

MINUTES OF THE MEETING OF NOVEMBER 17, 2008

PRESIDENT SCHULMAN: I appreciate that, and I also want to say how happy I am that we have a new President of the United States.

MEMBER CARBENIA: Yes, you did a very good job.

PRESIDENT SCHULMAN: With a Quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID DOUGHERTY, PATRICK BARTON & KARL "BUTCH" KRAUS)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation will be given by Council Member Butch Kraus. If you all will please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, November 17, 2008 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 8 Council Member, Karl 'Butch' Kraus, Jr., the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Kraus. We are now under agenda corrections and changes, and Members of Council you're going to be asked to suspend Rule 22A to add the Second Reading of Ordinances 6 through and including 8. Leader Casar, the Chair will recognize that Motion.

MEMBER CASAR: Mr. President, I move that we suspend Rule 22A and add Ordinances 6, 7, and 8 to this evening's agenda.

MEMBER CARBENIA: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A and add 2nd reading Ordinances 6, 7, and 8 to this evening's agenda. Are there any remarks, if not Madame Clerk roll call please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

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PRESIDENT SCHULMAN: We are under Public Hearings, and we have no hearings this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks, no Public Speaks on Ordinances and Resolutions for adoption we have no speakers signed up this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are under Resolutions. Madame Clerk will you please read Resolution 94 by title.

#94. COUNCIL AS A WHOLE: COMMENDING THE TIMKEN COMPANY FOR STRENGTHENING THEIR COMMITMENT & SUPPORT TO STARK COUNTY ECONOMICS - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution 94.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #94. Any remarks? If not by voice vote, all those in favor signify by saying yea, those opposed nay.

NO REMARKS RESOLUTION #94 PASSED UNANIMOUSLY BY VOICE VOTE.

PRESIDENT SCHULMAN: Motion carries Resolution 95 please.

#95. PERSONNEL COMMITTEE: REQ RE-APPT OF JOHN SKAKUM TO HARTFORD-HOUTS FUND FR: 11/12/08 - 11/11/13 - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution 95.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Resolution 95. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #95 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Resolution 95 is adopted. Resolution 96 please.

#96. PERSONNEL COMMITTEE: REQ RE-APPT OF GLEN STRONG TO HARTFORD-HOUTS FUND AS TRUSTEE & SECRETARY/TREASURER FR: RETRO 6/5/08 - 6/3/13 - ADOPTED

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BD RETRO 1/1/08 - 12/31/10. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution 99.

MEMBER CARBENIA: Second.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Resolution #99. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed nay.

NO REMARKS RESOLUTION #99 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Resolution #99 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We are now under Communications, but before we talk about communications, we have two residents signed up to speak tonight about the wood burning ordinance and I am going to exercise prerogative of the Chair to allow these two to, these two residents to speak because it is on a third reading tonight and by the time they speak to us it will have either have been passed or overruled, so the first speaker is Tim Singe Mr. Singe did I pronounce your name.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks, two Public Speakers on Ordinances and Resolutions for regarding Ordinance #11 tonight.

TIM SINGO: Singo.

PRESIDENT SCHULMAN: Singo, I'm sorry. If you can come up, please sir. And Mr. Singo, I apologize, good evening. If you would give us your name and your residential address. And I just want to remind you that we limit remarks to three minutes, so if you would please try to do that I would appreciate it. Thank you.

TIM SINGO: My name is Tim Singo. I reside at 115 Anna Ave NW which is in Perry Township but I am also a business owner at the Canton Center Mall. The reason I am concerned with this, Perry Township recently passed a woodburner regulation ordinance and it was pretty much at my behest because I had the unfortunate experience, my neighbor came to me and asked if we would mind if he put in a wood burner. I figured it would be like a fireplace. It wouldn't be any real concern. That was about three or four years ago. As time went on, I began to think differently. I had no idea what one was at the time, but now that I've experienced it, I've become opposed to it and I can tell you when you get the responses, most people that don't have one or haven't experienced one, really don't care. I can tell you it's one of those silent majorities where when you get one in your backyard, you'll care. We have experienced increased sore throats, irritation, our children are getting sick more often and as I have read up on these, it scares me. It's like allowing smoking, we voted to stop smoking in public places and now pretty much, I smoke in my home and I can tell you that because I went to, and I am not a very sick person, I have always been healthy all my life. I've got a few extra pounds since I've left college but other than that I am pretty healthy and basically when I was at the doctor for a check-up he told me I should stop smoking. Well, I haven't smoked ever. This

