

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, DECEMBER 21, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, December 21, 2009. We have in attendance with us this evening: Mayor Francis Cicchinelli, from the auditor's office Pat Pentello, Law Director Perry Stergios, Engineer Keith Dylewski, Community Development Director Aane Aaby and Wastewater Treatment Plant Superintendent Keith Bledsoe. 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 RON MANG – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN RON MANG – Chairman of the Community Development 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 (Not quite) Alright, we'll hold off on those for a short while then.

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

RYAN HALLGREN – I live at 1122 Kendall Avenue. I'm here because of Resolution No. 22 it was a zoning variance that was issued. I submitted the appeal which documents the lay of the land basically where all the houses are from a satellite view. I believe you all have copies. It also shows I staked out where that setback would put the front end of the house from Kendall Avenue. It's looking both east and west down Kendall Avenue. I'm here tonight with the support of my neighbors we feel very strongly that for one we do live in the City of Massillon by choice. We did chose to locate here it does have very many benefits that come with living in the City of Massillon and we enjoy it here. But there is a certain esthetic quality with neighborhood that we live. We know the houses are older and take a lot of upkeep but maintaining that setback which would make it consistent with everybody else that's already been having their house built. I know it's not going to be the same age of home but to maintain that setback on Kendall and Wales will make the neighborhood really look as nice as it is. I'd hope you would consider that whenever they vote whether or not to repeal that zoning variance.

Thank you.

PAUL DOERING – I live at 318 4th Street NE. Three weeks ago we attended a work session at this council chamber. About 20 people opposed to new ordinances for rental and vacant house fees were in attendance. You were gracious to allow us to speak then Councilman Townsend promised that he would table all three proposed ordinances. Everyone applauded two weeks ago Mr. Townsend changed his mind and you voted to continue the ordinance with the highest fees. A week ago in another work session with another 20 in attendance opposed to the new fees Mr. Townsend again changed his mind and said that there were people whose only source of income was rentals and they would be hurt by high occupancy fees. He again said he would have the legislation tabled. There was a lot of discussion from Mr. Kraft in that work session about the Canton Building Code. It is based on the International Maintenance Code but it does not have annual inspections of rentals on the inside of the units. There are however provisions for people who are not satisfied with substandard housing to make complaints which are then followed through by the building department with inside inspections. This is the same system we have in Massillon now and which Akron, Ohio, also has. One difference with Canton's new code is that people who are being evicted and want to retaliate by requesting inspections are not considered. Massillon does not have manpower to do annual inspections of the inside of each rental unit. Another big difference is in the fees the present Canton Building Code charges one tenth of what has been proposed in Massillon. The newly proposed Canton code will charge only one fifth of what Massillon has proposed. It is paid annually and not three years in advance. Ladies and gentleman of this council it is your duty not to be a rubber stamp for anyone. Neither should you vote for what you individually think is right. Instead it is your duty and moral obligation to vote for what your constituents the people of Massillon want. The people of Massillon do not want higher taxes and fees in this time of extreme economic recession. In spite of stimulus spending which has ballooned our national debt unemployment is still going up and many tenants do not know where to get their rent money now let alone later when fees force their rent to go higher. Thank you and Merry Christmas.

COUNCIL PRESIDENT GAMBER We'll move into the introduction of ordinances and resolutions Councilman Mang has several requests.

COUNCILMAN MANG – Yes, I would like to move Resolution No. 22 to the first item on the agenda and the three TIFs in order that they are.

COUNCIL PRESIDENT GAMBER Mr. Mang's rationale is that the folks here waiting on the decision for the appeal he would like to have them go first. Then move the TIFs forward because they probably will be long term discussion. So is there any severe objection to moving these four items forward?

## 6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

### 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 – A few minutes ago we had one of the land owners who lives on Kendall Avenue express his concerns and he also expressed his concerns for his neighbors. I think if we look at the setback of homes on Kendall and realize they're all setback about 25'. This home which would be on the northwest corner actually the homes that are on the close to 11th Street if they stood on their porch they would be able to see Wales Road. Well, you know, that may not be a big deal but I'll tell you what it's nice to be able to stand on your front porch and see up the street. I totally agree with that and the other part of this is I haven't heard anybody come here on the other side. I don't know who the builder is I don't know who owns the lot but apparently no one really cares. If they have no objections to coming here I certainly have objections in appealing the voice of the zoning board of appeals. I'm going to ask that we suspend the rules and bring it forward.

