

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, OCTOBER 19, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, October 19, 2009. We have in attendance with us this evening: Mayor Francis Cicchinelli, Safety Service Director Mike Loudiana, Pat Pentello from the Auditor’s Office, Community Development Director Aane Aaby, Engineer Keith Dylewski, Wastewater Treatment Plant Superintendent Keith Bledsoe and our 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: Gary Anderson, Kathy Catazaro-Perry, Dave Hersher, 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 TOWNSENE – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN TOWNSEND – Chairman of the Health, Welfare and Building Regulations 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

JOY CICCHINELLI – I live at 2105 Cyprus Drive SE, Massillon, Ohio, 44646. Let me apologize first off I’m very, very nervous I’m not the speaker in our family. I’d like to take this opportunity to address council regarding Ordinance No. 126 – 2009. This ordinance was acted upon several years ago because it always quite a delicate situation to talk about pay raises for elected officials. That council at the time took legislation forward to automatically award whatever increments of a raise in order to keep any potential future candidates interested in running for office. The decision to accept the pay raise is a decision which should left up solely to the individual office holder. When the Mayor asked each department across the board to take 20% cut into their budget it was a decision each and every department and individual employee was asked to make. Each looked at his or her household budget and decided how they could help with the current economic crisis. My husband as well came home and we discussed as a family how we could also help with the 20% cut in their department. In going over our finances we discovered that we could be more beneficial to helping the city if we removed myself from

my husband's insurance policy and he alone was covered by the city's health insurance. My husband's raise amounted to approximately \$2,497 per year; my removal from my husband's health insurance amounted to approximately \$3,103 just from the end of August 2009 to the end of the year 2009. In the Independent Councilwoman Catazaro-Perry insinuated that this sacrifice was indeed no sacrifice at all as much as I currently have health insurance coverage from my full-time position at Gregory Industries. I take great offense to this insinuation in her haste to belittle our sacrifice as a family while she chose to also accept her raise thereby not giving back anything whatsoever to the city which is her choice. She once again she does not have all the facts yes, Mrs. Perry I do have health insurance coverage through Gregory Industries. However, in order to maintain whatever coverage I do have I have to pay \$35.54 per pay which is biweekly this amounts to \$924 per year. I have no vision insurance anymore and a small percentage of dental insurance coverage which is an 80/20 plan with a \$30.00 co-pay per office visit. If I should have to seek any medical attention I am forced to pay I am forced to pay the first \$2,000 to reach my yearly deductible amount before my employer will only pay 80% of whatever my charges amount to. So you see this choice of ours has been a greater sacrifice that we have chosen to make. Your off the cuff remark about our choices was completely uncalled for and again only points out your own inadequacy to come up with any real cost saving measures to assist our city in this current economic budget crisis. In closing I'd like to add that you've made yourself quite clear in the past of your preoccupation of constantly trying to discredit my husband. This obsession amazes many people and it makes me sick. Once again I ask you as I asked you over a year ago please remove my our picture from your website under the caption of friends. It is very deceiving to anyone who might choose to get on your website if this is how you treat your friends I'd rather be a foe. Thank you.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT GAMBER We have two housekeeping matters. First of all, if you look at your agenda under item 8; petitions and general communications we have a letter from the Ohio Division of Liquor Control for a new license at 3333 Lincoln Way East. Now the mayor hasn't quite made it that far out on Lincoln Way this is well into Perry Township. It's here by a mistake so we will be deleting that. I checked on this today this is another new venture for Joey Babari with is far flung entertainment empire. So we will be deleting that. The other item is Ordinance No. 126 – 2009 that is on the agenda improperly. This item should come through our finance committee now any member any two members can bring forth legislation request there's no problem at with that. But we do then assign it to the appropriate committee. So my Mrs. Catazaro-Perry and Mr. Townsend you both signed off this do you have any problem with if we follow the council rule and move this over to the finance committee?

COUNCILMAN TOWNSEND – No, I don't.

COUNCILWOMAN CATAZARO-PERRY – I don't have any problem with that.

