

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, DECEMBER 7, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, December 7, 2009. We have in attendance with us this evening: Mayor Francis Cicchinelli, Community Development Director Aane Aaby, Auditor Jayne Ferrero, Wastewater Treatment Plant Superintendent Keith Bledsoe, Law Director Perry Stergios and Building Superintendent Bill Kraft. 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 DAVE HERSHER – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN DAVE HERSHER – Chairman of the Environmental 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

PAUL DOERING – I live at 318 Fourth Street NE. I'm impressed by the fact that this council body starts its meetings with the saying of the Lord's Prayer. I know of no other governmental agency which does that. This prayer is one of the fundamentals of the Christian faith. Christianity teaches love and compassion I hope this body shows some compassion and not only tables the proposed rental licensing registration occupancy permits but permanently rejects any comparable legislation for the future. This is only a new tax which would have to be paid by hosing providers and their tenants. As one of your council members already stated we are in the worse recession since the depression. People are already stretched to the financial limits without having to pay new taxes and fees. This was clearly shown by the rejection of the additional Stark County sales tax. I also own rental properties in Ft. Meyers and Cape Coral, Florida. That states has one of the highest foreclosure rates in this country at 24%. There's literally thousands of foreclosed and vacant homes. In spite of this both Ft. Meyers and Cape Coral have no requirements for rental inspections, certificates of occupancy or vacant building registration. As

your councilman also said there's nothing to be gained from this. It is time for the City of Massillon to start living within its means. I was a victim of two arson fires on Saturday. The second fire at the Ertle building on Charles could not be extinguished effectively because the fire hydrant in front of the building did not flow properly and they had to get water from a block away. Instead of investing in hotels and golf courses this city should start providing proper basic services. Thank you.

MICHELLE RADKE – I'm the president of Walnut Hills Association. I live at 1705 Mohican Street SE in Massillon. We as our neighborhood association support the at least the part of the ordinance for the tenancy occupancy permits. This is a subject that we have talked about as a leadership counsel for the neighborhoods for over 8 years. This is not something that just came out of the blue. We feel this would be an improvement for our neighborhoods we have a lot of absentee landlords who do not take care of their properties. Don't know what the properties look like don't care what the properties look like. We've had a lot of scare tactics, we've had several different people who have had landlords come and tell them that if they report anything their rent is going up. They're going to kick them out they're going to do whatever. We've had black mold, deplorable conditions, we feel that the landlords need to keep a better eye on what is going on with their properties, come around and look at them more often. Take better care of them and I feel this ordinance would ensure that they would look a little bit better at their properties. We've had several people that have we can't even find who owns the properties to even contact them. So that's another thing I think that would help by registering we would know who owns what, where they live and be able to contact them if there is a problem. We have unsightly and unkempt yards that don't get mowed in our neighborhoods myself we go around and mow some of them on our own just to get them done. Because I know the city is overburdened we have to look at them so we try to make them a little bit better. We feel that the cost I know this is not a good time to pass on costs but the costs gets passed onto the tenants anyways, the taxes, the sewer bills, whatever is still incurred to the tenant. We would also like to see the building code department be able to have a little more teeth in some of the ordinances they have in enforcing what the homeowners do. There's a lot of homeowners not just renters that don't take care of their properties. I think that would be something that needs to be addressed too. Thank you.

MARY CLEAVER – I just purchased a home a new homeowner 1324 Pearl Avenue SE. As a member of the Franklin Village Neighborhood Association we have the same concerns as many other neighborhoods do. I am not of the Christian faith but as a member of the human race I believe all people deserve adequate, affordable, decent housing. Quite frankly that's often not the case. Thank you.

SYLVESTER MORGAN – My residence is 1525 Walnut Road SE, Massillon. I'm a homeowner and a taxpayer. A fellow neighbor of mine has come to me and he's got a problem with the water. His name is Jim Bivings he'll be up shortly. He'll describe everything that's going on with him and the water. Thank you.

CAROL CLARK – I live at 702 Young Street SE here in Massillon. I think there should be an ordinance to monitor some of these rental properties because I know around in my neighborhood sometimes they get deployable. The landlords are some what to be found I know of some personal landlords myself that are not very good landlords and have just allowed their properties to get in a state of ruination. Almost impossible to fix up where its decent for someone to live. So I'm in support of this procedure tax what is it this ordinance you can see I'm a public speaker here. Thank you.

MARIAN LONGSHORE – I'm president of the Southeast Improvement Association. I too concur that we need something to improve our neighborhoods as our object is to have a better neighborhood. As our leadership saying is you don't have to leave your home to live in a better neighborhood. So our concern is that all the areas are improved and if we take advantage of our association's plan to have a better neighborhood then we feel that everyone else should put forth an effort to help too. So I concur with the others that we do need an ordinance to improve the neighborhoods. Thank you.

RON RICHARDS – I live at 1051 Downing, East Sparta. This tax I can see will stop the selling

and the buying of rental properties in Massillon. It did that in Canton it can do it here. One question, if this goes through are you going to collect the taxes the same taxes from the bank. The banks got to pay because they've taken over a lot of the property and will continue to do so. So you've got to get the banks too.

CHUCK RYDER – I just purchased a rental property and I did it because I wanted to improve Massillon. I do not think that we should penalize people who try and improve the properties just because a few of these landlords have bad properties. This is just a tax as far as I can see and I'm totally against it.

ERIC WOHLWEND – 5844 Dueber Avenue, East Sparta, Ohio. I've heard a lot of people opposed to this housing ordinance. I know that we had 18 people here that were willing to stand up and speak last Monday or excuse me a lot of these people are here to support the ordinance. We had 18 of us show up last Monday that are in opposition to it. You said then that you were going to table all three of the ordinances is that still true Mr. Townsend?

COUNCILMAN TOWNSEND – May not be.

ERIC WOHLWEND – It may not be.

COUNCIL PRESIDENT GAMBER Well, lets not get into back and forth you're here to make a comments, please.