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was about a year after my neighbor behind me put in a wood burner. Some of you may have already made your decisions on this but I just wanted to come forward and give you my experience as a resident who had experienced this himself. A lot of these, to be honest with you, one wood burner equals about 1,800 homes with natural gas heat. One wood burner calculating that out would increase the pollution in the City of Canton by 5% of the pollution for home heating purposes. Twenty of them would double it. I would suggest that you might want to take care of this now before it becomes a real problem and I appreciate your time.

PRESIDENT SCHULMAN: Thank you very much sir. Appreciate it, thank you. And thank you for doing business in Canton. Our next speaker is Ken Engel. Mr. Engel, I hope I pronounced your name correctly. If you will step forward please sir. Good evening, if you would give us your name and your residential address.

KEN ENGEL: My name is Ken, excuse me, Ken Engel. I live at 336 Arlington Ave and I am the owner of the wood burner. I made some, I wrote out a letter here if you would bear with me, I could read it. I have owned this wood burner for five years and I have only had one complaint from a man that moved in the neighborhood in the summer of 2007. Mr. Griffin is having this banned because of her cry. I told him to get off my property and refused to speak to him on this issue when he came over unannounced this past winter to check the wood burner and I felt I was being attacked. I say this because the person that complained has had twelve complaints, police calls, on him in the last two years that he has lived there, during the summer time which is like a four month period, and Mr. Griffin hasn't done anything about this. We have also had a family on Smith Ave which is right behind me, who's committed all kinds of havoc in the neighborhood from theft to vandalism, and the one young man has a file at the police department that is approximately 5" thick, and he's done nothing about that yet either. If he cares what happens in his district, you would think he would take care of the other issues that are happening in that district. I've called him personally on some other issues that had happened in the neighborhood and he refused to take care of any of them, until this thing came up. So I'm asking what is his motivation to get all over this thing now. Mr. Griffin and Mr. Labriola said that they came out to check on the wood burner one day this last winter and they could smell the smoke from my wood burner three blocks away. They saw a haze that followed it, so I ask you how did they know that, that smoke was from my wood burner. Mr. Clevenger who is the complainant comes, claims that smoke come down his chimney to choke his kids and on several occasions even this past summer, he has his kids going out to the neighboring yards picking up sticks, to have a bon fire in his backyard but that doesn't effect the kids then. I would like to show you a picture and I would like to past this around to show you my wood burner, burning this last winter as it does and the smoke doesn't, you can see it dissipates quite well.

PRESIDENT SCHULMAN: You have about 15 seconds, sir.

KEN ENGEL: OK. Well the point is, I understand regulations. I understand what the other gentleman was saying about limiting, my unit was already there and I have already checked when I put it in five years ago that all the regulations were filed, or I have following all the regulations of installing. My biggest problem with this whole thing is Mr. Labriola found out that if they mandate me to put on a larger smoke stack, which they want to extend about 5 feet higher than any chimney roof within the area, which there is not house chimneys that raise that high, then my wood burner would become evidently, eventually it would become inoperable because of the smoke stack size. He had called hisself to

PRESIDENT SCHULMAN: Just if you could rap it up....just five seconds.

KEN ENGEL: He had called up to Michigan to a place up there and they stated to him even that any more

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than three of these stacks placed on top of each other, mine is 14' high would make it inoperable, it would make it burn over. It would over heat and because of the stack height it would create more smoke, so that is my issue.

PRESIDENT SCHULMAN: Very good. Thank you very much sir, appreciate it.

COMMUNICATIONS

PRESIDENT SCHULMAN: OK, we are now under 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 NOVEMBER 17, 2008.

