

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, MAY 18, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, May 18, 2009. We have in attendance with us this evening: Safety Service Director Mike Loudiana, Auditor Jayne Ferrero and Law Director Perry Stergios. 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 DONNIE PETERS – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

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

4. READING OF THE JOURNAL

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

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

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT GAMBER We have a few administrative housekeeping things to do with our agenda. I'll start by mentioning that this agenda is just ink on paper at this point. It's a suggestion for how our meeting is supposed to go until we actually act on any of these things they don't become official. We do have several changes to make. So if you would all get your pens out first of all we are deleting Resolution No. 7 the law director has determined that that piece of legislation should be an ordinance. It is now Ordinance No. 77 which will follow in sequence after Ordinance No. 76. So everything is the same it's going from Resolution No. 7 to Ordinance No. 77. Resolution No. 8 was a request by Mr. McCune and signed by two other members regarding a commendation resolution. They would like to pull that from the agenda and reintroduce it at a later time. So we are deleting item or Resolution No. 8 and as I say we're adding Ordinance No. 77. Mr. Maier?

COUNCILMAN MAIER – Glenn, when we if we pull #7 does 8 roll back to 7 then?

COUNCIL PRESIDENT GAMBER We're deleting it altogether. At this point our last resolution was #6 and whatever happens to come through the Clerk's desk will become #7 then 8 etc. So at this point they've both been deleted from our records. Alright, Mr. Mang, did you have a request to make regarding the order?

COUNCILMAN MANG – Yes, if I could I'd like to move Ordinance No. 74 – 2009 to be our first item on the agenda tonight. Mr. Dave McCune has a daughter who is participating in the choir banquet tonight or the band banquet tonight which started at 6:30pm and he thought he might be able to get an hour in there if he could get an early start. So I wish to make that change.

COUNCIL PRESIDENT GAMBER Is there any objection to moving Ordinance No. 74 forward as our first item. There is not Madame Clerk would you please read the title to Ordinance No. 74?

ORDINANCE NO. 74 – 2009 BY: POLICE AND FIRE COMMITTEE

Directing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to reject the recommendations of the Fact Finders Report on May 13, 2009, concerning the Massillon Firefighters Association, Local 251 union contract, and declaring an emergency.

COUNCILMAN MCCUNE – Yes, I would like to bring Safety Service Director Loudiana up to the microphone please. Mike, if you could would you give us an overview of along with the position of the administration in regards to the fact finders report and if you're happy with it and so on.

SAFETY SERVICE DIRECTOR LOUDIANA – The fact finder report is a result of many months of negotiating with the fire department. After we got to a point where negotiations weren't going very far they requested that we go to fact finding. We had a fact finding meeting and I sent you a copy of the fact finder's report and what his findings are and what he feels is a fair negotiation. We have seven days to pass this the fire department also has seven days. We from what I understand from Perry and I think he'll explain that can't pass we can't accept it we can only turn down the rejection. If you received it in your packet we changed the staffing language where by contract we had to have 48 firemen. Which in the event of layoffs we couldn't lay any firemen off. Or if a fireman left or quit we had to fill that spot immediately. On the finance rate let me see here section 37 yeah, all firefighters will now have to have both the EMT-P...

COUNCIL PRESIDENT GAMBER Excuse me, what section are we talking about?

SAFETY SERVICE DIRECTOR LOUDIANA – I'm sorry we on Article 37. If it passes all firemen will have to keep their EMT-P which is a paramedic certificate and their regular EMT basic certificate for up to 15 years while on the fire department. The next item is "b" or it would be a new section 11 the union acknowledges that the city has the right to provide transporting. This is the reason we wanted this is if we do go to transporting there will be no opposition from the union. Of course the duration of the contract which I think you understand that. Then the wage increases will be 0, 0, 4%.

COUNCILMAN MCCUNE – Are there any questions for Mr. Loudiana?

COUNCIL PRESIDENT GAMBER Mr. Mang?

COUNCILMAN MANG – Yeah, Mike, do we still have minimum manning?

SAFETY SERVICE DIRECTOR LOUDIANA – We still have 10 men per shift.

COUNCILMAN MANG – Okay, that's minimum?