COUNCIL PRESIDENT GAMBER I'll take that as a motion, seconded by Councilman McCune. I'll get to the discussion in a moment I want to mention that because this is overturning is potentially overturning a ruling by the zoning board of appeals it does take 6 votes, two-third of the membership. At this point is there any discussion or any comments on the resolution?

COUNCILMAN MANG – Would you also indicate to council how the yes vote and the no vote would be?

COUNCIL PRESIDENT GAMBER The ordinance is written to reverse the decision. So a yes vote will reverse the decision and allow and not allow the setback.

COUNCILMAN MANG – Thank you.

COUNCIL PRESIDENT GAMBER Is everyone clear on that?

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

RESOLUTION NO. 22 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

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've had a fair amount of discussion on this. I think that we're still open for discussion so any member of council wish to ask further questions we have the mayor and Mr. Meeks has also stayed. So the floor is open.

COUNCIL PRESIDENT GAMBER Mr. Mang, can I ask you to describe which TIF this is?

COUNCILMAN MANG – This TIF is for Shearers.

COUNCIL PRESIDENT GAMBER Thank you. Is there any discussion? Mr. McCune?

COUNCILMAN MCCUNE – Yes, I would like to bring Mr. Meeks forward, please? Yes, Mr. Meeks there has been a lot of discussion about the potential negative impact to entities such as the MRDD operating fund, mental health system, 9-1-1, children services, so on and so forth. I was wondering if you could maybe clarify to everyone in the audience as well around this table will there be any negative impact? Is there a positive?

MR. DAVID MEEKS – The impact is positive in that the agencies will get a bump in revenue from the increase land value as they go through. There's no negative impact on the agencies from this because we're not taking any money from them that they already have. This is future budgeting their taxes they're still going to collect the taxes it impacts more the way the tax levies are reduced. We're not pulling money out of their budgets. They're not going to lose a dime out of this. It's more in how the future taxes are calculated and how they bring that money in.

COUNCILMAN MCCUNE – Also there's been a lot of discussion about the potential positive impact that these TIFs would have on the city's ability to improve infrastructure. A traditional TIF meaning that we would and correct me if I'm wrong that we have to dedicate all the TIF money to the site or the location directly around the site where the legislation has now been changed to where we can use these TIF monies to improve the infrastructure throughout the city including sewer?

MR. DAVID MEEKS – Yes, you still have to define an impact there has to be a relationship between the improvements and the infrastructure that you are improving with the TIF funds. However, they removed the direct impact it used to be direct impact would be what's happening right in front of our front door, turning lanes, stop lights, things like that. Now by removing the direct language you are able to go further down the road and access the overall impact. Because development just doesn't impact what's happening right in front of them. I think the changes in the law allows communities to do their improvements which more accurately allows them to deal with the overall impacts of general development.

COUNCILMAN MCCUNE – Has there been other cities in the State of Ohio that have utilized these TIFs in that way?

MR. DAVID MEEKS – Oh yes, a lot of them I don't know the exact percentage of them but 7 counties in Ohio were the largest users of TIFs. Stark County would be the 7th on that list Hamilton County would be the first. Hamilton County, Franklin County, Montgomery County a lot of these your suburban communities the ones with the largest amount of growth are the ones that have probably used the bulk of the TIFs. It's to deal with the growth and the infrastructure needs that comes along with that growth. I've worked in Licking County they had asked us to take a look at the TIF capacity of an area knowing that they were going to have a whole lot of development coming into a certain area. So they wanted to know what TIF capacity was to deal with the whole range of infrastructure needs as that area grows. Not just from the commercial development because they had residential development going on around it that would feed into it. So they were looking to see how they could balance the growing community's needs with the revenue potential that would be generated from the TIFs.

COUNCILMAN MCCUNE – So in essence if I understand you correctly if we could show a direct correlation to the traffic flow on lets say Lincoln Way or Tremont to the site we could use some of this TIF money to improve the road conditions on Tremont and Lincoln Way to get to and from?

MR. DAVID MEEKS – That's my understanding. If you can show a direct correlation an impact from one development on the infrastructure yes you can.

COUNCILMAN MCCUNE – I have no further questions.

COUNCILWOMAN CATAZARO-PERRY – Mr. Meeks, I think that your comments are a little misleading. Because if you did not TIF a property and the say Shearers we don't TIF that MRDD as well as the mental health, as well as 9-1-1 and our own general fund would see an increase in revenue. Correct?

MR. DAVID MEEKS – We don't TIF it yes their revenue would go up. But this...

COUNCILWOMAN CATAZARO-PERRY – That's all I have.

COUNCIL PRESIDENT GAMBER Thank you, Mr. Meeks. Mr. Mang?

COUNCILMAN MANG – Well, I'm going to make a general statement. I had I really had intended to table these three pieces of legislation because in some conversations that I had with some folks they acknowledged to me that there was a way to pay these separate entities as council may like. But they never expressed where that would come from. Tonight in the conversation with Mr. Meeks and you heard himself yourself that if in fact we did that we have to take it out of the general fund. That would pretty much defeat the purpose of anything especially from the standpoint that we need the money in the general fund. So I'm still going to vote no because of the erratic I'm involved in but I was going to table it because I thought it would take maybe a week, two or three to clear that point up. But I believe Mr. Meeks when he tells me that that's already been cleared up and the state's cleared that up its not a case of Jimmy downtown doing it. This was cleared by the state and so I believe it so.

COUNCILMAN MANG moved for passage, seconded by Councilman McCune.

COUNCILMAN MANSON I just want to say that I am in support of these and you know I don't think everybody can say right off that they have 100% knowledge of how the TIFs work. But I have a pretty good knowledge of how they work but I was not deceived from the beginning. Some decisions have to be made and I think this is an excellent thing for future development in Massillon. I think that putting this into the TIF funds is a wise decision for us to make for future growth in the city. I will be supporting it.

COUNCILWOMAN CATAZARO-PERRY – I'm voting no on this tonight for multiple reasons. The first and foremost is that this is a 30 year decision and we are taking money as Mr. Meeks said that if we did not TIF this these entities would receive increased revenue. Those organizations are MRDD, the mental health, 9-1-1, our own general fund we're making decisions today for 30 years down the road. We're going to be taking from our children and our grandchildren and sure the city may benefit but the citizens of Massillon are not going to benefit because there are many, many people that require these services. So I'm voting no tonight.

COUNCILMAN PETERS I guess I wasn't going to say anything until the last sentence Councilwoman Catazaro-Perry is that you know when you say it's going to benefit the City of Massillon the people are the City of Massillon. You know Massillon is nothing without the people so I agree with you that it is going to benefit the City of Massillon so consequently it's going to benefit the people of Massillon. I think that people need to understand that they are one in the same. So I'll be voting yes probably just based on that because that kind of shed some light on it for me. Thank you.

COUNCILMAN MCCUNE – Yes, I will be in support of these TIFs tonight. Basically because I do believe they are good for the City of Massillon and the future growth of. I think they represent an ability to set aside money that we would not otherwise have the ability to utilize for infrastructure repairs and progress in the city and because the benefit they represent to the citizens of Massillon I feel like as an elected official that I am honor bound to support something as beneficial as a TIF.

COUNCIL PRESIDENT GAMBER Mr. Anderson, did you have your hand up

COUNCILMAN ANDERSON – No, but I can.

COUNCIL PRESIDENT GAMBER Oh. It's up to you.

COUNCILMAN ANDERSON – No, no, no. I might as well add my two cents in the whole thing too because I brought the one piece of business to the council. I don't regret that at all I would love to say to be honest with you that I'm going to vote yes for it because really the bottom line is what's best for the people of the City of Massillon. Probably down the road maybe 5 years, 6 years, 7 years as far as I'm concern that's probably one of the best things we could do is vote for these TIFs. However we are not 5 and 6 years down the road gentlemen we are now. We have financial trouble now not 5 or 6 years down the road we have trouble now. We need all the money we can get and these other services need their money too now they can't wait for good times to get here because they got bad times right now. Just like we do we heard from the auditor tonight she was very pessimistic about some things and I don't blame her. But I really can't vote for something down the road because we need to work the problems out now not later not down the road. I'm going to vote no on for it. Thank you.

