

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, AUGUST 17, 2009**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, August 17, 2009. We have in attendance with us this evening: Mayor Francis Cicchinelli, Safety Service Director Mike Loudiana, Auditor Jayne Ferrero, Engineer Keith Dylewski, Community Development Director Aane Aaby, Income Tax and Solid Waste Supervisor Linda McGill, Fire Chief Tom Burgasser, Street Superintendant Mike Stevens, Parks & Rec. Director Kenn Kaminski, Wastewater Treatment Plant Superintendent Keith Bledsoe, Police Chief Rob Williams and the 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.

COUNCIL PRESIDENT GAMBER I'd also like to take this opportunity to introduce and welcome our newest council member Gary Anderson representing the second ward replacing Chuck Maier who resigned. So welcome aboard Gary nice to have you with us.

2. INVOCATION

COUNCILMAN PAUL MANSON – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN PAUL MANSON – Chairman of the Finance 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? (Almost) They're almost completed well we will dispense with approving the minutes until our next meeting.

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

BONNIE FOSTER – I'm from Ohio Valley Energy. I'm back here again tonight because we have Ordinance No. 78 on your agenda. When I was here last Monday we had discussed changing the ordinance to include certain city streets for a total of 15.76 acres for our lease. The wording hasn't been changed on the ordinance so before it was voted on tonight I wanted to make sure that it did include certain city streets and 15.76 acres.

COUNCIL PRESIDENT GAMBER Alright, you have a copy of the ordinance in front of you?

BONNIE FOSTER – I have a copy of the agenda that I read the ordinance from. So when it's read...

COUNCIL PRESIDENT GAMBER Alright, Mr. McCune, would you please hand her I have amended Ordinance No. 78 dated June 1st or Mr. Manson or Mr. Peters one you that might have it. Now if you'll look at the title the title mentions certain streets and three parcels of real estate.

BONNIE FOSTER – The ordinance still doesn't read to include certain streets for the 15.76 acres.

COUNCIL PRESIDENT GAMBER The copy that I have does, does everyone have an amended Ordinance No. 78. The Clerk indicates that was passed out last week at the work session. Can I call you forward come up to my desk here if you would for just a moment? Yeah, just come right through there or come around.

BONNIE FOSTER – As long as read properly when voted on it that's all.

COUNCIL PRESIDENT GAMBER Okay, there's the title certain streets and three parcels and down here is the 15.76 acres.

BONNIE FOSTER – Yes, that's correct. What I've been reading is not correct.

COUNCIL PRESIDENT GAMBER Mr. Mang?

COUNCILMAN MANG – This is the one that we're going to pass this amended one.

COUNCIL PRESIDENT GAMBER I'm going to have the Clerk make a new copy just of the first page so you see what we're talking about. While the Clerk is making those copies is there anyone else in the audience who would like to speak to council on a matter on the agenda? Alright, we'll wait just a moment here. Alright, we're passing that sheet around that will come up later in the agenda when we reconsider that ordinance. Before we move into the consideration of ordinances and resolutions we do have the matter of revising our city council committees. Does everyone have that sheet you should have a sheet on the bottom left it's revised as of August 14th. I've got to believe everybody's got this one.

COUNCILMAN PETERS – I've got that one.

COUNCIL PRESIDENT GAMBER Thank you, Mr. Peters. Does everyone have that sheet. Basically what we have done is simply inserted Gary Anderson's name as chairman of public utilities and also a member of the health, welfare and building regulations and as the parks and rec. committee. Those were the seats held by Mr. Maier. In a moment I'll ask Mr. Mang for a motion to approve this is there any discussion about these changes. Mr. Peters?

COUNCILMAN PETERS – I know you probably just said this I want to be clear. These are the exact same things that Mr. Maier was on all these committees and so forth?

COUNCIL PRESIDENT GAMBER Yes. Mr. Mang, could we have a motion to accept this revised list?