SAFETY SERVICE DIRECTOR LOUDIANA – Yeah.

COUNCILMAN MANG – But what we've done we no longer have a cap on 48 so to speak.

COUNCIL PRESIDENT GAMBER Is there anyone else with a question? Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – That was my question, Mr. Loudiana, was you mentioned 48 has that number changed or...?

SAFETY SERVICE DIRECTOR LOUDIANA – No, that's been our manning according to contract language its been 48.

COUNCILWOMAN CATAZARO-PERRY – And it will continue to be 48?

SAFETY SERVICE DIRECTOR LOUDIANA – Well, it may not it depends.

COUNCILWOMAN CATAZARO-PERRY – So do we have...I don't understand.

SAFETY SERVICE DIRECTOR LOUDIANA – Alright, right today its 48 so say financially we have to lay firemen off by contract we couldn't do it. If a fireman would leave and the chief didn't think we needed another person we'd still have to hire them. So it gives us a little bit of a lee way. We tried for minimum manning but the chief felt that if we go to transporting we'll still need the 10 people or maybe 12.

COUNCILWOMAN CATAZARO-PERRY – So by what you're saying is that if you have 48 today and then tomorrow we only need 46 you can utilize that?

SAFETY SERVICE DIRECTOR LOUDIANA – Yes.

COUNCILWOMAN CATAZARO-PERRY – Okay, is there a low number that we have?

SAFETY SERVICE DIRECTOR LOUDIANA – I don't think so there wasn't any put in there. I mean obviously anything that would endanger the operation of the fire department we wouldn't go below it could go over 48 too. But at least it knocked out that limit to where we sometimes a chief might now think he needs that many men.

COUNCILWOMAN CATAZARO-PERRY – So if you have 48 today and tomorrow you needed to lay off 6 you could do that?

SAFETY SERVICE DIRECTOR LOUDIANA – Yeah.

COUNCILWOMAN CATAZARO-PERRY – 10, you could do that at t10. So there is no magical number then? Okay, thank you.

COUNCIL PRESIDENT GAMBER Thank you, Mr. Loudiana. Mr. McCune?

COUNCILMAN MCCUNE – I'd like to bring the Law Director Perry Stergios forward. Thank you, Mike. I guess there's some language here that's a little bit confusing so if you would explain that to us I would be very appreciative.

LAW DIRECTOR STERGIOS – The Ohio Revised Code sets up how collective bargaining is to be done for public employees. We don't have any city ordinance that addresses that so we follow the revised code. It says when you have a fact finding report that the legislative authority must either accept I'm sorry if they want to reject the report they must reject it within 7 days of when it gets sent to us. There's no mention about accepting it. It says if you don't reject it its deemed accepted. Don't ask me why its written that way. Of course, like always historically we've always accepted it well I don't think that's really right. Because there isn't we do anything we reject it otherwise we're deemed to have accepted it. So I changed it and talked with Leslie Koontz who does the negotiations with Michael and she concurred that it really didn't make any sense to accept the report when the code doesn't make any provision about that. So if you want to accept the report vote no on the ordinance. Lets put it that way sort of like our zoning things or planning commission. So that's why it changed from what we've seen in the

past.

COUNCIL PRESIDENT GAMBER You're recommending a no vote on this ordinance which as the affect...

LAW DIRECTOR STERGIOS – I'm not recommending a no vote I mean...

COUNCIL PRESIDENT GAMBER A no vote means that the terms are accepted.

LAW DIRECTOR STERGIOS – Accepted, that we... a no vote means we accept the fact finders report.

COUNCIL PRESIDENT GAMBER Is everyone clear on that?

LAW DIRECTOR STERGIOS – And to reject it you need 6 votes not a majority is the other trick in this and that's by the statute.

COUNCILMAN PETERS – So we're going to vote yes on the ordinance to reject it.

LAW DIRECTOR STERGIOS – Yes, to reject it.

COUNCILMAN PETERS – Yeah, exactly and we want to reject it.

LAW DIRECTOR STERGIOS – I don't know what you guys want to do.

COUNCILMAN PETERS – Well, that's what we want to do.

LAW DIRECTOR STERGIOS – If you want to reject...

