

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, APRIL 20, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, April 20, 2009. We have in attendance with us this evening: Mayor Frank Cicchinelli, Auditor Jayne Ferrero, Law Director Perry Stergios, Engineer Keith Dylewski 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 PAUL MANSON – Gave the invocation for the evening.

**3. PLEDGE OF ALLEGIANCE**

COUNCILMAN PAUL MANSON – Chairman of the Finance 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.

COUNCILWOMAN CATAZARO-PERRY – Yes, the minutes do not reflect the actual I guess all the whereas' in the presentation that Mr. Graber gave at the last meeting. Now the conversation between the Mayor and Mr. Graber were apparent in every single sentence so I think the minutes need to be corrected.

COUNCIL PRESIDENT GAMBER Alright, I did receive a copy of an email that Mr. Graber sent. It's a general practice when someone submits written materials that those are submitted and appended as part of the record. Our minutes did state that he submitted documents that were part of the record. The official records of this body are over in the drawer there. What appears online is a convenience and there's a disclaimer at the beginning of the website that says "this is not to be taken as you know an authentic document". It's a convenience. I did however ask the Clerk to go ahead and scan those documents and put them. There's no need to and we haven't done it before but since it seemed to bother him I went ahead and made that change.

COUNCILWOMAN CATAZARO-PERRY – Great, I appreciate that. Thank you.

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

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 67 – 2009 BY: PUBLIC UTILITES 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 Range Resources Appalachia, LLC, and declaring an emergency.

COUNCILMAN MAIER – First reading..

ORDINANCE NO. 67 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 68 – 2009 BY: FINANCE COMMITTEE

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

COUNCILMAN MANSON Yes, we discussed this at last week's committee session. We're preparing an ordinance to transfer from the muni motor vehicle fund \$40,000.00 to supplies and materials. These are needed to purchase materials for the street. If there's any questions I'll try to answer them and I intend to waive the rule.

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. 68 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM GIANT OHIO LLC DBA GIANT 425 2711 LINCOLN WAY E & GAS PUMPS MASSILLON OHIO 44646 TO BHAU MART INC DBA GIANT 425 & GAS PUMPS 2711 LINCOLN WAY EAST MASSILLON OHIO 44646

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM MARSHS MAIN MART LLC DBA MARSHS MAIN MART 2304 MAIN AVE W MASSILLON OHIO 44647 TO B & L TREVOR LLC DBA MICHELLES MAIN STREET 2304 MAIN AVE W MASSILLON OHIO 44647

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR TAMARKIN CO DBA GETCO MASSILLON #3152 2046 LINCOLN WAY EAST MASSILLON OHIO 44646

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE MARC GLASSMAN INC DBA MARCS MASSILLON AMHERST 1413 AMHERST RD NE 1ST FL & 2ND FL LOFT MASSILLON OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

A. REPOSITORY - \$450.20

COUNCILMAN MANSON I move that we pay the bill, seconded by Councilwoman Catazarro-Perry.

Roll call vote 9 yes to pay the bill.

#### 10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2009 COPY FILE
- B). TREASURER SUBMITS MONTHLY REPORT FOR MARCH 2009 COPY FILE
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2009 – COPY FILE
- D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR MARCH 2009 – COPY FILE
- E). WASTE DEPT SUBMITS MONTHLY REPORT FORMARCH 2009 – COPY FILE
- F). MAYOR’S MONTHLY REPORT FOR MARCH 2009 – COPY FILE
- G). MASSILLON CITY HEALTH DEPT 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 will meet on Monday the 27th for the committee work sessions. Is there anyone who has special request, resolution or any report to bring forward?

COUNCILMAN MCCUNE – Yes, I requested that the law director draft a resolution regard to the funding of the court system and that the legislation request be attached to that so council can send to our state legislatures to hopefully begin the process of changing the splits in the way that the court system is funded in the hope of taking some of the burden off the taxpayers of the City of Massillon.

COUNCIL PRESIDENT GAMBER Does the law director have the information he needs?

COUNCILMAN MCCUNE – I believe so we spoke, we spoke a little bit ago and we shared a couple of emails on the subject.

COUNCIL PRESIDENT GAMBER Alright, anyone else.

COUNCILMAN MCCUNE – I’m not done. (Oh I’m sorry) I’ve also requested that we draft a resolution that will recognize the local fire fighters that have that assisted our fire fighters in the fighting of the downtown Easter Sunday fire that really could have cost us an entire city block had they not done an outstanding job as they have. That will be on the agenda for the work session Monday. Both of those.

COUNCIL PRESIDENT GAMBER Alright, very good. Are you finished?

COUNCILMAN MCCUNE – Yes, I am.

#### 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

#### 13. CALL OF THE CALENDAR

#### 14. THIRD READING 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 HERSHER – This is our third reading of this ordinance. It will allow the city

to enter into an agreement with Massillon Main Street to provide grant assistance to downtown property owners. Obviously with the events of last Sunday I don't think we can overstate the mission of Massillon Main Street. It is comes from fiscal year 2008 CDBG money and will be used to tide them over really until the fiscal year 2009 funds are available. So if there aren't any questions I'll be glad to get them answered. Otherwise being that we've given this three full readings I'd like to pass this, this evening.

COUNCILMAN HERSHER moved to bring Ordinance No. 39 – 2009 forward for passage, seconded by Councilman Mang.

ORDINANCE NO. 39 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

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, this is the third reading I have not heard anyone being negative on this. I haven't heard any comments so I'm going to bring it up for a vote tonight and I'm going to vote for it.

COUNCILMAN MAIER moved to bring Ordinance No. 40 – 2009 forward for passage, seconded by Councilman McCune.

ORDINANCE NO. 40 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

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 – Yes, it is also third reading and I have not had any complaints on this ordinance. I would like to bring it up for consideration for a vote also.

COUNCILMAN MAIER moved to bring Ordinance No. 41 – 2009 forward for passage, seconded by Councilman Peters.

ORDINANCE NO. 41 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

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

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

COUNCILMAN PETERS – This has been so long since I brought it up I also forgot about it. This is an ordinance to vacate a portion of Sweetleaf Circle approximately 50 foot wide right-a-way located on the north side of Sippo Reserve Drive NW, east of Manchester Road. The request is to vacate that portion from the north side of Sippo Reserve Drive approximately 115 feet in a northern direction. The said property will be replatted with the adjoining lots on either side of the street. The applicants are Nathan and Tig Held and David and Jennifer Jaquay. Approval of the vacation was recommended by the Planning Commission on October 8th 2008 and said vacation is hereby approved and adopted. I'm going to move if there any questions our engineer Keith Dylewski is here he can answer any questions. For those of you like myself who might have forgot some things when we discussed this. If not we'll move forward for its passage.

COUNCILMAN PETERS moved to bring Ordinance No. 42 – 2009 forward for passage, seconded by Councilman Townsend.

ORDINANCE NO. 42 - 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

.SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 48 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the agreement between the City of Massillon and Alco Industries, dba U.S. Chemical & Plastics, under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

COUNCILMAN HERSHER – Second reading.

ORDINANCE NO. 48– 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 49 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the agreement between the City of Massillon and Robert J. Matthews Co./Filters, Inc., under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

COUNCILMAN HERSHER – Second reading.

ORDINANCE NO. 49– 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 50 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE repealing Ordinance No. 150 – 2001, and rescinding the Enterprise Zone Agreement with Crown Cork & Seal Co., and declaring an emergency.

COUNCILMAN HERSHER – Second reading.

ORDINANCE NO. 50 – 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 51 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE repealing Ordinance No. 148 – 2003, and rescinding the Enterprise Zone Agreement with Ring Masters LLC., and declaring an emergency.

COUNCILMAN HERSHER – Second reading.

ORDINANCE NO. 51– 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 52 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE repealing Ordinance No. 67 – 2004, and rescinding the Enterprise Zone Agreement with Ohio Packaging Corp., and declaring an emergency.

