

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, NOVEMBER 2, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, November 2, 2009. We have in attendance with us this evening: Safety Service Director Mike Loudiana, Auditor Jayne Ferrero, Wastewater Treatment Plant Superintendent Keith Bledsoe, Law Director Perry Stergios and Fire Chief Tom Burgasser. 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, Ron Mang, Paul Manson, Dave McCune, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 8 present.

COUNCILMAN MANG – I move that we excuse Councilman Hersher, seconded by Councilman McCune.

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

2. INVOCATION

COUNCILMAN GARY ANDERSON – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN GARY ANDERSON – Chairman of the Public Utilities 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

TOM MATTHEWS – 1041 4th Street NE in Massillon. Mr. President, members of city council, thank you for giving me this opportunity to address you this evening. You have before you tonight legislation authorizing the fire department to start providing EMS transport service. I have some serious concerns about this. The fire department providing EMS transport has been looked into many, many times over the forty years. Three years ago a citizen's committee was appointed by the mayor to look into the situation. At that time their conclusion was that it was not financially feasible to do this. The same conclusion has been reached many, many times before. What has changed to now make it feasible? There should be only one reason why the city would consider providing EMS transport services and that would be to improve the service,

improve patient care. I don't think that's going to happen at this time. In fact I think there's going to be times when the patient care may be compromised. One of my concerns about the fire department providing this service is the number of doing it with the same number of personnel within the department we presently have. Minimum on duty staffing to the department has not changed since 1969, forty years ago. However, total call volume has changed probably increased over three times I'm sure the chief will tell you that. I can not see how the city can start providing the service before additional personnel are added to the fire department. I sincerely believe that Massillon has the finest EMS service available anywhere. I understand that the city plan now calls for private ambulance services to back up the city ambulance. I don't believe the private services will continue to have units standing by as they do now to cover the city when they're not going to be the primary provider. The private service transports victims to whatever hospital is requested or required. Will the city ambulance do this? Has any one of you seen a written plan of how this service would operate? Are you aware that at the present time an EMS call to this very location right here gets the EMS unit from station 1; however, across the street at the YMCA the EMS unit from station 3 responds. This takes that station out of service as far as EMS and fire protection goes. Why does the city want to get into EMS transport for one reason and one reason only as I see it and that's for the additional revenue that it will bring in? I don't believe its fully understood the additional expenses and liability that will be involved when transport services starts. Just last week Jackson Township purchased a new ambulance for \$161,000. How many new units will Massillon need in the next three, four, five years? Most of us remember real well let's not forget that just a few years ago we were told that if we build it they will come referring to the golf course. Lets not create another situation like that that later on we regret. I'm asking you to defeat Ordinances No. 115 and 116, 2009. Thank you.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 134 – 2009 BY FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the General Fund, Wastewater Treatment Fund, Massillon Museum Fund, State Patrol Transfer Fund, Home Health Fund, OPWC Fund, Muni Motor Vehicle Fund and the Marketplace Infrastructure Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON – Yes, we have an ordinance here that has 8 sections that I will be going through here. The first one is please appropriate from the unappropriated balance of the general fund to the following accounts; 1100.305 and 1100.325 \$38,000 the first one to disability and pension transfer and the second one is the same \$46,986 disability pension transfer. These funds are needed to pay the third quarter police and fire pension balance that's owed for the third quarter. Section 2 is \$55,085; please appropriate \$55,085 from the unappropriated balance of the wastewater treatment fund into an account 2101.610. This money is needed to pay outstanding bills. Section 3, is \$19,033 please appropriate from the unappropriated balance of the Massillon museum fund 3110 to 3110.905 \$19,033. These funds are needed to pay the Massillon museum for their property taxes collected until the end of the year. The next one is section 4, please appropriate from the unappropriated balance of the state patrol transfer fund 3105 to the following accounts; \$6,000 to the state patrol law library and \$5,000 to the state patrol to the general fund. These funds are needed to pay the law library and the general fund through the end of the year. Next one is \$5,000 home health salary the health department needs to appropriate from the unappropriated balance of the home health fund. The amount of \$5,000 to the home health salary account to pay possible overtime for H1N1 response by the health department staff. This has been approved by the mayor and the board of health and will be replaced 100% from a pandemic flu grant. Just a little comment on that I saw that I think the Canton Health Department is going to get like a \$1,000,000 for this same thing. So there's a lot of money coming out of the federal government going into these things right now. Next one is section 6, \$3,326 please prepare an ordinance well in fact its 6 and 7. Please prepare an ordinance to appropriate from the unappropriated balance of the OPWC fund 1482 and the muni motor vehicle fund 1206 to the following accounts; its 1206.425 and 1482.425. They're both Kueper Blvd storm sewer and these are because we inadvertently closed out some P.O's. This is a project that started in 2008 and there should have been some funds to clean it up. So we had to go back since we swept that out of there and reappropriate it. Then the last one is \$1,297, please prepare an ordinance to appropriate from the unappropriated balance of the Marketplace

