

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, JUNE 15, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, June 15, 2009. We have in attendance with us this evening: Mayor Francis Cicchinelli and the Auditor Jayne Ferrero. 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 TONY TOWNSEND – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN TONY TOWNSEND – Chairman of the Parks and Recreation Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

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

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

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 81 – 2009 BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the WWT Capital Improvement Fund, General Fund, Marketplace Infrastructure Fund and the Bond Retirement WWT Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Yes, we'll start here we have 1,2,3,4 sections here. First one is \$110,000 please appropriate \$110,000 from the unappropriated balance of the WWT capital Improvement fund this money is needed to cover expenses for legal fees through April 30, 2009 to be paid to the law firm Bricker and Eckler pertaining to the wastewater treatment tertiary filter settlement. Any questions just raise your hand. The next part is please prepare an ordinance to appropriate from the unappropriated balance of the WWT capital improvement to

the following \$650.00 of fees. These fees are charged by the county for collection of delinquent accounts. Section 2, we have please prepare an ordinance to appropriate from the unappropriated balance of the general fund 1100 to the following: \$45,067 to police disability and pension trust and \$5,571 to the fire disability and pension trust. Section 3; please prepare an ordinance to appropriate from the unappropriated balance of the Marketplace Infrastructure fund to the following: \$6,217 for fees. These are fees charged by the county for the collection of TIF monies; they keep track of all the money that comes in on the TIFs and how it's distributed. Then we have to pay them for doing that. The next one is \$6,000 please prepare an ordinance to appropriate from the unappropriated balance of the bond retirement WWT fund to the following then it gives the account number. These fees are charged the county for collection of delinquent accounts and assessments. Any questions from anybody?

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. 81 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 82 – 2009 BY: FINANCE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell to the highest bidder, according to law, various vehicles and/or equipment which is no longer needed for any municipal purpose, and declaring an emergency.

COUNCILMAN MANSON Yes, I think that pretty much explains what it is. We're just getting rid of equipment that we don't need or don't use that much anymore. If there's any questions we have the mayor here I'm sure he can answer that.

COUNCIL PRESIDENT GAMBER Mr. Maier?

COUNCILMAN MAIER Yes, I asked you at the work session if there was a list of equipment and I wondering if...

COUNCILMAN MANSON I'm sorry I did not check that.

COUNCILMAN MAIER I'd like to know what the equipment is that we're getting rid of.

COUNCILMAN MANSON Okay.

COUNCIL PRESIDENT GAMBER In a moment we'll call the mayor up but there were some other questions we'll see if those were similar questions. Mr. Peters, did you have your hand up?

COUNCILMAN PETERS – Same question.

COUNCIL PRESIDENT GAMBER Same question. Mr. Manson, would you like to call the mayor forward?

COUNCILMAN MANSON Yes, we'll see if we can clear it up if we can't we'll just give it first reading.

COUNCIL PRESIDENT GAMBER Mr. Mayor?

MAYOR CICCHINELLI - This pretty much is a routine piece of legislation various departments primarily the police department through the years they collect different equipment. We need to have an auction to get rid of all this stuff I mean you have to publicly bid those out. So it's really I mean I don't have a list with me but its sort of a who's who of various departments but primarily the police.

COUNCIL PRESIDENT GAMBER Mr. Maier?

COUNCILMAN MAIER Yeah, I'd still like to see a list before I vote on it. But that's all.

COUNCIL PRESIDENT GAMBER Could you give us an example are these confiscated items or items that have been used and no longer needed by the departments?

MAYOR CICCHINELLI - No longer needed by the departments.

COUNCIL PRESIDENT GAMBER Well, such as?

MAYOR CICCHINELLI - Well, anything that they don't...

COUNCIL PRESIDENT GAMBER Typewriters...

MAYOR CICCHINELLI - Everything its sort of a who's who I didn't really come prepared because I didn't know that was going to be a question. So I'll get it for you.

COUNCILMAN MAIER Thank you.

COUNCIL PRESIDENT GAMBER Mr. Peters?

COUNCILMAN PETERS – Yes, do you have a date set or anything of when you guys are planning on doing this?

MAYOR CICCHINELLI - No, it hasn't been set yet.

COUNCIL PRESIDENT GAMBER Mr. Manson?

COUNCILMAN MANSON – We can just give this first reading. We'll take a look at in July.

ORDINANCE NO. 82 – 2009 WAS GIVEN FIRST READING.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR 720 LINCOLN WAY INC 720 LINCOLN WAY E MASSILLON OHIO 44646

COUNCIL PRESIDENT GAMBER Mr. Maier, that's yours I believe?

COUNCILMAN MAIER Yes, I've got that.

9. BILLS, ACCOUNTS AND CLAIMS

A. AKRON BEACON JOURNAL - \$1,158.60

B. REPOSITORY - \$290.20

C. NORLSON - \$277.68

COUNCIL PRESIDENT GAMBER Alright, I'll for a motion in a moment. I'm just curious we normally pay for the local papers what's the bill for the Beacon Journal?