COUNCILMAN MANG – The Council President has issued a new list of committee assignments that we all have I would like for this to be approved by council. I think it just needs a vote, Mr. President, seconded by Councilman Anderson.

COUNCILWOMAN CATAZARO-PERRY – I'm still looking for my copy I don't believe I have one.

COUNCILMAN MANG – Here Kathy here's mine.

COUNCILWOMAN CATAZARO-PERRY – Thank you.

COUNCIL COMMITTEE ASSIGNMENTS WERE ACCEPTED BY A ROLL CALL VOTE OF 9 YES.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT GAMBER Mr. Mang, would you like to move to Ordinance No. 78 at this point?

COUNCILMAN MANG – 78?

COUNCIL PRESIDENT GAMBER That's the one we just discussed about the oil and gas.

COUNCILMAN MANG – Oh, move toward the amended oil and gas.

COUNCIL PRESIDENT GAMBER If you'd like to we can bring that forward is there any objection to moving that forward in our agenda?

COUNCILMAN PETERS – I guess my question is why?

COUNCIL PRESIDENT GAMBER Simply as a courtesy for someone who has been here for several meetings.

COUNCILMAN PETERS – Yeah, if I was them I wouldn't want to sit through another one. That's fine.

COUNCIL PRESIDENT GAMBER I'm asking if there's any objections, is that an objection? Apparently not. Mr. Mang, we have amended ordinance that both you and Ms. Foster have indicated is correct we would need a motion to amend we then go back to first reading.

COUNCILMAN MANG – I think we'll probably have to read the title and then I'll go for the amendment. I guess we'll be reading the title as amended.

TABLED FROM JUNE 15, 2009

ORDINANCE NO. 78 – 2009 BY: PUBLIC UTILITIES COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems, Corp., for certain streets and three (3) parcels of real estate owned by the City of Massillon, and declaring an emergency.

COUNCILMAN MANG – Everybody has a copy of the amended. I'm quite certain everybody has a list of the streets that will be encompassed in this.

COUNCILMAN MANG moved to amend Ordinance No. 78 – 2009, seconded by Councilman Manson.

Roll call vote of 9 yes to amend Ordinance No. 78 – 2009.

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

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

ORDINANCE NO. 78 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. TOWNSEND VOTED NO.

ORDINANCE NO. 102 – 2009 BY COMMITTEE OF THE WHOLE

Repealing Ordinance No. 45 – 1996 and enacting a new policy on harassment in the workplace, and declaring an emergency.

COUNCILMAN MANG – I had a conversation with Mike Loudiana just prior to the meeting. Basically the legislation we have before you is legislation that we're following the state outline for this type of thing. Basically what it is keep your hands to yourself and a very tight lip. I think for the sake of getting this into our handbook I think it would be the thing to do its not an emergency, emergency but it's a fact that we get it to our employees so that everybody understands exactly what is permissible and what is not. So hopefully you will go along with me as I ask for suspension of the rules.

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. 102 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 103 – 2009 BY ENVIRONMENTAL COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with AJ Diana Sons for the disposal of leaves for 2009, and declaring an emergency.

COUNCILMAN HERSHER – It's hard to believe that its time to consider this already, but as school starts next week it means fall is just around the corner. This ordinance would permit the Director of Public Service and Safety to enter into an agreement for the disposal of leaves for our leaf program. It's with AJ Diana and Sons at the rate of \$27.50 per ton the entire contract is not to exceed \$25,000 and it will be funded by grant money. As the director has requested that this be passed tonight and that there were not any questions or concerns raised at the work session or since I would like to oblige that request and move it forward 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 9 yes.

ORDINANCE NO. 103 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 104 – 2009 BY HEALTH, WELFARE & BLDG REGULATIONS

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage, and declaring an emergency.

