

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, JANUARY 5, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, January 5, 2009. We have in attendance with us this evening: Mayor Francis Cicchinelli, Auditor Jayne Ferrero, Community Development Director Aane Aaby, Engineer Keith Dylewski and Bob Cyperski representing the law department. On the wall to your left are agendas for anyone who wishes to follow the meeting. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I d also like to remind anyone with a cell phone please turn it off or turn it very far down.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Kathy Catazaro-Perry, Dave Hersher, Chuck Maier, Ron Mang, Paul Manson, Dave McCune, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 9 present.

2. INVOCATION

COUNCILMAN PETERS Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN PETERS – Chairman of the Streets, Highways, Traffic and Safety Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT GAMBER Madame Clerk are the minutes of the previous meeting transcribed and open for public viewing (Yes, they are) Are there any additions or corrections to the minutes? If not the minutes stand approved as written.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT GAMBER Mr. Mang, you have a request?

COUNCILMAN MANG – Yes, I'd like to move Ordinance No. 147 – 2008 to be the very first item of introduction tonight.

COUNCIL PRESIDENT GAMBER is there any objection to moving Ordinance No. 147 forward for the first item on the agenda? There is not Madame Clerk would you please read the title to Ordinance No. 147?

ORDINANCE NO. 147 2008 BY: COMMUNITY DEVELOPMENT COMMITTEE

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from RM-1 Multiple Family Residential to P-1 Vehicle Parking.

COUNCILMAN MANG This evening as most council knows we had deliberation on the establishment of a P-1 zoning for the applicant Roseman Construction who was here for Superior Credit Union. Through the discussion there's an area that I would say has been unknown to council and definitely unknown to the ward councilperson about the restrictions that's being placed upon the next door neighbor. In consideration of that I would recognize Mrs. Catazaro-Perry for suggestions.

COUNCILWOMAN CATAZARO-PERRY – After hearing discussions this evening between Mr. Dovbish and Mr. Sanford I would like to see us table this ordinance so that the two parties can have a chance to sit down and discuss some options for this piece of land.

COUNCILMAN MANG Thank you, Mrs. Catazaro-Perry. If we do this the recommendation would be from the committee that we table it until January 20th. That way we would have a work session and then we would have a council meeting.

COUNCILMAN MANG moved to table Ordinance No. 147 – 2008 until January 20th 2009, seconded by Councilwoman Catazaro-Perry.

COUNCIL PRESIDENT GAMBER Discussion, Councilman Manson?

COUNCILMAN MANSON Yeah, I just wondered if this is going to have affect on the construction as far as Mr. Roseman that this is any problem with their? Can you deal with this?

SEAN ROSEMAN – Yeah, it's definitely going to put the project behind but if it's what the council comes up then I guess we'll deal with it. We would have liked to have gotten started on this by the first of the year is what we were looking at. Like I said they're hoping to up and running the 1st of April. So...

COUNCILMAN MCCUNE I agree with Councilwoman Catazaro-Perry that in light of the health issues surrounding this ordinance I believe I also agree that we should table it and let the two parties discuss putting them up somewhere during the construction period. Maybe even the possibility of them purchasing a home I don't know whatever they work out. But yeah I fully support the idea of tabling it for the two weeks period.

ORDINANCE NO. 147 – 2008 WAS TABLED UNTIL JANUARY 20TH 2009 BY A ROLL CALL VOTE OF 8 YES, 1 NO. PETERS VOTED NO.

ORDINANCE NO. 1 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

Petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Tuscarawas Township, and declaring an emergency.

COUNCILMAN MANG – This piece of legislation deals with the newly annexed area that was part of Tuscarawas Township and this legislation would change the township lines showing the area that is 9.977 acres of land to now be part of the City of Massillon.

COUNCIL PRESIDENT GAMBER Mr. Manson will you be looking to abstain?

COUNCILMAN MANSON I would like to vote if our law department doesn't have a problem with it.

COUNCIL PRESIDENT GAMBER Alright, I'd like to call up Mr. Cyperski. Mr. Cyperski this ordinance has to do with accepting the annexation of property owned by the son of Mr. Manson.

BOB CYPERSKI – I think it's probably prudent at this point in time that an abstention would take place for this council person.

COUNCIL PRESIDENT GAMBER Mr. Manson? (Okay) At the appropriate time we'll take a motion for that.

COUNCILMAN MANG moved to excused Councilman Manson for voting on Ordinance No. 1 – 2009, seconded by Councilman Hersher.

COUNCILMAN MANSON was excused from voting on Ordinance No. 1 – 2009 by a roll call vote of 8 yes.

COUNCILMAN MANG moved for suspension of the rules and passage, seconded by Councilman McCune.

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 1 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 2 2009 BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Muni Motor Vehicle License Plate Fund and the Street Construction Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Yes, we have two parts here to this ordinance tonight. The first one is please appropriate \$24,000.00 from the unappropriated balance of the municipal motor vehicle license plate fund for various storm sewer repairs. Section 2 is please appropriate \$7,200.00 from the 1201 street construction fund to add a battery backup system to put traffic lights at the intersection of Cherry Road NW and State Route 21.

COUNCILMAN MANSON moved for suspension of the rules and passage, seconded by Councilwoman Catazaro-Perry.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 2 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A. Polk Directory - \$327.40

B. Repository - \$339.66

COUNCIL PRESIDENT GAMBER Mr. Manson?

COUNCILMAN MANSON I move that we pay the bills, seconded by Councilman Hersher.