infrastructure fund to the following 1419.905. These funds are needed to pay the second half real estate tax fees charged by the county auditor. This is for collecting and distributing the taxes. If there's any questions we'll get them answered if not we'll move on it.

COUNCILWOMAN CATAZARO-PERRY – In section 2 Mr. Manson the \$55,000 to services and contracts to pay outstanding bills. Do you know what we're spending \$55,000 on?

COUNCILMAN MANSON – Not totally but we have the wastewater treatment manager Keith and I guess we can ask him to come to the microphone if he would like.

COUNCIL PRESIDENT GAMBER Is that what you're doing?

COUNCILMAN MANSON – Yes.

COUNCIL PRESIDENT GAMBER Mr. Bledsoe?

WASTEWATER TREATMENT SUPERINTENDENT BLEDSOE – I'll try to answer it the best I can. I have three outstanding bills to be supplied by that \$55,085.70 total. The majority of that being from Bricker and Eckler law firm that's for services rendered for the Infilco lawsuit that was ongoing over a matter of quite a few years. The North Star Asphalt repaving project for \$5,000, the Wenger Excavating project paving for \$5,000 for the total of the \$55,085.70.

COUNCILWOMAN CATAZARO-PERRY – Thank you. I'd like to bring the law director up please. Mr. Stergios, we have \$45,000 to Bricker and Eckler if I subtracted that correctly. I thought we paid all of our fees for the lawsuit.

LAW DIRECTOR STERGIOS – The bills never came to my office so I have not seen this bill it must have gone straight to the wastewater treatment plant. Typically they never come to me unless I ask for them. So if I saw the bill I could I would assume that's the final from the end. But I don't know what dates are on it or anything I've never seen it.

COUNCILMAN MANSON – I make a motion that we waive the rule requiring three separate readings and bring Ordinance No. 134 – 2009 forward for a vote.

COUNCILWOMAN CATAZARO-PERRY – I would like to delete section 2, Mr. Manson until we have further information on that.

COUNCIL PRESIDENT GAMBER We have a motion on the floor at this point. So we'll finish that out is there a second for the motion? Seconded by Councilman Mang. Alright, now your comment Councilwoman Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I would like to make a motion that we strike section 2 just until we find out further information on the Bricker and Eckler. If this is our final payment I think council should know exactly what we're doing with that lawsuit and if this is actually our finally payment and exactly how many hours. I just we think we more information on section 2. I apologize Mr. Manson for not catching this in the work session but I didn't and I really believe we need more information.

COUNCILMAN MANSON – Well, I wonder if maybe the auditor could shed any light on this. If not don't waste your time.

AUDITOR FERRERO – I can tell you this all Bricker and Eckler it all has to do with wastewater. It has nothing to do with any other department in the city. They have final bills every time we talk to someone from Bricker and Eckler no matter what it is we get charged for that. We're contractually we're obligated to pay them for the time that they spend helping us solve anything. We have all of their statements that they've taken up and this one is from May, June, July and August of 2009. Now there could be something that could come yet in September and just like for example we talked to people from Bricker and Eckler when we talked about a loan a city loan and we were billed for that. So that will be coming forward as well. So anytime we talk to them for any kind of legal advice we do get charged and it is a legal bill. I can make

you a copy of this bill if you'd like so you can see exactly what took place. But it all has to do with the wastewater treatment and I really do believe we should since it from May, June, July and August we should go forward and pay it. They do have the funds in their accounts to pay it.

COUNCILWOMAN CATAZARO-PERRY – But the information about the loan would not be in the wastewater treatment bill would you say?

AUDITOR FERRERO – The information about the loan all the bills are itemized about how they talk to us you know how many times they talk to us and what they do for us. Everything is an itemized billing for them I mean this is pages of billing. You're welcome to any of this at any time, but in order for us to run efficiently we sometimes have to rely on their expertise.