COUNCILMAN SLAGLE – This was discussed as well at the work session. Safety Service Director Loudiana was present this is for two separate policies one is a crime policy in the amount of \$890 which covers all employees of the city in the event there is any theft in the office, the second policy is for boiler and machinery which covers all the boilers and machinery in the city for break down. The boilers are what operate heating facilities. Mr. Loudiana advises me that he would ask that we pass this as an emergency because we need to get these paid so the insurance does not lapse and the auditor has indicated we have the finances to do so. So I would request unless there's some questions that we pass this tonight.

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

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

ORDINANCE NO. 104 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 105 – 2009 BY PUBLIC UTILITIES COMMITTEE

Authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to Section 4928.20 Ohio Revised Code, directing the Stark County Board of Elections to submit a ballot question to the electors and authorizing the execution of an agreement with Independent Energy Consultants, Inc., for such purposes, and declaring an emergency.

COUNCIL PRESIDENT GAMBER Mr. Anderson is the new committee chairman this is quite a bit to chew off would you like for me to call on Mr. Mang or Mrs. Catazaro-Perry?

COUNCILMAN ANDERSON – Please, Mr. Mang.

COUNCIL PRESIDENT GAMBER Mr. Mang?

COUNCILMAN MANG – Yes, Kathy and I pretty much agreed that I would stumble through it and she help me and our backup would be Mr. Loudiana. The ordinance for electricity most of us are familiar with the gas aggregate. This happens to be an opt-out piece of legislation which requires to go on the ballot the reason being if it passes on the ballot everybody will automatically be in. Every resident in the City of Massillon there will be a time period that they can opt-out of this program. But the way it stands now that's exactly what would take place the benefits to the people in the aggregate we're being told that we may find 5 to 10% a discount in our electric rates. Now that could be all over the board but the point is it would be less than what we're presently paying. This doesn't really have any benefit to the city. Now there may be a building or so that this would be effective but generally we are classified as industry and we'd be part of another piece of legislation that would work through the county. So this piece of legislation is really for the general public and our citizens of the City of Massillon. I think we had a presentation and also Mr. Loudiana has spoke on it several times but we need to do something with this piece of legislation tonight. If the intent is to put it on the ballot we would have to pass it tonight because it has to be to the Board of Elections by the 20th. If the body sees fit to do whatever I think its only right to bring it up tonight so that we can clarify the issue. If there's questions on this I'm sure Mike can be happy to answer them.

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 9 yes.

ORDINANCE NO. 105 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 106 – 2009 BY STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Right of Way Acquisition Proposal with ME Companies for the intersection of Lincoln Way East (SR172) and 27th Street, and declaring an emergency.

COUNCILMAN PETERS – We discussed this at Monday night's work session. This is for the intersection study for Lincoln Way and 27th Street NE. If there aren't any questions still remaining our engineer is here tonight we can bring him up and ask him if not I'm going to move for passage just so we can get on with it.

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. 106 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 107 – 2009 BY STREETS, HIGHWAYS, TRAFFIC & SAFETY

COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets for the 2009-2010 winter season, and declaring an emergency.

COUNCILMAN PETERS – We also discussed this at Monday night’s work session. Basically it is so we can enter into an agreement with the Stark County Board of Commissions to participate in their cooperative program for the purchase of salt for the city streets in the winter season. The pricing is as follows: \$47.09 a ton dumped and \$50.09 a ton for a piler. Last year the pricing was \$40.95 dumped and \$43.95 per ton for the piler. I’d like to remind what I said Monday night that we entered into this thing last year and we saved a great deal of money by doing so. I don’t have those figures the safety service director does so if there are any questions we can ask him but if not I’m going to move forward so we can definitely we don’t want to delay this.

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. 107 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 108 – 2009 BY STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

Vacating a portion of a certain public alley at 112 1st Street NE, and declaring an emergency.

COUNCILMAN PETERS – Again we talked about this at the work session. This is to vacate an alley that it actually runs right straight through Mr. Rohr’s property which is the gas station on the corner of 1st and Federal. It is you know been paved and everything else throughout the years and is used as part of this parking lot. So you wouldn’t even know it’s an alley unless this came before you. At its July 8th meeting the city planning commission recommended approval of the request; I also recommend approval for the request. If there are any question I can answer them if not I’m going to move forward for passage tonight.

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. 108 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 109 – 2009 BY: FINANCE COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year, and declaring an emergency.

COUNCILMAN MANSON Yes, as the Clerk read this is for funding an application for funding for next year. Everybody has a list here of the specific projects that are going to be in there. So I will be asking to waive the rules provided there are no questions that we can’t answer. We need to keep this moving along.

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. 109 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 110 – 2009 BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Municipal Road Fund, Wastewater Treatment Capital Improvement Fund, Community Development Block Grant Program Fund, Park & Rec. Fund and the Capital Improvement Fund, for the year ending December 31, 2009, and declaring an emergency.

COUNCILMAN MANSON We have seven sections here. First section there will be a change in I hope everybody saw it. Last week we were talking about \$399,880 and when the bids were open it came in \$16,000 higher than that. If we want to move this project along Wales Road which I'm sure most of us do we have to bite the bullet on the \$16,000. We did I did when I was aware of this I did ask for approval from the rest of my committee and I did a signature. So I want to move this forward now if there's any questions on this particular part if anybody would like to talk about it right now we'll bring Keith up and we can discuss why the bid was a little higher.

COUNCIL PRESIDENT GAMBER Mr. Peters?

COUNCILMAN PETERS – I'd like to bring him forward since I'm the...Sorry, I would have called you but I've been working on TIFs all weekend I didn't have time to worry about this. What exactly why did it go over and for what reason what are they doing that's different?

ENGINEER DYLEWSKI Well, it's a common practice it's just based on an estimate anyways. So...

COUNCILMAN PETERS Is there any certain part of the bid that stood out that's reason it's more?

ENGINEER DYLEWSKI No, I mean for a project of this size or this cost I mean being \$16,000 is not uncommon. We're using the same type of asphalt we used on Erie Street it's a fine grade of polymer versus you know typical standard paving program.

COUNCILMAN PETERS is it like that recycled stuff or not?

ENGINEER DYLEWSKI No it's not recycled the aggregate in it is like sand particles versus the larger size aggregate. We them in regular paving program and that particular asphalt is a lot more expensive than your standard 40/40 asphalt. So...

COUNCILMAN PETERS That's all I have.

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Keith, can you go over these real quick? The Wales resurfacing account I just looked at the 1409 just want to make sure we have enough dollars. I have a \$158,000 in there is that where it's coming from can you explain the funding?

ENGINEER DYLEWSKI Sure, we received funding from ODOT has \$254,000 in the project we received a \$158,000 from the municipal road fund from the Stark County Commissioners. (Okay) So obviously that took us up to \$399,000 and then when the bids came in we needed the extra \$16,000 that's what's coming out of the 1206.

COUNCILWOMAN CATAZARO-PERRY – 1206?

ENGINEER DYLEWSKI Yes.

COUNCILWOMAN CATAZARO-PERRY – Thank you.

COUNCIL PRESIDENT GAMBER Thank you, Mr. Dylewski.

ENGINEER DYLEWSKI You're welcome.

COUNCIL PRESIDENT GAMBER That was section 1.

COUNCILMAN MANSON Okay, section 2. Please appropriate \$95,000 from the unappropriated balance of the 1406 Wastewater Treatment Capital Improvement Fund for the Neocom Sanitary Sewer Inceptor project. This appropriation is for the federal share of the project the amount of \$95,000 that the city was awarded and needs to be appropriated for auditing purposes. Shouldn't be any questions on that I don't think. Section 3, this is a request from Mr. Aaby I would like to request the appropriation for the following amounts from the Community Development Block Grant Program fund \$60,002.60 entitled downtown sidewalk project. Under the CDBG program the city allocated block grant funding for a downtown improvement project replace the deteriorated sidewalk on the south side of Lincoln Way East, east of City Hall Street SE south of Lincoln Way East. Any questions on that?