COUNCIL PRESIDENT GAMBER Well, I think that's the opposite of what we all just understood.

COUNCILMAN PETERS – I know what that's not right. I mean if you if we want to go by the fact finders thing which is what I assume we want to do we have to vote yes to reject it because that's the way the wording says. To reject the recommendations of the fact finders report.

LAW DIRECTOR STERGIOS – This ordinance says you're rejecting the fact finders report.

COUNCILMAN PETERS – Yes, that's what we want to do.

LAW DIRECTOR STERGIOS – No, you want to accept the fact finder's report. Let me ask you do you want the fact finder's report to be followed?

COUNCILMAN PETERS – Yeap.

LAW DIRECTOR STERGIOS – Vote no.

COUNCILMAN PETERS – If we vote no then you're voting no to reject the fact finder's report.

COUNCIL PRESIDENT GAMBER If we vote no we are not rejecting double negative.

LAW DIRECTOR STERGIOS – Yeah.

COUNCIL PRESIDENT GAMBER Mr. Peters?

COUNCILMAN PETERS – I'm done.

COUNCIL PRESIDENT GAMBER You're done. Mr. Hersher?

COUNCILMAN HERSHER – Just to make sure that I understand hopefully to clarify the question in the ordinance is not do we accept its do you reject the finding. So that’s why we have to give a no vote because we don’t reject the finding.

COUNCIL PRESIDENT GAMBER Mr. Maier?

COUNCILMAN MAIER – Yes, I’d like to call Safety Director Loudiana back up? Mr. Loudiana, now the recommendation of the administration is a no vote on this which accepts it then correct?

SAFETY SERVICE DIRECTOR LOUDIANA – Correct.

COUNCILMAN MAIER – Okay, that’s all I just wanted to make sure...

SAFETY SERVICE DIRECTOR LOUDIANA – One thing I should tell you is that if we do not accept then the next step is it goes to arbitration and that’s the final word.

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

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

ORDINANCE NO. 74 – 2009 WAS DEFEATED BY A ROLL CALL VOTE OF 9 NO.

ORDINANCE NO. 73 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with E.J. Hoffman Custom Cabinetry to provide an economic development “inducement grant” to assist the company in relocating and expanding its operations in Massillon, and declaring an emergency.

COUNCIL PRESIDENT GAMBER Alright, before we move onto that I want the record to indicate that Mr. McCune has left the chamber. Mr. Mang, do you have a motion to excuse him?

COUNCILMAN MANG moved to excuse Councilman McCune from the remainder of the meeting, seconded by Councilwoman Catazaro-Perry.

COUNCILMAN MCCUNE WAS EXCUSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. PETERS VOTED NO.

COUNCILMAN MANG – Yes, E.J. Hoffman Custom Cabinetry came to the mayor asking for some help in relocating to the old Brown Lumber Company. They employ 6 full time people and 12 part time with their type of business its conceivable that we will see some growth. As most of us know the Brown Lumber Plant over than the main office I think they celebrated in 75 or 100 years not too many years ago so the facility in the fact that it hasn’t been used for a number of years I would think would be kind of costly to bring it up to the code the city requires. That’s what this \$5,000 will be used for. Anybody have any questions regarding this?

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

The rules were suspended by a roll call vote of 7 yes, 1 no. Peters voted no.

ORDINANCE NO. 73 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 75 – 2009 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Dalene M. Pride to perform the Motor Vehicle License Plate Audit for the City of Massillon, and declaring an emergency.

COUNCILMAN PETERS – First reading.

ORDINANCE NO. 75 - 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 76 – 2009 BY: FINANCE COMMITTEE

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

COUNCILMAN MANSON Okay, we have three parts here. Mr. Peters threw a monkey wrench into the one so we need to remove section one. We can still pass it okay. The first part of this 76 is the \$5,000 grant that Mr. Mang was talking about earlier. Then the second part of this is \$3,200 these funds will be used to assist in curb and other street improvements currently undertaken along Lincoln Way East at the location where the city is proposing to replace the sidewalks. This work will reduce the amount needed for the sidewalk improvement project and the funds being appropriated will come from the CDBG budget line for this project. Anybody have any questions that they'd like answered on that. Then the third part is the that's the one we were talking about please prepare legislation to appropriate \$1,348 from the unappropriated balance of the 1206 municipal motor vehicle license plate fund for the motor vehicle license registration audits. So if there's any questions we'll get them answered if not I will be asking to waive the rule.