COUNCILWOMAN CATAZARO-PERRY – No, I agree. I'm just saying that if we spoke about the loan for the general loan it shouldn't come out of wastewater treatment.

AUDITOR FERRERO – The loan did not come out of the wastewater treatment that would come out of my office because we're the ones that spoke of that. That's what I meant I got a bill from them just this past week because we called them and asked them for information and they bill us for that. That's exactly what wastewater treatment did.

COUNCILWOMAN CATAZARO-PERRY – Sure, I still think that we need more information and see where we're at on this lawsuit and how much money this is going to cost us and how much it has cost us. I don't we've discussed that section enough.

COUNCILMAN MANSON – Those bills all of those are wastewater treatment plant I mean this has nothing to do with the loan or anything.

AUDITOR FERRERO – No, no, no, that's all separate. It's all wastewater treatment and it's all legitimate bills that they've helped them with to review damages, analysis the court the summary of the judgment motions to consider the trial preparation issues. I mean everything is itemized everything that they do you know the hours that they spend on it. I mean we have a contract with them.

COUNCILMAN MCCUNE – Jayne, you did sign off this correct?

AUDITOR FERRERO – Oh yeah, they have the money there to pay for it.

COUNCILMAN TOWNSEND – I just have a comment. I think what Councilwoman Catazaro-Perry is asking is a fair request even if we discuss it next week it would still go on the 16th agenda and it would still be passed in the month of November. That's all.

COUNCILWOMAN CATAZARO-PERRY – I just think that's a lot of money for I realize Mrs. Ferrero that we have a contract but I think that council should be full aware of what we're passing.

COUNCIL PRESIDENT GAMBER Mr. Manson said he has a motion on the floor with a second; discussion seems to be finished.

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

The rules were not suspended by a roll call vote of 5 yes, 3 no. Catazaro-Perry, Peters and Townsend voted no.

ORDINANCE NO. 134 – 2009 WAS GIVEN FIRST READING.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

1. REPOSITORY - \$358.00
2. NORLSON - \$165.00
3. KELLER OFFICE - \$18.56

COUNCIL PRESIDENT GAMBER Mr. Manson?

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

Roll call vote of 8 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR OCTOBER 2009 COPY FILE
- B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2009 COPY FILE

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

COUNCILMAN MANSON I move that we accept the auditor's report, seconded by Councilwoman Catazaro-Perry.

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

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER Regarding committee reports we will have committee sessions next Monday the 9th. I'll remind everyone there are five Mondays in November, so we will skip the 23rd and be back on the 30th. Is there anyone on council who has any sort of a request or report? Mr. Manson?

COUNCILMAN MANSON – Yeah, we had a meeting a finance committee meeting tonight ahead of this meeting. We discussed the ordinance on the pay for elected officials and we're pretty well spread out. All three committee members have made their positions known and right now we have one wanting to do away with the ordinance, one that wants to bring it forward but defeat it and one that doesn't want to even bring it back to the agenda. So that's just a little report there.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

COUNCIL PRESIDENT GAMBER Councilman McCune?

COUNCILMAN MCCUNE Yes, I'd like to flip the order of Ordinance No. 115 and 116, 2009 the order in which they will be heard tonight. Ordinance No. 115 will be predicated on the passage of 116. So if 116 shouldn't pass 115 basically becomes a mute point.

COUNCIL PRESIDENT GAMBER I agree with Mr. McCune, we looked at those prior to the meeting tonight. Is there any objection to considering those out of order? It does not appear to be Madame Clerk; you would please read the title to Ordinance No. 116 – 2009.

TABLED FROM OCTOBER 19, 2009

ORDINANCE NO. 116 – 2009 BY: POLICE AND FIRE COMMITTEE

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

COUNCILMAN MCCUNE Yes, this ordinance deals with the creation of an emergency medical transport service here in the City of Massillon. Over the past many work sessions we discussed this ordinance in depth. It was my intent to bring this forth out of my committee and the structure of our work sessions we basically we were able to look at this as if we were a blue ribbon committee. All members of council were present during the work session we discussed it at length. We had several people come forward and speak on the different concerns many of which former Chief Matthews stated tonight I had invited him to attend those work sessions so that he would be to be a party of those discussions. Many of the in fact I think all of his concerns were addressed during our work session. Councilwoman Perry had a request to have the billing services the way it was going to be set up looked at and I had requested that the chief look into that. He sent us an email but to get it on record I'd like to bring him forward to inform council of how that billing is going to be broke out.

COUNCIL PRESIDENT GAMBER Alright, we'll call him forward. This is not part of the ordinance itself this will be an administrative policy.

COUNCILMAN MCCUNE This is will be an administrative part of the ordinance if it passes, yes.

COUNCIL PRESIDENT GAMBER Chief?

FIRE CHIEF BURGASSER – The originally billing with Jackson Township was a partnership based on the fact that we do an almost equal number of runs. The billing would be shared much in a similar fashion as we share dispatch services or something else. In light of the fact that we are proposing a limit transport the cost per call would be \$13.00 to \$15.00. That's pretty much consistent with exactly how much it costs for the billing person. They have the billing person we would be contracting with them.

COUNCILMAN MCCUNE So, chief, we would just be paying for the calls that we would have billed instead of having a partnership of 50/50 split. (Yes) Thank you. I want to bring Ordinance No. 116 – 2009 forward for passage tonight I strongly support this and recommend its passage.

COUNCILMAN MCCUNE moved to bring Ordinance No. 116 – 2009 forward for passage, seconded by Councilman Slagle.

COUNCIL PRESIDENT GAMBER Any comment or discussion, Mr. Peters?

COUNCILMAN PETERS – I have I guess I don't know the exact order I have a couple of requests to amend the ordinance as it is written right now. I want to do that before I go into how long do I have the floor for like three hours?

COUNCIL PRESIDENT GAMBER You have the floor.

COUNCILMAN PETERS – I ask council there's a couple different things first of all I'd like to see the billing provisions put in the ordinance so they're in black and white and everybody knows what they're going to be. Second of all, on 967.01 of the ordinance paragraph C, the safety service director or his whoever he designates shall annually report to council regarding the operation of EMS. You know supposedly this is going to be a trial until December 31st. Most of you know that you know if you get that annual report on December 31st its going to be way to late to do anything about anything. I would ask that we change this ordinance and make it monthly or at least quarterly. I think that's a fair request you know in the seriousness of this ordinance in section D of that same general provision that paragraph d says the safety service director and the City of Massillon fire department shall be responsible for the establishment and implementation of all the procedures and protocols to be followed by the Massillon fire department or any public ambulance with regard to responding to calls of the emergency medical nature within the city limits of Massillon. I'd like to see the protocol in the ordinance. Those are just starters and I think we should amend it and so I'm going to move that we amend it.

COUNCIL PRESIDENT GAMBER What exactly are you moving to amend?

COUNCILMAN PETERS – I just told you.

COUNCIL PRESIDENT GAMBER You have that in writing?

COUNCILMAN PETERS – 967.01 its paragraph well I have it right here written down I can tell you I mean that's why we have a clerk we can change it. Paragraph C, the safety service director or whoever he designates shall annually report to council regarding the operation of EMS. I'm saying change it to monthly that doesn't seem appropriate for council I'm willing to go quarterly but monthly but quarterly at the least.

COUNCIL PRESIDENT GAMBER Your motion is monthly.

COUNCILMAN PETERS – Yes.

COUNCILMAN ANDERSON – Can I second that?

COUNCIL PRESIDENT GAMBER We've already had the motion and the second. We're working our way around to exactly what it... Alright, so that's the first change we're going to change the word annually to monthly. Is that correct, Mr. Peters? (Yes, sir) Alright.

COUNCILMAN PETERS – Secondly, as the chief got up and spoke and gave us you know a figure or whatever. I would like and these no nothing in this ordinance as far as the billing procedure or anything. So I would like that put in the ordinance so you'd have to add that completely.

COUNCIL PRESIDENT GAMBER And that language obviously is not written at this point.

COUNCILMAN PETERS – That is not written.

COUNCIL PRESIDENT GAMBER And your third item?

COUNCILMAN PETERS – Third item, 967.01 general provisions paragraph D where it generally says the establishment of implementation and procedures and protocols to be followed by the fire department. I would like to see procedure and protocol in the ordinance.