ERIC WOHLWEND – Okay, we had a good many more of those people would have been here tonight but we were assured that all three of these ordinances would be tabled. From what I've heard the people that support it want to find out how many rentals properties are in the city. That can done by many other means we don't need to register. Having the inspections as written in Ordinance No. 139 has been tried in the City of Canton and they are getting rid of that. They're currently working on a complaint based or a complaint driven system which is exactly what Massillon has now. Like I said last week Massillon is by far the best city to own rental property. They have the highest resale values we have the most owner occupied properties and its all around a better city than Canton, Alliance or any of the other large cities in Stark County. So I would like to see what I'd like to know what this ordinance is going to do to improve what seems to be the best city around. When all these other cities have looked at this and some have done it are now getting rid of it because its cost prohibitive and they haven't been kept up and in as good of a shape as this city is. Thank you.

DARLENE KIEFER – 389 25th Street NW. I have read over the ordinance that I have and I had just basically a couple questions about what I'd like the council to take a look at. I am an independent insurance agent that insures quite a few of these locally owned properties. I can tell you first hand that a lot of the landlords that currently own these properties do undergo quite an inspection from the insurance companies. To start with from furnaces to wiring to plumbing to electric all of those definitely by the insurance company need to be inspected. So I do feel that there's a certain amount of safety precaution already being instilled by them. My question about this would be though the way the ordinance reads it says registration of non-owner occupied how do they intend to address the properties that are like leased to like parents that leave it to their children. So I would question your definition of non-owner occupied.

COUNCIL PRESIDENT GAMBER Your questions will be taken under consideration by Mr. Townsend not exactly answered as you asked them. Alright? As I say make your comments ask whatever questions you want and I'm sure he'll jot them down.

DARLENE KIEFER – I appreciate it. Thank you.

COUNCIL PRESIDENT GAMBER That was your only question?

DARLENE KIEFER – Yes.

COUNCIL PRESIDENT GAMBER Thank you.

RYAN HALLGREN – I live at 1122 Kendall Avenue. I want to talk about the Resolution No. 22 that's on the agenda tonight. I submitted an appeal there was a zoning board meeting where they allowed a 17' variance from Kendall Avenue back instead of 25'. The paperwork I submitted shows that all the houses that currently are on Kendall Avenue do maintain that 25' setback from the road. There are only 8 houses on that street it is a relatively short block. I did show using stakes approximately how much farther forward that would sit and the esthetics of building a house closer to that road both my wife and I love that home that we live in. We put a lot of time and energy into it and money making it a nice place to live. We love our neighborhood we wouldn't like to have something built closer to the road that would detract the value from our home because we enjoy it so much. I think I also speak for some of my other neighbors that are here tonight and might not be talking. That's it. Thank you.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT GAMBER Mr. Townsend, we do have three items that are of interest to a large number of people would you like to do anything to bring those forward?

COUNCILMAN TOWNSEND – We can.

COUNCIL PRESIDENT GAMBER It's your call, sir.

COUNCILMAN TOWNSEND – Yes.

COUNCIL PRESIDENT GAMBER Alright, we have Ordinances 138, 139 and 140 all having to do with these proposed building regulations. Is there any objection to bringing those forward as the first three items considered? There is no objection Madame Clerk would you please read the title to Ordinance No. 138?

ORDINANCE NO. 138 – 2009 BY HEALTH, WELFARE & BLDG REGULATIONS

Enacting a new CHAPTER 1330 “REGISTRATION OF NON-OWNER OCCUPIED OR MULTIPLE UNITS”, of the Codified Ordinances of the City of Massillon, and declaring an emergency.

COUNCILMAN TOWNSEND – Last week at the work session I did state that I was looking to table Ordinance No. 138 until council received as stated by Mr. Kraft the bigger piece of the puzzle to these three ordinances. I'm not sure if Mr. Kraft has that piece and if so I would like to call him up so he could share that piece with council.

COUNCIL PRESIDENT GAMBER Mr. Kraft?

CHIEF BUILDING OFFICIAL KRAFT – Mr. Townsend, as I stated to you in an email my schedule today but I do have a statement to say that we need everything like I did before. The certificate of occupancy by what the city is bound by on your residential code you have two codes. The residential code and the commercial building code the certificate of occupancy is a piece of paper or an approval or a permit however your verbiage will take it. But an approval by code is that a structure has been by the result of a plan review of an investigation of complaint driven investigation. An inspection and/or test so its very vital that we have the inspection process and the registration process that would be the review process in tact for a certificate of occupancy to be issued. I would be very remiss and I would welcome any of the council member to call the Board of Building Standards of the State of Ohio and see that what I'm telling you tonight is that we have to do an inspection. Now when you do that I also would ask you to say that there's costs derived to that factor. I as a professional I as sitting with the Ohio Building Officials Association I as a past president of a five county building officials that represents 13 counties along with Massillon that elected as past president last year. By my research that I have done I have brought forth these pieces of legislation with all due diligence and all due concern that this is the way to run a building department. Be accountable to the citizens whether they be single family dwellings, owner occupied or investment people or the renters that are subject to living in these homes. So I hope that answered your question about the certificate of occupancies. We can not have the certificate of occupancies stand alone that won't

do.

COUNCILMAN TOWNSEND – Actually my question was here towards Ordinance No. 138. (the rental properties?) Yeah, the non-owner occupied multiple units so, but you did well.

COUNCIL PRESIDENT GAMBER Well, is there a question you would like to ask him?

COUNCILMAN TOWNSEND – No, I just wanted him to explain a little further about 138 and just work my way down. Thank you for coming up Mr. Kraft.

COUNCILMAN MCCUNE – Yes, as I stated at the work session I have some concerns about this I understand the premise and the premise of these I support. But I think as I stated last week that I have a real problem with the three years up front. I also believe that the fees are somewhat exorbitant and should be revisited. I also think that the timing because of the recession that we're in is not the best. I would really like to see these ordinances taken back to work session so that we could discuss the possibility of adjusting these fees and removing the three year requirement so that it wouldn't be such a burden such a financial burden especially on the property owners that have multiple units.

COUNCIL PRESIDENT GAMBER Mr. Hersher?