COUNCIL PRESIDENT GAMBER Okay, Ordinance No. 126 will be treated as a reference to the finance committee and it is hereby deleted from our agenda.

COUNCILWOMAN CATAZARO-PERRY – Mr. President?

COUNCIL PRESIDENT GAMBER I'm speaking. There are specific rules to follow regarding what the finance responsibility are now this has been referred to you. There are reporting dates and things like that. The three members on the finance committee if you want I'll go over those with you but basically this is in the finance committee. Now your comment?

COUNCILWOMAN CATAZARO-PERRY – Point of order, Mr. President. I this is on the agenda and you may reassign it to a different committee but it should remain on the agenda.

COUNCIL PRESIDENT GAMBER Well, I disagree.

COUNCILWOMAN CATAZARO-PERRY – Well, that's how we've done in the past, sir. With all due respect I'd like to see it remain on the agenda and just assign it to the finance committee as requested. It has already been signed off and been brought forward to be on the agenda by

Mr. Townsend and myself.

COUNCIL PRESIDENT GAMBER Okay, but Mr. Townsend is not a member of the finance committee. We're treating this as non-committee legislation and I'm following the rules exactly here.

COUNCILWOMAN CATAZARO-PERRY – Point of order, Mr. President. I do believe that any two members may sign any kind of legislation to be brought forward.

COUNCIL PRESIDENT GAMBER Which rule are you sighting?

COUNCILWOMAN CATAZARO-PERRY – It's just plain old Roberts Rules of Order. So I would like to see that brought forward. I'd like to bring the law director up, please.

COUNCIL PRESIDENT GAMBER Alright, excuse me. I'm speaking I would like to pass out these items to the council members. Madame Clerk, would you please pass these out.

COUNCILWOMAN CATAZARO-PERRY – Mr. President, I'd like to bring the law director forward, please.

COUNCIL PRESIDENT GAMBER At the proper time I'll bring him forward. I have the floor right now. If you will look at page 25 which describes rule 19 the standing committees. I think we all agree including Mr. Townsend, Mrs. Catazaro-Perry that the finance committee is to be referred all matters pertaining to finances, appropriations, salaries, wages, etc, etc, We have no problem with that, right, Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Gamber, what's your point, please?

COUNCIL PRESIDENT GAMBER My point is that's the first issue. Does it belong in the finance committee and you both agreed it did.

COUNCILWOMAN CATAZARO-PERRY – I think that it belongs in the finance committee. However, any two...

COUNCIL PRESIDENT GAMBER Okay...

COUNCILWOMAN CATAZARO-PERRY – Let me finish.

COUNCIL PRESIDENT GAMBER I asked you a question...

COUNCILWOMAN CATAZARO-PERRY – I'm finishing my answer, sir.

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry, you're out of order.

COUNCILWOMAN CATAZARO-PERRY – No sir, I'm not out of order.

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry, you are out of order.

COUNCILWOMAN CATAZARO-PERRY – I do believe that...

COUNCIL PRESIDENT GAMBER I would now like you to look at page 28 council rules #27, 28, 29. There are provisions for anyone to bring a matter forward, alright. If you look at rule 28 it says any two members may sponsor an ordinance it is deemed non-committee. Rule 28.1, alright, its given first reading and goes to the appropriate committee and that's what we're going to do. We're going to give it first reading and send it to the committee. Do you have any problem with that?

COUNCILWOMAN CATAZARO-PERRY – Yes, I do, Mr. President. I'd like to bring the law director forward, please. Mr. Stergios, I'd like your legal opinion on this matter and also for you to respond to my email that I sent to you asking if there were any problems would you please let

me know.

LAW DIRECTOR STERGIOS – I did the ordinance so I didn't perceive it to be a problem. I didn't really think about the committee. But I think you just said the same thing I thought initial Mr. or President Gamber said it was deleted from the agenda but then I thought I just heard that we give it first reading and send it to the finance committee which I thought was what you were saying also.

COUNCILWOMAN CATAZARO-PERRY – No, it should not be deleted from the agenda he was stating that it should be deleted from the agenda and assigned to the finance committee. I think...

LAW DIRECTOR STERGIOS – It probably gets first reading and goes to the finance committee.