445. AUDITOR MALLONN (CITY): CERT OF TOTAL AMT FR ALL SOURCES FOR 2008. - RECEIVED & FILED

446. DOUGHERTY, D., WARD 6 CNCLMN: REQ COMMITMENT OF \$250,000.00 OF COMMITTED BOND MONEY FOR MAHONING RD CORRIDOR PROJ. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES

447. LIQUOR CONTROL DIVISION (OHIO): NOTIFICATION THAT ALL PERMITS TO SELL ALCOHOLIC BEVERAGES IN CITY WILL EXPIRE ON 2/1/09, EVERY PERMIT HOLDER MUST FILE RENEWAL APPLICATION & LEGISLATIVE AUTHORITY HAS RIGHT TO OBJECT TO RENEWAL OF A PERMIT & REQ HRG. - RECEIVED & FILED

448. LIQUOR CONTROL DIVISION (OHIO): ADVISING OF DENIAL AND REJECTION OF C-1-2 LIQ PERMIT FOR BENZO, INCORPORATED DBA FULTON DRIVE THRU @ 1133 FULTON RD NW. - RECEIVED & FILED

449. SAFETY DIRECTOR NESBITT: AUTHORIZE SAF DIR TO REC & APPROP A GRANT FR: "2008 EDWARD BYRNE MEMORIAL JAG GRANT" FOR MISC EQUIPMENT FOR POLICE DEPT. - FINANCE COMMITTEE

450. SAFETY DIRECTOR NESBITT: AUTHORIZE PAYMENT OF \$124,210.44 TO MOTOROLA FOR PRO-RATED AMT OF 2008 SERV AGMT FOR COMMUNICATIONS EQUIPMENT. - FINANCE COMMITTEE

451. SLIMAN, S., AGENT FOR PETITIONER: ANNEXATION PETITION DOCUMENTS FOR AREA TO BE KNOWN AS "THE CANTON AUTO ANNEXATION AREA". - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

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#1. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG: 12/01/08 @ 7:30 P.M.

Referred to Judiciary Committee

#2. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH LIGHTSPEED TECHNOLOGIES, LLC FOR THE PURPOSE OF INSTALLING AND MAINTAINING A FREE, PUBLIC WI-FI NETWORK IN THE DOWNTOWN AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee

#3. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-18960 HIGH AVE SW, ROBERT SMITH)

Referred to Community & Economic Development Committee

#4. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT WITH THE CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION TO PROVIDE TWO POLICE OFFICERS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH REDFLEX TRAFFIC SYSTEMS, INC. FOR THE IMPLEMENTATION OF AUTOMATED PHOTO TRAFFIC ENFORCEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read Ordinance #6 by title..

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #8 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#6. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE NEW HORIZONS PARK PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

#7. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND THE CANTON HOME RECOVERY PLAN WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR NEIGHBORHOOD STABILIZATION FUNDING, TO EXECUTE

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GRANT AGREEMENTS AND TO ACCEPT THESE FUNDS AS AN AMENDMENT TO THE CITY'S 2009 COMMUNITY DEVELOPMENT BLOCK GRANT IN THE ADDITIONAL AMOUNT OF \$3,648,562.00; AUTHORIZING THE MAYOR TO REVISE AND/OR AMEND THE CANTON HOME RECOVERY PLAN AND BUDGETS; AUTHORIZING THE AUDITOR TO RENAME AND ESTABLISH THE 2212 HUD NEIGHBORHOOD STABILIZATION FUND; AUTHORIZING THE AUDITOR TO REVISE THE BUDGETS AS PERMITTED BY COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS, THE DEPARTMENT OF DEVELOPMENT AND THE HUD; AND DECLARING THE SAME TO BE AN EMERGENCY

#8. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS FOR THE REMEDIATION OF THE BISON PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We are now on Ordinances for their third and final reading. Madame Clerk would you please read Ordinance # 9 by title.