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Manson, what is section 3 for the \$1,348.45?

COUNCILMAN MANSON They're doing curbs in front of the city hall annex right now and that's what that's for.

COUNCILWOMAN CATAZARO-PERRY – Okay, thank you.

COUNCILMAN MANSON And we had already approved sidewalk repair in that area prior to that. What a minute \$1,345 I'm sorry that's for the audit. Somebody should correct me when I go that far off. That's for the audit that's what we pay to make sure that we're getting our fair share of the license fees.

COUNCIL PRESIDENT GAMBER Mr. Manson, last week the auditor guess estimated \$20,000 a year was recouped.

COUNCILWOMAN CATAZARO-PERRY – I still, okay, so then that's in front of the administration building? The \$3,200?

COUNCILMAN MANSON Yes.

COUNCILWOMAN CATAZARO-PERRY – And will that complete that project?

COUNCILMAN MANSON That project, no. They still haven't done the sidewalks and we don't have the engineer maybe Michael can answer it. We don't have the engineer here to clear this up for us. When will they doing the sidewalks?

SAFETY SERVICE DIRECTOR LOUDIANA – I think they're hoping to start here at the end of this month.

COUNCILWOMAN CATAZARO-PERRY – So we'll still need to appropriate money then for the sidewalks. Thank you.

SAFETY SERVICE DIRECTOR LOUDIANA – And they're pretty bad if you've seen those the bank has been on us about getting it fixed. People have fallen.

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

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

ORDINANCE NO. 76 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 77 – 2009 BY: ENVIRONMENTAL COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into the Settlement Agreement with Infilco Degremont, Inc., regarding the pending lawsuit concerning the construction and upgrade of the Wastewater Treatment Plant, and declaring an emergency.

COUNCIL PRESIDENT GAMBER You all do have a new page tonight there should be four sections on your new page. Section 2 should include the term attached exhibit “a” hereto. Mr. Hersher? I’m sorry Mr. Peters you have a question?

COUNCILMAN PETERS – You might have already told us and I wasn’t paying attention. But what happened to Resolution No. 6?

COUNCIL PRESIDENT GAMBER Resolutions come after ordinances, we added Ordinance No. 77.

COUNCILMAN PETERS – Oh, I’m sorry okay you did I wrote that down. I see that.

COUNCIL PRESIDENT GAMBER Well, you’ve been here for awhile you’ll get the flow of how we do things. Mr. Hersher?

COUNCILMAN HERSHER We discussed this ordinance for about an hour the environmental committee did and several other members of council were present to discuss this ordinance. At this point I’d like to call the law director up please? Mr. Stergios, would you mind repeating the summary that you gave us earlier?

LAW DIRECTOR STERGIOS – Certainly, this would resolve the pending lawsuit that is set in Stark County Common Pleas Court against Infilco Degremont concerning the tertiary filters that were installed at the Wastewater Treatment Plant as part of the 2000 upgrade to the plant. This is one small part of that entire process that was Kokosing was the main contractor on. This resolution would involve a cash payment to the city of \$225,000 the repair and the replacement of the what they call the porous plates in the filter medium that are in the three tertiary filters at the cost of Infilco. They would also be warranting the repair and replacement of the medium for a 5 year period. This came about as a result of I guess the lengthy mediation sessions with Judge Haas, our attorneys in Columbus, myself, Keith Dylewski, Joe Ulrich and obviously the people from Infilco. I could go on for hours about it but that’s the nutshell. Our attorneys in spite of I think they would really like to try the case they’re recommending it as an acceptable resolution. Joe Ulrich and Keith Dylewski are satisfied I’m satisfied only from the standpoint of I think there’s a great risk to go to trial and spend a significant amount of additional money where here we’re at least getting back a chunk of our attorney fees that we’ve spent so far. The porous plates and the filter medium being replaced and warranted at the cost of Infilco. Questions I will certainly will answer any additional questions.

COUNCIL PRESIDENT GAMBER Do we have questions? Mr. Maier?

COUNCILMAN MAIER – Yes, is this going to solve the problem down there will the smell?

LAW DIRECTOR STERGIOS – I’m not the one to ask. I don’t believe so I don’t think that these filters that Kathy had a different conversation with Joe. But I don’t think this filter is the issue with the smell. But I am not running this plant and I really don’t have any idea. But I don’t think so. I think...

COUNCILMAN MAIER – So to make it clear on what we’re doing here is then also we are

getting the filters replaced, the 5 year warranty plus the \$225,000 is that what this is?

LAW DIRECTOR STERGIOS – Correct.

COUNCILMAN MAIER – Okay.

LAW DIRECTOR STERGIOS – Correct and to get real technical its not really the entire filter being replaced its this thing that the filter sits on and then the sand and the medium are on top of that and there must be other parts...its complex.

COUNCILMAN MAIER – Alright.

COUNCIL PRESIDENT GAMBER Mr. Slagle?

COUNCILMAN SLAGLE – Do you know the total fees that have been paid to the law firm to date and then what their balance of their bill is.

LAW DIRECTOR STERGIOS – If you'd been here earlier we could have told you that. Approximately \$325,000 has been billed to date and basically paid we estimate \$50,000 to \$75,000 coming for the month of April and the remainder of May, additional.

COUNCILMAN SLAGLE – So the attorney fees were \$400,000 on this.

LAW DIRECTOR STERGIOS – Probably close to \$400,000 is what I think it will be when its all said and done. If we had a trial it might be another \$100,000 on top of that.

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Stergios, in the committee meeting we talked about the verbiage isn't exactly correct. I'm uncomfortable passing this tonight with inaccurate verbiage and I'd like to ask that we get that completed and vote on it as soon as possible in the future. But we've done in the past and we've been burnt when we don't vote on exactly what is said and that's very uncomfortable for me and I would feel more responsible if we could get the exact verbiage and then I would be happy to support it.

LAW DIRECTOR STERGIOS – I don't have a problem with that. That's you guys prerogative.

COUNCIL PRESIDENT GAMBER Are you finished?

COUNCILWOMAN CATAZARO-PERRY – Yes.

COUNCIL PRESIDENT GAMBER Mr. Hersher?

COUNCILMAN HERSHER Mr. Stergios, to that point could you explain or elaborate a little the last sentence of section 2 terms of the agreement will be substantially the form attached hereto. What does that mean to us as a body if we would move forward with this knowing that it may be...

LAW DIRECTOR STERGIOS – I guess that means in general that you have to rely on me to make sure that it still says the same thing that it says now. I said this and not all of you were here yet but you know the main parts of this or the \$225,000, 5 year warranty, replace the porous plates and the medium. The lawyers are still it may not change at all but this what I got 5:00pm Friday as the latest draft that our attorneys had sent back to their attorneys. So there might be some grammatical changes but the essences of it is the three things I just stated. So I guess you know the don't the judge is going to have us over there if we don't pass this tonight. I don't think the offer doesn't go away if we wait two weeks. But I can certainly see Mrs. Catazaro-Perry's point but I'd also like to get it off my desk. But once again I don't get to vote so I don't have...so either way I think you guys are okay.

COUNCILMAN HERSHER What you're saying is the whereas might be different or the

punctuation or the numbering or whatever but if there's going to be any change to the agreement as we understand it...

LAW DIRECTOR STERGIOS – Then I will not let it be approved and I will bring it back to you and I'll take the heat if something gets slipped up I guess or changed from the basic terms of what we say I mean I won't approve it. I mean I still have to look at the final so....

COUNCILMAN HERSHER Thank you.

COUNCIL PRESIDENT GAMBER Mr. Maier?

COUNCILMAN MAIER – Yeah, I kind of agree with Kathy if we have a contract and one word changes to another word like shall to may or may to shall that makes a huge difference. I would like to see what it actually says before we pass it. I don't see a reason we couldn't give this first reading and pass it at the work session if we had to as long as the wording was right.

LAW DIRECTOR STERGIOS – That's certainly reasonable I mean I would think we would have the final before the work session.

COUNCILMAN MAIER – I mean that would be reasonable to me that's only 7 days.