COUNCILMAN HERSHER Just to go along with what Councilman McCune just said and what Ms. Kiefer said before the meeting and what we heard at the work session and what we're hearing tonight. You know we've had two large groups of people that have come to tell us one to tell us that there's a need for this type of ordinance and another to say that these ordinances are flawed and aren't ready to be passed. That's my opinion if we were voting on any of them tonight I could not vote on 138 or 139, 140 would be the only one that I could vote on. But my opinion is such because we know there's a need for a continued dialogue and for us to continue looking at these ordinances I feel that we shouldn't table them especially not on second reading. I think that you know just telling both people both groups that we're not going to listen to them and we're just going to you know put these ordinances away and not deal with them. So I don't think they're ready to be passed I don't think...they need some work but I'm not in favor of tabling them tonight on second reading.

COUNCIL PRESIDENT GAMBER Mr. Slagle?

COUNCILMAN SLAGLE Yeah, I would concur with those thoughts. I don't first of all I thought whether we tabled them or not I don't think Mr. Townsend's suggesting that we're going he's going to bring them forth for second reading and ask for suspension is he? (No) Okay, because I wouldn't vote for suspension either I think we certainly indicated more need to discuss these ordinances. I wouldn't want to short change either side by voting on it today without having that further discussion.

COUNCIL PRESIDENT GAMBER Mr. Manson?

COUNCILMAN MANSON It's a little repetitive but I feel the same way this is only second reading and I think that we should just keep it on the agenda now and keep working on this. There's some problems I have with it myself and I think if we get to the point where at the third reading if we still haven't resolved these things then that's the appropriate time to consider tabling it maybe you know one session at a time until we work the bugs out. But I don't think we should table it yet. I think we should just give it second reading.

COUNCIL PRESIDENT GAMBER Mr. Townsend?

COUNCILMAN TOWNSEND – I do appreciate all the comments made by the council members. But there is still a lot of discussion that needs to be made to Ordinance No. 138. However, by tabling an ordinance doesn't necessarily stop that discussion. If I table this tonight I think we still must discuss it at the next work session even at the work sessions to come. So tabling this tonight will not stop the discussions of Ordinance No. 138 so I am looking to table Ordinance No. 138.

COUNCIL PRESIDENT GAMBER Do you have a date to table it to?

COUNCILMAN TOWNSEND – Indefinitely.

COUNCIL PRESIDENT GAMBER Again, my suggestion always with tabling indefinitely means its floating out there somewhere and it takes a vote to bring it back. If you table it to a specific date it comes back automatically whether that's a week or you know one meeting or ten meetings. It's up to you.

COUNCILMAN TOWNSEND – Well, actually I never got a date from Mr. Kraft on when he was going to bring that larger piece to the puzzle.

COUNCIL PRESIDENT GAMBER So your motion is to table indefinitely?

COUNCILMAN TOWNSEND – Yes.

COUNCILMAN TOWNSEND moved to table indefinitely Ordinance No. 138 – 2009, seconded by Councilman Anderson.

Roll call vote of 5 yes, 4 no to table indefinitely. Hersher, Manson, McCune and Slagle voted no.

ORDINANCE NO. 138 – 2009 WAS TABLED INDEFINITELY.

ORDINANCE NO. 139 – 2009 BY HEALTH, WELFARE & BLDG REGULATIONS

Amending CHAPTER 1125 “ADMINISTRATION AND ENFORCEMENT”, of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1125.05 “Certificate of Occupancy”, 1125.06 “Final Inspection” and 1125.07 “Fees”, and enacting new Sections 1125.05 “Certificate of Occupancy”, 1125.06 “Final Inspection” and 1125.07 “Fees”, and declaring an emergency.

COUNCILMAN TOWNSEND – I don't believe I made it no secret that I favor Ordinance No. 139. Early on when I made the decision to run for city council one of biggest one of the major discussion was certificate of occupancy. There were numerous meetings within the ward what numerous city officials and some of the reasons why the city never implemented a certificate of occupancy was really based around manpower. As I stated before that manpower hasn't changed but for some reason they state that it can work. I believe that I thought it could have worked back then but for some reason the city chose not to implement the certificate of occupancy. One of the speakers had stated that this body needs to show some type of compassion. I think by moving Ordinance No. 139 forward for a vote is showing some compassion because we do have renters who are out in the City of Massillon who are living in homes that are unsafe and that are in disrepair. So I think by presenting this is showing some form of compassion. Once again many residents in my ward the ward I represent favored this and I favor this so with that said Ordinance No. 139 second reading.

ORDINANCE NO. 139 – 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 140 – 2009 BY HEALTH, WELFARE & BLDG REGULATIONS

Enacting a new CHAPTER 1331 “REGISTRATION OF VACANT BUILDINGS”, of the Codified Ordinances of the City of Massillon, and declaring an emergency.

COUNCILMAN TOWNSEND – Ordinance No. 140 is kind of similar to some legislation I presented about a year ago. However, the ordinance the legislation that I submitted did entail a larger amount of fees and fines. But when I presented that I can remember it was stated and I would just like to quote the mayor on this “what we do what we don't want to do is increase rentals” he said. He said we don't want to have someone who owns a house but not work for those folks because we have legislation that forces them to fill the house with a family as a rental. Once again it goes back to the questions that have been asked by many council members

what has changed now. I think we still have a lot of discussion to discuss relevant to Ordinance 138, 139 and 140. We really need to sit down and discuss it once again I'm waiting for the bigger piece of the puzzle to these ordinances and until then I would like to table Ordinance No 14 – 2009 indefinitely.

COUNCILMAN TOWNSEND moved to table Ordinance No. 140 – 2009 indefinitely, seconded by Councilwoman Catazaro-Perry.

ORDINANCE NO. 140 – 2009 WAS TABLED INDEFINITELY BY A ROLL CALL VOTE 5 YES, 4 NO. HERSHER, MANSON, MCCUNE AND SLAGLE VOTED NO.

ORDINANCE NO. 143 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

Authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with Massillon Main Street for continuation of its downtown Rehabilitation Program, and declaring an emergency.

COUNCILMAN MANG – Back in April we approved the Community Development Grant budget which this was part of. Now we're getting to the point where they want to use the money so we need legislation to forward to approve that. I don't see any reason to hold this for other readings since it's a piece of legislation that's really been considered back in April.