COUNCIL PRESIDENT GAMBER Mr. Manson?

COUNCILMAN MANSON Yes, these are tough decisions especially when you're talking about charities and stuff like that. But you know anything we do to encourage economic development tax wise impacts somebody. If we give a 75% tax abatement those same charities are going to lose some money too. We do that and that's not going to stop other communities do that and there are times that the developer asks for that and if we're convinced it's a good thing then we do that. So I just look at this as another tool in helping the City of Massillon develop. If the City of Massillon develops those charities are going to do better. It's going to help them and I do not feel that the amount reduced here is that significant and we need it for the infrastructure. Massillon has a lot of new infrastructure a lot of new business if you go down to the south side

of Massillon and stuff like that. That's because we've created a favorable environment in this city for businesses and this is just another tool to be used for economic development.

COUNCIL PRESIDENT GAMBER Mr. Slagle?

COUNCILMAN SLAGLE Yeah, I unfortunately any decision we make has undercurrents that come arising up the top that sometimes doesn't impact our decision many times it does. I thought it was a legitimate concern to ask about how other organizations would lose some future revenues from this. I think that is a valid reason to vote against this particular ordinance. However, at the same time I've been disturbed by the continual splits that we've had that have been minuscule amounts into capital improvements. I see this as one way to force that money to go into capital improvements that can be used for benefits in the City of Massillon. I don't think this is a twisted ordinance and the thinking behind it isn't twisted. The State of Ohio came up with this as a way for us to do it and I see it as a way for benefiting the citizens by gaining \$4.00 for every one we would gotten the other way basically. So I will be supporting it I think we've done our questioning we found out that these can be used for other purposes because they took out the direct impact language from the previous ordinances or previous legislation. I see it as a way to put it into capital improvement that I don't see this city council doing it any other way because we don't have the money to do it any other way. So I'll be voting for it.

ORDINANCE NO. 135 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 5 YES, 4 NO. ANDERSON, CATAZARO-PERRY, MANG AND TOWNSEND VOTED NO.

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 – I think we've had discussion pretty well covered so I'm going to suggest that we bring this forward for a vote, seconded by Councilman McCune.

COUNCIL PRESIDENT GAMBER And for the record, Mr. Mang?

COUNCILMAN MANG – This is Case Farms.

COUNCIL PRESIDENT GAMBER Is there any discussion or comment on the ordinance?

ORDINANCE NO. 136 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 5 YES, 4 NO. ANDERSON, CATAZARO-PERRY, MANG AND TOWNSEND VOTED NO.

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 – Yes, this TIF will be for the Massillon Area Credit Union. I suggest that we go ahead with voting on the issue. Seconded by Councilman McCune.

ORDINANCE NO. 137 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 5 YES, 4 NO. ANDERSON, CATAZARO-PERRY, MANG AND TOWNSEND VOTED NO.

ORDINANCE NO. 155 – 2009 BY COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCILMAN MANG – This pertains to Poets Glen I think many of you know that or all of you know that prior to a hearing before the trustees and county commissioners its always nice for them to know what services are going to be granted upon this annexation. So what you have in front of you is the services that the city will provide upon annexation. Now I don't know if there's any great discussion about this and it's not really something that we probably should change the rules on. But again I feel that the sooner we get this done the sooner we get it off our table again not unless someone is totally against this and we'll go from there.

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

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

ORDINANCE NO. 155 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 156 – 2009 BY POLICE AND FIRE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing, and declaring an emergency.

COUNCILMAN MCCUNE – Yes, Ordinance No. 156 is just the next step in the process of the city entering into a limited emergency medical transport as it will provide us ability to properly bill by utilizing the Jackson Township billing department. I will be asking for suspension of the rules and for support of passage tonight.

COUNCILWOMAN CATAZARO-PERRY – I did speak with Mr. Randy Gonzales about their billing service and this is probably one of the top notch billing services that we could utilize for reimbursement for these runs. So I think this is a good thing for the City of Massillon.

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

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

ORDINANCE NO. 156 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. PETERS VOTED NO.

ORDINANCE NO. 157 – 2009 BY STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to submit an application for 2010 Municipal Road Funds for the Main Avenue SW Resurfacing and 9th Street SW Resurfacing, and declaring an emergency.