LAW DIRECTOR STERGIOS – That's like half the baby.

COUNCIL PRESIDENT GAMBER Mr. Peters?

COUNCILMAN PETERS – The only thing I'd like to say if we're only going to give it first reading and pass it or we put it up for a vote at a regular meeting. No more of these special meetings before the work sessions. If we do that I object to it and I say we pass it tonight.

COUNCIL PRESIDENT GAMBER It will be up to Mr. Hersher what to do with it when we get to him. Is there any other question any other comments? Mr. Manson?

COUNCILMAN MANSON I can't see what one week would hurt or 8 days or whatever it has unless our attorney tells us we're jeopardizing the agreement.

LAW DIRECTOR STERGIOS – I don't think you are I mean if you do it in two weeks I don't see anything changing.

COUNCIL PRESIDENT GAMBER Two weeks or at the next work session?

LAW DIRECTOR STERGIOS – Well, Donnie doesn't want to do it at the work session.

COUNCIL PRESIDENT GAMBER Well, he's one person.

LAW DIRECTOR STERGIOS – Okay, we can do it at the next work session or in two weeks. I'd rather do it at the next work session.

COUNCIL PRESIDENT GAMBER The next work session will be on Tuesday rather than Monday because of the holiday. But the question was whether we could wait till the work session you're saying two weeks won't matter either.

LAW DIRECTOR STERGIOS – I'd rather do it at the work session. I just assume have this done and I know that we will have the final document to be attached and know whether there's been any changes before next Tuesday. I'd just assume get it done please Donnie.

COUNCIL PRESIDENT GAMBER Mr. Hersher, its back to you.

COUNCILMAN HERSHER Are we going to incur any additional I know there's going to be more legal fees as this is worked out and finalized. Are there any more legal fees whether its passed or not passed tonight. I mean there's not going to be any more work.

LAW DIRECTOR STERGIOS – No, those will be the same regardless.

COUNCIL PRESIDENT GAMBER Mr. Hersher, what's your pleasure?

COUNCILMAN HERSHER If there aren't more questions then first reading.

ORDINANCE NO. 77 – 2009 WAS GIVEN FIRST READING.

RESOLUTION NO. 6 – 2009 BY: ENVIRONMENTAL COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to fill an application to the State of Ohio, to participate in the Clean Ohio Assistance Fund.

COUNCILMAN HERSHER First reading.

RESOLUTION NO. 6 – 2009 WAS GIVEN FIRST READING.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A. REPOSITORY - \$438.51

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

Roll call vote 8 yes to pay the bill.

10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR APRIL 2009 COPY FILE
- B). TREASURER SUBMITS MONTHLY REPORT FOR APRIL 2009 COPY FILE
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR APRIL 2009 – COPY FILE
- D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR APRIL 2009 – COPY FILE
- E). WASTE DEPT SUBMITS MONTHLY REPORT FOR APRIL 2009 – COPY FILE
- F). MAYOR'S MONTHLY REPORT FOR APRIL 2009 – COPY FILE

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

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER As I mentioned a moment ago next Monday is a holiday so the work session will be on Tuesday, the 26th. Are there any resolution or any report to bring forward?

COUNCILMAN MANSON – Yes, I missed this when we were talking about the Wastewater Treatment Plant. I just want to request that the auditor when we start out tonight we didn't have the language about going the money proceeds the money going back into the Wastewater. I'd just like to make sure that between now and then you don't have any problems maybe some of it came out of the general fund along the way along the way I don't know. I just want to know if you agree with it before we vote on it that's all.

COUNCIL PRESIDENT GAMBER Are you calling her forward?

COUNCILMAN MANSON – If she wants to.

COUNCIL PRESIDENT GAMBER Well, she's approaching the microphone.

AUDITOR FERRERO – Yes, I am aware of that and it will all go back to the Wastewater Treatment account.

COUNCILMAN MANSON – Sorry I missed that.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD 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 – Yes, I'd like to make a motion to bring Ordinance No. 67 – 2009 forward for its consideration, seconded by Councilman Manson.

ORDINANCE NO. 67 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

15. SECOND READING ORDINANCES AND RESOLUTIONS

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