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. 143 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 144 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Wings Wheels & Waves to provide an economic development "inducement grant" to assist the business in building repairs due to the downtown Easter fire in Massillon, and declaring an emergency.

COUNCILMAN MANG – At the work session we had the individual who now owns this piece of property apparently he purchased it after the fire. He indicated to us that the one side of the building has a major hole in it which is going to represent about \$10,000 or so dollars to handle. The mayor was trying to as we've tried before and we've done before to extend some help to these businesses. He indicated that none of the businesses that were hit by fire had insurance. I don't know but apparently the owner of Wings and Wheels did not. But be that what it is I will be asking for suspension of rules because of the fact that I think we need to get the money in the right place.

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. 144 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 145 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into a development agreement with Tridoc, Inc., to acquire 5 vacant and foreclosed residential lots on Gibson Avenue SE through the City's NSP Development Program, and declaring an emergency.

COUNCILMAN MANG – This piece of legislation deals with the purchase of 5 empty lots that falls in the 4th ward. We'll be giving it first reading.

ORDINANCE NO. 145 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 146 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-2 Single Family Residential to RM-1 Multiple Family Residential.

COUNCILMAN MANG – This piece of property will increase the area that Amherst Meadows can expand. What they have done they have purchased a house I believe its north of the facility so that they can enlarge the present facility. To that they have to go through rezoning and get the zoning changed. This will be the first reading do we have a public hearing date?

COUNCIL CLERK MARY BETH – Public hearing is scheduled for January 4th at 7:15pm.

COUNCILMAN MANG – This is in Mr. Anderson’s ward and he’s already aware of the situation.

ORDINANCE NO. 146 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 148 – 2009 BY COMMITTEE OF THE WHOLE

Authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a settlement agreement with the Stark County Commissioners resolving all claims raised in Stark County Court of Common Pleas Case No. 2009OV01819, and declaring an emergency.

COUNCILMAN MANG – Yes, council’s had a couple of discussions a matter-of-fact maybe two or three regarding this. Early on I’m not sure what that figure was \$1.2, \$1.4 it doesn’t really matter from the stand point that we now have reached a settlement agreement with the county. I believe that agreement is \$700,000 of which we are to start payments in 2012 I believe \$35,000 twice out of our real estate which would be \$70,000 a year for a 10 year period. Council can either look at this and say we’re going to go along with it or they can turn it down and say you know lets go to trial. What we have done so far has gone through arbitration so to speak; arbitrated by a judge. I think Councilman Manson has spent a few times there I know our law director has spent a few times not a few times he’s been there every time that the negotiations were going on. So its really a matter of choice whether you think we got a good deal or the chance of going for the long term. With a long term of course there will be expenses we’re all familiar with those and the end result may well be that the money could be considerably higher. Again it could be considerably lower. But that all being said I’m going to ask for suspension of the rules.

COUNCIL PRESIDENT GAMBER Mr. Mang, just to make sure we’re talking about the settlement over the jail issue. (Yes) Alright, that is Ordinance No. 148 we will consider Ordinance No. 148 – 2009 out of order.

COUNCILMAN MANG – Oh I’m sorry I thought 147...

COUNCIL PRESIDENT GAMBER 147 is a new agreement, 148 is the settlement agreement. Mr. Mang just discussed the settlement agreement which is 148 which is no problem with that. We do have a motion...

COUNCILMAN MANG – I got screwed up good.

COUNCIL PRESIDENT GAMBER I need a second, its been seconded by Councilwoman Catazaro-Perry. Again, this is Ordinance No. 148 and we are discussing the settlement agreement with the commissioners.

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

ORDINANCE NO. 148 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 147 – 2009 BY COMMITTEE OF THE WHOLE

Authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Stark County Commissioners for the housing of City Ordinance prisoners at the Stark County Jail, and declaring an emergency.

COUNCILMAN MANG – The law director was trying to get the councilman in line here. Anyhow we're all pretty much aware of the \$70.00 that the county wants to charge us. This will avoid this piece of legislation will avoid any verbal communications that have happened in the past. Again, to get this going because I know we're already delivering individuals to the Stark County Jail I will be asking for suspension of rules so we can get this in its proper order.

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

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

ORDINANCE NO. 147 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 149 – 2009 BY ENVIRONMENTAL COMMITTEE

Amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Subsection 920.10 "Water Control", and creating a new Subsection 920.10(d), and declaring an emergency.

COUNCILMAN HERSHER – As part of our ongoing permit process with the Ohio Environmental Protection Agency they are requiring that we develop and implement a program to enforce violations of post-construction in new and redevelopment violations of storm water management. So our engineer talked about this at the work session Monday and having heard no questions or concerns then or in the interim and considering its being mandated by the OEPA I'd like to pass this, this evening.

COUNCILMAN HERSHER moved for suspension of the rules and passage, seconded by Councilman Manson.

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

ORDINANCE NO. 149 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 150 – 2009 BY RULES, COURTS & CIVIL SERVICE COMMITTEE

Authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract with the Stark County Public Defender's Office for the purpose of providing representation for indigent defendants charged under City Ordinances, and declaring an emergency.

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

LAW DIRECTOR STERGIOS – I asked Ms. Catazaro-Perry to call me up just to make one brief comment on this that may or may not have been clear when we discussed it last week. This contract only applies to defendants charged under city ordinances which I think as we all know and have had beaten into our heads we're not charging anyone under city ordinance anymore. I checked with Jeannie Shrider at the courts last week and the number of people that were represented under the terms of last years agreement were very minimal to say the least. So mostly what you would have is someone who was charged 3 years ago under a city ordinance and gets brought back in because they didn't pay their fines or something. I still say pass it because those are going to pop up but its not like there's a 100 of them each year or anything. There might be 10 or 5 so I just wanted to clarify that.

COUNCILWOMAN CATAZARO- PERRY – Mr. Stergios, while you're there. I didn't catch this either the last time just it does say we have an option to renew for an additional year.

LAW DIRECTOR STERGIOS – Right, that's been in every one and we just bring it forward each year at the end of the year and renew it. So we could always not renew it if we chose not to.