COUNCILMAN PETERS – We discussed this at Monday night's work session. This is just allowing the director to apply for the municipal road funds. Like the clerk read it's for 9th Street Resurfacing and Main Avenue SW resurfacing. I will ask or I'm going to ask that we waive the rules on this because of the timing and we have to get the applications before the first of the year. I'm going to ask for suspension if there are any questions we can bring the engineer up here and he can answer any questions that you may or may not have.

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Townsend.

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

ORDINANCE NO. 157 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 158 – 2009 BY STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

Accepting the replatting of Out Lots 1024, 367 and Lot 13833, located on the east side of 1st Street NE, north of Gail Avenue NE, and including the dedication of a small portion of 1st Street NE, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

COUNCILMAN PETERS – First reading.

ORDINANCE NO. 158 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 159 – 2009 BY STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

Accepting the replatting of Part of Out Lot 252, located on the south side of Woodruff Avenue NW, just west of 17th Street NW, and including the dedication of a portion of Woodruff Avenue NW, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

COUNCILMAN PETERS – First reading.

ORDINANCE NO. 159 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 160 – 2009 BY FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the General Fund, Wastewater Treatment Fund, Street Fund, Legends Fund and the state Patrol Transfer Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON – Yes, we'll go through this one at a time here. First part is section 1, \$145,000 please prepare an ordinance to appropriate from the unappropriated balance of the following funds from the general fund: 1100 to 1100.305 \$145,330 to police salary. Section 2, is \$78,000 please prepare an ordinance to appropriate from the unappropriated balance of the wastewater treatment fund 2101 to the following account for hospitalization 2101.610 \$78,000 going to hospitalization, hospital, eye and dental. Section 3, is please prepare an ordinance to appropriate from the unappropriated balance from the following funds from the street fund 1201 to 1201.420 \$4,500 salary safety and 1201.435 \$45,000 to salary street. Section 4, is \$11,002 please prepare an ordinance to appropriate from the unappropriated balance of the Legends fund 2104 to the following \$8,000 to salary Legends, \$957 to hospital, eye and dental, \$19.35 to PERS and \$110 to Medicare for \$11,002. Section 5, this is the one that came in a little late and we added it to this ordinance it was requested by the auditor's office. Please prepare an ordinance to appropriate from the unappropriated balance of the state patrol transfer fund 3105 to the following 3105.930 state patrol refund to the general. The explanation on this is that Pat made an estimate of what this would be for the month and we the courts finally sent down the exact their monthly receipt exactly what it was. We split this 50/50 right Pat? (Yeah, with the Stark County Law Library) That's it. 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. 160 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 161 – 2009 BY: FINANCE COMMITTEE

Reducing the appropriations in the Park Fund, Police Pension Fund, Fire Pension Fund and the

TIF Service Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Yes, this is for a total of \$102,094 and what is going on here is we must reduce this to match the number that's in our certificate. What happened here is we budgeted a certain amount and the revenue actually was less so we have to match the numbers up. We had less revenue from permit fees; the summer feeding program was cut so we had less revenue there for the parks and miscellaneous fees. There's a second part of this that I didn't cover. Section 2, please prepare an ordinance to reduce the following appropriations in the following funds from police pension fund 1209 \$157,162 and from the fire pension fund is section 3 actually. Section 3 is for \$219,479 that's from the fire pension fund and then the last part of this is approximately \$73,000 same thing please prepare an ordinance to reduce the following appropriations in the following funds this is from the TIF service fund 3109 and it's from the school district TIFs, the developers TIFs and county collection fees. I believe there was a cut in the evaluation but I'm going to ask the deputy auditor maybe to explain this one a little bit if you would please.

PAT PENTELLO – On these TIF service funds those fees were based on the previous year that we received for Marketplace and Meadows Plaza. There was an appeal on Meadows Plaza regarding the evaluation it being a new TIF so that all got finalized and the revenue received from that we didn't get until April and September. So when we prepared the appropriations for those I based them on the prior year monies that was received from the TIF. They were too high because of the appeal on the annexation so we didn't need the rest of that appropriation the funds did not come in from the county. Therefore we didn't need to appropriate those funds to pay the debt or the TIF service people or the schools. It should flatten out for this next tax year where we should get about the same amount every year.

COUNCILMAN SLAGLE Yes, Pat, in the I'm going to move back to section 2 and 3. Those are reducing those funds but those are debts that we're going to pay for 2009 in 2010 is that correct?

PAT PENTELLO – Fire and police pension?

COUNCILMAN SLAGLE Yes.

PAT PENTELLO – Yes, by the end of February we will pay the 4th quarter of the police and fire pension.

COUNCILMAN SLAGLE Okay. Thank you.

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. 161 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 162 – 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 just reducing funds out of lines that we did not need what was left there. All that money is going to \$178,528 to if you go to the end of section 1 it says to and it gives you the different areas that's going to salary muni court, our safety service director and police salary police clerks, animal control the big one you see is salary fire. It's pretty much self explanatory.

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. 162 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 163 – 2009 BY: FINANCE COMMITTEE

Amending Ordinance No. 164 – 2008 by revising Section 4 of the 2009 budget, and declaring an emergency.

COUNCILMAN MANSON Yes, we'll go with section 1 here you see where we're reducing these we do this at the end of each year. We have to do the same thing we have to match this up with what the certificate said. It was higher than that so these reductions some will be going into next year. Pat, will you please come up and give me some help with this one.

PAT PENTELLO – At the beginning of each appropriation ordinance at the back page there's the amounts to be transferred from the general fund. They're set at the beginning of the year amounts that we would transfer into police pension fund, fire pension fund and any debt service that we would transfer to make those debt service payments. If there's any changes to those transfer amounts that would result in a different number we have to adjust that section of the ordinance at the end of the year to come out exact. Reasons they could be adjusted just like the pension we didn't do the 4th quarter pension so therefore we had to adjust the amount that we transferred into that pension fund. It's an auditing cleanup that we have to do every year simply because we do transfer funds from the general fund to other debit service funds and to special revenue funds. Basically it's an auditing practice that we have to cleanup. Is there any other questions?

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. 163 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 164 – 2009 BY: FINANCE COMMITTEE

Appropriating money for the current expenses and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2010, and declaring an emergency.

COUNCILMAN MANSON First reading.

ORDINANCE NO. 164 – 2009 WAS GIVEN FIRST READING.

ORDINANCE NO. 165 – 2009 BY: FINANCE COMMITTEE

To approve current replacement pages to the Massillon Codified Ordinances, and declaring an emergency.

COUNCILMAN MANSON We do this every year we're just approving the replacement pages for our codified ordinances.

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. 165 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 166 – 2009 BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Neighborhood

Stabilization Program Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON Yes, this is pretty self explanatory we had Aane here at the work session to explain this.

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. 166 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

#### 7. UNFINISHED BUSINESS

#### 8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR TARGET CORP DBA TARGET STORE T 2044 1980 MASSILLON WAY E MASSILLON OHIO 44646

#### 9. BILLS, ACCOUNTS AND CLAIMS

#### 10. REPORTS FROM CITY OFFICIALS

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

COUNCIL PRESIDENT GAMBER Thank you, we will file those items

#### 11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER Committee meetings will be next Monday, the 28th.

#### 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

#### 13. CALL OF THE CALENDAR

#### 14. THIRD READING ORDINANCES AND RESOLUTIONS

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 – We had numerous landlords come forward and speak their opposition on this ordinance. They talked about this being a tax which would be passed on to the renters and with the economic recession the way it is now I recommend that we table this indefinitely.

COUNCILMAN TOWNSEND moved to table indefinitely Ordinance No. 139 – 2009, seconded by Councilman Anderson.

ORDINANCE NO. 139 – 2009 WAS TABLED INDEFINITELY BY A ROLL CALL VOTE OF 9 YES.

.SECOND READING ORDINANCES AND RESOLUTIONS

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've had discussion on this at the last work session there wasn't much discussion on it. So if there's no questions or objections I'm going to move it forward for a vote.

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

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

ORDINANCE NO. 145 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

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. There will be a public hearing on the 4th of January at 7:15pm. So second reading.

ORDINANCE NO. 146 – 2009 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

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

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MARY BETH BAILEY, CLERK,

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GLENN E. GAMBER, PRESIDENT