COUNCIL PRESIDENT GAMBER Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I would like to know is this the final amount that we're going to be paying on this project.

COUNCIL PRESIDENT GAMBER Who would you like to call?

COUNCILMAN MANSON Mr. Aaby.

COUNCIL PRESIDENT GAMBER Mr. Aaby? Thank you, Mr. Manson.

COMMUNITY DEVELOPMENT DIRECTOR AABY – That was the low bid that would be contracted for when the funds are appropriated.

COUNCILWOMAN CATAZARO-PERRY – Are there any other dollars that are going to be needed for this area?

COMMUNITY DEVELOPMENT DIRECTOR AABY – No.

COUNCILWOMAN CATAZARO-PERRY – Thank you.

COUNCIL PRESIDENT GAMBER Thank you, Mr. Aaby. That's section 3.

COUNCILMAN MANSON Section 4, unless there any more questions on that part. Section 4, please appropriate \$64,801 from the unappropriated balance of the 1410 16th Street Intersection Improvement Fund for the intersection design project that is being designed by URS Corporation. The following intersections are being improved and it is anticipated that construction will occur in 2010. We've got State Route 241 Erie Street and Tremont this funding has been secured through ODOT with a 90/10 split, State Route 172 Lincoln Way East that 27th Street/Jackson Avenue funding has been secured through ODOT with a 90/10 split. Any questions we can bring the engineer up. Section 5, is \$12,000 please appropriate \$12,000 in the unappropriated balance of the 1414 collection systems improvement fund for sanitary sewer repairs at various locations on Wales Road NE. These repairs need to be completed before the Wales Road paving project begins in September. Any questions we can bring the engineer up. Section 6, is \$6,000 please prepare an ordinance to appropriation from the unappropriated balance of the parks and rec. 1234 fund \$6,000 to refunds. These are the parks and rec. share of tax refunds. Section 7, is \$4,000 please prepare an ordinance to appropriate from the unappropriated balance of the capital improvement fund 1401 to the following \$4,000 to services and contracts. This is for rear springs on fire engineer 211. If there's any questions we have the fire chief here he can answer those questions. Otherwise I'm gong to be asking for approval.

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. 110 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

RESOLUTION NO. 12 – 2009 BY: PUBLIC UTILITIES COMMITTEE

Authorizing all actions to effect a governmental natural gas aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution and authorizing and directing the Director of Public Service and Safety to enter into an agreement with Independent Energy Consultants, Inc., for the consulting services and any other required related to natural gas aggregation.

COUNCIL PRESIDENT GAMBER Mr. Anderson, with your permission I'll recognize Mr. Mang again.

COUNCILMAN ANDERSON _ Yes, please.

COUNCILMAN MANG Most of us are familiar with the gas aggregate its something the city has had for the last couple of years. This happens to be an opt-in which means that the resident upon finding out the price of the natural gas will have to agree to participate. The other was they were automatically in but on the gas aggregate you have to apply to be part of it. At some point in the near future Mike will be meeting with the consultants where they will meet with other gas people and try to come up with a price that would be more favorable to city residents than what we currently have. When that happens they will strike price and that price will then be good for that period of time. Now any city resident can participate because there will be forms that will be sent to them and they will have an opportunity to be in the program. If they sign up for the program and there will be a time period that if they wish to come out of the program they can. There will not be a penalty for them to opt-out of the program. Now joining another program may, but as far as this program there is no cost to anyone. Mike, have I done a fair job? (Very good) If we have questions Mike's here he'd be glad to answer them. If not I'll be asking for suspension of the rules.

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 9 yes.

RESOLUTION NO. 12 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A. REPOSITORY - \$888.80

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

Roll call vote of 9 yes to pay the bill.