COUNCILWOMAN CATAZARO- PERRY – This is a contract that we've had before so I'm going to move for suspension this evening just to bring this forward its pretty much just an average legislation request.

COUNCILWOMAN CATAZARO-PERRY 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. 150 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 151 – 2009 BY FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the General Fund, Neighborhood Stabilization Program Fund, Community Development Block Grant Program Fund, Home Health Fund, Wastewater Treatment Capital Improvement Fund, Waste Grant Fund, 1201 Street Construction Fund, Economic Development Fund, Local Law Enforcement Trust Fund and the Massillon Museum Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON – Yes, before I start into this ordinance I would like to amend this ordinance to take section 2 out since we're only giving Ordinance No 145 first reading. I think it would be inappropriate to appropriate the money until we resolve Ordinance No. 145.

COUNCIL PRESIDENT GAMBER That's your only change?

COUNCILMAN MANSON –

COUNCIL PRESIDENT GAMBER Alright, if everyone would delete section 2 and then every other section following moves up one spot. Section 3 becomes 2, section 4 becomes 3 etc, etc, all the way down to section 10 which will be a new section 9.

COUNCILMAN MANSON moved to amend Ordinance No. 151 – 2009 by deleting section 2, seconded by Councilwoman Catazaro-Perry.

ORDINANCE NO. 151 – 2009 WAS AMENDED BY A ROLL CALL VOTE OF 9 YES.

COUNCILMAN MANSON – Okay, we'll start through this I hope I don't get confused because we changed our numbers here. Anyhow, section 1 is please appropriate from the unappropriated balance of the General Fund to the following: \$215,000 to salary police, \$205,000 to salary fire. Then it will be section 2 now I would like to request the appropriation of the following amounts from the community development block grant fund \$40,000 entitled to an account entitled Massillon Main Street. Mr. Mang covered this earlier this is just the appropriation. Okay, section 3 is the health department please appropriate from the unappropriated balance of the home health fund 1235 the amount of \$10,000 to the home health salary account to pay for overtime 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. Section 4, please appropriate \$5,104 from the unappropriated balance of the wastewater treatment capital improvement fund for sanitary sewer repairs on Wales Rd NE. Winger Excavating repaired various sections of the sanitary sewer on Wales Rd prior to the Wales Rd Resurfacing Project. Section 5, please appropriate from the unappropriated balance of the waste grant fund \$4,000 recycling and services additional money is necessary to dispose of leaves, yard waste and tires. Section 6, please appropriate \$2,600 from the unappropriated balance of the 1201 street

construction fund to an account entitled storm sewer repairs. These funds will be used to correct a water problem located at McKinley Ave between Cleveland Street SW and Jackson Street SW. Section 7, this is another one that Mr. Mang covered earlier please appropriate \$1,700 to an account entitled services and contracts. The city is proposing to award a \$1,700 economic development grant to Wings, Wheels and Waves. Section 8, please appropriate \$1,278 from the unappropriated fund of the local law enforcement trust fund account 1215 to account 1215.305 services and contracts. This money is to be used to repair the door and other parts of the body of the animal control van in order to be able to operate during the winter months. Section 9, please prepare an ordinance appropriating from the unappropriating balance of the museum fund to the following accounts: \$1,192 to the Massillon Museum holding account and \$63.17 to fees. If there's no questions? Yes?

COUNCILWOMAN CATAZARO-PERRY – Mr. Manson, I just wanted to point out that on Section 1 that \$420,000 I believe that is from the First Energy grant is that correct?

COUNCILMAN MANSON – That \$420,000 yes, that we received yes, that's where the money is coming from to pay those salaries.

COUNCIL PRESIDENT GAMBER Are there any other questions? Mr. Anderson?

COUNCILMAN ANDERSON – Isn't there one section left? 10?

COUNCIL PRESIDENT GAMBER We renumbered everything.

COUNCILMAN ANDERSON – It was 11 now its 10. There's an 11 you moved to 10. The last one you did was 10 you moved to 9.

COUNCILMAN MANSON – That's just part of the language of the ordinance.

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. 151 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 152 – 2009 BY FINANCE COMMITTEE

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

COUNCILMAN MANSON – Yes, that's spelled out pretty simply here please prepare an ordinance to reduce the appropriations in the general fund from the following account: deputy clerk salary \$12,508.

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. 152 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 153 – 2009 BY FINANCE COMMITTEE

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

COUNCILMAN MANSON – Yes, what we're doing is we're moving \$42,077.88 from the street salary 1100.435 account to 1100.905 debt retirement. I intend to waive the rule if there aren't any 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. 153 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 154 – 2009 BY FINANCE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with The Health Plan for health insurance coverage for the City employees, and declaring an emergency.

COUNCILMAN MANSON – Yes, this is a hot contract for health benefits for employees starting on January 1, 2010. The Health Plan will renew at no increase over last year's cost. If there's no questions I will be making a motion to waive the rule.

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. 154 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

RESOLUTION NO. 22 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

Reversing the decision of the Massillon Zoning Board of Appeals made on November 12, 2009 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code with regard to a Lot Known as Lot No. 6796 in the City of Massillon, Ohio, and declaring an emergency.

COUNCILMAN MANG – Earlier in the evening the gentleman whose property adjoins this piece of property by the way this piece of property is up on the corner of Kendall and Wales Rd, fire station 3 is also on the corner of Wales and Kendall. So this directly across from the side yard which would be the northwest corner. I can't recall but council's had some other discussions regarding this lot but if the gentleman is still here I'd appreciate if he would come to the work session next Monday night and maybe we could work this thing out. First reading.

RESOLUTION NO. 22 – 2009 WAS GIVEN FIRST READING.

RESOLUTION NO. 23 – 2009 BY COMMITTEE OF THE WHOLE

Resolution in support of Ohio Senate Bill 196 and urging its adoption and passage by the Ohio State Legislature.

COUNCILMAN MANG – Council has discussed this a number of times this past year because there's been an awful lot of well drilling going on in the City of Massillon. Mr. McCune has pretty much opposed that he feels that it should come back to the City of Massillon. So Mr. McCune it's your resolution go ahead.