COUNCILMAN HERSHER – Second reading.

ORDINANCE NO. 52– 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 53 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE repealing Ordinance No. 152 – 1999, and rescinding the Enterprise Zone Agreement with R & D, Inc., and declaring an emergency.

COUNCILMAN HERSHER – Second reading.

ORDINANCE NO. 53– 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 54 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications.

COUNCILMAN HERSHER – This ordinance was subject of a public hearing tonight at 6:30pm. Before I give it second reading I just wanted to say that it was humbling to hear the stories of the services that these different groups provide to our community and what a great benefit they are to our city. So we'll also give this one second reading.

ORDINANCE NO. 54– 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 55 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE approving an amendment to the City of Massillon's FY 2008 Community Development Block Grant Program Annual Action Plan, authorizing the filing and execution of the amendment, and declaring an emergency.

COUNCILMAN HERSHER – Second reading.

ORDINANCE NO. 55– 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 56 – 2009 BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into contract agreements with Variety Attractions, Inc., L & B Entertainment Inc., and other companies for various engagements for the 2009 summer concert series, and declaring an emergency.

COUNCILMAN TOWNSEND – I believe at the last work session there were some discussion about the amount of money that the city may be responsible in paying if we put this event on. I know last week no one showed up with those numbers. I don't know if the auditor or the mayor has those numbers tonight but if so...

COUNCIL PRESIDENT GAMBER Would you like to call either one forward?

COUNCILMAN TOWNSEND – Whoever has those.

COUNCIL PRESIDENT GAMBER Mr. Mayor?

MAYOR CICHINELLI – We, I think it was at a work session previously to the meeting last council meeting and I did have these figures last council meeting. I thought I was going to be asked the question at that time. I do have the numbers for you. Just a couple of FYI's this is the 11th year of our summer concert series. In the past most of the time they averaged in total cost I'm talking just the acts anywhere between \$90,000 and \$105,000. In anticipation of the economy what we decided to do as a committee and there is a citizen's committee that meets periodically to work on these concerts. We knew that we could be facing some situations whereby some of these dollars may not be coming in as rapidly as they were in the past. So we cut back the concert series first of all we only have nine concerts scheduled and most of the time there were nine, sometimes there were ten. So it went back to nine, the total cost for the summer concert series is around \$46,000. The Monday night concerts out here in Duncan Plaza they're estimated to be around \$3,600, \$3,700. So just in round numbers it appears that both concert series will cost around \$50,000. We are extremely confident that we'll be able to raise those dollars. There was a conversation or conversations concerning the extra costs it is true that in the past we did have a police officer stationed at the stage area to for any for protection basically. We, I've talked to the police chief what we're going to do this year is if council agrees is not to have actual policemen at the concert site. The concerts are held of course here in the downtown area it makes a lot of sense to have policeman coming through the concert area but they'll be on staff or on shift. So in essence they're not going to be stationed there they'll just do a couple

walk thru when after the collection is held then we will have arranged that someone will call through the dispatch someone to come and get the money and then the money is then put in the safe in the police department until the following day. So we will not have any money associated with the concerts concerning the police protection per say. It averaged around \$4,500 is what it has been in the past so we're going to save that \$4,500. The street department cost is again around \$4,500 so totally for just the summer concert series we're talking we have been talking less than \$10,000 of additional cost in the past. This year we feel very confident that we can raise that extra \$4,500. The reason I feel confident is as of today we have around \$25,000, \$26,000. There is another pledge of \$8,000 from Aqua Ohio and we talked to Mr. Purtz today and that check is forthcoming but hasn't been mailed yet. So simply math we really have made a major dent into the total cost of around \$50,000 for this concert series. Now keep in mind we would like to have this legislation passed because in order to continue to try to get more money folks that are donating have to know for a fact that we are going to have concerts. So we've been getting additional dollars in but this will help us once we enter into contract. It also doesn't include the dollars that will be collected at the concerts themselves. So in the past they have you can go back each year anywhere between \$16,000 and \$23,000 has been collected at the actual concerts. So we feel confident that we can certainly collect \$50,000 and hopefully have a few dollars leftover for 2010. But I think that pretty much summarizes the whole situation. So the sooner we can enter into contract with Variety the better it is so we can get some of these dollars that we know are out there.

COUNCILMAN TOWNSEND – So currently with the \$8,000 donation we are looking at \$33,000 possibly?

MAYOR CICHINELLI – Yeah, if you look at your cash report it shows I think \$20,000 or \$21,000. There is \$5,000 we had before and that's sort of been encumbered so if you add those two together the monies are there. But there were some dollars that we had collected previously because we had sent letters out after the first of the year. Then with money not coming in that's when we had some discussions possibly of not having them. Of course, collections dropped so with the \$8,000 that we know we are going to get because Aqua Ohio has pledged that. If you remember in order to get the concerts back on track what we did is go out and found three companies that would donate \$8,000. Because we figured if we get \$24,000 it's already been collected we'd been in pretty excellent shape and we accomplished that with getting those dollars. So yeah it goes up its \$32,000 - \$33,000 and we feel confident we'll get more money in. But we have to get moving here this is already almost May. So...

COUNCILMAN TOWNSEND – If the city doesn't receive anymore donations will we be responsible to cover the rest?

MAYOR CICHINELLI – Yes, if we if collections stop and I've already told you what its going to cost to run those or have the concerts this year. Yes, once the contract is signed the city is committed to that contract. But I think if you look in the past we have always met our goal this is the 11th year we've always come up with the money and we feel pretty much certain that we will come up with these dollars. You have to remember Mr. Townsend that we're going to collect at the minimum \$15,000 hopefully and that's hard to predict only because you don't know what the weather is going to be. But normally we say conservatively \$15,000 you add that and those numbers are very doable. We're not we feel confident that we can cover the cost of the street department. So that's why I rounded out it to about \$50,000 because the actual concert cost is \$45,700. So I just rounded it out and you add that together and I just said around \$50,000. I think that's doable and I feel confident with our track record that we can get those dollars.

COUNCIL PRESIDENT GAMBER Mr. Townsend?

COUNCILMAN TOWNSEND – No more questions.

COUNCIL PRESIDENT GAMBER Mr. Maier?

COUNCILMAN MAIER – Yes, a couple questions here. How many people do you think will be at each concert then, Mr. Mayor?

MAYOR CICHINELLI – That is a difficult question to answer. The series that we have this year other than Glen Miller and Mike Albert who does the Elvis impersonation I think and the VanDells those three will probably have the largest attendance if we go by pass track record. However, what's happened is with some of the local bands or regional bands like LaFlavour and First Class and Tailor Made Classics it appears that they have a good following. So we you can go back and estimate and these attendances are always estimated. So we're not going get any that is going to approach 8,000 but I think we'll get anywhere between 1,000 and 5,000 for these concerts. And I'm talking people and as far as dollars I think we can we're going to really push it hard at the concerts that if they want these concerts in the future they're going to have to support them even more. I think anywhere from 1,100, 1,200 to 3,000 is very possible.

COUNCILMAN MAIER – So you're saying that there could be up to 5,000 people at a concert and we could collect over \$3,000 and it's not prudent to have our police department there?

MAYOR CICHINELLI – The police department will be there you have to remember first of all these concerts are held downtown. I don't think its necessary and I've spoken with the chief and he agrees to have someone stationed there. The concerts are held on Lincoln Way and the concerts are held on First Street, Mr. Maier. I think that's sort of I mean right in front of the police station so we really have...

COUNCILMAN MAIER – In Jackson Township they had a murder in front of the police station a few years ago. So...

MAYOR CICHINELLI – Yes...

COUNCILMAN MAIER – I'm not saying that our police department doesn't do a great job because they do. What I'm saying is if we're going to have 5,000 people and have \$3,000 in cash walking around you know we could have a purse snatching type thing. I just think it's prudent to have somebody there to guard that money number one and make sure that everyone is safe number two.