COUNCIL PRESIDENT GAMBER If I used the wrong terminology I apologize. But it gets first reading tonight.

COUNCILWOMAN CATAZARO-PERRY – I appreciate that, thank you.

COUNCIL PRESIDENT GAMBER Then as I say Mr. Chairman there are specific rules that you have to follow as outlined in our council rules here.

ORDINANCE NO. 125 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

Indicating what services the City of Massillon, Ohio, will provide to the Hendricks Area Annexation, upon annexation, and declaring an emergency.

COUNCILMAN MANG – Yes, I think most of you are most of you are familiar with Hendricks property if you travel 30 east and 90 west you have an opportunity to see the property. What we're proposing here we've been asked to annex that area his property is already annexed it's the surrounding area. We put an ordinance together stating the things that the city will provide upon annexation. Since the water and sewer is already there this annexation would be quite easy. Then the city would follow its own procedures in taking care of the highways, police and fire protection all the things that the residents of the City of Massillon has. The township trustees no the county commissioners will have a hearing I believe on December 5th and if there's not objections to this I'd like to bring it forward so its in their hands prior to the hearing.

COUNCILMAN MANG 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. 125 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 126 – 2009 BY RULES, COURTS & CIVIL SERVICE COMMITTEE

Repealing Ordinance No. 251 – 1995 effective January 1, 2010, and declaring an emergency.

COUNCILMAN MANSON – First reading.

ORDINANCE NO. 126 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 127 – 2009 BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Parks & Rec. Fund, Community Development Block Grant Program Fund, Probation Services Fund, Marketplace Infrastructure Fund, Solid Waste Fund, Neighborhood Stabilization Program Fund and the Summer Concert Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Yes, the first part of this lets what we have here. We have seven parts first part is \$70,000 appropriated from the unappropriating balance of the parks and rec. fund and it is going into an account advance to 1234.505. These are funds that were parks and rec. and other areas and they don't need it and that's where they're transferring it to. Second part, \$35,000 from the community development block grant program fund under the \$35,000 to an account entitled housing rehabilitation under the CDBG program. The city housing department operates a housing rehabilitation in assisting low income homeowners with rehabilitation and repairs. The appropriation request is to provide program funding through the end of the calendar year. Then another one I'm going to cover under that also is if you go to section 6 of the ordinance for \$10,000. This is from the neighborhood stabilization program fund this appropriation will enable the city's community development and housing department to pay for expenses incurred in the administration and management of this NSP grant. Any question on either one of those. The next section 3, please prepare an ordinance to appropriate from the unappropriated balance of the probation services fund 1238 to the following: \$28,000 to salary probation services, \$4,000 from PERS probation services and \$418.00 from Medicare probation services for a total of \$33,335.00. This will going to pay for four bailiffs that will be relieving money that is paid out of the general fund. Number 4, \$25,041 please appropriate \$25,041 from the unappropriated balance of the marketplace infrastructure fund for State Route 21 and Erie Street Bridge Project which was a joint project with the Ohio Department of Transportation. ODOT recently finalized the project and this amount applies to the city's share of the project. This would be the last payment for that project down there for the bridge over 21 going into Marketplace. If we have questions we have the engineer here. Then section 5, \$24,000 from wastewater treatment please appropriate from the unappropriated balance of the solid waste fund \$24,000 to solid waste salary. Number 7, is please prepare an ordinance appropriating from the unappropriating balance of the summer concert fund 1212 to the following accounts: salary – summer concerts \$3,000, PERS – summer concert \$150.00. This is to pay the wages and benefits of city employees that worked during the summer concerts or worked to help setup the summer concerts. Any questions on any of these we'll get the appropriate people up here and discuss it.

COUNCILMAN MCCUNE – Is there a balance carryover for next year out of that summer concert?

COUNCILMAN MANSON Yes, Mrs. Ferrero the other night talked about I believe it was about \$7,000 but I'm not exactly sure right now and I see Pat over there nodding her head. So there's still about \$7,000 left over. Any other questions?