COUNCILMAN MCCUNE – Yes, this resolution is support of Senate Bill 196 as Councilman Mang said it's a bill that's going through the Ohio State Senate right now that will return at least some local control to local government entities such as city council to have some say over the drilling that's taking place oil and gas drilling within their boundaries. It's mostly because I have opposed the idea that we should no have voice on it and that it would be completely controlled at this state level. Over the last several years HB 278 passed in 2004 and gave the Ohio Department of Natural Resources sole control and sole say over this. Since then there's been such things as mandatory pooling where if a drilling site has been found on a person's property they really have very little say in the matter and local government has absolutely none. So my intention with Resolution No. 23 is to pass it as a body of support send it down to

Columbus and let the legislatures down there. Senator Gendle and his committee along with everyone else know that we support the passage of Senate Bill 196.

COUNCILMAN PETERS – I'm not going to get into this everybody knows that I'm totally against this. My message to the State of Ohio is keep it the same way it is right now because it's working just fine. I will vote no on this resolution.

COUNCILMAN SLAGLE – Yeah, I did some background investigation in this to find no reason not to support it. I agree with Dave that it seems to me that the local control over this issue should be something that we should have and we should have some say over what goes on within the boundaries of our city. Without an absolute forcing of our citizens to accept these types of activities so I would think that based on what was proposed here that it would be a good thing to get back.

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

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

RESOLUTION NO. 23 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. PETERS VOTED NO.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

1. REPOSITORY - \$739.41
2. WALTER DRANE - \$2,431.00

COUNCIL PRESIDENT GAMBER Mr. Manson?

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). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR NOVEMBER 2009 COPY FILE

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

C). MAYOR SUBMITS MONTHLY REPORT FOR OCTOBER 2009

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

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

Roll call vote of 9 yes to accept the auditor's report.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER Committee meetings will be next Monday, the 14th. Mr. Manson, you plan anything special for the 14th?

COUNCILMAN MANSON – No, I think if we need it we'll just go later if we have to.

COUNCIL PRESIDENT GAMBER Alright, I'd like to remind everyone I'd like you to stick

around afterwards to discuss committee assignments and other organizational items after the meeting next week. Mr. Slagle?

COUNCILMAN SLAGLE – Yeah, I'd just like to remind the members of my committee and of all other members of council the parks and rec. meeting on Thursday at the rec. center at 3:00pm.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

COUNCIL PRESIDENT GAMBER We had an item that came forward as non-committee legislation. We treated it under Rule #28 which also includes Rule #28.1 and Rule #28.2. Basically its had some discussion in committee sessions and according to Rule 28.2 it says that the ordinance, resolution may only be placed on the agenda for second reading, third reading and passage by a leave of the majority vote of the elected members. So at this point with no discussion on the ordinance itself you have a procedural matter would you like to place Ordinance No. 126 on the agenda for second reading? That's all this vote is for I'll call for a hand vote anyone in favor of putting this on the agenda for consideration please raise your hand high so I can count. 1, 2, 3 those opposed to placing it on the agenda, 1, 2, 3, 4, 5, 6. It is not brought back on our agenda and according to the rules that's the end of that Ordinance No. 126.

POSSIBLE CONSIDERATION OF ORDINANCE NO. 126 - 2009

ORDINANCE NO. 126 – 2009 BY: FINANCE COMMITTEE

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

14. THIRD READING ORDINANCES AND RESOLUTIONS

.SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 135 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

Declaring the improvement of certain real property located in the City of Massillon, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

COUNCILMAN MANG – We have three of these TIF's tonight. We have been discussing them if there's more discussion needed we can bring that up at the work session. If not I would prefer to go ahead and get these items passed. If for no other reason than having the clerk read the title every time, but if there's more discussion I'll be more than happy just to give it another reading that's not a problem.

COUNCILWOMAN CATAZARO-PERRY – Mr. Mang, do you can you answer the question when we do this what funds are these taken away from? I've been told its MRDD, our Massillon Library and I'd like some clarification on that.

COUNCILMAN MANG – I think Mr. Aane Aaby did tell us that at the very first work session we had. Aane was that correct if you would come up. Aane, I don't to say the wrong thing here.

COMMUNITY DEVELOPMENT DIRECTOR AABY – These TIF's are set up what they authorizing legislation does is informs the county treasurer that when these payments in lieu of taxes are received that they will be dispersed not in the way that taxes ordinarily are received but in the way that the ordinance specifies. Which would be that the affected school district or the school district in which the property is located will get a payment the same as if the funds had been paid as property taxes. So the schools would get their money. All of the other the

balance of this payment would come to the city to be deposited into the TIF fund. So if you look at how real estate taxes are ordinarily distributed they would not be distributed in that way. But the schools would get their share and the balance would come to the city.

COUNCIL PRESIDENT GAMBER Then the other organizations she mentioned?

COMMUNITY DEVELOPMENT DIRECTOR AABY – They wouldn't no they would not receive payment out of those payment in lieu of taxes.

COUNCILWOMAN CATAZARO-PERRY – It's just still not clarified to me. Is MRDD, is the Massillon Library what are the entities that would normally get those dollars who are they and...

COMMUNITY DEVELOPMENT DIRECTOR AABY – It would depend on which taxing district a particular property is located in because we have I think several different we have Massillon City, Perry Local Schools we have Massillon City Massillon Local Schools I think are the two where most of these projects are located in. Each taxing district has a different distribution of funds so it would depend on what that would be. But you know we can provide that to you but it's different for different parcels and different taxing districts.

COUNCILWOMAN CATAZARO-PERRY – Sure, but MRDD would not be different that's my question.

COMMUNITY DEVELOPMENT DIRECTOR AABY – Right, no, that's correct.

COUNCILWOMAN CATAZARO-PERRY – Is that included in this grouping?

COMMUNITY DEVELOPMENT DIRECTOR AABY – That's correct.

COUNCILWOMAN CATAZARO-PERRY – Thank you.

COUNCIL PRESIDENT GAMBER Are you finished?

COUNCILWOMAN CATAZARO-PERRY – I am. Thank you.

COUNCIL PRESIDENT GAMBER Mr. Anderson?