COUNCIL PRESIDENT GAMBER Alright, we have three items let me recap them. Basically what the motion will do is amend this to change the word annually to monthly. Section D is some unknown language at this point correct? (Correct) The third part regarding the billing is also unknown language at this point right? (Right) Then those were your points right? (Yes, sir) Okay, we have a motion to do that its proper for him to want to amend this in that way and what we will do is of course have discussion on that. Then have a vote if the amendment including these provisions pass then that's the way the ordinance will be voted on. If they do not pass then the ordinance will go back to the shape that it is in right now. We'll start at the left Mr. Slagle?

COUNCILMAN SLAGLE – Do we have to include all three of these at once or can we break them out.

COUNCIL PRESIDENT GAMBER That's the way the motion was made. You can further break down that amendment into another amendment if you chose.

COUNCILMAN SLAGLE – I think the monthly is a good idea because we think we all need to have a concept every month about what's happening with EMS. Really if we get it all at once that will be a problem. While I anticipate that we'll get those regardless it seems to me putting it in the ordinance isn't a bad idea. But the other two I think we're little bit getting carried away.

COUNCIL PRESIDENT GAMBER Mr. McCune, you're the chairman we'll save you for last. Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Peters, if you don't have an objection I would like to add on your C 967.01 C that we evaluate it within six months. Not a full

evaluation but really just take an entire evening and look at where we started, where we are, what our reimbursement is, what our billing costs are so that we can see if we're on the right track. I think if we could add that in evaluate within six months and then a full evaluation within a year.

COUNCIL PRESIDENT GAMBER Mr. Anderson?

COUNCILMAN ANDERSON – I would like to add to C it says that shall report to council regarding the operation of EMS. That's pretty vague but I would like to have in there that we receive P & L statements. Profit and loss just want to know what's going on with the money.

COUNCIL PRESIDENT GAMBER Alright, at this point we have Mr. Peters motion and we have discussion. Is there anybody who would like to do something differently? Mr. Townsend?

COUNCILMAN TOWNSEND – I just have a question that Councilman Peters may not have stated this. Who would be responsible to submit that report to city council?

COUNCIL PRESIDENT GAMBER You said you're asking Mr. Peters?

COUNCILMAN TOWNSEND – No, he may have stated that already.

COUNCILMAN PETERS – The safety service director.

COUNCILMAN TOWNSEND – Safety service director, okay.

COUNCILMAN PETERS – Or whoever he designates.

COUNCIL PRESIDENT GAMBER Mr. McCune?

COUNCILMAN MCCUNE – I believe in the way that this ordinance is structured that we have made every good faith effort to deal with these revision requests. You will find in section 2 that we have the chief fire chief shall provide monthly reports to city council detailing the revenue generated and any additional expenses associated with transportation. I believe that addresses Mr. Peters and others request. Section 3 of the ordinance also states that transportation by the fire department shall be reviewed by city council on or before December 31st, 2010. This ordinance maybe repealed or revised by council at such time. I believe there we also made a good faith effort to address those concerns. So I see no reason for revision also in the billing practices other than the request that was made by Councilwoman Perry which the chief came forth and addressed tonight that was part of the presentation in the handout that the chief handed us provided all council members many, many, many weeks ago when we first started down this road. So in all actual reality I believe all these revision requests have already been addressed.

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I spoke with the fire chief earlier this evening, Mr. McCune and asked him you know we didn't have a contract for the jail. I asked him if it was possible for us to get a contract for the Jackson Township I think that's pertinent that we have that. So that we don't get burnt again without having that because its just as much our fault as it is ours without that contract. So whether its an agreement or a contract but I think we need something in writing that says the exact amount that we're paying and what's expected of us also what's expected of them. Then we should move forward the chief said to me that he did not think that would be a problem to get that from Jackson. But I really think that we need to be cautious because you know he said she said days I think are gone. You know we need to protect our city as well as Jackson protecting their township.

COUNCIL PRESIDENT GAMBER Discussion, Mr. Manson?

COUNCILMAN MANSON – Yeah, I think Mr. McCune in handling this ordinance I think we have had adequate discussion on all of this. I see no reason for at the end of months of discussion to have a bunch of revisions proposed. I'll be voting to have the ordinance go

forward as is written.

COUNCIL PRESIDENT GAMBER Thank you, Mr. McCune, do I have your permission to call the law director forward? (Absolutely) Mr. Stergios, we have a motion and a second to amend this ordinance which is proper. There are three parts to the amendment. One part is changing one word; two parts are adding language that does not exist what's your opinion of amending an ordinance to include language that doesn't exist.

LAW DIRECTOR STERGIOS - I wrote that note as I sat I mean we can't amend an ordinance to language that we don't have. But I mean...

COUNCIL PRESIDENT GAMBER Alright, we do have motion and we do have a second. So at this point we will be voting on Mr., Peters...

COUNCILWOMAN CATAZARO-PERRY – May I make a third motion?

COUNCIL PRESIDENT GAMBER Sure.

COUNCILWOMAN CATAZARO-PERRY – Well, I hate to see this killed and I think that's what's going to happen this evening. So I'd like to make a motion that we table it until we get the further information Mr. McCune so that we don't have to kill this tonight. We can get all the questions answered and everything done properly because I think in one way its very, very good and that continuity of care for the patient. So I would just like to throw that out as a third motion because there are some things that I think we can get answered and get things in the proper alignment to pass it.

COUNCIL PRESIDENT GAMBER Mr. McCune?

COUNCILMAN MCCUNE – I really believe that sections 2 and 3 have dealt with two of the requests. I don't believe that the billing situation will be a problem at all. I would just like to bring it forward for a vote.

LAW DIRECTOR STERGIOS – Can I say one more thing maybe two? Going in no apparent order we put the language in section 3 of the body of the ordinance that council can review at any time on or before December 31st. If it helps at all I guess I would say whether that language is there or not is irrelevant. You guys can amend it or repeal it whenever you want after the first month report comes in if somebody wants to bring it forward and change it they can. So it was put there because you asked for it but you have that power as a body to do it anyhow. So whether it says that or not whether it says six months or nine months or on or before December 31st you have that ability as city council to repeal this thing in its entirety to change it to modify it and any time you wish to do so before or after December 31, 2010. So personally and legally I guess I wouldn't get too caught up in what that says because you have that power. As to the billing question that Ms. Catazaro-Perry brought up think if well I don't think I'm certain if we enter into any contract with Jackson regarding the billing that would have to come before council and you guys would have to approve it. The chief and the safety service director don't have the authority to make a deal with Jackson without us having a written contract as to how they're going to bill us. So I think that would come before you or it would have to before we could make any enforceable deal with Jackson as to the billing which that may clear up one of the questions that was raised. Then which I think and I'm not council but I think that addresses the two concerns that Mr. Peters brought up also. I might oh the protocols would be the second one that Donnie brought up. If...I don't know what the procedures and protocols are none of us have them here with us today but I think I don't think that is something that needs to be in the ordinance. You can't micromanage you have to designate the chief or the safety service director to establish those things and that doesn't affect the basic fee schedule or how we're going to collect fees. You know they are in charge of the firemen and the ambulance service. I don't think that has to be in the ordinance but that's not up to me. Second we don't have we don't what those are anyhow so I don't know how we could pass them. So that may or may not help move things along I don't know.

COUNCIL PRESIDENT GAMBER Anyone have any other questions for the law director? Mrs.

Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Stergios, I spoke with the chief about this tonight also. I think some of council's concerns are is that they said they would take one of every three calls. That's important because some council members are thinking they're only going to take the insurance patients or they're going to take the Medicare patients and they're not going to transport the patients without insurance. I think those are valid concerns for city council members because we're making the decisions about the transporting. I think Mr. the chief answered those to me but he didn't get a chance to answer those to everyone because I stopped and I asked him this evening. So I think those are valid concerns and I think that I don't think we're rushing this through. I think we need to take our time and work at it and continue to get our questions answered before we say yes or no. Frankly, like I said earlier I would like to say yes to this but I'm not satisfied with our answers just yet. So if you rush it through you might get the no answers and if we take our time...

LAW DIRECTOR STERGIOS – Well, I'm not trying to rush it through I'm just trying to answer some of the questions. I don't any clue about the chief and procedures and protocols and I didn't mean to say that I did. But I if you asked him that question that's a conversation I wasn't part of. But I'm not pushing it or not pushing it I'm just trying to help.

COUNCILWOMAN CATAZARO-PERRY – No, I appreciate that but I'm just saying I think those are some concerns that we need to take the time to have those questions answered for council members. Because we're making decisions for the residents that are going to receive that service.

LAW DIRECTOR STERGIOS – That's fine with me send it back to committee. Tonight's not the night to answer them all.

COUNCIL PRESIDENT GAMBER Mr. McCune, you'll be the final comment.

COUNCILMAN MCCUNE – I'd like to bring the chief forward to answer our question in regard to the billing.

FIRE CHIEF BURGASSER – With respect to SOP's and protocols our EMS service runs from protocols based on our Stark County Medical Control Board. They're the ones who developed the policies and the protocols we have liaisons. The problem with inserting them into the ordinance is that while they may or may not change them frequently. They have the authority to do that and we would be operating outside of our protocols if we had to bring those protocols back here for legislation or we would have to not do what the medical control board asks us to until council would vote on that type of legislation. Therefore I would respectfully request that with respect to protocols and standard operating procedures that we would defer to the Stark County Medical Control Board who is our medical director. Thank you.

COUNCILMAN MCCUNE – Chief, hold on a second. In regard to the billing questions that Councilwoman Catazaro-Perry could you address her concerns for us tonight in regard to the billing that would take place, how it would take place and...

FIRE CHIEF BURGASSER – Jackson Township has a billing clerk that does their EMS billing. They do that because they found that it was more lucrative for them to do then to establish a relationship with a professional billing company. Just as when we spoke about this many months ago just as we operate with dispatch services we asked if Jackson Township would partner with us for EMS billing. They indicated a desire and a willingness to do so. Again over the course of time we changed more or less the scope of what we how we're going to do it do the transport. That it is with respect to a limited basis. So we had to there were questions about the billing in light of the fact that we weren't going to be billing out 2700, 2800 runs. When I spoke to Chief Heck of the Jackson Fire Department and he in turn spoke with his trustees. They indicated that we would be able to partner on a cost per call basis. That cost per call basis would be anywhere from \$13.00 to \$15.00. Again, a lot depends on the development of letterhead for invoicing and those kinds of things. So we're still trying to figure out exactly how much that would be \$13.00 to \$15.00 per call is certainly reasonable. Ohio Billing and other companies

charge anywhere from \$18.00 to \$24.00 per call.

COUNCILMAN MCCUNE – How long would you anticipate that contract would come before council for passage?

FIRE CHIEF BURGASSER – I'm not exactly sure of the methodology here I don't know whether it needs to move in front of the Jackson Township Trustees first and then come here or come here and then move in front of the Jackson Township Trustees. But however long that process would take I think that it would be a matter of since we all have an understanding it would be a very minimal time as possible. I don't know how long that would be.

COUNCILMAN MANG – Yes, Chief, I heard some concerns here about we would do one out of three and possibly we would pick only the ones that were covered by insurance. Now when we receive a call for 911 do we know whether they have insurance or not?

FIRE CHIEF BURGASSER – Absolutely not.

COUNCILMAN MANG – So there's no way we know that we probably don't even know it when we arrive at the scene and no one would ask anyhow.

FIRE CHIEF BURGASSER – No sir.

COUNCILMAN MANG – So I don't see where that you know if its going to be one out of three its one out of three. Everybody knows here that we're going to soft bill and soft bill is directly whatever is payable by the insurance companies what we're going to accept as payment. Because you can't hard bill because they're already paying for the service part of it anyhow. So you know we've been kicking this thing around and kicking it around and at the last work session we spent an hour and half and I call those things a dog and pony show. Anything that wasn't accomplished after that most of the questions that were brought forward were all answered the weeks and weeks before. Now if you want to kill the ordinance kill it but sitting here and talking about this thing for another week another month to me is foolish. Bring it up for a vote and get it over with. I don't really like to transport right now either but if there's a chance that we can transport and bring some money back into the fire department that will stabilize the fire department to the extent that we don't have to look at them to cut back. There is no way I believe that this money will ever help the general fund in the very near future. But if every dollar comes in can go into the help support the fund for the fire department that's fantastic. I say that because I think there's draw backs to it but we can't you know there's no way this council or this city is going to iron out all the things that have to be done. I've been around here too long and we've done millions and millions of things and not to this extent have we done that especially when this project is start and stop immediately. When we approved \$20,000,000 or whatever that to the wastewater treatment plant that's it folks it don't change.

COUNCILMAN MANSON – Two parts of the proposed amendment I'd like to comment...

COUNCIL PRESIDENT GAMBER Well, let's go back right now we have the fire chief up...

COUNCILMAN MANSON – That's what I'm going...

COUNCIL PRESIDENT GAMBER Okay, Alright, your questions to him. I'm sorry.