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

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

ORDINANCE NO. 127 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 128 – 2009 BY: FINANCE COMMITTEE

Reducing the appropriation in the Parks & Rec. Capital Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Yes, this ordinance is to take the funds out of the line items that they're no longer needed in. They will be redirected to other areas where we will be using them. If you have any questions I have the deputy auditor here she can discuss this with us.

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

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

ORDINANCE NO. 128 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 129 – 2009 BY: FINANCE COMMITTEE

Making certain transfers in the 2009 appropriation from within the General Fund and the Parks & Rec. Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Yes, you see the list of from the general fund these are transfers being made. They will be going to the account shown there to pay police salary, policy hospital, fire hospital, janitor hospital \$2,500 and treasurer hospital \$2,320. This is what the auditor has been encouraging all departments to clear out any extra money they have so we can get it to where we need it. Then in section 2, \$70,000 from the advance to this is part of the money that was transferred from the recreation department and going to return on advance to the general fund 1100 \$70,000 was advanced I believe in late 2007 earlier 2008 I'm not sure exactly what the date is.

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. 129 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT GAMBER The law director wants me to direct your attention to page 2 of Ordinance No. 129 under section 3 there's a typo where it says obligations by the end of 2005 that should be by the end of 2009. Madame Clerk, you'll of course be sure to make that change on the final ordinance. Thank you, Perry.

ORDINANCE NO. 130 – 2009 BY: FINANCE COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to sign all applicable loan documents with the Ohio EPA Division of Environmental & Financial Assistance (DEFA) for the NEOCOM Sanitary Sewer Interceptor Project, and declaring an emergency.

COUNCILMAN MANSON Yes, we have Mr. Dylewski here he can discuss this if we need to. The city has received 50% of the project costs through the American Reinvestment and Recovery Act. The remainder projected cost are funded through the wastewater treatment capital improvement fund and already in place. Even though we are not getting a loan for this project since all funds are in place the OEPA requires that the paperwork for a loan still be filled out.

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

COUNCIL PRESIDENT GAMBER Mr. Peters, your question?

COUNCILMAN PETERS I'm sure this was discussed Monday night but I wasn't here. Can you explain to me what exactly this is for?

COUNCILMAN MANSON I will ask Mr. Dylewski to come up and explain the NEOCOM Sanitary Sewer Interceptor. I think we've discussed it quite a few times over last several months. I'm not sure but is this for Shearer's does it pertain to that area down there or not. Could you give us a little explanation.

ENGINEER DYLEWSKI – That's what its going to primarily serve in the beginning. It also makes it possible for us to pick up the northern portion of the industrial park in the future. That's correct. This is just also like it was brought up last Monday it's a formality that the Ohio EPA is requiring you know even though obviously we're not taking out a loan because our money is already in place on a P.O. So its just and its not the whole loan package we have to fill out its just certain paperwork within it.

COUNCILMAN PETERS When if is this project started or when will it start?

ENGINEER DYLEWSKI – We're just getting ready to start.

COUNCILMAN PETERS Thank you.

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

ORDINANCE NO. 130 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 131 – 2009 BY: FINANCE COMMITTEE

Establishing a fund entitled “LAW DEPARTMENT – Community Partnership Prosecution Fund”, and creating line items within said fund, and declaring an emergency.

COUNCILMAN MANSON Yes, this is a request to create a new account to which we will deposit grant money I believe it is from the community partnership prosecution fund. We have the law director here if he'd like to give us a little explanation on this.

COUNCIL PRESIDENT GAMBER Are you asking him to?

COUNCILMAN MANSON Yes, I think we could use a little.

LAW DIRECTOR STERGIOS – This is a follow up to the grants that were accepted and approved at the prior meeting. Specifically this is for the grant that also is involved in the next ordinance. The stimulus that we're receiving were required to set up a separate fund line item fund for them to be deposited in. When we created the grant we applied for it and called it the community partnership prosecution thus the name for this fund. So nothing tricky just a different place that the money has to go and then we pay the salaries of like one and a half of the existing prosecutors out of that account as opposed to the regular salary account. I guess while I'm up here I can tell you the next ordinance when we approved the grant it talked about approving a grant but it did not have the specific dollar amount in for the cash match. So I thought it be best to follow up with a second ordinance that said exactly what the cash match is or was. Since I think I told everybody but I thought it be best to have it all down. So I can answer questions about that when the time comes if you have any.