COUNCILMAN ANDERSON I'm still unclear about that. I called over to Stark County they're the ones who told me MRDD, children services all that stuff. My question is why wouldn't Stark County who distributes the money tell me that and you not tell me that?

COMMUNITY DEVELOPMENT DIRECTOR AABY – I'm not sure I'm not I didn't follow your question.

COUNCILMAN ANDERSON Stark County says that let me we're getting into the TIF comes from MRDD, social services and stuff like that, that they would get instead of them getting it they're giving it to us in a TIF.

COMMUNITY DEVELOPMENT DIRECTOR AABY – The way that the state law establishes the TIF's that when council passes an ordinance to authorize the TIF the property owner does not get a tax abatement. They would pay the same amount as if the property were taxed but it's called a payment in lieu of taxes. The way the state law is set up that those monies can only go to two entities once their received by the county auditor. They can either go to the schools or they can go to the city. So the way we have these the school you know the city could take with the approval of the schools 100% of the funds that paid in lieu of taxes. The way we have proposed to do these newer TIF's is that we keep the schools whole we're allowed to do that by state law but then if the TIF is approved the balance of the funds come to the city.

COUNCIL PRESIDENT GAMBER Mr. Aaby, the mayor raised his hand, Mrs. Catazaro-Perry do you want to continue with Mr. Aaby or do you want the mayor to come forward.

COUNCILWOMAN CATAZARO-PERRY – I think Mr. Anderson...

COUNCIL PRESIDENT GAMBER I'm sorry Mr. Anderson? Mr. Anderson, you have the floor.

COUNCILMAN ANDERSON The only that didn't really answer the question.

COUNCIL PRESIDENT GAMBER Would you like the mayor to come forward?

COUNCILMAN ANDERSON I think everybody should call over at Stark County and ask the same question I did and get an answer and then make up their own minds where the money is coming from and not I have no idea what Mr. Aaby just said. I mean that was a lot of double talking in there and I didn't understand any of that.

COUNCILMAN PETERS Point of order, why don't we just move this give this second reading and take this discussion further down the road?

COUNCIL PRESIDENT GAMBER That's not a point of order. Mr. Anderson has the floor and he's asking Mr. Aaby for question.

COUNCILMAN PETERS Okay, then I can't say the word I want to say you guys would get mad at me.

COUNCIL PRESIDENT GAMBER No, the mayor is indicating that he would also like to answer Mr. Anderson's question. After people have asked questions if this would like to go back to second reading that's up to but at this point you didn't get an answer that you like or that you understand would you like the mayor to elaborate?

COUNCILMAN ANDERSON Anything that would clarify it.

COUNCIL PRESIDENT GAMBER Alright, so you don't mind Mr. Mayor? You understand the question?

MAYOR CICCHINELLI – I believe Mr. Aaby did answer your question and I believe the county concurred with what the question that you asked them and the questions that you asked Aane. If you if the county and I believe I heard you correctly the county said that the monies that the city capture the revenue the city captures comes from MRDD, children services and those different entities. What Aane was attempting to explain because it does keep in mind any TIF that's established the taxes that are generated from that property prior to the improvement or prior to the construction of a new building those entities still get those dollars. So MRDD, Stark Parks, children services whatever levy is in affect within those taxing districts still get those dollars. What they don't get the dollars would be the revenue generated by the improvement or by the construction of a building. What Aane also went further when Kathy was getting into MRDD specific and in children services each taxing district is different she mentioned Massillon Public Library. The Massillon Public Library has a levy that levy would only affect any TIF within the Massillon City School District. It wouldn't impact a TIF in the Perry Local School District because library districts throughout the state are based on geographical areas of school districts. That's the boundary of our public library district unless it's a larger area which it is because it goes down into the Navarre area and the Brewster area. So that's why he said some of these dollars would be impacted by some of these entities some of them wouldn't have an impact. But Stark Parks, MRDD, the county dollars that are generated through the county itself children services which are county wide taxes and tax issues would be impacted by a TIF. Now did I answer your question?

COUNCIL PRESIDENT GAMBER Mr. Anderson, you still have the floor.

COUNCILMAN ANDERSON I no longer have the floor I'm relinquishing the floor.

COUNCIL PRESIDENT GAMBER Basically what the mayor is saying is that they're losing what they have. What they are losing if you use that term is on the improvement.

COUNCILMAN ANDERSON Right I understand that but it's only on the improvements. I do understand that but it's only on the improvement not the tax itself but only on the improvement.

MAYOR CICCHINELLI – Its all tax revenues these are all tax revenues it's just on the improvement of the building.

COUNCILMAN ANDERSON But the portion of that tax on the improvement is comes from where?

MAYOR CICCHINELLI – Depending on...

COUNCILMAN ANDERSON From the county but where would it go if we didn't have the TIF?

MAYOR CICCHINELLI – I stated that it would go to the county because they have taxes that are set aside for the operation of the county government. It would depend on the taxing district it would be MRDD, it would be Stark Parks, it would be Massillon library whatever taxing entity you're talking about. But there's not a uniform distribution because all tax levies don't affect all taxing districts within the county and within the City of Massillon.

COUNCILMAN ANDERSON Thank you.

COUNCIL PRESIDENT GAMBER We'll go this way. Mr. Slagle?

COUNCILMAN SLAGLE Well, for comparison sakes do we have any idea when you do vote a TIF into existence what how that would impact the various entities. I mean would it be they lose 1% of the tax revenues on that particular TIF or would it be 50%?

MAYOR CICCHINELLI – They don't lose any.

COUNCILMAN SLAGLE On the increase on the improvements.

MAYOR CICCHINELLI – Well, I mean that depends on the value of that property and what the final evaluation.

COUNCILMAN SLAGLE So do we have to give it a comparison we would know what MRDD for instance would be losing in tax revenues on any of the three TIF's that were being proposed to waive the rules on tonight.

MAYOR CICCHINELLI – We could probably get you that but I don't have that at my disposal right now.

COUNCILMAN SLAGLE Well I think everybody should have that information.

MAYOR CICCHINELLI – Depending on it's the same procedure that we used previously to approve the other three TIF's. I mean it's the same thing we said upfront months ago that the taxing entities the improvement those dollars are captured by the city. Now we're months into the process and now we're asking the same questions. So I guess we can try and find that information out but how do you do that without knowing the assessed valuation and without knowing what that property is worth. That's why you can capture these dollars now because they are not on the tax rolls of the county that's why you can do that now.