Roll call vote of 9 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR DECEMBER 2008. COPY FILE

B). AUDITOR SUBMITS MONTHLY REPORT FOR DECEMBER 2008 COPY FILE

C). MAYOR SUBMITS MONTHLY REPORT FOR NOVEMBER 2008 – COPY FILE

D). MAYOR GIVES STATE OF THE CITY ADDRESS TO COUNCIL.

COUNCIL PRESIDENT GAMBER Alright, we need a motion to accept the auditor's report.

COUNCILMAN MANSON I move that we accept the auditor's report, seconded by Councilwoman Catazaro-Perry.

Roll call vote of 9 yes to accept the auditor's report.

COUNCIL PRESIDENT GAMBER Mr. Mayor, if I could suggest we only have a very short agenda to go would you like to wait until that's finished or would you like to come forward now? (It's up to you) Alright, why don't we hold you till last that way you can hold sway.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER Committees will meet next Monday the 12th next council meeting will be a Tuesday, January 20th that's because Monday the 19th is Martin Luther King holiday. Are there any reports or resolutions or requests by any council member?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

.REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

COUNCIL PRESIDENT GAMBER This is when we invite anyone forward to speak a topic even if it does not appear on the agenda. Is there anyone who would like to come forward and address council this evening? I see no one coming forward so at this time I'll call Mayor Cicchinelli forward for his state of the city comments.

MAYOR CICCHINELLI – As is customary and required by law I am to address city council on the affairs of the city the state of the city at the first meeting of every year in January. This is of course be a requirement as all of you know later this month January 23rd the Chamber of Commerce is sponsoring a state of the city breakfast to be held this year at the Amvets Post. So if you're able to come there I'm sure they would appreciate your attendance. Just a quick review you have a copy of the state of the city in front of you the industrial development of the city continued in 2008 the Case Farms and Vision Power facilities both are under construction as we speak. There were other companies like FiberCorr and Pepsi, Grief Brothers and Midwest Industries who did have some industrial alterations throughout the year of 2008. The big announcement that took a lot of effort by a lot of people and did I think certainly holds well for the future of the city industrially is Shearer's Foods new \$66,000,000.00 manufacturing office and warehouse facility to be built at the NeoComm Industrial Park off of Navarre Road. Now as all of you know the Shearer's Foods looked at several sites both in and around Stark County and even Lubbock, Texas. I think it's important to for everyone to remember that there was a lot of competition out there and we were successful in attracting this fantastic industrial facility. Shearer's is one of the leaders in the United States in the snack food processing and I think it says that Massillon certainly can compete with other communities when you look at industrial expansion. We think and we feel very confident that Shearer's will start construction sometime in '09 you're probably talking sometime April, May in that area. In the commercial retail sector Menards is finishing construction completion of their new store in the south end of town actually \$2,600,000.00 facility. The first Menards store in Northeast Ohio. Again, I think that says a lot about our community that they chose Massillon as the site of their first home improvement store in northeast Ohio. Kohl's I'm sure you've heard a lot of talk about Kohl's I feel confident that you will see a Kohl's department store in Massillon someplace sometime. It's a fine operation if you're familiar with it and it would be a great addition to our retail community. In the residential development sector we didn't have a good year I'm sure you know by now housing starts are down within our city but of course housing starts are down in Ohio and across the country. So we're just emulating other parts of the country where you see a

lot of decrease in a lot of housing construction. The City of Massillon has been given over \$1,500,000.00 what they call Ohio Neighborhood Stabilization Program and this grant is to provide stabilization in the housing market within various communities. As you know our community has been hit with foreclosures and we're now formulating a plan to address that problem as well as other problems. The money can be spent primarily in target southeast and southwest neighborhoods not all the neighborhoods in the southeast and southwest but some of the target neighborhoods in those areas and then a small portion of northeast Massillon. So this is exciting news this was a grant that we got through the State of Ohio I think in the city the size of Massillon these kinds of dollars that we're talking about can really make a positive impact in dealing with the foreclosures in the housing problems that have occurred nationwide of course in our city because of foreclosures. On another positive note that you have to remember over \$39,000,000.00 worth of construction projects took place in the city last year. This is during a recession again this number points to actually the highest amount of building permit evaluations since 2003 and the fourth highest this decade. So there are some yeah we're under a recession but there are some reasons to be hopeful and some our economic development policies are working. One other thing in closing that I want to mention and I kept it for last but it's the most important issue that we face as a city government and it's our budget problems. I do think that we need to work together legislatures as well as administration to get through 2009. Folks as you know its going to be a tough year there's no question about it. We need to do everything possible to work together to get through this year. The issue we've talked about a variety of things the issue of the municipal court and the way that's financed and where those dollars go is not going to go away. We feel very strongly that we need to address that in some shape or form. Hopefully, within the very near future we'll be presenting some things to council to hopefully start the ball rolling to deal with that issue. I just do not think its fair that the citizens of Massillon have to pay the full cost of the operation of that court and I think there's other things that need to be done whether it takes action from the state legislature or whatever its going to take to deal with those issues and that problem is not going away. Believe me that problem is not going away. In closing lets work together to make Massillon even a better community in which to live. Happy New Year to all of you and God bless all of you.

COUNCIL PRESIDENT GAMBER Thank you, Mr. Mayor.

18. ADJOURNMENT

COUNCILMAN PETERS – I move that we adjourn, seconded by all.

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT