance 7.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #7 THROUGH #16 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH EO2GO, LLC IN AN AMOUNT NOT TO EXCEED \$38,124.00 FOR THE PURCHASE OF EOC2GO EMBOHX PRO; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN

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DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (WIC - HEALTH \$6,250.00)

- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CANTON, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR THE TRANSITIONAL HOUSING PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE A GRANT UTILIZING HOME FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000.00 FOR HOUSING PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH FREED HOUSING TO PROVIDE A GRANT IN A TOTAL AMOUNT NOT TO EXCEED \$500,000.00 FOR HOUSING PROJECTS TO BENEFIT LOW AND MODERATE INCOME FAMILIES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2ND RDG) AN ORDINANCE APPROVING CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND LOCAL 3449 AND OHIO COUNCIL 8; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2ND RDG) **ADOPTED AS ORDINANCE NO. 62/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL ENGINEERING AGREEMENT WITH M-E COMPANIES IN AN AMOUNT NOT TO EXCEED \$65,415.00; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE HARTVILLE/LAKE TOWNSHIP WATER MAIN EXTENSION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we suspend the Statutory Rule for Ordinance #13.

MEMBER COLE: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved to suspend the Statutory Rule for Ordinance 13. Are there any remarks? If not, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(Member Cirelli voted Nay)

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CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings Member Prater.

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

MEMBER COLE: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that you adopt Ordinance 13. Are there any remarks? If not, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(Member Cirelli voted Nay)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

#13 ADOPTED AS ORDINANCE NO. 62/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 13 is adopted.

#14. (2ND RDG) **ADOPTED AS ORDINANCE NO. 63/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF HARTVILLE TO EXTEND WATER LINES INTO THE VILLAGE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we suspend the Statutory Rule for Ordinance #14.

MEMBER COLE: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend the Statutory Rules for Ordinance 14. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(Member Cirelli voted Nay)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three reading Mr. Prater.

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

MEMBER COLE: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 14. Are there any remarks?

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MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you sir. I voted no on Ordinance 13. I again will be voting no on Ordinance 14. I've had this past weekend and actually on a lot of last week also, my phone and emails as well from many people concerned about extending the water lines to Hartville. I hope this Council's not being sent down the road and that these water will only be used for the purposes that they state. Question to the Law Director. Some of the people asked, is there any way that Council can have a covenant with Hartville that would state they would not use our water for hydrofracing sir.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: Member Cirelli, that's a good question. Obviously you've asked me before and we've thought about that for a while. I asked our Assistant Law Director who works with utilities and other related kinds of laws that question a few weeks ago, the answer is possibly. The reason I cannot give you a yes is, as of now hydraulic fracturing is a legal operation in most areas of the United States including Ohio. We sell water to galvanizing plants that use sulphuric acid and plate zinc onto metal. We sell it to other plating companies that may have a harmful impact on the environment. So whether we can discriminate against the purchase of water purely on the basis of who's buying it is still a legitimate question. The reason the answer is possibly is, a couple of years ago, Mr. Price's predecessor used a case that we were aware of out of the Ohio Supreme Court that essentially said cities who own water can say to people on the border of their town, "If you do not annex, we will turn your water off within 30 to 60 days." The dicta, meaning the language in that case that the Ohio Supreme Court wrote seems to support something like that however, there may be violations of the Commerce Clause so, if it is the will of this Council and the administration to incorporate those kinds of restrictions in that kind of sale, we will find a way to try to do so unless it is shown to be illegal by the prevailing case law. I understand that was the concern of several people as well who spoke and with your permission Mr. President, there were some other questions that Council may have that were related. For example, one of you said what about selling our municipal water to bottlers and bottling our municipal water? The Water Commission that our Majority Leader and Member Cirelli and others sit on, has entertained that idea but one of the concerns was that all of those plastic bottles are not ecologically friendly and it may not be the greenest thing to do. I know that there are concerns that were expressed about our children's futures and about keeping water safe. I was aware of the update Miss Garver that you presented about what other states and cities are doing. I believe some Members of this Council may have gotten that email today from Miss Borello. I did and I'm putting it in our file and I've already acknowledged that I was grateful to get it. However all of that love, by the way it seems like it's a gender based issue tonight and I must say on behalf of the males in this room that many of us probably cried when Bambi's mother was shot and when Old Yellar was shot and I've read the book, The Secret Life of Plants and I don't want to belittle this issue but even plants have a state of conscienceness. I feel when the environment is raped which is what a lot of you believe is happening with hydraulic fracturing and if there is a way to make it safer or ban it legally in Ohio we will attempt find it. I will in the near future be providing Council Members with a paper on Home Rule a slimmed down version that I prepared and gave to the Ohio Municipal Attorney's Association a few months ago. I've been asked to lecture the Ohio Municipal Lawyers on Home Rule a couple of times in the last few years and we are pre-empted by the State of Ohio from prohibiting what

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the state permits in these areas so the easiest thing to do right now on the planet would be for me to copy the Banning Ordinance. Buffalo and some other cities have passed and bring it to you. It's been prepared. Ms. Cirelli has forwarded it to me. That would be easy and it would be the politically easy thing to do for me however, I might be walking this Council and this administration into a pretty nasty lawsuit from the Attorney General and a number of companies and property owners so we are picking and choosing carefully. I suggest that the energy and the love that was brought to this room this evening by the 7 or 8 of you who spoke, and some of you who feel that way put that energy and that love into the General Assembly who pass these laws in the first place turning over the control, placement and drilling of these evil, in your opinion, evil drilling procedures into the hands of the drillers. Put your energy into the Governor's office and the General Assembly while we try to do what we can on the local level to chip away at those things that are immediate concerns. We're looking at issues like higher bonds or higher insurance and we're looking at where we under our Home Rule powers, when I gave a lecture a few months ago to the Ohio Municipal Lawyers and explained what fracking was, I asked 40 or 50 of them, after we discussed it and used it as a case study, "How many of you would recommend to your administrations and your City Council, with the law being what it is in the State of Ohio that you enact an outright ban of hydraulic fracturing", not one hand went up. I said "How many of you would advice against it at this point knowing what you know about Ohio law and the Constitution and the Supreme Court" and all hands went up. So we are proceeding the best we can and I know it's a little bit off point Mr. President but I appreciate this because I know it's on everyone's mind and it will be as these reports keep coming in of fluids spilling over their banks, poisoning farm fields, poisoning water and the drillers are getting closer so I know what's on your minds. I know that you're tying this deal to that and if there is a way to prevent it from being used for hydraulic fracturing that's legal, and this Council and administration wishes to do so, we'll do that. One final point, what I don't hear is more emphasis on conservation. What I don't hear, I hear people saying you know, the drillers, let's reduce our dependence on foreign oil. Let's drill, drill, drill cause natural gas is plentiful and it's cheap. I don't hear us saying, let's build smaller homes, let's insulate them, let's drive 4 cylinder cars and hybrids and so on. I personally would like to see us pursue that as well when we're studying our measures that are in your committee Member Cirelli.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Yes sir.

PRESIDENT PRO TEM DOUGHERTY: I would suggest maybe through your Committee if you would send a few of the items you would like them to investigate, the Law Department, one of them being can we ban the selling portion to this company so, and then Law Director, I'd like to not have this take forever, OK. We need to move on this and, you know, you're saying you're not sure if we can do this. I want to know. From where I sit, if it's ours we can decide who we want to sell it too and who we don't. I don't understand why that would be a problem but you're the lawyer so....

MEMBER WEST: Mr. Chairman. Mr. Chairman.

PRESIDENT PRO TEM DOUGHERTY: Yes,

MEMBER WEST: In our Committee Meeting I thought they had indicated that they would have to tap-in to our line and they would have to come back to Council in order to get our water. Is that not the case?

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SERVICE DIRECTOR PRICE: Mr. President

PRESIDENT PRO TEM DOUGHERTY: Uh huh.

SERVICE DIRECTOR PRICE: They would have to tap-in to our line but they would not have to come back to City Council. You all understand, we have remote lines throughout Stark County. We have the Sugarcreek Water Treatment Plant. There's a large main that runs 20 miles from that plant to the city with 20 miles worth or rural area between here and there. Now, presently you'd have to of course, apply, I mean just presently. You'd have to apply for a tap-in permit to tap-in to that line. Not every tap-in has to go through City Council.

MEMBER WEST: And who does that go through?

SERVICE DIRECTOR PRICE: It goes through me. It goes through who ever's the Director of Public Service, it goes through the Director of Public Service by his or her statutory authority. Those permits are approved within the Water Department. I mean I don't, I don't look at every tap. We have, I don't look at every tap-in. We have 40,000 customers on this system.

PRESIDENT PRO TEM DOUGHERTY: OK, let's move on. You got another question? OK. Roll call.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(Member Cirelli voted Nay)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

#14 ADOPTED AS ORDINANCE NO. 63/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 14 is adopted.

#15. (2ND RDG) **ADOPTED AS ORDINANCE NO. 64/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE TOWNSHIP OF LAKE TO EXTEND WATER LINES INTO THE TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we suspend Statutory Rule for Ordinance #15.

MEMBER COLE: Seconded.

PRESIDENT PRO TEM DOUGHERTY: There's been a move to suspend Statutory Rule on Ordinance 15. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS

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(Member Cirelli voted Nay)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings, Member Prater.

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

MEMBER COLE: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 15. Are there any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Uh-huh.

MEMBER CIRELLI: Thank you. I simply before, and I have another question.

PRESIDENT PRO TEM DOUGHERTY: Go ahead with your comments.

MEMBER CIRELLI: But I wanted to thank you for acknowledging that potential ban of selling our water and we will be working on that but, a question to the Law Director on annexations, sir. I know that we can use railroads, road ways, have they ever considered, is there any history anywhere of using a water lines as an annexation tool sir?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

LAW DIRECTOR MARTUCCIO: Member Cirelli that's a very good, creative question. There has been discussion of it. Whether or not it would be successful, I'm not certain. I know we were able to use roadways and railroad rights of ways to extend an annexation. Whether or not water line easements are a potential strategy, we really haven't been asked to research or discuss yet. It's a potential.

MEMBER CIRELLI: Mr. President, if I may. Law Director I'm asking you that question now and then I will put it in writing if you will have some research done and see if we can in fact use water lines because I do that Mr. Price received an email, because I received it also, from Lou Giavasis saying if you're going to give water then we want you to give water to our township as well and you know let Canton pay for the up front fee and what have you and then if I'm, I don't want to put words in your mouth but, Mr. Price you said back to him in essence that is a tool for possible annexation of the township because they're, of course, they are close to us and right next door to us and so you sort of kinda told him, that's a no no because we would probably only give them water if and when they annexed and that's what brought up the question to the Law Director. I'm not asking you to respond Mr. Price. You don't have to unless you want to but I just wanted to bring that to the Law Director's attention and see if he would do some research on that. Thank you.

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SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

SERVICE DIRECTOR PRICE: I would like to respond because I want to clarify the context in which I sent that response. The context in which I sent the response was an email from Plain Township Trustee Lou Giavasis that was forwarded to me which was questioning the pretense under which, and pretense basically means the falsehood under which we had brokered this deal with Lake Township and Hartville. And what I was attempting to point out was the context in which we brokered the deal with Lake Township and Hartville spans 9 years, 3 administrations, numerous Township Trustees, not just numerous Canton city administrations but at least two Hartville Village administrations that I'm aware of and at least one private entity at this point, which is HRM Enterprises, I guess, but, so the point being if you're going to ask me whether we'd do the same thing for Plain Township. My point was, gee it depends. Maybe yea after 9 years of working on a deal and you know, if it financially worked for all the parties involved, yes we might consider that but, what I was pointing out since the email was forwarded to all Members of Council. What I wanted you to all be aware of is that in the case of Lake Township, as it sits right now, we don't have a strategic annexation interest in Lake Township. Number 1, it's too far away to run our services up there and be cost effective, most probably at least all the way to 619 where we're talking about and the other thing is, we already have a water line three quarters of the way up into the Township. Not just on Market Avenue but on State Route 43 as well, toward the Village and finally the analysis for Plain Township would be somewhat different and when I'm sent an email that asks me, you know if we'd sell water to somebody under the same pretense, or to use the analysts' term falsehood that I'm selling it or I'm asking you to sell it to Lake Township in Hartville, yea I didn't mind pointing out that we have different strategic interests in Plain Township since it's right next door and there are islands of Plain Township within the city of Canton, than we do in Lake Township. The point was that any deal like that should be analyzed on the merits of that particular area, that deal, and those parties and whether it's cost effective for the city of Canton. That's just to clarify what I was trying to do in my response to that forwarded email. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Any further remarks? Roll call Ordinance 15.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(Member Cirelli voted Nay)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

#15 ADOPTED AS ORDINANCE NO. 64/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 15 is adopted.

#16. (2ND RDG) **ADOPTED AS ORDINANCE NO. 65/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HRM ENTERPRISES, INC. DBA HARTVILLE HARDWARD (HRM) TO PROVIDE CANTON CITY WATER FOR DOMESTIC AND SPRINKLER USE FOR HRM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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MEMBER PRATER: Mr. President, I move we suspend the Statutory Rule on Ordinance #16.

MEMBER COLE: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Statutory Rules on Ordinance 16. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(Member Cirelli voted Nay)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Mr. Prater.

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

MEMBER COLE: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 16. Any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: A question to the Law Director. Sir, could you explain to me what is called, what is considered domestic and sprinkler use for HRM.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: Member Cirelli, I'm not sure that's a legal term of ours. I take it to mean low volume uses for sprinklers and such and I would yield to either Mr. Price or Mr. Converse.

SERVICE DIRECTOR PRICE: The term sprinkler use refers to their fire suppression system. They has a specific, a specific need to be able to provide fire suppression in the new building and our municipal water source gives them the pressure they would need for that. Domestic use would be the other uses associated with the hardware store so they'll be literally a service line that runs from the main to the Hartville Hardware and that domestic term basically means any water usage inside that facility, bathrooms, washing floors down, things like that.

MEMBER CIRELLI: Thank you Mr. President and Mr. Price and what you're saying is Hartville Hardware will use it only for their facility there.

SERVICE DIRECTOR PRICE: Correct.

MEMBER CIRELLI: Thank you.

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PRESIDENT PRO TEM DOUGHERTY: Any more remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(Member Cirelli voted Nay)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

#16 ADOPTED AS ORDINANCE NO. 65/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 16 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM DOUGHERTY: We're now under Ordinances for the Third and Final Reading. Madame Clerk.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #17 AND #18 FOR THE THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 66/2011** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (ENERGY EFFICIENCY FUND, ROAD FUND, STREET MAINTENANCE FUND)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that you adopt Ordinance #17. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 66/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 17 has been adopted. Ordinance 18.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 67/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR ONE (1) 2011 HEAVY DUTY CREW TRUCK CHASSIS IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE WATER DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE PURCHASE OF VARIOUS VEHICLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT FOR THE WATER DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 18. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 67/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 18 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER HAWK: Thank you sir. The Finance Committee will meet on my mother's 89th birthday, Monday, May 9th 6:30 P.M.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smuckler.

MEMBER SMUCKLER: Community Development will meet same time, same place.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM DOUGHERTY: We are now under Miscellaneous Business. Is there Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you sir. Question to I guess it would be the Mayor. What is the status of Dial America sir.

MEMBER WEST: Ameridial.

MAYOR HEALY: I believe it's on the agenda with some changes that we will be discussing at the meeting in two weeks.

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MEMBER CIRELLI: Thank you Mr. President. Nothing you want to bring up tonight on the issue. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Is there any other Miscellaneous Business?

MEMBER GRIFFIN: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER GRIFFIN: I'd like to invite everybody to the Fairhope Natural Preserve Dedication on Saturday morning, April 30th at 10:00 am. The rain date will be May 1st. So the Fairhope Natural Preserve Dedication Saturday morning.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smith.

MEMBER SMITH: Yes, I'd just like to personally thank the Engineer Department and any assistant that the city did for the worst tracks in Canton which was at Warner Road SE. For those of you, I would like for you to drive over there and see that we have brand new tracks and I'd like to thank Wheeling and Lake Erie also. I get happy when things are done in that community.

PRESIDENT PRO TEM DOUGHERTY: Well you ain't never thanked me.

MEMBER SMITH: Thank you Mr. Majority Leader for all that you do. I really appreciate it.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: I'm never that vain. B-Earth Day which is on the 30th at Nimisilla Park. We're inviting everybody down to come down and plant flowers and take care of Earth for one day and speaking of railroad tracks, we were down the park the other day and the railroad ties are still lying across, all across the city. I mean it's the most hideous sight all throughout, you can go throughout the city of Canton. You can go down to Nimisilla Park and you'll see all these railroad ties laying on the side, on the hill and it's just the most hideous scene you will ever see. And it was blighted. Me and our clerk Pat had did everything possible to try to get them to remove those railroad ties and we have not had any luck yet. I even called the railroad and asked them if someone could pick those up. There was somebody that was willing to take them. I think Robert Torres had given me a name and they hadn't called me back so if there's someone here or someone anywhere can get them to remove those, the old railroad ties along the tracks it would be very helpful. And I think there was another Councilman that had brought that up. Was that you Brian? But if there is something that we can do about that, I would appreciate it. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

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MEMBER CIRELLI: Thank you. Question to Councilman West and I appreciate you having the April 30th on Saturday. It will conflict a bit with the other but I was there last year and we planted flowers. Since we are putting connections for water clear up to Hartville, maybe you could see about getting a little more connections over at Nimisilla Park cause we had some real difficulties trying to manipulate getting water throughout there sir. So I think maybe you ought to go in that direction.

MEMBER WEST: Let's work on that.

MEMBER CIRELLI: It's right here in Canton.

MEMBER WEST: I would support that, Member Cirelli.

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Mayor.

MAYOR HEALY: Thank you Mr. President. Just want to comment to some of those folks that came down today to speak and first of all I want to thank you all for coming down here. We do appreciate your opinions and also the fact that you're willing to express those and let us know what your thoughts are. I would like to just for clarification, the Water Department is a separate Enterprise Fund from the city from our normal operations. And just for clarification, any revenue or monies that are generated for that fund needs to stay in that fund. We cannot use water revenues to operate the city or for General Fund purposes so, I don't want anybody to think that because it's been very challenging times for cities all over that we're trying to figure out a way to use water to help us pay for policeman and fireman and those types of things. You can't cross those channels so the Water Department is definitely independent in it's own operation and can only be used for those resources, if that helps you in any way in reference to our intent to do this. Second I did like a number of the comments they had in reference to fracing. Obviously we are all very concerned about the possibilities of the harm that, that can create and what that will do for us in the long term and I'd like to direct this to the Law Director today. I'm going to act like a Councilman today. Law Director could you do something for us. One of the suggestions that they had was in reference to Philadelphia refused to buy gas that was acquired through fracing processes and I know that we have a gas program for the whole city. Could you look into that and see if that's something that we could do here in Ohio and here in Canton to prevent the city of Canton from buying gas that was created through fracing process because we have a huge pool of gas supply that we buy for all the city residents and I'd like to know whether we can do that, what the impact would potentially be and if that's something that the Council or the administration would want to pursue. Thank you.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Law Director.

LAW DIRECTOR MARTUCCIO: Yes Mayor, I would be happy to talk to our consultants. I imagine that once this gas is mixed and put in the pipeline there would have to be something done early in the mixing process to make sure that it wasn't including gas that was achieved through fracing. And I do want to remind Council that you have passed an Informal Resolution under Member Cirelli's sponsorship that has gone to the General Assembly of Ohio saying please put a moratorium on hydraulic fracturing until 2012 when the EPA has determined the dangerous that come from the fracturing fluid and other related dangers. So you have taken a step and I'll do that thank you.

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PRESIDENT PRO TEM DOUGHERTY: Any more Miscellaneous Business?

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: No.

SERVICE DIRECTOR PRICE: Just one more thing that I think I should point out. Tyler Converse is a fiduciary employee and that means simply at will. And I want to thank Tyler regardless of what folks think about the facing issue for his diligent and professional work on this and in his tireless negotiations with these various entities for an extended period of years. I mean this started long before I got here and it would be far easier, I think for a Department Head in his position to kind of hide in the office and avoid controversy and for our 13 Service Department heads, 11 of which are fiduciary appointments, I really do appreciate him sticking his neck out there regardless of what folks think about it to advance the interest of our water system and pursue the goal that we all established to grow that system and keep our costs down and our quality high so I did want to point that out and mention it. We could use 10 more like him. Thank you. *(Applause)*

PRESIDENT PRO TEM DOUGHERTY: And I agree with that too Tyler. Worked with you on a couple of things in the past and always very professional and you really get the job done and I appreciate that. Member Prater.

MEMBER PRATER: Mr. President, I move we adjourn.

MEMBER CIRELLI: Seconded.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President..

PRESIDENT PRO TEM DOUGHERTY: *(Gavel falls)*

ADJOURNMENT TIME: 8:36 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DAVID DOUGHERTY
PRESIDENT PRO TEM