MAYOR CICHINELLI – Well, again I think I've spoken to the chief and he feels very confident that we can do it this way. That's why when you talk with estimated numbers you don't know if it's going to be a crowd of 5,000. We're not getting a national band from the 70's or the 80's which will attract the larger crowds. If you look at our list most of them are local regional bands which cuts your crowd but also cuts the amount of money that you can get. So what we're going work very hard on coming up with additional dollars prior to the concerts and have most of this money collected. But as far as police protection like I said they will pass through the chief will determine how many times they pass through and when they're ready to collect then we will have someone designated to call dispatch to get the police there if they aren't already there in the pass through to take the money to the police station. So I think we're concerned about protection too but I think we have it pretty well covered too.

COUNCILMAN MAIER – Okay and you said you were confident that we'll get the money and we do have a citizens committee that works on this?

MAYOR CICHINELLI – Yes.

COUNCILMAN MAIER – Okay, why don't the citizens committee run the concerts and we get out of it and then we're not on the hook for it if we're confident we're going to get the money. Citizen's committee can sign the contracts and we don't have to worry about it.

MAYOR CICHINELLI – We don't have the well because it's been done this way and it should continue to be done this way. We don't have the necessary connections to sign bands. We might have several talents but certainly not one of them. So we need someone that is a professional that does this and Mr. Curtin does it for a living and does a great job and each year has come with a pretty diverse summer concert series. I think they're a great additional to downtown and to the City of Massillon and I think the City of Massillon should be involved. After all one way or the other if you know anything about these large events that you have downtown if you don't think the city's involved then you're full of yourself. Even though we may not be the actual

sponsor the city's directly involved with all activities both in the downtown area and the large events at the Stadium. So we feel confident that we like it the way it's done and it seems to work well for our citizens and they're well attended as I'm sure you probably know.

COUNCILMAN MAIER – I just don't feel comfortable personally Mr. Mayor, with us being in a 2 million dollar plus deficit and we may have to lay people off for the city to be involved in something I think we should completely support a outside committee to do this. But for us to put money up for it I think that's not that's not responsible on the city's part when we may have to lay people off. That's just...

MAYOR CICHINELLI – What money are we putting up?

COUNCILMAN MAIER – This \$50,000, if we can collect \$50,000 maybe that will save somebody's job.

MAYOR CICHINELLI – It's not either or...

COUNCILMAN MAIER – I realize that.

MAYOR CICHINELLI – It should be I mean first of all there's nothing wrong with having activities. The person that is responsible for laying people off has not mentioned that at all in the news media. There have been council members that have mentioned that on several occasions. So I have not ever mentioned that. The only thing I've ever said is that everything is on the table for discussion. At the same time you know that we're in discussions with our unions. So I don't agree with the idea that well if we're having some financial cash flow problems that the city comes to a screeching halt. There are many activities that many people appreciate that we have and many of those citizens are residents of Massillon. The concerts are one of these things they've taken off you know the July 4th celebrating is another one of those things. I don't think we should cancel activities where the citizens of Massillon can be entertained. You know government is supposed to do as much as it can to assist people and I think this is a perfect example. But I think what I'm telling you is that there are no city dollars and I would hope that the same criteria that you have established tonight is established consistently. I think you're going to find out if you use that philosophy there are many costs associated with a lot of these larger activities. I don't know if you're saying Mr. Maier that those committees that put those kinds of activities on are going to be responsible to pay 100% of what the city spends. Because I don't think they'll be in the position to do that. Tonight I bring to you a proposal that 100% of the cost is going to be paid for by donations. So hopefully the same criteria is established for everyone else. But I caution you that if you do that there's going to be some folks that are going to be very disappointed. Because for example in the major car show that we have downtown there's a lot of costs associated with that. The proponents of that car show through the years have given more money and more money but there's still an outlay of dollars that we have for that. The same with the Fourth of July that's going back up to the Stadium; same with that. Those organizations especially the July 4th group you know we have agreed to give \$5,000 of city dollars to support them. I think that's a good thing but they're still going to need additional dollars for police protection because of course you have several thousand people attending those activities. So the community shouldn't stop participating or having these festivities because I think they all serve a purpose. I'm very concerned I've said from the beginning about the financial situation but we knew all that coming in. But by canceling things like this especially something like this that's a 100% paid for I think that would be ludicrous to do that.

COUNCILMAN MAIER – So you're saying that there won't be any layoffs this year?

MAYOR CICHINELLI – That has something to do with the concerts I thought we were talking about the concerts.

COUNCILMAN MAIER – Well, you said that you never said that and the papers said it...

MAYOR CICHINELLI – I said everything is on the table but I have never mentioned the word layoffs. What you have to understand is that when you're in negotiations with various labor groups what is reported in the newspaper or what is said by any elected officials certainly has an

impact. What I said is that you mentioned layoffs all I said is that word has never what I did say is everything is on the table without specifying that yeah layoffs are going to occur. Because I'm the one that makes that final decision and that decision has not been made yet. At the same time we are talking with our various employee organizations and I think we would be remiss to for both the taxpayers and our employees to really get into this kind of discussion at the present time because we are negotiating.

COUNCILMAN MAIER – And I'm not saying layoffs are going to occur either I hope to God they don't. You know I believe that we have to be fiscally responsible as much as we can. We are not a 100% in this fund right now and you're saying we will be and you know I have to believe that you've done this before and you know where some things are coming from. I'm just really concerned about our fiscal picture right now.

MAYOR CICHINELLI – Well, I think we all Mr. Maier, but I don't think having the concerts series is going to matter either way. So we need to have you know there's something to be said about having entertainment for our citizens as a release. You know this city is struggling right now financially there are many people in our community that are struggling financially and if they have a way to release themselves like coming to a concert that has been proven to be a pretty excellent method of entertainment I think we would be remiss just for same reason we would be remiss if we didn't help the July 4th committee and the car show folks. So I think that's what separates Massillon from a lot of these communities that we have these kinds of activities and people enjoy coming downtown. I think our track record speaks for itself and we will raise that \$50,000.

COUNCILMAN MAIER – Thank you.

COUNCIL PRESIDENT GAMBER Mr. Hersher?

COUNCILMAN HERSHER – Mayor, I understand that you stated that the committee would like to have the contracts signed is there a drop dead date a date at which point they couldn't be signed and the show couldn't go on so to speak. Do we have two more weeks to give this second reading tonight? If we have it perhaps I think you know we talk about fiscal responsibility and I think two more weeks would bring the check in hand from Aqua and would maybe allow us to better gauge where the fund raising efforts are and where things stand. So is that...

MAYOR CICHINELLI – Well just keep I mind and if that's your wish Mr. Hersher I certainly would support you on that but the calendar is ticking here. We're already at the end of April the first of meeting in May is May 4th so and the concerts are the week of I think it's the 17th the week of Fathers Day.

COUNCILMAN HERSHER – That's what I'm asking is it feasible is it possible to still be able to do it?

MAYOR CICHINELLI – Yes.

COUNCILMAN HERSHER – Okay

MAYOR CICHINELLI – Keep in mind though every time we delay every day that we delay it's hard to get those dollars to come in because they're aren't sure that they're going to have the concerts. Are they going to just give donations? So...

COUNCILMAN HERSHER – Thank you.

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Mayor, Mrs. Ferrero came to us and said that the past year the expenses were \$50,000. Now tonight you're telling us they're \$9,000 that's a huge difference I know you've cut back on the concerts how did you come to that difference?

