

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, MARCH 16, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, March 16, 2009. We have in attendance with us this evening: Mayor Frank Cicchinelli, Auditor Jayne Ferrero, Law Director Perry Stergios and the Community Development Director Aane Aaby. 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 CHUCK MAIER – I have invited a young man to give our invocation tonight. He is in the fellowship of Christian athletes, he’s on the honor roll at Washington High School, he is the quarterback for the Massillon Tigers. I’m proud to introduce an outstanding student and athlete Robert Partridge. Robert would you come up to the microphone and give the invocation tonight?

3. PLEDGE OF ALLEGIANCE

COUNCILMAN CHUCK MAIER – Chairman of the Public Utilities 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

ORDINANCE NO. 39 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

Authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with Massillon Main Street for continuation of its Downtown Revitalization Program, and declaring an emergency.

COUNCILMAN MANG – This \$25,000.00 that we’re talking about this evening is part of the

2008 CDBG program. At that point in the 2008 CDBG program we did have a public hearing that would cover this \$25,000.00. But Main Street provides assistance to many of our downtown property owners for renovations and restoration. Matter-of-fact, I received a copy tonight from Mr. Aaby that lists some of the projects that we were involved with and some of the downtown merchants. Which I will have that for you for our next meeting at our work session. But for tonight we're giving this first reading.

ORDINANCE NO. 39 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 40 – 2009 BY: PUBLIC UTILITIES COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners, LP for three (3) parcels of real estate owned by the City of Massillon, and declaring an emergency.

COUNCILMAN MAIER – Yes, these are similar to what we've done in the past and I really don't I don't know for sure Mr. Mayor is it should be pass these tonight or can we wait on them? Okay, I'm going to give this one first reading in case anyone has any questions they can come back and then we'll look at it next time unless there's an emergency on it. I don't see it at this.

ORDINANCE NO. 40 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 41 – 2009 BY: PUBLIC UTILITIES COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems Corporation, and declaring an emergency.

COUNCILMAN MAIER – Okay, this is another gas and oil well lease and I'm also going to give this one first reading. We'll probably go ahead and pass it on second. But at this point it gives people a chance to have their voice in it if they have a problem with it.

ORDINANCE NO. 41 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 42 – 2009 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Vacating a portion of Sweetleaf Circle NW, and declaring an emergency.

COUNCILMAN PETERS – First reading.

ORDINANCE NO. 42 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 43 – 2009 BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Municipal Road Fund, General Fund, Community Development Block Grant Program Fund, Local Law Enforcement Trust Fund, Street Fund and the Waste Management Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Yes, we have I believe six sections here we'll talk about we'll take them one at a time. Number 1, is \$158,000.00 and this is money coming from the county municipal roads fund and it will be used to repave part of Lincoln Way West well Lincoln Way downtown the way I understand it its going to go from Tommy Hendrich on the west to 3rd Street on the east. So if there's any further questions I will see if I can get them answered if not I'll be asking to waive the rules. Oh, I'm sorry that's just the first part. Part 2, we have \$138,000.00 from the unappropriated balance of the general fund this is necessary to this is money we advanced from the general fund or from the capital improvement fund wait a minute here I'm sorry hang on just a minute here there's two of them that are... Alright this is a \$138,000.00 that we advanced from the capital improvement fund earlier in the year to the

general fund. Now we are just going to put it back where it came from. It will be transferred into an account advanced to and then the funds will go back into the capital improvement fund. Any questions on that? Part 3, is \$25,000.00 and that's just what Ron Mang covered earlier in the community development. This is \$25,000.00 going to Massillon Main Street Revitalization. Any questions on that? Section 4, \$10,650.00 and this is from the unappropriated funds of the local law enforcement trust fund in the account for this money is to be used for the purchase of portable radios for the police officers. Next one, section 5, is \$5,515.00 and this is a transfer from the street fund to workers compensation. Number 6, is \$1,647.00 and this is a transfer from waste management fund to workers compensation also. Are there any questions on any of those?

COUNCILMAN PETERS – I have a question Mr. Manson, on the one for the downtown main street that's an appropriation. If we're waiting on the other piece of ordinance why would we pass the money part of it?

COUNCILMAN MANSON That's true.