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 168/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION FOR, ACCEPT AND EXECUTE GRANTS FROM THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #9. Are there any remarks under this Ordinance? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 168/2008

PRESIDENT SCHULMAN: Ordinance #9 is adopted. Ordinance #10, please.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 169/2008** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT AND EXECUTE A GRANT FROM THE CLEAN OHIO CONSERVATION FUND FOR FUNDING FOR THE PURCHASE OF AN APPROXIMATE 12 ACRE PARCEL OF PROPERTY ADJACENT TO MALLONN PARK; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #10.

MEMBER CARBENIA: Second.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #10. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 169/2008

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

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 170/2008** AN ORDINANCE AMENDING CHAPTER 1361, RESIDENTIAL OCCUPANCY STANDARDS, OF TITLE SEVEN - HOUSING STANDARDS, OF THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #11. Are there any remarks under this Ordinance? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, I spoke with another lady who her and her husband have one on Garfield Ave today, she emailed it to City Council and then they sent our emails onward to our home, and he had left for work and she explained to me that this wood burning stove they have outside, furnace costs \$10,000.00, and they have had it for ten years, I think it is, maybe I'm incorrect on the time, but this says 10. And she explained to me that their gas bill without this would be \$400.00 per month but with it, it is \$100.00 per month and I know maybe everybody's problems is not our problems but this lady happens to have a debilitating, two debilitating diseases and takes 30 drugs a month, medication prescriptions and she said they really can't afford to heat their home with the gas, I explained to her that she would be grandfathered in as well as the gentleman that came and spoke because they would be all grandfathered in on this issue and then she, we also spoke about a lot of wood burners that people have in the basements. And, I really don't know what that is really all about. I know we used to have incinerators but they outlawed that before I ever got on Council. And I think this is an Ordinance right now I haven't really been able to do a whole lot of research on this particular one and I am kinda uncomfortable that we are pushing it through real fast cause I know I brought some things down here like smoke alarms for 10 years and I haven't seen that now it's been over a year and I can't see why we're rushing this real fast and I'm uncomfortable, so therefore, I'll have to vote no on this, thank you.

PRESIDENT SCHULMAN: Alright, thank you, Member Cirelli. Any other remarks?

PRESIDENT SCHULMAN: Yes, Member Griffin.

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MEMBER GRIFFIN: We been working on this Ordinance since last February and we have been talking about it and I think it's time, and like you say, both fire, both burners will be under, grandfathered in, and I am just afraid that if we get more in the city we are going to have to watch them and as to what kind of wood they are burning, make sure it is seasoned wood, make sure it's not railroad ties, make sure it's telephone poles. These are stories, if you read the report we got from the Health Dept. These are problems that we have had out in the county and I just think, I'm sorry, but we just don't have the lots big enough in the City of Canton for this type of apparatus, I'm sorry.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you, Member Griffin and thank you for your hard work. Member West.

MEMBER WEST: Question for the Law Department. If this passed tonight, this can be amended in the future if we need to change it for some reason that we need alternative fuel type of, to reduce heating in our community. Is that, can that happen?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member West, yes, it can be amended in the future to reflect changes. Changes in the types of fuel that are burned. It can be amended and if I can, address Member Cirelli's comment by the email she read, most homes either are hooked up to natural gas or some sort of propane. They are larger units that are cleaner burning. These are out door furnaces in essence that help heat the home supplementally. We are focusing on wood burning. One other point to Mr. Singo's remarks, I talked to the zoning inspector in Perry Township today and their rules and regulations are for two acre minimum, a two acre minimum and ours is a one acre minimum lot. Thank you.

MEMBER WEST: Law Director.

PRESIDENT SCHULMAN: Thank you, Law Director. Member West.

MEMBER WEST: Could you also address the five feet high, he said something about it would make it inoperable?