MAYOR CICHINELLI – Well, I can't speak for the auditor but I think what happens especially in someone in her position when she deals with numbers every day its very difficult. I think what happened is she someone either gave her that information in her office or she got the information herself which happens all the time. Any good auditor has competent people working for them but I think what happened was they took the total number of that was used for a variety of things in overtime. When you ask for overtime its in one part of our budget specify within each department. So she probably had the total number she can speak for herself better than I. But that number that was quoted involved a lot of other things too. It involved people believe it or not are working snow that we had that was included in that \$50,000. It had nothing to do with concerts. So it was an inclusive number the numbers that I gave you tonight are the accurate numbers \$4,500 for police approximately \$4,500 for street. But in defense of the auditor that was an all inclusive number and that was I think was said at a work session so I wasn't there. I don't know what context the question was asked. But its \$9,000.

COUNCILWOMAN CATAZARO-PERRY – Now the auditor has stated that she and you disagree on this subject on sponsoring the concerts. I just wanted to know where that situation is at now and is she in support of the concerts and she's here can speak for herself. But I would like to know if that's ratified because she said you both have a different opinion on this.

MAYOR CICHINELLI – Well, that's certainly I can't speak for her she's sitting right behind me I guess she can...

COUNCIL PRESIDENT GAMBER We can to the auditor shortly. While the mayor is up do you have other questions for the mayor?

COUNCILWOMAN CATAZARO-PERRY – Well, you know I too like Mr. Maier very , very, concerned you know we've had no communication as to what the plan is for the rest of the year and that's a concern to me. We were supposed to have finance meetings that haven't occurred to clue in council as to you know what your thoughts are what the administrations thoughts are including safety service director. I do think that these have an impact on you know people lives and peoples jobs. So you know I think we should ask you what is the plan for the year and where are we going to come up with the \$2.2?

MAYOR CICHINELLI – Do you want met to answer that Mr. President or?

COUNCIL PRESIDENT GAMBER We're discussing the ordinance for the concerts.

COUNCILWOMAN CATAZARO-PERRY – It pertains to it because we have to make a decision on the concerts and if we don't have the whole picture its very hard to make a decision.

MAYOR CICHINELLI – How, I guess my question to you is what does a \$50,000 concert series that will be paid for by strictly donations, strictly donations have to do with budget shortfalls in some of our departments. I don't understand what that really has to do...

COUNCILWOMAN CATAZARO-PERRY – Well, we don't have the money in hand that's what you're promising it but we are signing a contract guaranteeing the funds and we don't have the money. It's hard times right now.

MAYOR CICHINELLI – In the past you have signed contracts with lesser dollars in fund for Variety. What I'm telling you is that we will raise those dollars so but it really has nothing to do with the concert series versus a budget situation. So again I hope the close scrutiny apply to all concerned by a couple members of council with other activities that do require participation with the city. Now I'm on record as to supporting those but again make sure that everybody's consistent in their thought processes. I think this is more of an attempt just to try not to have the concerts it really has nothing to do with budgets or anything like that. This is just a silly attempt to not have a concert series that's not paid for by the city. I just don't get that even if we were participating with the \$5,000 from parks and rec. that we had previous years then I say we have a tie in. But if I'm telling you and the track record shows that we have never come back to this body for any dollars to subsidize this concert series and I'm telling you ahead of time and it appears that more than half of the dollars are already raised before the first concert is held I

think that's a pretty good deal.

COUNCILWOMAN CATAZARO-PERRY – Well, I take offense to your comment I mean I'm on city council I'm trying to make good decisions for the city and for the residents in ward 3. I think I have a right to ask those questions and I have a right to know what you're plan is for the rest of the year.

MAYOR CICHINELLI – Again, if you want to know the plan for the rest of the year Mrs. Catazaro-Perry you know there's emails, there's phones you can call there is a plan that is going to be implemented I think we have said on numerous occasions and as a member of the finance committee that you should understand this that the auditor and I are on the same page when it comes to the budget. She may not like want to have the concerts and that's up to her to determine how she feels about it. Its not that she doesn't support the concerts in fact in the past her and her husband financially had supported the concerts. But she may philosophically agree with a couple members of council the timing isn't good. That's for her to say. But we do agree and we're on the same page when it comes to the budget and we were awaiting till April ends because guess what April is its tax season and even though the 15th is the final day to submit your taxes to the city they're still counting because of the numerous dollars that we have collected. We have a plan the plan will be implemented if you're concerned about that then at this present time before we come to council with our plan then you can certainly call me and I can give you that information.

COUNCILWOMAN CATAZARO-PERRY – Great. Thank you.

COUNCIL PRESIDENT GAMBER Mr. Manson?

COUNCILMAN MANSON – Yes, I personally I feel we're in one of these situations now where we have to start making some of these tough decisions. We can talk about the doom and gloom and everything about the economy all we want but in reality what we're dealing with here is some entertainment for the citizens of Massillon. We have a very good track record of showing that we raised the money to cover the cost of the concert. We're going to try to go a little farther as far as trying to hold down the cost to the city itself. I also know that there are discussions with people and there have been to raise even more money for the concerts. Some of these things do depend on finding the plan moving ahead. I know on the Fourth of July there are people holding money back until they're absolutely positive that its committed. They don't just want to donate their money. I think this is our situation. The mayor has done a very good job of raising this money in the past and I personally am in support of the concert series and I think raising the money I think Massillon will step up and we will take care of that.

MAYOR CICHINELLI – One thing I didn't mention was the we even make collections now on the Monday night concert series. As you well know those are primarily attended by seniors and those folks give anywhere between \$175 to \$300 every Monday night. We collect around \$2,000 for the entire season. That's included in the \$50,000 those concerts. So that's another couple thousand dollars.

COUNCILMAN MANSON – Last year, we were a couple thousand from the Monday night concerts we were over \$20,000 between the ones in the street and the ones on Monday night.

COUNCIL PRESIDENT GAMBER Mr. Manson, are you finished?

COUNCILMAN MANSON – Yes.

COUNCIL PRESIDENT GAMBER Mr. Mang?

COUNCILMAN MANG – Yes, one question, Mr. Mayor, Do we have any of our permanent help laid off?

MAYOR CICHINELLI – No.

COUNCILMAN MANG – Thank you.

COUNCIL PRESIDENT GAMBER Mr. McCune?

COUNCILMAN MCCUNE – Mr. Mayor, have we ever had a shortfall on the funding of these concerts in the past history of them since we've had them?

MAYOR CICHINELLI – No, when the concerts were first started in 1999 we came to council and the committee and myself came to council and council did participate with a considerable amount of money. They were costing anywhere like about \$90,000 I think the first one cost. The city did fund a major portion of the concerts but I had then throughout the years since this is our eleventh year promised council that we would gradually wean these concerts off the public monies. We've succeeded in doing that the last four years maybe we've gotten 4 or 5 years we've gotten about \$5,000 from parks and rec. which of course is public money. Other than that its all been private monies and 100% is going to be paid for with private money this year.

COUNCIL PRESIDENT GAMBER Mr. Peters?

COUNCILMAN PETERS – I've been carrying this \$500 check around with me for the summer concerts series for a month now and I just want to say it's like the Mayor says I'm not going to give it to him unless I know we're having them. If I know we're having them I'll hand him the check tonight on behalf of this person but they need to know if we're having them. So I think that's I really feel the importance that we make up our minds one way or the other and move forward. There's another \$500 that really kind of cuts down that a little bit. So that's all I have to say.

MAYOR CICHINELLI – I can live what ever council wishes but I would hope we could get started on this.

COUNCIL PRESIDENT GAMBER Mr. Slagle?

COUNCILMAN SLAGLE – Well, I think everyone enjoys the concerts downtown and to suggest that anyone would vote against the concerts is doesn't enjoy it I think is obviously a strange position or is taking it for reasons other than the fact that they're faced with a situation which it would appear the city is going to have a tremendous shortfall in funds. At the same time no matter whether its \$20,000 in this case that the city might be on the line for and I respect in the past that you've gotten all that money in. But I don't think this is the past I think this is the present and I think getting all that money in is really a concern to me. At some point as a city we have to start looking at whether it be \$20,000 or \$40,000 here or whatever it may be that if we're not looking at it for the best interest of the city then we have to ask the tough questions we're asking you. Is there any way the city can fund a concert program with the \$33,000 you say you have in hand right now? Can't they fund it with that initially and then perhaps encourage more people to donate maybe even have nominal charge for people to come to the concerts and see how that bears out. So you just change your budget this time for this particular proposal come in with a budget for a concert series that covers what we have in now. Then we can make decisions on the end of the year on it. I mean I agree with Kathy and Chuck on this that we've got to start looking at all these decisions. Because if we don't have the money now then we're not making the proper decision for the citizens of Massillon that pay our salaries to be here. Are you personally willing to make a commitment to the concert series if its short?

MAYOR CICHINELLI – I have stated many times that our track record proves that we have raised these dollars privately. That one year did we not do that? I even also said not being redundant that we have over half the dollars raised at the present time. The reason we have to do that is you have to sign contracts and the longer we wait some of the bands who have penciled these dates if they don't know that they're going to be able to play they'll go somewhere else. So the longer we wait doesn't only hurt associated more dollars for the concerts but hurts the concert series. I think first of all the budget that you folks passed didn't say \$50,000 I think it said \$90,000 for the concerts. So we took the budgetary amount reduced it to \$50,000 so there you go we're also sensitive to the same things that appears that some of you folks on council are sensitive to. Because we did reduce the amount for the concerts knowing fully well that the concert series had become more of a tradition in Massillon now. We get basically a lot of the same folks so they'll be there for the concerts regardless of the acts. Now granted some acts

attract more people than others but we feel 100% confident that we will get these dollars. We have some pretty outstanding citizens that come and the other thing to remember if we don't have these concerts there's other organizations that get hurt. The Washington High School Choir Booster Club which is a major fundraiser for them. They have the concessions and they're very happy to have these concessions because they do make some money for them. If there are no concerts they get adversely impacted. So we've attempted to bring in the whole community and I think we've done that. I feel extremely confident that if you allow us to enter into contract and believe it or not with money like we've already raised we can sign those contracts. I think you'll find out that the money will come in and if you want me to I can report to council at every council meeting and keep you updated as to what we're collecting. But we really need to get on with it because its going to hurt if we wait any longer. Because we're in May and these groups may decide to go someplace else. I don't know if Bill can handle them that long that much longer.

COUNCILMAN SLAGLE – Well, I think you did raise the thought there it's a possibility that you can sign contracts that use the money that you have for now so people know the concert series is going on.

MAYOR CICHINELLI – We can't do that, Larry.

COUNCILMAN SLAGLE – Until you collect it you mean you've got to sign the whole series at one time?

MAYOR CICHINELLI – No, we only sign the contracts that we have the money for. But if you don't agree with this contract we can't sign anything

COUNCILMAN SLAGLE – Well, I think you should sign the contracts for the money you have collected now.

MAYOR CICHINELLI – I will not sign a contract that's illegal I will not sign the contract unless I know that the money is either there or pledged. I mean you can't.

COUNCILMAN SLAGLE – Well, I thought you said you have \$30,000?

MAYOR CICHINELLI – In fund. I don't have it in fund I will have it as soon as I get the \$8,000 from Aqua Ohio. Just because the money is in fund in the concert series fund doesn't mean that I have authorization to sign any concert form. I don't unless council authorizes that we have an agreement with Variety. That is what triggers the necessity then of signing those contracts.

COUNCILMAN SLAGLE – So are you saying Variety contract is x number of dollars for the whole series?

MAYOR CICHINELLI – Yeah, he's a portion of that he's not all of it.

COUNCILMAN SLAGLE – What is his contract for the whole series?

MAYOR CICHINELLI – How much it is?

COUNCILMAN SLAGLE – Yes.

MAYOR CICHINELLI – Of course, the acts are more than anything else. If you add the acts up. The contract with Bill is \$4,500.

COUNCILMAN SLAGLE – With who?

MAYOR CICHINELLI – Bill Curtin, Variety, he's \$4,500 the concert series is \$40,450 that's nine groups.

COUNCILMAN SLAGLE – So is there any way then Mr. Mayor to limit that so that the

\$40,000 for the nine groups is reduced?

MAYOR CICHINELLI – No, we've already reduced it in half. I've told you in the past groups have cost upward of \$90,000, \$85,000, \$100,000. We've reduced them already we have to have you have to a concert series that's going to attract people or you're not going to get anybody. It's become a tradition and if you look at this list like LaFlavour, First Class, the Legends – 50's and 60's band, Aftermath, Tailor Made Classics, Terry Lee Gothie a Johnnie Cash tribute. Those are more a couple of them are local some of them are regional. Like I said before the VanDells, Glen Miller and Mike Albert are probably the only ones that are more nationally known. Albert probably more regional but he does go across state borders. But the point is of the 9 concerts 3 are not large enough to get really the big bucks. So what we decided to do is cut the cost tremendously which we did we sliced it in half in anticipation of this and not thinking there would be any problem with council. Because we've already been reducing we already reduced the amount. But there's no city money going to be involved in our concert series. None, none.

COUNCILMAN SLAGLE – Well, then you should be willing to make a personal commitment to that affect.

MAYOR CICHINELLI – Well, my commitment is I will definitely find the dollars I have done it every time. I think that's a little off based. But that's fine. The money will be received.

COUNCIL PRESIDENT GAMBER Mr. Slagle?

COUNCILMAN SLAGLE – I'm good for now. Thanks.

COUNCIL PRESIDENT GAMBER Does anyone else want to speak for the first time? Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I would like to know who signs the car show contract and the Picnic in the Park contracts.

MAYOR CICHINELLI – The car show contracts the car show is put on by the Massillon Area Car Club I believe and ESPN 990 with a participation from DMA. But it's a fundraiser for basically all three. Our participation is because of the amount of people that it attracts they have with police protection that's needed they have in fact they have been meeting regularly. Mike Loudiana attends the meeting for the administration our safety service director. They have been meeting regularly. The last couple of years they have deferred the cost more than what they had originally. But it still doesn't zero out. Another words there will be dollars associated with that we will use for overtime and for city services for that car show. That's one of the reasons because you could have 100,000 people and so it has to be. They defer a portion of the cost but not a 100% of the cost like the concerts are going to be. The other activity the July 4th remember the committee some of the folks had a really put in 25 years and decided to give that up and when that occurred a committee was formed to try to save it which kept it going downtown for a couple of years. That committee has since been reorganized and I'm happy to say that they're I mean it was fine downtown but I think most folks like it up at the Stadium and it appears that they're going through some fundraising. We the \$5,000 for the city's participation was included in our budget. Those dollars are in route if they haven't already been to because we already signed off on it. But again you have police protection and you have sometimes any other city service but primarily police protection. Again those costs will not be eliminated the city will have some costs there.

COUNCILWOMAN CATAZARO-PERRY – Well, my question though is who signs the contracts? Is it the committee?

MAYOR CICHINELLI – We don't have a contract with those.

COUNCILWOMAN CATAZARO-PERRY – But you'd have to have a contract with some kind of fireworks or...

MAYOR CICHINELLI – Not the city. It's the July 4th committee.

COUNCILWOMAN CATAZARO-PERRY – Okay.

COUNCIL PRESIDENT GAMBER If I could jump in here for a moment the Massillon Fourth of July Committee is an Ohio non-profit organization was formed in about 1983 there's a committee of volunteers that elect a chairman. Dick Kulick is the chairman this year, there's two of the committee members in the audience tonight. It's an all volunteer committee that doesn't make a nickel off of this event. In effect it's a quasi city event that volunteers, plans, organize and run and they sign all the contracts. I can tell you myself that there were several years that we did not make enough money. I was the chairman that year and I was faced with the fact of paying that money out of my own pocket. Which I did on one year.

COUNCILWOMAN CATAZARO-PERRY – Well, that's my question is maybe that's something we that look towards for the future. Is to create a non-for-profit organization to do these concerts and maybe we give a portion of the money to a charity in our city. I mean there's all kinds of options I don't like being on the hook in case something doesn't come through like for instance Mr. Gamber had to pay out of his pocket one year. That's going to be out of the city's pocket so I'll be willing to help organize something like that. But I really, really am concerned about the funding and making sure that we have it. I think we're putting a lot of effort on these concerts and I think the effort should be on our city budget.

MAYOR CICHINELLI – Well, I resent that because I multi-task I can do more than one thing. I think so. This is just one activity that I work with a committee on and they do a tremendous job in networking to come up with the money. So I mean that's ludicrous to say the insinuation is that we haven't or I haven't been working on the shortfall of the city budget. Mrs. Catazaro-Perry, I've been working on budgets a lot longer than you've been an elected official. I think if you go back and check the history ma'am we've always met payroll, we've always started the new year in the black as required by Ohio Revised Code. We're talking about a \$50,000 concert series ma'am that is exclusively going to be paid for by donations. It has really nothing to do with the budget. The only reason I'm here is because it's a city's sponsored activity versus July 4th activities and the car show. Which I've explained that there will be no city monies in the car shows excuse me in the concerts. But there will be some city money associated out of pocket for the July 4th activities and the car show. I don't hear the same philosophy or the close scrutiny on those two activities not to belittle those two activities because upfront I said I supported them and agreed to put it in the budget. We work very closely with the committee for the car show. But I'm just trying to show council that you have a double standard here. Its seems that you're picking on the concerts to prove your point that maybe because we have budgetary concerns that we shouldn't have these activities. But the only one you're picking on is the one that's not going to cost the city a dime. I find that sort of ironic...

COUNCILWOMAN CATAZARO-PERRY – That's not true its going to cost us \$9,000 unless you raise it and we don't have those funds in hand. Therefore it becomes a concern of council.

MAYOR CICHINELLI – No, its actually more than \$9,000 but that's irrelevant. We will if we have the concerts we will collect the \$9,000 you're talking about I can guarantee you that. But we need a little bit more money because we want to cushion it a little bit because I've said that its \$50,000. Its \$50,000 is what we have to raise for both. The concerts will be paid for exclusively by private donations.

COUNCILMAN PETERS – This is what I said on the very first night. That if we're not going to support the summer concert series then we are we have a duty to the citizens to stop the car shows and the Fourth of July. I'm not saying I want to do that but I'm saying that's what should be done. If anyone here wants to hear the wrath of that stopping those two events then that's fine with me. But I'm saying the right thing to do if you're going to stop the summer concert series that are paid for by private citizens and donations then it is our obligation as city council to stop the car show and the Fourth of July. Because it uses city funds and I agree with you on that, that is a double standard. If we're not going to back the summer concert series then we have a duty not to support the other two events.

MAYOR CICHINELLI – May I say one more thing and I'll shut up. One of the things I forgot to mention to you as an attempt to decrease outlay of dollars for activities maybe you don't know but you know the big car show is held in mid June and then there's a car show every Saturday night till about October. Mike Loudiana and I attended a meeting of the DMA association several months back. They requested that these concerts I'm sorry that these car shows be cancelled. So we agreed to that so and there was an outlay of costs too for the city because the barricades have to be put up the barricades have to be taken down. The police especially on a Saturday night there could be a difficulty with the situation having policemen taking barricades down. But the point is sometimes even Mike Loudiana took those barricades down. But we cancelled those car shows so we again that shows that we're attempting this in a very frugal way. We're not going to have any more car shows and some of the couple of the individuals were a little upset but they understand the reason. That's because of the outlay of costs associated with it so that's why we aren't having those. Maybe in the future we can bring them back.

COUNCIL PRESIDENT GAMBER Mr. Mang?

COUNCILMAN MANG – Yes, Mr. Mayor, I'm a little bit confused. Mr. Loudiana at one of our work sessions we talked the downtown car show. We talked about the related expenses and he told me that in the past the people who run the car show have worked very close to the city and have a picked a number of our costs up. They were working on the fact that they'd pick up more or all of it. I thought the city's part of the Fourth of July had died. I didn't know that we were backing part of the Fourth of July. I'm not saying I'm against these things but the fact is that we've talked about all of them. Not only the concerts but I think we're all concerned about one thing. Now apparently it's not true because an individual who called me on the phone and was quite irate in the fact that we were leasing something for the golf course and he says "I lost my job" he said "I got laid off". Well, apparently that's not true but the fact is we have been looking at everything and I have a concern and I think we all have a concern that you're talking about the plan and I hope you have a plan for us. But I don't know I really don't know how I and I know in the past you've collected \$50,000, \$60,000, \$90,000, \$100,000. I really don't know if that's possible today even though we do have some people out there but I just have some qualms about anything that is going to be detrimental to our citizens you know there's not many things we have to do for our people. We have to take care of the streets for them and give them police and fire protection. That's about all they really ask for and I hate see that any of that would be curtailed not because of these activities but because the fine line was that there was a \$1,000 or \$2,000 that went there that could have gone over here. That's all I have to say.

MAYOR CICHINELLI – Well, those dollars I can guarantee you that no city dollars will be associated with our projects. I don't know how many times I have to say that. None zero.

COUNCIL PRESIDENT GAMBER Mr. Maier?

COUNCILMAN MAIER – Yes, I make it clear Mr. Mayor, I'm not against the concerts. I think they serve a good purpose and I would be willing to vote for the concerts tonight if we take amount that you have raised and put that in that on that ordinance. Then you can raise \$100,000 if you want and go from there. But for the city to be on the hook for the amount we don't have I'm just worried it bothers me. But if you've got the money that's committed right now and put that into that window on that ordinance that says we're on the hook for \$38,000, \$30,000 whatever that is I have no problem with that. Then you can continue to fundraise as much as you like and if you get more money you can add it to the concert that's fine.

MAYOR CICHINELLI – Well, keep in mind that we will raise at I was conservative I think I said \$13,000 at least \$13,000 normally its \$15,000 to \$22,000 the night of the concerts. But you have in order to have these concerts Mr. Maier you have to enter into contract I can't do that unless council authorizes it. That's why when Mr. Townsend asked me the question I was straight forward with me and said yes if we don't raise the dollars we're responsible. But what do you do when to analyze the situation you look at the track record and believe me we will find those dollars. There will be no city dollars associated with these concerts.

COUNCIL PRESIDENT GAMBER You still have the floor.

COUNCILMAN MAIER – Okay, we have more people unemployed this year in this country than we had last year. My concern is you know these unemployed people are going to go to concerts and that's great it gives them some entertainment. How much money are they going to have to give for that bucket passing around?

MAYOR CICHINELLI – You know something? If everyone person that goes to the concerts would give \$1.00 we wouldn't be having this conversation. I'm saying from the very beginning we have some folks that give \$20.00, we have some folks that give \$5.00, we have some folks give \$6.00, we have some folks that give \$1.00, some folks give nothing. But the Washington High School Choir adult booster club does a heck of a job in trying to go through those rows and collect monies. But if they if everyone would give and we looked we evaluated the whole thing. We talked about preferred seating, we talked about reserve seating, we talked about we kicked around in our committee meetings a lot of things that we can do to try to increase revenues here. We discussed it all I'm telling is the amount of money that's needed we have entered into contract in the past with lesser percentage of dollars than what I'm asking for you to allow me to enter into contract for this years concerts. It appears if you do the math its \$50,000 we've already actually the chamber handles the senior concerts and I'm meeting with that one individual this week. But we in order for us to sign those contracts for the concerts which I sign each individual one we need to have these dollars. But we're already well over half way there. So its not \$9,000, \$8,000 if we have around \$32,000 then what has to be raised is \$18,000. We're going to be able raise that. I'm telling you we're going to be able to raise that.

COUNCILMAN MAIER – You've made my point exactly Mr. Maier, when the bucket around some people don't give some people give a dollar some people give five. You made my point exactly this year are we going to have a little more people that can't give than we did last year. That's just...

MAYOR CICHINELLI – No, I think its all I'm asking for is a dollar a person really. Well, but some people think if you remember the concerts started out and they were advertised as free concerts. Some folks get a little angry when you change that and go away from that. But that was changed when we promised the citizens and we promised past city councils that we would not use public funds anymore. That's when we implemented that change. We'll get the money if you just work with us to get this thing going I feel confident that between now and the next council meeting we'll have more money in.

COUNCILMAN MAIER – Okay, well like I...

MAYOR CICHINELLI – You know we have \$500 that Mr. Peters will give us.

COUNCILMAN MAIER – The last thing I want to say is that I do you know I'm not against concerts I think they're a great idea they're a great thing that's been going on for a long time. I just have some personal concerns about the money. That's all.

COUNCIL PRESIDENT GAMBER Mr. Manson?

COUNCILMAN MANSON – Yes, I think we need to look at this I think all of here have been involved in a lot of fundraisers over the years. There's something the Mayor keeps pointing out nobody wants to listen to is that part of the cash flow comes from the concerts itself. Almost every charitable event fundraiser I've been involved in and I'm sure most of you have been involved in are never fully funded until the event is over. Money comes in thru the concessions, through all the things that you know are paid when the events are or do take place. That's what's happening here. We're raising somewhere between \$16,000, \$18,000, \$22,000 and like I said I know there's some additional things that are going to be attempted to raise even more money. But part of it is getting the series getting contracts signed and you know getting the thing moving. That's all.

COUNCIL PRESIDENT GAMBER Mr. McCune?

COUNCILMAN MCCUNE – Yes, I think as in the past in order to pass this ordinance hopefully tonight for the entertainment that represents for the citizens of Massillon and other

communities as well that it takes a leap of faith. In the past we've taken that leap of faith and we've historically found that these things have been fully funded as the mayor has promised they would be. I think in order to do that tonight we also need to take that leap of faith and the mayor has told us he can get the money his track record says that he can. Because of that I'm willing for the benefit of the citizens of Massillon and the surrounding communities that take part in this to take that leap of faith. I'm done.

COUNCIL PRESIDENT GAMBER Council rules indicate that everyone can speak twice and I'm keeping a track record here of you know the questions we've gone through. Is there anyone there's one person that hasn't spoken at all. Would you like to speak at all you don't have to and if not I will go one more round with anybody who wants to speak a third time. Mr. Mang?

COUNCILMAN MANG – Yes, Mr. Mayor, members of council, you know we've spent an hour discussing \$50,000 and we're \$2 something million short in the budget. I wish this discussion was the \$2 million and whatever we're short instead on this \$50,000.

COUNCIL PRESIDENT GAMBER Mr. Townsend, this is your ordinance its on second reading.

COUNCILMAN TOWNSEND Okay, I just I have a question. It appears to me that some of the members on council have had a lot of discussion with you pertaining to summer concert series. I don't know is there some type of rule, a violation that will not permit the chairman of parks and rec. to attend one of these committee meetings that you have. Because I haven't had any dialogue with you at all pertaining to anything about the summer concert series. If there's not a rule to that when is the next meeting I would like to attend it?

MAYOR CICHINELLI – Oh, you're more than welcome. We've I can't remember is we've ever had a council member I think in the past some of them we've had numerous meetings. I can't really remember but there's no violation of anything. This is a citizens committee that was established earlier on back in 1999 its primarily the same folks again that have maintained that for 11 years. But yeah the next meeting I think its call me at the office it might be Wednesday or Thursday of this week or Wednesday or Thursday of next week, Mr. Townsend. I'm not sure of my schedule but I don't have that with me but I believe the next one is there but yeah you'd be more than welcome to come and give your opinions. So, yeah, we'll welcome you. There has been no discussions other than just no formal discussion with any members of council I don't know what you were insinuating but there wasn't anything that was done that we're allowed to have discussions. But members of council are always welcome at our meetings.

COUNCIL PRESIDENT GAMBER Mr. Slagle?

COUNCILMAN SLAGLE – Well, I agree Ron on that and that's part of my concern over the fact that we haven't had those discussions really on the budget up until now on how we can deal with this whatever million dollar deficit that we've changed the capital split to 98/2. We've not funded items in the budget we know we're going to have to pay so its not the issue that this is not just in a vacuum. This is being done in the whole budgetary process and how the city is being operated. I frankly would have preferred had we been brought to this point to say we have a concert series we've got this \$33,000 raised we want the council to go in line in a leap of faith. Well, for one I can't believe you haven't twisted as many arms as you can to get where you are right now. I'd be much more comfortable to take that leap of faith if we had some concept of what's going to be done if we in fact come up short as the projection is right now. You know I can and its unfortunate that we're here doing this because had we had this communication on more important things in our lives and the city's lives perhaps this money on this concert series then you wouldn't have so much opposition on this \$17,000 frankly. That really is concerning we should be talking about these other things as Ron said. But we haven't been. I just can't in good conscious until we start dealing with the other shortfalls if we've been told by the auditor that we're faced with commit another \$17,000 even with your promise although you're not willing to put your personal commitment up there on it.

MAYOR CICHINELLI – Okay, I'm willing to do that.

COUNCILMAN SLAGLE – Then I'll vote for it if you're willing to cover it I will definitely vote for this legislation and I will put \$500 in today to help you with that commitment.

MAYOR CICHINELLI – Okay.

COUNCIL PRESIDENT GAMBER Mr. Townsend, this is your motion what you would like to do with your ordinance?

COUNCILMAN TOWNSEND Well, I think Kathy has a question.

COUNCIL PRESIDENT GAMBER Well, we have to cut off at some point we have gone around twice.

COUNCILWOMAN CATAZARO-PERRY – No, I was supposed to bring Mrs. Ferrero which you didn't let me do yet.

COUNCIL PRESIDENT GAMBER Okay, Mrs. Ferrero?

COUNCILWOMAN CATAZARO-PERRY – Mrs. Ferrero, I don't want to put you on the spot but there is a complete discrepancy between what you shared with council and that Mike Loudiana was going to go work up some numbers. Now the mayor brought some numbers back this evening but there's still a complete discrepancy between what we were told a few weeks ago and what he brought to us tonight. Even if we cut the numbers in half which is what you told us last time \$50,000 is what the number was approximately it might be \$25,000 that would come out of the city funds for police and street. Because it is going to take time to set up the stage put up the barricades, block off the roads and then have police there. Which I don't agree with not having police on site I do not agree that I think that's very, very risky. So I'd like to know what you think the numbers are and do you agree with the \$9,000 and why is there a discrepancy between your numbers and the mayor's.

AUDITOR FERRERO - Okay, well first all the first numbers that I gave you were given from my office that we went back and we looked it wasn't through first snow overtime or anything like that. It was for overtime that was on the days of concerts in the past year. We looked that up. Now I can't stand here and say that every single piece of that overtime was for the concerts because it could have been someone was called out for a street light or something like that. So that was a rough estimate and that's what I told council. Okay, that included police and I think we had more than one policeman at those concerts at that time. It's hard for me to stand here and give you an exact number because I don't have their time cards that tell exactly what they did. Like I get my office's time cards and I know exactly if my people were off I know why they were off if they were ill or if they took comp time or vacation time. Okay, so I'm not privy to that to those time cards. But that's fine that's just and so the figure he's giving you and he's stating that no police is going to be used. So he's taking those figures off of that and the figure he's using was I'm sorry Mr. Mayor, \$9,000 for all city for all nine concerts? I jotted it down but I was it \$9,000...

COUNCIL PRESIDENT GAMBER Well, that was a figure can we go on with your...

AUDITOR FERRERO - Okay, but then don't forget that we pay PERS and everything else on those figures. Okay, I want to and I also want you to know that the ordinance reads \$60,000. So I want you to keep that in mind but I want you to know that personally I'm in favor of the concerts I do not disagree that it's not a wonderful thing for our community. I think that it is but in my position I stand by my previous feelings and I believe that I'm doing the right thing for the city of Massillon by stating that we don't have the funds to put into this. Now if he can guarantee me those city dollars for to pay our personnel then fine then if he's complete donations for everything and I'm talking about all their wages and all their PERS and everything else that we're going to be repaid for that. But that would have to be that's a whole different subject. So I stand by my previous feeling.

COUNCILWOMAN CATAZARO-PERRY – By your numbers?

AUDITOR FERRERO – Yeah.

COUNCIL PRESIDENT GAMBER Mr. Townsend?

COUNCILMAN TOWNSEND I'm not going to go into a lengthy discussion but I do have some concerns about the public safety and I would like to speak to Chief Williams myself about that. I do believe that if the summer concert series is funded by donations then it should go on. However, I don't think today I'm willing to pass it I think we should have more time to discuss this more. Also just in an hour and half the city just raised a \$1,000 for the concert series. So with that said second reading.

ORDINANCE NO. 56– 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 59 – 2009 BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE 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 Range Resources Appalachia, LLC for a 7.52 acre parcel owned by the City of Massillon, and declaring an emergency.

COUNCILMAN MAIER – Second reading.

ORDINANCE NO. 59 - 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 60 – 2009 BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE 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 Range Resources Appalachia, LLC for a 0.40 acre parcel owned by the City of Massillon, and declaring an emergency.

COUNCILMAN MAIER – Second reading.

ORDINANCE NO. 59 - 2009 WAS GIVEN SECOND READING.

## 16. NEW AND MISCELLANEOUS BUSINESS

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

SCOTT GRABER – 1218 Tremont Avenue SW Massillon, Ohio. As you recall Mr. President last week I was here and read two petitions regarding matters of vital interest to the city. One regarding the Legends Golf Course and one regarding the sale of Genshaft Park. I asked the Mayor, the chairperson of the relevant committees or any council person to request legislation regarding those matters. I received a letter from the regarding my address. I'd like to read it if you don't mind "City of Massillon, Francis H. Cicchinelli, Jr., Mayor. April 8, 2009. Mr. Scott Graber 1218 Tremont Avenue SW Massillon, Ohio 44647. Dear Mr. Graber: At Monday night's Massillon City Council meeting, April 6th, 2009, you publicly addressed Council as the spokesman for the "Save Our Parks Committee." You also stated that this newly formed Committee met on Saturday, April 4th, 2009. As Mayor of the City of Massillon and with concern for the best interest of the citizens of this community, I would like to know who the members of this "Save Our Parks Committee" actually are and which members attended that April 4th, 2009 meeting held at the Blue Heron Deli at 125 Lake Avenue NW. I will be looking for your immediately response. Thank you for your cooperation in this matter. Respectfully, Francis H. Cicchinelli, Jr. Mayor of Massillon. Carbon copy Pericles Stergios, City Law Director." I've come here tonight to report that letter to you that was sent to me and to give my response which will be in two parts. First part will be right here (he tore up the paper) with all due respect to the office of the Mayor. It's absolutely none of his business who attended the meeting. Now what I'm really disappointed about is the fact that the Mayor failed to address any of the matters that were brought up in these petitions which I request to take action regarding the

matters that were raised. He also failed to address the statements that he made. The mayor asked you tonight to take his word regarding these concerns that this money will be raised. What I would like to know is if that's the case why did the mayor promise the citizens that they would never subsidize the golf course. If his word is good then what is what happened to that word. I don't want to take a lot of time tonight because I know your all busy people the last thing I possibly wanted to be doing tonight was tearing up a letter from the Mayor of Massillon and addressing you people on anything. But I feel compelled to do so because of these matters of high importance to the city. I have certain questions about certain things that the Mayor has said in the past in this body regarding the Legends Golf Course, the expansion, the financing, the whole nine yards. I want to just speak plainly to everybody here. The fact of the matter is the Legends Golf Course expansion the Legends itself is not about golf or recreation at all. I can only take the mayor at his word to illustrate that and I'd like to that very quickly. From August 20th 2007 under the heading of remarks Mayor to address on the Legends Golf Course developments. But you look at our Legends Golf Course and we can argue for many years of whether it was sound investment or not. The ironic part of all this is when this proposal was first discussed back in 1993 or 1994 some council members came to the administration and said "we have this land down here and maybe we should build a golf course." My initial reaction was really negative the more we got into it and the more they showed me that maybe my initial feelings and thoughts were wrong. Once we started looking at additional housing development opportunities in this area and this region then I really was convinced that it was a sound investment to get into". Those are the words that he said convinced him to build the golf course. Not for golf he was really convinced that it was a sound investment to get into because of additional housing development opportunities. I think that we just need to be realistic now and be honest with ourselves mistakes are made we all make mistakes. Nobody holds anybody above making mistakes. I go on then there was a proposal to build a second phase and extra nine holes which opened in 2002. There's no question in a lot of our minds that was a mistake. I think I have said many times publicly and I think I have to say it again public that it was a mistake. Fair enough it's a mistake its a manly good thing to do to admit your mistakes. But the thing you have to do when you admit that you made a mistake is to take action to correct the mistake and reverse the effects of the mistake. There are other questions made. So we looked at this site that we're proposing to sell and the site along Richville Drive in the new section of it. As we looked into that what we found out the homes that have been built there that have homes on the golf course if we were to sell the land the golf course would cease to exist. So we did not want to open up that can of worms and we did not want to expose the city to any liability from the residents in that area and/or the developer. Now the question has to be asked what possible liability could the city be in or under from the residents who bought homes there or the developer. Those questions need to be ask by you that's your job and I'm asking you to do that. I'm asking you to do your jobs. Later in that meeting Councilman McCune "I would be hesitant to mess I played a lot of golf there when it was an 18 hole course, beautiful course, was one of the best courses in the state probably. I would be real hesitant to touch that original 18. The third 9 that you added was the albatross that basically killed the golden goose. You can probably eliminate all of those without anybody raising a red flag at all". Response but again the problem with that Mr. McCune is that some of the holes are already in a new allotment and if you take those holes away and sell that part off then people that have homes that sit on golf courses on the golf course part won't have that luxury and they bought that house or built that house with that idea. Now those reasons are not good enough reasons to me that millions of dollars of city tax recreation income tax or even one dollar let alone millions of dollars should go to pay to keep that golf course going. It wasn't prevented from happening because again quoting Tim Bryan "we, I voted for it without a lot of research or investigation we all did regarding the Legends of Massillon north course expansion November 20th Independent regarding the story on this case. I'm not going to take very much more of your time I'm asking you tonight to get the ball rolling to fix this problem of millions of dollars of city income tax recreation income tax to go for something that's not really recreation at all. It was about housing now that's a good goal to build houses its good but not at the expense of the taxpayer. What I'm going to ask you to do is to repeal this Ordinance No. 235 – 2000 came out of parks and recreation. Title an ordinance placing the Legends of Massillon Golf Course under the direction and control of the parks and recreation department, and declaring an emergency. This will solve the problem the Legends will either stand or fall on its own and the monies that the citizens voted to tax themselves for a recreation department will then be used for the parks and recreation department and the Legends Golf Course can go back to where it was when we voted for this which was standing on its own and it will either rise or fall. It will stand or fall

according to what it can and that's the end of it and no more tax monies co-mingled in this commercial enterprise. I thank you very much for your time and yourself a very nice evening.

18. ADJOURNMENT

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

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MARY BETH BAILEY, CLERK,

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GLENN E. GAMBER, PRESIDENT



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