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. 131 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 132 – 2009 BY: FINANCE COMMITTEE

Authorizing the approval of the cash match for the Community Partnership Prosecution Grant (2009-RA-D01-2203), and declaring an emergency.

COUNCILMAN MANSON Yes, Mr. Stergios explained this. I think he indicated in the past that this will probably save enough money from his budget; he will be able to save enough money from his budget with these grants to cover the cash match part of this. If there's any questions on that.

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. 132 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 133 – 2009 BY: FINANCE COMMITTEE

Authorizing the Auditor of the City of Massillon, Ohio, to enter into a contract with the Auditor of State, Local Government Services for the 2010 preparation of the basic financial statements, and declaring an emergency.

COUNCILMAN MANSON Okay, Pat, if I misspeak would you correct on me on this? This is the Auditor of State Local Government Services is its not the auditor it is I guess its state approved or how would you describe it.

COUNCIL PRESIDENT GAMBER Would you like to call her up?

COUNCILMAN MANSON Yes, I would like for her to come up. They help us prepare for the audit annually. We do this on an annual basis this group last year was the first year we had them. They charged us \$13,750 last year and it's the same this year. It's really to help us in preparation and I believe it did help us hold down our audit costs this year. But Pat is there anything you would like to add to that.

PAT PENTELLO – No, that's correct. Basically they prepare the cash financial statements into a gap conversion for a Corel basis. Then that report goes to the state auditor and they take that report along with all the other controls they do into the state audit. So normally we had another entity that did that and we decided to go with the state and it worked out real well.

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. 133 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

RESOLUTION NO. 19 – 2009 BY: FINANCE COMMITTEE

Accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor by November 1, 2009.

COUNCILMAN MANSON Yes, this is a report that goes to the auditor, the county auditor and its authorized by the budget commission which is the auditor, the treasurer, county auditor, county treasurer and the county prosecutor Mr. Ferrero. They make this report and this goes in and this is what determines the funding we get from property taxes and where it goes. You see the museum's on there and the general fund, the fire pension and police pension. If there's any questions we'll have the deputy auditor come up and answer them if anybody has any.

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.

RESOLUTION NO. 19 – 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 NEW LIQUOR LICENSE FOR 3333 LINCOLN WAY EAST LLC 3333 LINCOLN WAY E MASSILLON OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

- A. REPOSITORY - \$689.20
- B. INDEPENDENT - \$21.13

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

Roll call vote of 9 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

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

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

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER Next committee sessions will be Monday the 26th.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCILWOMAN CATAZARO-PERRY I wanted to talk tonight about the legislation 126 – 2009 and let you know how strongly I feel about this. I really believe that we should repeal that ordinance and I just wanted to make a point that there's only certain people that it could be repealed by at this time beginning of the New Year. That would be the council president, the treasurer and all city council members. The other the mayor, the law director and city auditor it can not be effective until January 1st, 2012. So I just wanted to make a note of that. Also I have always wanted to keep politics out of this pay rate increase. I think by passing that ordinance years ago that it just added to the point. For the last 12 years pay increases for all elected officials increased by 41% and this past year it was by 4.1%. We're asking people to take a decrease in their pay and to give up money for the family. So I just want to clarify myself and that again I believe this issue of pay raises should have been decided as a group that this elected body should have taken a collective leadership role together. Open government means just that it means that the public's business should not be taken place through emails. I don't believe I've grandstanded and I've offered many preventive solutions beginning #1, council should receive the budget by October 15th, council should get monthly department work sheets on their budgets and spending by every department head, the city should get a performance audit, all elected officials need to stand up and be counted on voting for their raises and not receive automatic pay raises every year due to legislation that was passed almost 15 years ago. That is why I strongly support that we bring that ordinance forward. I have questioned city funding of such things as the hotel, the arena, the golf course, etc. I've questioned the passage of unbalanced budgets and I have requested that the mayor submit balanced budgets to council. None of this is grandstanding it's trying to find solutions to difficult problems. Solutions that can help our city live within its means and not further burden the taxpayers. So tonight to show my sincerity I have a check for the auditor which I will give it to Pat for \$300 out of my personal account giving back my entire pay raise for the year to show you how sincere I am. Thank you.

COUNCILMAN PETERS – I want to grand stand. Not to insult you Ms. Catazaro-Perry but I keep hearing this insinuation that things were done behind closed doors and through emails. I'm am bad at emails as anyone in this chamber and maybe my recollection is not real clear. But I specifically remember the meeting when we went around and we started with Mr. Mang and we moved all the around the chamber and asked everybody what we were going to do. If we were going to give back our raise or give an extra 10% and if I recall everybody answered to that. I mean there was one councilman that he would not give the extra 10% and I said I didn't have a problem with the raise. I had one councilman say he'd give back 20% to make up for another councilman. I know all this was said in an open forum and I was here unless I was dreaming I heard all that. So I don't the only part I take offense to is the part about behind closed doors and through emails. Because I don't think it was done that way heck if I wasn't badgered so much

by the Independent I probably never would have given it back. But going back to your feeling strongly about this ordinance I don't feel so strongly I'll openly say we are underpaid right now. You compare this council what they make compared to other cities our size and with our manpower and so forth we are about 5, 6 thousand dollars underpaid from what councilmen make in other cities. I can give you the facts I can show you the law director several months ago gave me a thing from the municipal league whatever league of dummies and it clearly states that we were not making what normal cities our size make. So I'm you know I'm not saying I'm not willing to give it back because I am to help the city because I love this city. But I don't think you take away the cost of living raises in the future and what that past council was looking ahead to the future away. I think its ridiculous and I think and I don't think any of us did this for the money. But it still we're still underpaid and I'll openly say that it might offend half the city and it might offend half of you. But I'm going to be the guy who says it we're underpaid now. So I take offence to both of those other than that I believe your sincerity and I know that you've tried to deal with some other problems and so forth and be called grandstanding. Maybe yes, maybe no its not my decision its not for me to judge that. But I wanted to let you know where I stand on those two issues.

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 115 – 2009 BY POLICE AND FIRE COMMITTEE

Amending CHAPTER 711 “AMBULANCE COMPANIES” of the Codified Ordinances of the City of Massillon, by repealing existing Section 711.02 “Description of Service” of CHAPTER 711 “AMBULANCE COMPANIES”.

COUNCILMAN MCCUNE – Yes, as I informed you previously Mr. President I intend to table both Ordinance 115 and 116 one meeting. I am doing so out of respect for Councilman Peters who was unable to attend the work session last week. He feels that he has some pertinent information that needs to be shared with us prior to bring this forward for a vote. So I will be tabling this to give him time to do so next week at the work session for one meeting.

COUNCIL PRESIDENT GAMBER Alright, I need a motion with the date of November 2nd, please.

COUNCILMAN MCCUNE moved to table Ordinance No. 115 – 2009 until November 2, 2009, seconded by Councilman Anderson.

Roll call vote of 9 yes table until November 2, 2009.

ORDINANCE NO. 115 – 2009 WAS TABLED UNTIL NOVEMBER 2, 2009.

ORDINANCE NO. 116 – 2009 BY POLICE AND FIIRE COMMITTEE

Enacting a new CHAPTER 967 “EMERGENCY MEDICAL SERVICES” of the Codified Ordinances of the City of Massillon.

COUNCILMAN MCCUNE moved to table Ordinance No. 115 – 2009 until November 2, 2009, seconded by Councilman Anderson.

Roll call vote of 9 yes table until November 2, 2009.

ORDINANCE NO. 116 – 2009 WAS TABLED UNTIL NOVEMBER 2, 2009.

.SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 118 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract development

agreement with the Association for Better Community Development, Inc., (ABCD, Inc) to utilize Neighborhood Stabilization Program (NSP) funding to acquire, rehabilitate and resell two vacant, foreclosed properties in the City of Massillon, and declaring an emergency.

COUNCILMAN MANG I think its pretty well explained in the title any questions on it we have the mayor here.

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

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

ORDINANCE NO. 118 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 120 – 2009 BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Neighborhood Stabilization Program Fund and the Marketplace Infrastructure Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON I'd like to discuss this and if we could clear it all up I may be asking to waive the rule. The first part \$219,000 these funds are being appropriated and will be used under proposed development agreement with ABCD, Inc. to acquire, rehabilitate and resell two vacant foreclosed residential properties on Pearl Avenue SE. All proceeds from the sale of these properties will be returned to the NSP fund to be used for other eligible housing projects. If there's any questions Mr. Aaby is here he can explain them to you. Then in the second part section 2, \$6,072 this is a request from the marketplace infrastructure fund for \$6,072 to an account entitled services and contracts. These funds will be used to pay Bricker and Eckler LLP for services associated with the recent establishment of several TIF projects. And questions.

COUNCILMAN PETERS – Mr. Manson, you have to refresh my memory. Why did this go to second reading; wasn't there a problem with parts of this?

COUNCILMAN MANSON No, Mr. Aaby, I don't believe was here at the last meeting. I'm not sure.

COUNCILMAN PETERS – If I'm not mistaken. I'm tired of throwing people under the bus as Tony says. But I mean Kathy didn't you have some questions about that or Larry? Somebody had some questions about that. Were they answered?

COUNCILMAN MANSON We discussed it.

COUNCILMAN PETERS – I wasn't here that's why I'm just asking the question.

COUNCILWOMAN CATAZARO-PERRY Well, Mr. Peters, just to answer your question. I had already stated that I do have concern about this ordinance. It's the Bricker and Eckler because we already paid Mr. Meaks \$10,000. So I've already publicly stated it at the last meeting that I was going to be voting no on that piece of it. So yes I will be voting no on the entire ordinance.

COUNCILMAN SLAGLE That was my same concern too. But I will be voting yes because I think it's a bill we have to pay, but I'll pay attention more in the future when I ask questions as to what answers I get as to whether or not when there's a duplication of services whether we're getting a truthful answer when we're paying one bill when another bill may be coming later.

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. 120 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. CATAZARO-PERRY VOTED NO.

ORDINANCE NO. 122 – 2009 BY: FINANCE COMMITTEE

Establishing a fund entitled “EMS Fund”, and creating line items within said fund, and declaring an emergency.

COUNCILMAN MANSON Second reading.