COUNCIL PRESIDENT GAMBER An appropriation is not actually spending it its giving the...

COUNCILMAN PETERS – Yeah, but is it my question would be are we already saying that we're transferring the money for that and then if we turn down for instance Mr. Mang's legislation are we is it one in the same?

COUNCIL PRESIDENT GAMBER In my opinion it doesn't matter but we can call the law director or the auditor up if you'd like.

COUNCILMAN PETERS – Might as well.

COUNCIL PRESIDENT GAMBER Alright. Mrs. Ferrero?

AUDITOR FERRERO – All you're doing is appropriating the money it won't be spent until his legislation is passed. Then if for some reason it wouldn't get passed we would just put it right back where we took it from.

COUNCILMAN PETERS – Okay, I'm not saying that it's not going to get passed it's just a question of...

AUDITOR FERRERO – Right, its just being appropriated just being held there.

COUNCILMAN PETERS – Thank you.

COUNCILMAN MANSON moved for suspension of the rules and passage, seconded by Councilman Hersher.

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

ORDINANCE NO. 43 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 44 2009 BY: FINANCE COMMITTEE

Making certain transfers in the 2009 appropriations from within the Capital Improvement Fund and the General Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Okay, this is what I talked about earlier we're transferring \$138,000.00 to from advanced to and then it will be returned on advanced to the capital improvement account. We have section 2, deals with transfers coming from accumulative sick leave, energy savings, state examination, PERS, health, hospital, eye and dental, hospital, eye and those total \$56,481.00. So unless there's any questions there I will be moving to waive the rule.

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. 44 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 45 2009 BY: FINANCE COMMITTEE

Authorizing the Director of Law of the City of Massillon, to renew the one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services, and declaring an emergency.

COUNCILMAN MANSON Yes, this is an ordinance allowing the law director to re-enter into contract with Canal Fulton and this is at \$100.00 per month more than what the contract was last year. It was \$24,000.00 now it will go to \$25,200.00 so there's \$1,200.00 of new money in there. Any questions?

COUNCILMAN MANSON moved for suspension of the rules and passage, seconded by Councilman Hersher.

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

ORDINANCE NO. 45 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 46 2009 BY: FINANCE COMMITTEE

Repealing Ordinance No. 226 – 1997 establishing a fee for administration costs in regards in warning letters sent out by the Law Director's Office of the City of Massillon, Ohio, pertaining to complaints lodged with the Law Director's Office, and declaring an emergency.

COUNCILMAN MANSON Yes, you have a schedule there of what the recommendation is to raise it to. Certified mail that's going from \$5.00 to \$15.00, private complaint on bad checks, letters going out certified mail that's going from \$7.00 to \$25.00 and the follow up letters for passing bad checks went from \$3.00 to \$10.00. Any questions?

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. 46 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 47 2009 BY: FINANCE COMMITTEE

Repealing Ordinance No. 100 – 2008, and declaring an emergency.

COUNCILMAN MANSON Yes, we're repealing an ordinance to set up an account for the inheritance taxes to go into the capital improvement fund. We will be taking those and transferring those to the general fund.

COUNCIL PRESIDENT GAMBER Any questions? I don't have a question I do have a comment though in the future I would request either that the title or something in the section indicates what the ordinance refers to. If you look at any of our agenda or the ordinance itself other than the fact that it's Ordinance No. 100 - 2008 it doesn't say anything about what it actually is. In generally either the clerk when you do the titles or the law director when we do the sections just some way to identify what it is we're talking about. Mr. Peters, do you have a question?

COUNCILMAN PETERS – Yes, did we discuss this at the work session? (Yes) We did? There

was so much shouting going on I couldn't remember.

COUNCILMAN MANSON I think your mouth was open when it was being discussed.

COUNCILMAN PETERS – It probably was. Okay, I just don't remember.

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 8 yes, 1 no. Peters voted no.

ORDINANCE NO. 47 – 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. REPOSITORY - \$731.89

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

Roll call vote 9 yes to pay the bill.

10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2009 COPY FILE
- B). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2009 COPY FILE
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2009 – COPY FILE
- D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR FEBRUARY 2009 – COPY FILE
- E). WASTE DEPT SUBMITS MONTHLY REPORT FOR FEBRUARY 2009 – COPY FILE
- F). MAYOR'S MONTHLY REPORT FOR FEBRUARY 2009 – COPY FILE
- G). CANTON-STARK COUNTY CRIME LAB ANNUAL REPORT FOR 2008

COUNCIL PRESIDENT GAMBER Thank you, we will accept all those and file them

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER We're going to skip next Monday because it's the fourth Monday out of five we will meet again on March 30th.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 28 – 2009 BY: PUBLIC UTILITIES COMMITTEE

Amending CHAPTER 1187 “SUPPLEMENTAL ZONING REGULATIONS” of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 1187.16 “FREE STANDING WINDMILL REGULATIONS”, and declaring an emergency.

COUNCILMAN MCCUNE – Yes, as you know we've had this ordinance this legislation before us for about a year now as the public utilities committee has worked its way along with the law director to find the best language we could to properly zone and police the possibility of wind powered mechanisms in the city. We've given this two readings last week on March 11th the

planning commission met and discussed this. I attended the meeting there was a couple of questions which resulted in revisions. I'd like to call the law director up now to explain the revisions so that we can get them on record.

LAW DIRECTOR STERGIOS – We went and I think everybody has one that says revised March 16th 2009 for our regulation. After going over what planning commission commented upon I can point out that we made two changes what was (c)(1) on the top of the second page of the original draft its said small wind energy systems shall be permitted in following districts and named a bunch of districts. We just deleted that completely the thought being that the planning commission had commented that it did not seem to that was at odds with what it had said previously that they were permitted in any district as a conditional use. So what old (c)(1) was just deleted in its entirety and then what is now (c)(1)(a) used to say in (a) not for the generation of power for commercial purposes. Again the planning commission commented that if you put it on a commercial property and wanted to power your own building that that could be a permissible use if you wanted to sell it that was what everybody thought they were trying to prohibit. So we instead of purpose we changed it to and put the word sale in there. So not for the purpose of for the generation of power for commercial sale. So if the planning commission saw fit to let a business put a wind turbine up to power or assist in powering its own facility that that would be a permissible use. So the changes were somewhat minor but they're confusing when you read them back and forth between the drafts. So that was it.

COUNCILMAN PETERS –Mr. Stergios, can you tell me why the planning commission objected to them selling the power?

LAW DIRECTOR STERGIOS – Well, I'm guessing but I think it had to do with the fact that you couldn't build one big enough under these regulations to sell any to have anything left to sell anyhow. But I'd be speaking out loud because I wasn't at the meeting. Aane maybe able to comment on that or Dave better than I. But...

COUNCIL PRESIDENT GAMBER Mr. McCune, would you like to call Aane Aaby forward to answer Mr. Peters question?

COUNCILMAN MCCUNE – Yes, we'll call Aane Aaby forward for Mr. Peters' question.

COMMUNITY DEVELOPMENT AANE AABY – I'm trying to find it but I think when the planning commission was discussing that it had stated somewhere in the regulations that the purpose of this was to permit a person to lower their energy costs on their property through erecting a windmill system. So that's what they thought the purpose was it wasn't really to they had a question about a wind farm or what if some entity wanted to construct one and provide power to a grid or you know for a whole area and they thought that would be a separate type of regulation other than what this was.

COUNCILMAN MCCUNE – Mr. Aaby is correct the intent of this and the concern of the planning commission intent of this ordinance was to offset power costs to private individuals and for small businesses for personal use. There was a question during the hearing last week about the potential for wind farms and it was felt that would be a much broader subject and we'd have to address that issue at that time. Really after much discussion we didn't really think there was any where in the city that could support a wind farm. So as far as businesses selling off power generated from these small turbines windmills if you will it just wasn't felt that that would be feasible. So does that answer your question?

COUNCILMAN PETERS – Yeah.

COUNCILMAN MCCUNE – I believe because of the revisions we'll have to take this back to first reading am I correct Mr. Stergios? (Correct)

COUNCILMAN MCCUNE moved to amend Ordinance No. 28 – 2009, seconded by Councilman Maier.

COUNCIL PRESIDENT GAMBER Mr. law director?

LAW DIRECTOR STERGIOS – There is a small typo which I just noticed so if we're amending it might as well correct that also under (c)(1)(j) says lighting for the tower for aircraft and helicopters. We'll just call that a typo so we're amending it we might as well do that too.

COUNCILWOMAN CATAZARO-PERRY – I did have a question Mr. McCune about is there a permit fee in order to build I mean where are we at with as far as fees for this?

LAW DIRECTOR STERGIOS – I am assuming that it's not anything in the ordinance but I would think if you still have to take out a building permit and pay the fee under our regular part of the building code based on the value of what you're building.

COUNCILMAN MCCUNE – Correct, everything as far as construction would go along the same guidelines as anything else in the city, site plans, so on and so forth.

COUNCILWOMAN CATAZARO-PERRY – Do you think it's listed since this is so new that maybe we should look at that and add that to our building code?

COUNCILMAN MCCUNE – I don't know what do you think, Perry?

LAW DIRECTOR STERGIOS – I think its worth looking at but I would rather do it in a separate ordinance I guess.

COUNCIL PRESIDENT GAMBER Item 2 indicates that there's an application process involved with the Board of Zoning Appeals. So whatever the existing code is would cover that application.

LAW DIRECTOR STERGIOS But if that's something you wanted to do we could do another section in the conditionally zoning part that says what the fee is for this if...

COUNCILMAN MCCUNE – When I was reading I thought (b)(2) would cover that but if you think that it would require a separate ordinance we can do that.

LAW DIRECTOR STERGIOS Well, we'll look at it and let you know what the fee is and then you guys can decide if you want to make it a different fee or whatever. So...

ORDINANCE NO. 28 – 2009 WAS AMENDED BY A ROLL CALL VOTE OF 9 YES.

COUNCILMAN MCCUNE moved for suspension of the rules and passage, seconded by Councilman Mang.

COUNCIL PRESIDENT GAMBER I'd like to call the law director forward. Do we require three readings on a zone change since its going back to first reading.

LAW DIRECTOR STERGIOS Aane Aaby and I discussed it and we came to the conclusion that since planning commission gave us basically their blessing to make those changes or not make them and stated that it did not have to be sent back to planning commission. We made the decision that we could suspend the rule and we don't have to have another public hearing.

COUNCIL PRESIDENT GAMBER Very good.

The rules were suspended by a roll call vote of 8 yes, 1 no. Peters voted no.

ORDINANCE NO. 28 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. PETERS VOTED NO.

.SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 33 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from

I-1 Light Industrial to R-1 Single Family Residential.

COUNCILMAN MANG Public hearing is scheduled for April 6th at 7:00pm; second reading.

ORDINANCE NO. 33- 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 34 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of community reinvestment area in the City of Massillon, Ohio, designating a housing officer to administer the program, and creating a community reinvestment housing council, and declaring an emergency.

COUNCILMAN MANG I received a note from Mr. Aane Aaby for direct relationship to the CRA. The mayor has asked the body to consider changing the boundaries on the CRA which would add to the district the Longfellow Mills residential. So we will give it a second reading tonight and we'll have it up for discussion at the work session.

ORDINANCE NO. 34- 2009 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

COUNCILWOMAN CATAZARO-PERRY – I would just like to commend and congratulate Barb Miller she was a registered nurse that worked at the health department and she previously or just recently retired. She has done an excellent job and served our city well. So I'd like to congratulate her.

COUNCIL PRESIDENT GAMBER I have one housekeeping duty I passed a form regarding email addresses. If you would please sign that and mark your preference for the email that you would like us to use officially. Just slide those around here to Councilman Slagle so we can collect those after the meeting. If you would all take a moment now and do that.

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

LOUIS SHURMAN – At 1319 Walnut Rd SE in Massillon. I'm here on behalf of myself and my neighbors to talk about the city's basically it's a misuse of my tax dollars for destroying the most precious part of our infrastructure our homes. They're applying for a grant under the name of the Neighborhood Stabilization Program the intent of which is to help the city's foreclosure crisis. That's the underlining principle of that grant and the city is going to use that money to demolish 60 homes basically to take them out of reach of people that could use them that would be available to those affected by the foreclosure crisis. Now I'm 70 years old I work 6 days a week, 7 days if you're talking about travel time in there and I've lived within my means I always pay my taxes. I didn't have any problem with foreclosure because I didn't get in over my head but thanks to the tax dollars that they're using my money for on this neighborhood street grant money I now have a problem because I'm in the cross hairs of losing my home; me and my neighbors. I'm one of the sixty homes and the other home that they've got was in the family has been in our family about 80 years. This I got notice of this by the article in the Independent because I'm out of town most of the time. I noticed that they showed five houses in there on that page and I looked them over you might if you've got the time take a peek at the five houses in those pictures. The thing I noticed they're talking about run down houses they want to knock down the homes all have the ones that I could see aluminum trim they've got aluminum sulfite on them they've got rod iron railings that go over cement steps and porches very solid structures. One of them would qualify probably for protection under the historical society it's a Jefferson style architecture that's pretty hard to find. The other one is a brick building which could be rehabbed pretty readily. But these homes with just a little bit of effort can be rehabbed and they'd make fine homes they've got character they're really not in that bad of shape. Now I know in the Persser administration in Canton I'd like to this on the radio with some interest this is about 12 years ago they got some money from the federal government to put in the Belden exist there at Route 30 and they wanted to do this neighborhood clean up thing. So they took

way more homes than they needed to because they got the money to do it and they broadcasted city council meetings on the radio then. You could listen to them and long after that there were people coming in and complaining that had been displaced by this program that they had their houses paid for they had a place to come home to and they just got swept out. I would listen and the council people you could say would listen and then they would be reminded their three minutes was over and they keep coming back for few times and then that's it. Well, if you look at that area today this over twelve years later yeah, they have the cookie cutter homes and they've got the city is taken of then because they're vacant. There isn't anybody there that can really afford them and they've got no programs to put people in and the city's spending a lot of and they're not getting the tax money out of it. They're pouring a lot of money into these houses because even though they're supposed to be moderate middle income homes they've got central air and stuff like that and the favorite target of the thieves is to get the central air column that's on the outside that's worth a couple hundred bucks worth of copper. They were taking aluminum siding off when they had aluminum siding. They're still vacant today just drive over the Belden exist of the 30 and you can see you drive past it obviously. They did clean up the neighborhood they swept those people out of there but and we know that the cities can do this we know that the plan for Massillon they're going to have \$600,000.00 in legal aid set aside. You know how are we going to fight something like that. I know in the City of Canton you can go to the Board of Building Appeals and they were they had the skids greased on rubberstamping knocking their homes down. I mean you're in a catch 22 situation anyway if you put yourself in that boat you have to abide by the outcome of what the building appeals people say and you know they're going to say you know knock it down. You can go the legal route but in this case our tax dollars have given the City of Massillon \$600,000.00 in the legal war chess to fight against us. So I'm against I'm damn mad about it my neighbors are mad about it we'll do what we can. I figured I'd do what I can and I appreciate you listening to me on this.

COUNCIL PRESIDENT GAMBER Mr. Shurman, may I ask a question? Is this your primary residence that you're talking about?

LOUIS SHURMAN – Yes. The one next door is primary residence for my cousin that's been that one has been in the family for 80 years. I'm not in town I'm say I'm in town that much because I do have to do a lot traveling and I've got a few relatives that are sick in Pennsylvania that I spend time with. But I mean...

COUNCILMAN TOWNSEND – I would like to ask him a question. I just want to get some clarification are you saying...

COUNCIL PRESIDENT GAMBER Do you mind answering questions, Mr. Shurman?

LOUIS SHURMAN – Pardon?

COUNCIL PRESIDENT GAMBER Do you mind answering questions?

LOUIS SHURMAN – I welcome questions.

COUNCILMAN TOWNSEND – I just wanted to get some clarification are you saying one of the homes that was listed in the newspaper you currently live in?

LOUIS SHURMAN – Yeah, well it's more than yeah, yeah, to answer your question, yes and there's more than one that they're occupied. These are not unoccupied homes that your talking about taking away from people. And follow up on that on the unoccupied ones the reason in the paper they said was to clean up the neighborhood. Well, improve the neighborhood if you have unoccupied home and they're in the fine condition that I saw in those pictures its not going to help the neighborhood by putting a weed lot in there or putting maybe another cookie cutter home in there that will still remain unoccupied like it is in the City of Canton. It's not going to bring people back in there.

COUNCIL PRESIDENT GAMBER Thank you, Mr. Shurman, we appreciate you coming. The mayor has indicated that he would like an opportunity to address this.

MAYOR CICCHINELLI – Mr. Shurman, I also share your frustration with the article in the paper. I'm not criticizing the reporter but the list that you're referring to I was a little angry when I saw the list because what has happened is what you're experiencing and what you have stated. The City of Massillon has historically at least under my administration we very seldom tear homes down. We probably on an average tear four, five, six homes down a year. That's not a lot for especially for the age of some of the housing stock. It's also a last resort we never decide to tear a home down unless there's absolutely no hope in trying to salvage that house and save that house. So its sort of the last thing that we do and we pride ourselves in that because we do have programs that help and revitalizing and renovating homes. Because everyone can't afford a new home and some people desire to live in more established older stable neighborhoods. The money that you're referring to when and we think its going to do a pretty good job for the City of Massillon because there are some buildings that need attention. But when they published the amount I mean there's a whole list most of those homes most of those properties and we believe that one of our code enforcement officers at the request of the local Independent reporter gave them a list of properties that there maybe been some complaints about they would have on file. But I can assure you that we are not going to tear down every home that appeared on that list. It's always the last resort and if the property owner cooperates with us and works with us and deals with the problems that exist in these homes then there really isn't going to be any problem. The \$600,000.00 I'm not sure where you're getting that legal aid I don't understand that comment about legal aid or legal assistance.

LOUIS SHURMAN – It was a fund set aside for the legal processing of this and this during notification of the residents and going through the process of building appeals and the courts.

MAYOR CICCHINELLI – If the property is going to be torn down? (Yes) Well, again we haven't even gotten this money yet and we have a pretty good idea of what we want to do with the money. But I can assure you that the last thing we want to do are to tear homes down. That's going to be our last resort and its going to be after it goes through code enforcement and I'm sure most of the properties that appeared in the paper had some type of code enforcement already there or it wouldn't be on the list. But we knew this was going to happen because and believe me we have taken many phone calls in the administration concerning that list. We wish it wouldn't have been printed but the Independent asked for it its public information and it was printed. But I don't think there's anything you need to worry about as long and I'm not familiar with the two homes that you have but if there's just minor violations then we'll be more than happy to work with you because we agree there's a lot of beautiful homes and we want to save as many of them as possible. We go as much the distance as we can in saving homes and the proof of that is the number of homes we tear down a year which is like a mentioned before.

COUNCILMAN MANG – Mr. Mayor, have you had any conversations with the Independent about putting an article together about the process. I've had several phone calls and one of the homes that was on the list has already lost a tenant. Because they anticipate that they better look for someplace to go. So you know there is a way that we go about this notifying property owner that his property is going to do whatever. I think it would help us if the paper would work us in getting out something it doesn't have to be 28 pages long. Just a few statements about what's out there and what could happen and what will happen and what won't happen and talk about the four, five that we've taken down over the number of years. But these people called me they had violations I'm not arguing that at all but not to the point that it was talking about a demo on their home. It was things like it needed a paint job or you know something of that nature. But I threw that out for what its worth.

MAYOR CICCHINELLI – Well, that makes a good suggestion Mr. Mang. I'll talk to Matt and see if he's willing to do an article a follow up article. I think sort of in defense of everyone this is a new program that the government is instituting as you well know the foreclosure problem across the country is massive. I think seeing that this is a new program trying to work through that issue and that severe problem there's going to be some growing pains. But maybe they will do a follow up article and we can somehow explain because we already know basically what we want to do with these dollars because in filing the application you have to put down what you could spend the money for. Even with how you analysis it and list what you want to do with the money if you spend less money on demolition then those dollars can be moved to the other column for more renovations or more acquisitions or whatever it ends up being. So we agree with you and we apologize for the misunderstanding but it really wasn't our doing but we

understand how it all happened.

COUNCIL PRESIDENT GAMBER Mr. Shurman, we appreciate you bring this forward to us and I'm very happy I think it shows how responsive city government is opposed to county or state or national government. You showed up, you made your comments, I hope your satisfied with the answer and hopefully you'll be even more satisfied with the action that comes out of this. Are all those email forms sent over? Alright.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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