LAW DIRECTOR MARTUCCIO: Recognizing that it's against our principles to take property without due process, these will be grandfathered as some of you have already said on the record, existing furnaces would be grandfathered, however also acknowledging that the EPA is concerned about particulates and carbon monoxide, and so on, and are in the process of adopting at least promogating their own regulations, to more carefully regulate these, the parts of this Ordinance that would be intact are those that mandate the kind of fuel that is burned, cleaned, seasoned wood, corn cobs, things of that are approved by the EPA or at least the local Health departments in terms of particulate pollution. On the issue of the smoke stack, the Ordinance provides that the height of it has to be, and I can't recall if it's three or five feet higher than the apex of the nearest building. If that does indeed present a health hazard, in addition to what is happening, we can work with the Health Department and the Building Department to ensure that it isn't that it is high enough to not seep into neighboring windows which has been an issue, I understand, but no so high that it creates an additional danger of a meltdown or a burnout. But right now the Ordinance does have, let me know at it just a moment. This is part four, A4, B4, I'm sorry. In answer to your question, the flue or chimney shall extend a minimum of five feet above the peak of any structure located within a two hundred foot radius of the

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apparatus. Again, this was the recommendation that was called from other model samples in conjunction with the EPA and other communities. The idea being that it would provide enough height so as not to seep into nearby windows that are closer than 200 ft.

PRESIDENT SCHULMAN: Thank you Law Director. Any other questions, Member West? Member Carbenia.

MEMBER CARBENIA: Yes, I would just like to know Law Director if I could, right now aren't there regulations on what they can burn in there or not?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Carbenia, nothing this clear. It is my best three word answer. The certainly the Health Department which is in charge of enforcing air pollution standards, could enforce as a nuisance, as Mr. Adams described to you, with our help, could say that the burning of some fuels posses a health hazard and a nuisance. This Ordinance would make it very clear that certain things can not be burned like painted wood, and particle board, and things that might otherwise be burned by people who didn't have a very clear list. So instead of going the nuisance route with the Health Department and enforcing through tickets and legislation and court action, this provides a very clear list as to what can and cannot be burned. And a lot of them do coincide with the manufacturer specifications as well.

MEMBER CARBENIA: What I really meant was the EPA has regulations on what you are burning right?

LAW DIRECTOR MARTUCCIO: They do Member Carbenia but not so much as to content of the material as to what they release, you know the pollution they release.

MEMBER CARBENIA: Well, my problem is that we're doing this for, because there is only two of these in the city and I'm not to sure that we should have to regulate this. Maybe the burning of stuff but, to do a lot of other regulations, I am not really in favor of that so, I will be voting no.

PRESIDENT SCHULMAN: OK, any other remarks? Alright the motion is on the floor. Member West.

MEMBER WEST: Mr. President, I have one more question.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: If this goes down, it can be re-resurrected correct?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, thank you. Member West, it can be resurrected should someone sponsor it, or any one of you or certain people who are authorized by Council rules can sponsor another Ordinance that takes a different approach. It can be re-written to answer your question. This can be resurrected in it's current form by another sponsor which would be doubtful if it goes down in defeat or it can be re-tooled but again, if the goal is to specifically look at these kinds of wood burners, this Ordinance is crafted and based on similar Ordinances from neighboring townships and what state models have been out there to adopt from.

PRESIDENT SCHULMAN: Any other remarks? Madame Clerk, roll call vote, please.

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NO REMARKS

ROLL CALL: 9 YEAS, 3 NAYS
(Members Carbenia, Cirelli, and Hawk voted Nay)

CLERK TIMBERLAKE: Nine yeas and three nays.

#11 ADOPTED AS ORDINANCE NO. 170/2008

PRESIDENT SCHULMAN: The Ordinance is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now under Announcement of Committee meetings.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Community & Economic Development will meet at 6:15 on November 24th.

PRESIDENT SCHULMAN: Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet at 6:15 on November 24th.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet November 24th at 7, 6:15.

PRESIDENT SCHULMAN: Thank you. Any other announcements.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that night.

PRESIDENT SCHULMAN: Thank you.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We are now under Public Speaks, Open Forum we have only one speaker tonight, Patricia Kirk. Mr. Kirk, good evening. Welcome again, if you will give us your name and your professional address. Would you swear the witness in please? I must be thinking of a deposition I have tomorrow. Would you give us your name and residential address.

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PATRICIA KIRK: Patricia Kirk, 131 5th NE.

PRESIDENT SCHULMAN: Thank you.

PATRICIA KIRK: I just can't stay away. Good evening everyone, and I hope all of you will have good holidays this year.

PRESIDENT SCHULMAN: Thank you.

PATRICIA KIRK: This is it. This is the Kresge lot petition to keep it green, and I think you are all going to be pleasantly surprised. It is not big, I didn't pressure, I didn't stand on the street corners. There's 252 signatures and most of the people are workers or business owners of the people just around the Kresge lot, and not on single person wants it to be anything else. And a funny thing happened, people started writing their comments and their, without even being asked, they were saying things like "We need more open spaces", "we need more parks", "I eat lunch there". "Keep it green", "Keep it up". This nice area has been neglected. One day I just saw 6 picnic tables of people there standing, or sitting there eating lunch and watching six kids playing touch football. That is something that you don't see in the parks or in the cities. About Sustainability, I went with (podium microphone fell)

PRESIDENT SCHULMAN: She's alright. Speaking of sustainability.

PATRICIA KIRK: It's a sign, I know. You don't (Laughter)

PRESIDENT SCHULMAN: I think it's a sign that the Brown's begin in half an hour.

PATRICIA KIRK: I went last Friday to the Sustainability seminar and Mr. Mayor, he left during the best part, but anyway, there was a speaker, his name was Brian Krunty and he talked about storm water run off and I thought, oh is this gonna be boring, but it wasn't. And everybody thought it was really good. But he talked about Green infrastructure and Gray infrastructure. Green is what we aim for, and gray is all the hard pavement and the sewers and the run off and what's underneath the City, and he said most cities are shrinking but they're pavement and everything is growing. And I did ask a question and I said, "What is the first thing a City like Canton should do for Sustainability? And guess what he said. He said most cities that are interested in sustainability have an Urban Forester, but he said then you should concentrate on your gray infrastructure and you do that. He said most cities are making their streets narrower, they are making their sidewalks narrower, they are making their ground area larger. They are putting in rain gardens. The one gentleman said that he worked in, or across from Canton Center Mall. There is a new strip mall that has gone across the street like half a year ago. He showed a picture of the drive lot there and he, they used porous pavers, little hexagonal squares with gravel underneath and in between them, and he showed a grease spot from one of the cars. He said by the next storm that grease spot will be gone, it will go into the gravel, it will be eaten by bacteria, there will not be any snow or ice build up there because it's warmed by the actual ground, the heat of the ground and you have less salt. You have no cost of salt care there. Then he showed another picture. I'm not familiar with this place. It's the Sheetz station in the Belden Village area. If you look at their parking lot it has a little cut-aways all along there where the run off, runs out and into a rain garden that's built around a sewer. This is right here in Canton. Why don't we do something to tell people about businesses that use this green type of structure inside our City, and also about Sustainability everybody wonders what it is, one thing it isn't, it's not selfish, we don't build up carbon credits to use them later by a business that doesn't have any green standards themselves, and this is just one of the things that I wanted to point out. Thank you very much.

MINUTES OF THE MEETING OF NOVEMBER 17, 2008

PRESIDENT SCHULMAN: Thank you very much.

(APPLAUSE)

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We are now under Miscellaneous Business. Is there any?

MEMBER WEST: Yes just real quick, Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: This if for the Service Director. I noticed on 12th St, our new paving job, it's got holes in it already. Big potholes, and I don't know how much we spent on that. Is there something we can do like getting those guys back here? I know it's a little cold now but, I think that can actually erode the whole intersection at 12th and Walnut.

SERVICE DIRECTOR BERNABEI: Member West I received your earlier email concerning that. I forwarded that on to the Engineering Department that supervised that contract and I am awaiting a response from them so.

PRESIDENT SCHULMAN: Any other Miscellaneous business? Leader Casar.

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

MEMBER CARBENIA: Second.

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

CLERK TIMBERLAKE: Twelve yeas.

ADJOURNMENT TIME: 8:16 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT