

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, MAY 4, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, May 4, 2009. We have in attendance with us this evening: Mayor Francis Cicchinelli, Auditor Jayne Ferrero, Community Development Director Aane Aaby, Engineer Keith Dylewski, Law Director Perry Stergios, Bob Cyperski from the law department and Fire Chief Tom Burgasser. On the wall to your left are agendas for anyone who wishes to follow the meeting. We have a number of guests with us in the audience we appreciate having all the representatives from the agencies that helped fight fire in Massillon on Easter Sunday. 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, Paul Manson, Dave McCune, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 8 present.

COUNCIL PRESIDENT GAMBER Mr. Manson, do you have a motion?

COUNCILMAN MANSON Yes, I'd like to make a motion to excuse to Councilman Mang, seconded by Councilman Slagle.

Roll call vote of 7 yes, 1 no to excuse Councilman Mang. Peters voted no.

2. INVOCATION

COUNCILMAN MCCUNE Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN MCCUNE – Chairman of the Police and Fire 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

TIFFANY REMLEY – 1308 Main Ave W, Massillon, Ohio, 44647. I'm here on behalf of the Massillon Washington Choir Boosters. We have been involved in the summer concert series since its beginning. It started out they were selling popcorn and pop and doing the collection of

concert series. This has become a vital piece of our program as far as our budget is concerned currently we raise anywhere from \$2,500 to \$3,000 doing our concessions down during the concert series. If you were to not have not have the concert series this would be kind of a minor dent in our budget for the year. This goes to helping our kids. If you happened to see in the paper this past week for the third time in a row this five choir; the men's chorus, women's chorus, freshman, concert and advanced received state five state once superiors which is something that is very rare in the State of Ohio. So you should be very proud of your kids. A lot of this money goes to help them. Not only that it also is a great thing for our community. Our community needs this right now. Our downtown merchants need this right now and we need this right now. So I would ask you to please vote yes when it comes up for vote and do something great for our community and our kids. Thank you.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT GAMBER Mr. McCune, do you have a request?

COUNCILMAN MCCUNE Yes, I would like to move Resolution No. 4 forward to the top of our agenda for this evening.

COUNCIL PRESIDENT GAMBER Is there any objection to moving Resolution No. 4 forward as our first item? There's no objection Madame Clerk would you please read the title to Resolution No. 4 – 2009.

RESOLUTION NO. 4 2009 BY: COMMITTEE OF THE WHOLE

Resolution recognizing the various fire departments, EMS agencies and other local agencies that assisted with the Easter Sunday fire that occurred on April 12, 2009.

COUNCILMAN MCCUNE Yes, this resolution as the Clerk said is to recognize all the many different entities that were involved in the Easter Sunday fire to show the appreciation that we as a city have for their efforts.

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

Roll call vote of 8 yes for suspension.

RESOLUTION NO. 4 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

COUNCIL PRESIDENT GAMBER I'd like to invite our Fire Chief Tom Burgasser forward he has a few comments and then what we will do is invite the rest of you forward to receive a copy and if you would just starting lining up inside the council area here when he calls you.

FIRE CHIEF BURGASSER – I know you all have a busy agenda tonight and I'm not going to take up much time. I do want to address you for a minute and tell you that to my knowledge this is not a usual thing that's done and I believe its very much appreciated by all of the agencies by all of the departments certainly. I know speaking for them that they would tell you that it's completely unnecessary but as a point of personal privilege I think its kind of nice. I really appreciate the effort on all of your behalf. I would also like to indicate that there's no way that we could outline all of the agencies and people that helped that night. People like Mr. Rada Smiley and Bob Senkar from BW3's those people I mean Campbell Oil. We could go on and on and on and the question of where to stop is an important issue but there are so many people who are unnamed that I appreciate and I would really like to thank and they will all probably go unthanked. Not because they didn't do something special that evening. Many, many people gave of their holiday their Easter Sunday to help out and I would like to thank all of them and I apologize for not naming them individually.

Fire Chief Burgasser and Council President Gamber presented each department, agency and companies with a resolution.

COUNCIL PRESIDENT GAMBER I'd like to recognize Councilman Manson for a motion.

COUNCILMAN MANSON Yes, I'd like to make a motion that adjourn to executive session to discuss the possible resolution of the problem between the City of Massillon and the Stark County jail.

COUNCIL PRESIDENT GAMBER And who would you like present?

COUNCILMAN MANSON I would like the auditor, the legal representation, the mayor and all council people. If there's anybody the mayor would like to see in there.

COUNCIL PRESIDENT GAMBER Alright we have Mr. Manson's motion do we have a second? Seconded by Councilman Slagle.

Roll call vote of 8 yes to adjourn to executive session.

We are back to continue regular business.

COUNCIL PRESIDENT GAMBER We will come back to order, please? For those of you who stuck with us we appreciate it we apologize for the long delay that doesn't happen often. We'll continue with the introduction of ordinances and resolutions. We'll start with Ordinance No. 69 I will mention that the title as printed on your agenda is incorrect but the title as printed on the actual Ordinance No. 69 is correct. So the Clerk will read the title off of the ordinance rather than off of the agenda.

ORDINANCE NO. 69 2009 BY: FINANCE COMMITTEE

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

COUNCILMAN MANSON Yes, the first part we're talking about moving \$35,500.00 to the police salary account and the fire salary account, This money would be coming as a refund that received on taxes paid on the state hospital. I don't know if was just for last year or accumulated over several years. Then the other part of this is please appropriate \$10,000 from the unappropriated balance of the 1206 muni motor vehicle fund for various storm sewer repairs and related items. If there are no questions I intend to request to waive the rules.

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

Roll call vote of 8 yes for suspension.

ORDINANCE NO. 69 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

COUNCILMAN MANSON Mr. President, I have something to bring up before we go onto the next ordinance. Is that okay?

COUNCIL PRESIDENT GAMBER Alright, hold up for just a moment, please? And what does this pertain to?

COUNCILMAN MANSON Ordinance No. 70 pertains to Ordinance No. 56 and the auditor brought this to my attention that maybe we should act on 56 before we act 70. I'll leave that up to your discretion.

COUNCIL PRESIDENT GAMBER Refresh my memory 56 is?

COUNCILMAN MANSON 56 is the concert series and that's up for its third reading and 70 pertains to changing the ordinance and reducing it by \$40,000.

COUNCIL PRESIDENT GAMBER Alright, if there are no objection I would suggest we move to consider Ordinance No. 56 up for its third reading. Is there any objection? There is not, Madame Clerk would you please read the title to Ordinance No. 56.

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

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

COUNCILMAN TOWNSEND – I'd like to call the Mayor up. Yes, Mr. Mayor, could you inform council what is the current number that you have raised thus far for the summer concert series.

MAYOR CICCHINELLI – We spoke to Jim Purtz I think I explained to council before that we went out and solicited three \$8,000 contributions. As of this date we have received two of those we talked to Mr. Purtz because its Aqua Ohio and its going through the corporate process as we speak. He told us today to expect it really any day now. So but with that \$8,000 which is pledged and I know it's a firm commitment we'll have around \$32,500 raised so far.

COUNCILMAN TOWNSEND – Just leaving about \$17,500 to raise?

MAYOR CICCHINELLI – Yes, because we did have \$5,000 before and that was encumbered. So you have to include that but I did say the last time that or at the last meeting that we could get around \$50,000 at least raised total. What I'm attempting to do here is try to get more contributions and its been very difficult only because we have to know if we're going to have a series. So some of the dollars have come in and but we think we can raise a good substantial amount of that plus that's not taking into consideration the dollars that will be raised the night of the concerts when we see the contributions then. So I think I told you before that has gone from anywhere from \$16,000 to about \$22,000, \$23,000. I think we're in excellent shape.

COUNCILMAN TOWNSEND – As far as safety the security, the police enforcement, street department what are we going to do about paying those individuals. Are we going to have security or...

MAYOR CICCHINELLI – In talking I think at the last meeting you had said that you were going to talk to Chief Williams?

COUNCILMAN TOWNSEND – Actually I was going to contact him just to see where he felt but I took your word for it that you did speak with him and he was fine with it.

MAYOR CICCHINELLI – Yes he is. So as far as that the police protection these concerts are held right in the downtown area very close to the police station. I feel confident that we don't really need to have someone stationed there. But they will pass through periodically and also when they want to take the money that's collected and bring it back to the station put it in the safe if there they're not already going through that they're going to have a number to call to get that person to come here. As far as the street department I think that there is legislation tonight to take \$5,000 out of that fund to basically pay for the approximately \$4,500 to \$4,800 that we estimate would cost based on previous years it would cost the street department. So in essence what we're doing is appropriating those dollars now and because we have \$5,000 at least \$5,000 in there and then that will save what we told you that we would do and all costs would be incurred by the concert series.

COUNCILMAN TOWNSEND – Alright, I just have one more question. I have no doubt that you will raise the money but just say in the case that it doesn't happen I know there was some discussion at the work session some folks believe that you made the statement that you will pay the remaining balance of what the remaining monies that is needed out of your own pocket. I didn't interpreted that but what are your words.

MAYOR CICCHINELLI – That's exactly what I said. I am responsible to come up any money

that is necessary to get these concerts for 2009. But I feel very confident that we'll be able to raise the money. My goodness in previous years we're never this far along at this time of the year and the amount of money we've already raised. So I feel very confident that we can hit that number.

COUNCILMAN TOWNSEND moved to bring Ordinance No. 56 – 2009 forward for its passage, seconded by Councilman Peters.

COUNCIL PRESIDENT GAMBER Councilwoman Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I have been very verbal about opposing the concert series as far as financial commitment with the contract. I'd like to say publicly that I am for having the concerts in our city and I think that they do bring a lot of community togetherness. However, tonight I'm going to be voting no because I do believe that safety and security are an issue I do believe that its going to cost more than what is projected for set up and police. I do believe that we have some very pertinent problems with our budget and so I will be voting no tonight.

ORDINANCE NO. 56 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. CATAZARO-PERRY VOTED NO.

ORDINANCE NO. 70 2009 BY: FINANCE COMMITTEE

Reducing the appropriation in the Summer Concert Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Yes, she just explained we will be reducing the ordinance from \$95,000 to \$55,000. Is there any questions?>

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

Roll call vote of 8 yes for suspension.

ORDINANCE NO. 70 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. CATAZARO-PERRY VOTED NO.

RESOLUTION NO. 5 2009 BY: COMMITTEE OF THE WHOLE

Resolution stating that the Council of the City of Massillon, Ohio, will support changing the formula for the funding of the Municipal Courts in Ohio

COUNCILMAN MCCUNE Yes, as we discussed at our work session this is an effort to try to level the playing field on the cost and relieve some of the burden off the shoulders of the citizens of Massillon. To also request that the state abide by its own findings from a joint study that they did last year which it was found that the host city should keep the court costs in house.

COUNCILMAN SLAGLE Yes, I think this is an extraordinarily complex problem that we have that the state legislature really hasn't looked at very well. I know that the townships in the past have felt that they were in a position in which it had been discussed and they feel that its unwarranted. I'm sure I would too if I was them because money would be paid out of their budgets. But I think part of the problem is that everyone is scrambling for money. The state has taken some of our fine money which has increased our cost so the only way that we can get them to move is if we do things like this. I hope that this is taken not only by as our statement but the mayor also steps forth because this is in his position along to advocate this position and do it publicly in a manner which will be pressed on to our state legislatures both in the state representatives and in the state senate. Hopefully they'll at least get some discussion on this because it is a big burden on our jurisdiction.

COUNCILMAN MCCUNE Yes, Larry, along those lines I also intend to send a letter to sister

cities that find themselves in a similar situation as us requesting that they contact that they pass a resolution as well and that they contact their state elected officials. I will probably even send a copy of our resolution along with that letter and hope that by doing so we'll be able to gather numbers because we know strength is in numbers and to get that discussion to take place in Columbus.

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

Roll call vote of 8 yes for suspension.

RESOLUTION NO. 5 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM AMVETS POST0006 303 WEIRICH NW MASSILLON OH 44646 TO AMVETS POST0006 DBA AMVETS POST NO 6 248 FEDERAL AVE NW MASSILLON OH 44647

COUNCIL PRESIDENT GAMBER Mr. Maier, that's yours I believe do you a copy of that? (Yes) Alright.

9. BILLS, ACCOUNTS AND CLAIMS

A. REPOSITORY - \$738.21

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

Roll call vote of 8 yes to pay the bill.

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR APRIL 2009. COPY FILE

B). AUDITOR SUBMITS MONTHLY REPORT FOR APRIL 2009 COPY FILE

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

COUNCILMAN MANSON I move that we accept the auditor's report, seconded by Councilman Hersher.

Roll call vote of 8 yes to accept the auditor's report.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER Committee meetings will be next Monday the 11th starting at 5:30pm. Is there anyone who has any report or resolution or request? Mr. McCune?

COUNCILMAN MCCUNE Councilman Maier and I have been working together along with the Council Clerk Mary Beth on our resolution to recognize the Massillon Washington High School choirs for the outstanding job they've done. They just recently three peated which has never been before in the history of the choir department as five for five state superior which is I believe just winning the state football title. This is also a fulfillment of a promise to my daughter who has been a member of the senior class who has been a part of this five for five for last three years. I just think that we have a lot of good kids in that high school and our community that do not get recognition that they're deserving and I believe by putting this resolution together to recognize their three peat. We'll be doing something in honor of them.

COUNCIL PRESIDENT GAMBER Mr. Maier?

COUNCILMAN MAIER – Yes and my nephew and godson is also a senior in that class and they've done an outstanding job on that. We also are working on the opening of the next council meeting by some of the choir members for the national anthem. So that should be a good program.

COUNCILMAN MCCUNE – It has been brought to my attention that we really can't assuming we get the support in the work session next week that we really can't pass it at the following council meeting because that's the awards night for the choir. The officer are requesting that we back it up one meeting so that you we won't interfere with pulling the kids out of the award ceremony.

COUNCILMAN MAIER – We'll work on that.

COUNCILMAN MCCUNE – You see Doug everyday right?

COUNCILMAN MAIER – Doug told me that would work for that night but we'll see on that.

COUNCILMAN MCCUNE – But we are going to move forward with it I think you know too often kids that do great things are not recognized I know that often times these music departments barely get a footnote in the newspaper. I think this is something deserving.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 48 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

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 – Ordinances No. 48 and 49 go together. We have a couple of enterprise zone agreements that need amended so that the language of the agreements is in compliance with the Stark County Auditor's records. So looking at Ordinance No. 48 at section 2 we are just amending the agreement to explicitly state that the term of this ten year 75% real and personal property abatement will run from January 1st 2008 through December 31st 2017. So without questions obviously we've had three readings with this so we'll go ahead and move it forward tonight.

COUNCIL PRESIDENT GAMBER For this entire series if anyone does have a question please raise your hand I'm not going to ask on every one. I'll accept that a motion, seconded by Councilman McCune.

ORDINANCE NO. 48 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 49 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

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 – Again with this ordinance we're going to explicitly state the term the agreement with Robert J. Matthews Company and Filters, Inc. and that language is also found in section 2 of the ordinance.

COUNCILMAN HERSHER moved to bring Ordinance No. 49 – 2009 forward for its passage, seconded by Councilman McCune.

ORDINANCE NO. 49 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 50 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCILMAN HERSHER – In Ordinances No. 50 through 53 the respective businesses have requested that their enterprise zone agreements be rescinded because the agreement is no longer present a financial benefit to them because the state phasing out the personal property tax abatement. I know we discussed this at a couple of work sessions got some questions answered so if there are still any questions we'll get them answered otherwise I'd like to just bring all four of these forward and pass them this evening.

COUNCILMAN Hersher moved to bring Ordinance No. 50 – 2009 forward for its passage, seconded by Councilman McCune.

ORDINANCE NO. 50 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 51 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCILMAN HERSHER – Again any questions on this particular ordinance I would like to bring Ordinance No. 51 – 2009 forward for its passage, seconded by Councilman McCune.

ORDINANCE NO. 51 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 52 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCILMAN HERSHER – I move that we bring Ordinance No. 52 – 2009 forward for its passage, seconded by Councilman McCune.

ORDINANCE NO. 52 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 53 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCILMAN HERSHER – One more time I move that we bring Ordinance No. 53 – 2009 forward for its passage, seconded by Councilman McCune.

ORDINANCE NO. 53 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 54 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

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.

COUNCIL PRESIDENT GAMBER Mr. Aaby aren't you glad you stuck around for this?

COUNCILMAN HERSHER – These two ordinances will conclude the community development

portion of this evenings show. They both deal with the community development block grant program. The first ordinance is to approve the application for the 2009 fiscal year budget. We held our public hearing at our last meeting on April 20th. I'd like to bring Ordinance No. 54 – 2009 forward for its passage, seconded by Councilman McCune.

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Hersher, this is just to approve the application we're not approving the grants on this?

COUNCILMAN HERSHER – Well, lets to be safe lets be glad that Aane did stick around lets call him up.

COUNCILWOMAN CATAZARO-PERRY – Mr. Aaby, could you tell me are we voting on is the block grant form that you passed out and we reviewed over three sessions is that with 54 or with 55 Ordinance?

COMMUNITY DEVELOPMENT DIRECTOR AABY – 54.

COUNCILWOMAN CATAZARO-PERRY – It goes with 54?

COMMUNITY DEVELOPMENT DIRECTOR AABY – Well, there is a column in there that does show 55 the far column on the far right shows the amount of money that would go with Ordinance No. 55. It shows two activities being funded for like \$192,000 that goes with 55.

COUNCILWOMAN CATAZARO-PERRY – Which ordinance are we voting on that includes all of these organizations?

COMMUNITY DEVELOPMENT DIRECTOR AABY – 54.

COUNCILWOMAN CATAZARO-PERRY – 54?

COMMUNITY DEVELOPMENT DIRECTOR AABY – Yes.

COUNCILWOMAN CATAZARO-PERRY – Okay, Mr. President, I would like to move that we split the question on this ordinance and vote on the Section 108 loan payment separate from the all the agencies and the city housing program etc.

COUNCIL PRESIDENT GAMBER We've been through this before as Mr. Aaby has indicated in the past this is a budget in its entirety. You're voting on the budget as its presented. The item that you're talking about is an obligation of the city that's included in the budget. So since it is a federal item we have to vote on it as its presented. You may vote yes or no as you want and you can ask Mr. Aaby if you'd like but as I say we've been through this before. This is an entire budget an entire program that's being voted on.

COUNCILWOMAN CATAZARO-PERRY – Well, I'd like to vote on all of the other items Mr. Aaby but I do not want to vote on that as I've done in past. I think it is appropriate to split the question.

COMMUNITY DEVELOPMENT DIRECTOR AABY – How we prepared it is to show that we've got a budgeted allocating funds of \$623,000 for all these activities that's really what the available funding is. So...

COUNCIL PRESIDENT GAMBER There's nothing to vote on as far as the other item it's a contractual obligation of the city it can not be negated.

COUNCILWOMAN CATAZARO-PERRY – I think I have a motion on the floor.

COUNCIL PRESIDENT GAMBER I'm saying that the motion is not appropriate its an improper motion. Mr. Aaby has just indicated what you're voting on is \$600,000 some thousand

dollars which are the funds available for this year's program.

COUNCILWOMAN CATAZARO-PERRY – Well, again I think it is appropriate however if that's the way the chair is going to handle this then for the public I'd like to say again that I'm going to vote no on this because I'm forced to vote no on it. I do support all of the local agency projects as well as the city housing program, the housing code enforcement, the target area street program, downtown sidewalks, planning administration and parks and rec. department summer program. However, I do not support the Section 108 loan payment.

COUNCIL PRESIDENT GAMBER Thank you. You may ask a question Mr. Slagle.

COUNCILMAN SLAGLE – It is true that the one the loan payment on the Hampton Inn is something that was decided many councils ago correct? (That's correct) That is an obligation that the city has to pay regardless of whether those of us that had nothing to do with that payment would have agreed with it at that time is that also correct?

COUNCIL PRESIDENT GAMBER That's correct and its also correct that if this body voted no the money would still be debited from our account. The money comes from the federal government.

COUNCILMAN SLAGLE – Thank you.

COUNCIL PRESIDENT GAMBER Thank you. Are there any other comments or questions? Mr. Hersher?

COUNCILMAN HERSHER – Well, I believe I made the motion but I'll restate it. I move that we bring Ordinance No. 54 – 2009 forward for its passage, seconded by Councilman McCune.

ORDINANCE NO. 54 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO.
CATAZARO-PERRY VOTED NO.

ORDINANCE NO. 55 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCILMAN HERSHER – This amendment is made necessary by the fact that HUD has made available additional dollars \$195,062 as part of the fiscal year 2008 program. Those are the numbers that Mr. Aaby referred to in the right hand column of the exhibit that we were looking at that was attached to the ordinance. So I move that we bring Ordinance No. 55 – 2009 forward for its passage, seconded by Councilman McCune.

ORDINANCE NO. 55 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 59 – 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 Range Resources Appalachia, LLC for a 7.52 acre parcel owned by the City of Massillon, and declaring an emergency.

COUNCILMAN MAIER – Yes, these are not regulated by the city anymore there has not been anyone come up against Ordinance No. 59 or 60 at this point. I'm going to ask for passage you know bring 59 up for a vote make a motion to bring 59 up for a vote, seconded by Councilman Slagle.

COUNCILMAN TOWNSEND – I was contacted by a young lady who received paperwork in the mail from I believe it was from it was one of these companies I'm not sure. Her question was and I couldn't answer it why are these companies requesting the homeowner's social security number. I couldn't answer that so I thought maybe I could get the answer here.

COUNCIL PRESIDENT GAMBER Mr. Maier?

COUNCILMAN MAIER – I really don't know why they would need their social security number unless they're part of the program. I'll refer to Larry.

COUNCILMAN SLAGLE – Yeah, I think that's probably if they're receiving a royalty payment from it. Then obviously they have to report it to a social security number. But...

COUNCILMAN MAIER – That would be a reported income.

COUNCIL PRESIDENT GAMBER I'm guessing that social security number is not part of our record but its part of their application process. Is that correct Mr. Townsend?

COUNCILMAN TOWNSEND – Yes, it was part of the paper work and she was concerned that if she gave her social security number to these people, people she didn't know that it may lead to something else.

COUNCIL PRESIDENT GAMBER Well, it may lead to taxes because that's income and I'm sure that's why they want the social security number. Mr. Slagle?

COUNCILMAN SLAGLE – Yes, the only thing I'd say is that this is any one of those ordinances that I'll vote yes for but I think the fact that the state can force these things on the city by legislation is appalling. We should be able to control whether or not we want drilling within our city limits. I you know but I've been advised and we've been told that there's nothing we can do about it. So...but I still think its an appalling situation where we're forced into that.

COUNCIL PRESIDENT GAMBER Mr. Townsend?

COUNCILMAN TOWNSEND – One more question and that's it. I know Councilman McCune had stated a while back that he was going to contact Kirk Schuring and I guess look into this I just wanted to know has he done that and it so what came out of that discussion if not.

COUNCILMAN MCCUNE I had some discussions with the senator's office his administrative assistant indicated that as I have said before that DNR is fully in charge of this now. The state has taken over for a lack of a better term domain over these drillings and there are complaint processes that you can go to and the senator's office is willing to help you with that if you should feel there is a that you're being harmed in any way. But basically there is nothing that we can do as I've stated before. The senator's office is willing to help should there be a problem arise they will help you through the complaint process. But I'm with Larry and as I have stated numerous times I am appalled by the fact that we've been taken out of the equation. I think it's a travesty that we have no input or the inability to stop some of these if we think its in areas that it shouldn't be. Because of that I'm going to be voting no even though I know it makes no difference.

COUNCIL PRESIDENT GAMBER I quite honestly have forgotten do we have a motion? Yes, we do seconded by Councilman Slagle.

ORDINANCE NO. 59 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 2 NO. MCCUNE AND TOWNSEND VOTED NO.

ORDINANCE NO. 60 – 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 Range Resources Appalachia, LLC for a 0.40 acre parcel owned by the City of Massillon, and declaring an emergency.

COUNCILMAN MAIER – Yes, this ordinance is pretty much the same as last one. I would like to bring your attention that the city is going to get some royalty out of these oil wells because they're part of the acreage that's covered. So it will bring in some income in if we don't sign on somebody else will. So I'd like to bring this forward for passage, seconded by Councilman

Slagle.

ORDINANCE NO. 60 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 2 NO.
MCCUNE AND TOWNSEND VOTED NO.

. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 67 – 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 Range Resources Appalachia, LLC, and declaring an emergency.

COUNCILMAN MAIER – Second reading.

ORDINANCE NO. 67 – 2009 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