COUNCILMAN MANSON – The first is on the protocol. I think he made it perfectly clear why council should not be tinkering around with things like protocol putting them in ordinances. Like he said they maybe changing you know tomorrow there maybe a change in protocol but I believe the proper people are in place that are doing protocol now. I'm totally satisfied and I really do not care for that to be in the ordinance period. I think there's no place for it and the other part of it Mr. McCune talked about is there is a part for monthly reports in there I think that takes care of everything. We will be hearing monthly if we aren't its our own fault for not asking. We can make the decision to pull the plug on this thing at any time. The other stuff is just small stuff.

COUNCILWOMAN CATAZARO-PERRY – Chief, would you please share with the information that I asked you this evening to put our residents that may be watching the show tonight the committee meeting that if someone has a myocardial infarction or a heart attack or if someone has a stroke you are not going to be waiting on anyone its an immediate transport.

FIRE CHIEF BURGASSER – The plan is to do this we will answer the first squad calls with the transport vehicle. In the event that that vehicle or in the event that that call that would be answered by four people two from the outside station and the transport vehicle. In the event that we when we get on the scene it is not a life threatening emergency if the patient is has elected to go to an out of town hospital a private will be immediately called. Then the transport ambulance will be returned to service and to quarters. If it is a life threatening emergency such as a heart attack or a stroke we will take that patient to Aultman or to Mercy if that's where they elect to go. We will transport all patients to Affinity Medical Center if while the transport ambulance is in the act of transporting or is out of service for one reason or another all of the calls will be responded to with a first responder unit and a private ambulance just as they are now.

COUNCILWOMAN CATAZARO-PERRY – Thank you.

COUNCIL PRESIDENT GAMBER Alright, we have two motions on the floor. We have one by Mr. Peters to amend I've got your copy here and I haven't written on it yet so I'll pass this back to you. So we will move to vote on Mr. Peters amendment which includes three parts. One is changing one word and two is changing language to language that doesn't exist. We have a motion we have a second Madame Clerk would you call the roll to amend.

COUNCILMAN MANSON – Is protocol included in that what you're talking about right there? I'd like to have that a little...

COUNCIL PRESIDENT GAMBER Well, I'm paraphrasing because none of this is in writing. His motion includes three parts the first part will change the word annually to monthly, the second part basically says protocol should be in the ordinance but we don't have the protocol. The third part says that billing should be included is that right Mr. Peters? (Yeah) Okay, those are the three parts; two of which are unknown. We shall move to the vote for this amendment.

Roll call vote was tied by 4 yes, 4 no, Council President Gamber voted no on the amendment to break the tie.

COUNCIL PRESIDENT GAMBER We now move back to Ordinance No. 116 – 2009 as it was written and presented. We have a motion and a second on that Mr. Slagle?

COUNCILMAN SLAGLE – There does appear to be a typographically error in section D. It says establishment and the implantation of all procedures. It should be implementation.

COUNCIL PRESIDENT GAMBER Alright, we will call that a typo in section D implantation should be implementation. This is third reading Madame Clerk would you please call the role.

Roll call vote of 6 yes, 2 no for passage. Anderson and Peters voted no.

ORDINANCE NO. 116 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 2 NO. ANDERSON AND PETERS VOTED NO.

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, Ordinance No. 115 goes hand in hand with Ordinance No. 116 in that we have to amend the language to permit us to do the emergency transporting. So I will be bring Ordinance No. 115 forward for passage.

COUNCILMAN MCCUNE moved for passage, seconded by Councilman Slagle.

COUNCIL PRESIDENT GAMBER Any discussion on the ordinance? Madame Clerk, would you please call the roll.

Roll call vote of 6 yes, 2 no for passage. Anderson and Peters voted no.

ORDINANCE NO. 115 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 2 NO. ANDERSON AND PETERS VOTED NO.

14. THIRD READING ORDINANCES AND RESOLUTIONS

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 – Yes, this just simply creates a fund where the revenue from transporting will be deposited.

COUNCIL PRESIDENT GAMBER Any discussion on this ordinance? Motion please.

COUNCILMAN MANSON moved for passage, seconded by Councilwoman Catazaro-Perry.

Roll call vote of 7 yes, 1 no for passage. Peters voted no.

ORDINANCE NO. 122 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. PETERS VOTED NO.

.SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