COUNCILMAN SLAGLE But in all due respect Mr. Mayor, I don't that's the same question that's been asked for several months. I think this is a legitimate concern to know how it impacts another social program in the county. In terms of a dollar figure in terms of how it will impact them financially.

MAYOR CICCHINELLI – Well, you've asked that question. You're the first person that asked that question that specific question concerning the dollar amount.

COUNCIL PRESIDENT GAMBER Mr. McCune?

COUNCILMAN MCCUNE Any of the past TIF's that were passed explain how or what impact they would have had if any on the entities that Mr. Slagle just mentioned.

MAYOR CICCHINELLI – Which you mean the previous to the last three that were passed? (Yeah) They were not non-school TIF's so they're different TIF's. Some of those governmental entities got their dollars on the improvement others didn't. In this case all the government other than the schools all the other governmental entities do not get any revenue from the improvement.

COUNCILMAN MCCUNE So these non-school TIF's are only and solely designed to benefit the local government entity for infrastructure repairs so on and so forth. But the MRDD...

MAYOR CICCHINELLI – Excuse me and the taxes generated come from those developments. So you have developers paying their taxes the portion of those taxes are captured to pay for infrastructure projects within the city. To me it's a no brainer it's the development paying for infrastructure projects.

COUNCILMAN MCCUNE I agree.

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY If you'd given a tax abatement how is that affected then?

MAYOR CICCHINELLI – For ten years you get a reduced amount. Tax abatements run for ten years so of course you would get a reduced amount the city would get a reduced amount if that tax abatement is granted. In fact two of the projects that are up for consideration have received tax abatements and we've stated earlier on several occasions that it will not run 30 years. The TIF will but the tax abatement won't the tax abatement only runs 10 after the tax abatement expires then the city will get its full revenue.

COUNCILWOMAN CATAZARO-PERRY But if the TIF is still in effect which it would be...

MAYOR CICCHINELLI – 30 years, yeah, and that's why it's a great program for the city and future capital improvements and infrastructure projects.

COUNCILWOMAN CATAZARO-PERRY I just feel that this should be watched very closely because we are taking from other entities that need the money as well. So I don't think that you just randomly vote yes on these TIF's not knowing all the information. I think we need to be very cautious on what we approve and what we don't approve. I think its something that we need to be very careful with.

COUNCIL PRESIDENT GAMBER Any other questions? Mr. Mang?

COUNCILMAN MANG Some interesting discussion has taken place here and I have great concern also that there's a program out there that is in dire need of funds. We are taking away may only be a small portion and it may only be a dollar I don't know but I have great concerns of taking it from those people. But I would like to give this second reading and possibly we can get this more defined so that however you vote at least you have everything that is known about these three pieces of legislation. Second reading.

ORDINANCE NO. 135 – 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 136 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

Declaring the improvement of certain real property located in the City of Massillon, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the

owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

COUNCILMAN MANG – Second reading.

ORDINANCE NO. 136 – 2009 WAS GIVEN SECOND READING.

ORDINANCE NO. 137 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

Declaring the improvement of certain real property located in the City of Massillon, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

COUNCILMAN MANG – Second reading.

ORDINANCE NO. 137 – 2009 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

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

ERIC WOHLWEND – 5844 Dueber Avenue. I'd like to thank you for tabling the two issues and I would also like to meet with Mr. Townsend and anybody that is willing to talk about revising No. 139. It's very important to me this city continues to grow and that all the issues that many of the people spoke about tonight are addressed. I'd like to be part of that if there's any way I could work that in. You can reach me at 330-730-2164 thank you again for your time.

JIMMY BIVINGS - I reside at 1532 Walnut Road SE. I have two concerns about water. One is have an apartment on 914 Layton Street and the gas company come in dug up a line and when they finished repairing their line and about an hour later the water started coming out of the ground. I called the water company they come and shut the water off. I called the gas company and informed them that they had hit a pipe down there they told me to call the water company. Water Company tells me to call the gas company. Gas Company tells me that they don't fix water lines. They all messed around there and pretty soon they had me paying for the thing and I didn't dig any holes. So I want to know what can be done about it?

COUNCIL PRESIDENT GAMBER May I ask you've talked with so far?

JIMMY BIVINGS - The water company and the gas company.

COUNCIL PRESIDENT GAMBER Alright...

JIMMY BIVINGS - I have no names for you but whoever was in charge at the time when I called.

COUNCIL PRESIDENT GAMBER Do you know who your councilman is? Mr. Townsend? (Yes) I would suggest you get with Mr. Townsend after the meeting and he can walk you through this. He's not a miracle worker he may not resolve your problem but he'll help you get in touch with the right people.

JIMMY BIVINGS - Why should I get in touch with them I didn't bust the line.

COUNCIL PRESIDENT GAMBER Well, you came to bring your problem I'm indicating that Mr. Townsend will help you with it. If you'd like help with it Mr. Townsend is the fellow to work with.

JIMMY BIVINGS - My second concern is on the other side of my house they built a new house Habitat did when Massillon was running Habitat I guess. They had a man down here named Marcini or something I don't know his name. Anyway they dug up the house around it took them three years before they got the line put in. They had a corrugated line down there and it went flat okay they put in PVC pipe down there and the lines from the drains and the sump pump was supposed to go back in that pipe in the ground. Well they didn't put the ones in the drain back down there and it's running across my yard and running down the sidewalk and it freezes in the wintertime. It might bust my sidewalk and I want to know who's going to take care of that if it busts my sidewalk. Everybody seems when I call down here seems to think that it's okay that that water is running from that property on my property. I don't think its right.

COUNCIL PRESIDENT GAMBER No, you're exactly right it's not right. I think Mr. Townsend again is the fellow and you have Mr. Morgan back there I believe spoke about your case earlier. Between the three of you I think you'll get a good handle on where to go from here.

JIMMY BIVINGS - Okay, thank you for your time.

COUNCIL PRESIDENT GAMBER Thank you.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