COUNCIL CLERK MARY BETH – We normally pay everybody's advertising this I believe is for the Wastewater Treatment Plant.

COUNCIL PRESIDENT GAMBER Alright, we need a motion, Mr. Manson?

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

Roll call vote 9 yes to pay the bills.

COUNCIL PRESIDENT GAMBER For the benefit of the record the answer from the mayor was that that bill was for the Wastewater Treatment Plant.

10. REPORTS FROM CITY OFFICIALS

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

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

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER As regard to the committee reports next Monday is the fourth Monday of five. So we will not meet we will meet again on the 29th. Then the city holiday Madame Clerk is that Friday the 3rd or Monday the ...

COUNCIL CLERK MARY BETH – July 3rd.

COUNCIL PRESIDENT GAMBER Okay, the city holiday is the 3rd so council will meet then on Monday the 6th. Alright, are there any other reports of committees are there any resolutions or requests from council members. Mr. Maier?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCILMAN MAIER Yes, I would request that the Clerk notify Ohio Valley Energy and have their representatives here at the next work session. So we can discuss a little bit more the oil and gas well situation. I have had requests from other people about some questions that I can't answer.

COUNCIL PRESIDENT GAMBER Alright, if I could amplify on that we've asked them what their plans are maybe in the email they can give us the bulk of the information.

COUNCILMAN MAIER That would be great.

COUNCIL PRESIDENT GAMBER Alright, then ask them to be here on the 29th right? (Yes). Mr. Manson?

COUNCILMAN MANSON Yes, the Mayor contacted me last week and he said he is prepared to come to council and give his report on what he thinks that we need to do with our financial problem. I'm going to be on a vacation for two weeks starting Sunday. So he had asked to have a special meeting on June 22nd and I said that probably would not be a good idea because knowing in advanced that we had that Monday off probably many people would be making other plans. So you know you can do as you wish I'm going to leave it up to my committee Kathy and Dave and also the pro-tem Ron if you want to try to get something going say June 29th...

COUNCIL PRESIDENT GAMBER Mr. Manson, I have a question when you said a special meeting did you mean a special council meeting or just an extra session to discuss...

COUNCILMAN MANSON He wanted to have a special committee meeting.

COUNCIL PRESIDENT GAMBER Okay, a special committee meeting. Alright.

COUNCILMAN MANSON Not a council meeting just a committee meeting. So I guess if you want to you could do it on the 29th of June. I talked to the auditor today and we are going to

schedule a meeting for 6:00pm on July 6th to go over whatever does develop. We will have a special meeting prior to council at something like 6 or 6:15. But between now and then whatever Ron and you guys want to come up with if you want to meet or if you want to wait till July 6th you know I can phone home and find out what's going on. If you want to go on June 29th then I think we'll leave it up the committee and the pro-tem to do whatever they wish.

COUNCIL PRESIDENT GAMBER Mr. Mang, Mrs. Catazaro-Perry or Mr. Hersher?

COUNCILWOMAN CATAZARO-PERRY – My feelings are the sooner the better I think June 29th would be fine and Paul can follow up then on July 6th. That's just my personal feelings.

COUNCIL PRESIDENT GAMBER Mr. Hersher?

COUNCILMAN HERSHER Yeah, I agree the 29th is fine.

COUNCIL PRESIDENT GAMBER Mr. Mang, the two committee members would like to do it on the 29th?

COUNCILMAN MANG As a bipartisan individual yes, that's fine.

COUNCIL PRESIDENT GAMBER Mr. Mayor?

MAYOR CICCHINELLI - What time?

COUNCIL PRESIDENT GAMBER What time gang?

COUNCILMAN HERSHER Just at the work session right 5:30?

COUNCIL PRESIDENT GAMBER Just part of the normal work session 5:30pm. Alright, the Mayor will be here on the 29th. Then you're also having a special meeting on the 6th?

COUNCILMAN MANSON Yes, we will have one on the 6th we'll get you the final time on it. It will for right now we'll set it for 6:15pm. If we think its necessary to go earlier we'll go at 6:00pm but we won't go any earlier than that.

COUNCIL PRESIDENT GAMBER Anything else from any committees?

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

.SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 78 – 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, Corp., for three (3) parcels of real estate owned by the City of Massillon, and declaring an emergency.

COUNCILMAN MAIER – Yes, I have in writing a request from Ohio Valley Energy to table this particular ordinance at this time. So I would like to table it and I did mention we're going to try and get them for the work session. So I'd like to table it until the first meeting in August which would be to bring it back off the table at that time.

COUNCILMAN MAIER moved to table Ordinance No. 78 – 2009 until August 3rd, seconded by Councilman Mang.

Roll call vote of 8 yes, 1 no to table until August 3rd. Peters voted no.

ORDINANCE NO. 78 – 2009 WAS TABLED UNTIL AUGUST 3, 2009.

ORDINANCE NO. 79 – 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, Corp., for one (1) parcel owned by the City of Massillon, and declaring an emergency.

COUNCILMAN MAIER – Yes, this would be second reading.

ORDINANCE NO. 79 – 2009 WAS GIVEN SECOND READING.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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