ORDINANCE NO. 122 – 2009 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

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

MARY GREEN – I live at 1542 Ballinger Avenue SE. My complaint is today I’m getting some gas that’s being targeted to my house. What’s happening is they’re coming by in trucks and cars and they’re putting gas out in my house. What’s happening its happening at night where I can’t get the license plates I’ve been to the police department. I talked with the police I just feel like that I didn’t get why didn’t you get the license number. I can’t get the license number at night I can’t run outside at night and try to see and they have license plate. Sometimes the license plates are all old. So when I talk to I’m upset, I’m really upset. I talk to the police and he said he tried to make me act like well you can’t get the license plate. I’m telling you if they can walk on the moon they definitely can take and use their cars, remotes or whatever they have in their cars to put this gas out. Now this gas is really upsetting me and its making me sick. I’m a healthy woman I’ve raised children I have children that’s coming into my home. They’re in and out of my house now what I’m saying I said all this I called Mr. Townsend at the school because he knows me well. He knows that I have ever since Ballinger has been built I was one of the first ones there and I have stood up for Ballinger and anything that’s wrong in Ballinger. He has been with meetings with me where there was people that come from New York and they came from different places just to get Ballinger to make sure Ballinger stay a nice community. Now Mr. Townsend know I call him I’ve been calling him I have people in my house because this gas would come up and it would subside until around 10 in the morning. I make sure the people came in and smelt this gas. The gas man came he dug all around the house he said he couldn’t find anything there wasn’t any thing with o something or any kind of gas. So he the sewage I called the sewer people they cleaned the line out all the way down the street. I called the maintenance man nobody could get down to the problem. I happen to be sitting there talking to someone and I was talking to them on the phone I was kind of upset and I happened to look out the window and I was this truck come by and the house was clear because the gas subsides during the day. It never comes back until at night. Now when this truck came by he slowed down and when slowed down I don’t know what he did I don’t know if there was a remote or how he can get this to come into the house. But the gas came into the house and I said “Oh my God, oh my God, they’re putting it in the house with the cars”. I called the 9-1-1 for the fire department to see what they thought about this gas that was in the house because it was overwhelming. The truck went up and turned around came back sprayed a some kind of sweet cologne smell and it went all over the house. So I told my friend they’re putting out the smell so when the fire department they won’t be here. I called the 9-1-1 back to tell them that the truck came back and he sprayed it again and now the house is clear of the smoke. It was just a perfume type of smell. I walked outside and it was outside also. Now she said you need to call 9-1-1 get somebody out there I took and called 9-1-1 again and after I called her and said don’t send the fire department because they put it out. I called back to make to tell them I better make a report. When I called them back the lady put me on she was like talking to someone and the man was like telling her something or whatever it wasn’t she said hold on a minute and she was this lasted about three minutes. She would come back to the phone and say something and then I told her I just want to make a complaint. So I called again because was saying well did you get the license plates no I didn’t get the license plate. My friend said well just have them come and make a complaint. So I called back looked on my phone my daughter says document everything looked on my phone I said its on my cell phone the time. No 9-1-1 calls were on my cell phone I spent one day with the cell phone company calling them why is my 9-1-1 calls not coming on

my log when every other call that I called the time and the date is on the log. She said that the 9-1-1 call should be on the log take it to the company. I took it into the company they said well they did they called 9-1-1 and it didn't come onto the log. So I looked on my log that night because I was looking for the 9-1-1 calls and a number came up 1-9-7 for the police. So this is what I'm saying now I would feel more better if I was in Canton because Allen Schulman is my attorney he won a big lawsuit with Aultman Hospital for my family and I. I just feel like I'm being violated I having my rights are violating. I haven't done anything I don't sell drugs I'm just someone living alone trying to live decent and really is a neighborhood watch. That's how I saw these people because I'm a neighborhood watch.

COUNCIL PRESIDENT GAMBER May I ask have you been working with Mr. Townsend on this?

MARY GREEN – Yes, I think Mr. Townsend is working on it with me. I haven't had a chance to really talk to him about it since we talked Friday because it was the weekend. But what I wanted everyone to know what's going on. I feel that it shouldn't be going on to me. I don't care about what they're doing what they business they have. I want everybody to take care of business and make sure that the drugs and different things is not in the area. But I do not want them violating me and targeting me and practicing on me because I'm a woman and they feel that I'm by myself. I am not by myself because I know some powerful people.

COUNCIL PRESIDENT GAMBER I would suggest that you continue to work with Mr. Townsend and he will get you to the proper departments and you can go over the safety service director or the mayor and try to help you out. Make sure to get with Mr. Townsend. Thank you for coming. Is there anyone else who would like to address council?

ROBERT RICHARDS – I live at 1375 Benson Street SW in Massillon. Anyhow I don't know if this was on the agenda or not but I would like to say something and make a statement. The council members I would not give up your raise. I think your underpaid for the amount of hours and everything you put in. It is ridiculous to ask to take back some money. That's all I've got to say.

COUNCILMAN MANSON I'd like to make a motion that we adjourn to executive session.

COUNCIL PRESIDENT GAMBER Alright, you need to fill out your motion. Why are going, who's going?

COUNCILMAN MANSON To discuss the court case between the county and the City of Massillon over the jail incarceration the fees.

COUNCIL PRESIDENT GAMBER Who's invited into the meeting?

COUNCILMAN MANSON All the council people, the law director, the safety service director, the mayor and I'd also like the deputy auditor to along too please.

COUNCIL PRESIDENT GAMBER We need a second, seconded by Councilman Slagle. All in favor of executive session.

COUNCIL PRESIDENT GAMBER We are now back in session. Mr. Townsend, your motion?

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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