10. REPORTS FROM CITY OFFICIALS

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

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

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER Next Monday is the fourth of five Mondays in August so we will not meet. The next committee sessions will be on August 31st. The Council Clerk will be on vacation next week we get back to business the week after that. Is there any report or request from any chairman?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCILMAN TOWNSEND Well, I have a statement I have taken on a new position in Cleveland at this time I'm not afforded the luxuries of leaving and attending the park and rec. board meetings. So at this time I would like to possibly resign from that position and be reassigned to another committee.

COUNCIL PRESIDENT GAMBER Alright, we'll take that under advisement and I'll have something prepare for next or actually two weeks from now. Thank you. Will you still be able to make it here for the committee meetings?

COUNCILMAN TOWNSEND Hopefully, yeah.

COUNCIL PRESIDENT GAMBER Alright.

COUNCILMAN TOWNSEND We'll see.

COUNCIL PRESIDENT GAMBER Alright, is there anything else from any committee chairman or any council member?

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 88 – 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 are talking about Ordinance No. 88 is that correct? (Yes) Matter of fact the next three pieces of legislation all deal with the TIF. Each for a different area the 88 ordinance deals with the Inn at University Circle. I feel that I have to as President Pro-Tem and as chairman of the community development committee is to make certain that all the questions pertaining to any legislation is answered to the extent that you feel that you can either vote yes or no. I'm not here to promote you to vote yes or no I have my own and will always have my own thoughts on a piece of legislation. But I must make certain that all of us understand this piece of legislation. Tonight we have the mayor here and we have Aane Aaby. So what I'd like to do I would like you to if you have questions or whatever you want to do I would ask that we bring them up at this time and see if we can get those answered.

COUNCIL PRESIDENT GAMBER is there any council member with a question? Mr. Slagle?

COUNCILMAN SLAGLE – The only question I would have of the mayor

COUNCIL PRESIDENT GAMBER Alright, we'll call the mayor forward please?

COUNCILMAN SLAGLE – There are no agreements with the developer in any way that we were reimbursing them for any cost that has been expended on this particular property.

MAYOR CICCHINELLI – You mean the consultant?

COUNCILMAN SLAGLE – Oh this is just for the consultant is the first the consultant?

COUNCIL PRESIDENT GAMBER No, this is the Inn at University Circle.

MAYOR CICCHINELLI – Oh the developer for the Inn?

COUNCILMAN SLAGLE – Correct.

MAYOR CICCHINELLI – No, there's no agreement.

COUNCILMAN SLAGLE – Okay, that's all I had.

COUNCIL PRESIDENT GAMBER Mr. Peters?

COUNCILMAN PETERS – I just while the mayor is up there I don't have any direct questions for him. I met with the mayor this morning to answer some of my questions after I spent three days reading through all this and I really did read it and I can probably I could probably right the TIF instead of Meaks we could save some money. But I'll let him do it. But I have a couple things I'm going I want to get rid of the conspiracy theories so I'm going to ask the mayor a couple of questions because they really helped me understand this TIF a little bit better. One of them is you know that we're going to take this money and put it towards our general fund, put it for this, put it for the I'm not allowed to say it that place down south of here that golf course and put it in different places you know other than where this money is designated to go. I want to make it clear that you know we have in our account 1419 under the marketplace TIF there's \$450,000 in there right now and nobody's rushing to take that money out and throw it in our general fund. So I'm trying and I'll be honest with you I thought also that that's what could have been done and so forth and I was a little concerned. So with that I'll let you answer the same question you answered for me this morning just so people might get a better understanding of it.

MAYOR CICCHINELLI – These dollars are to be spent for infrastructure capital improvements and will not be spent to subsidize the general fund.

COUNCILMAN PETERS – The other thing that was cleared up for me a little bit and he'll explain this a little better than I will. But you know they're going to raise the appraised value of these properties just because of what's happened there and that development that has gone on. This tif is going to guarantee us 25% more money if we don't do these tifs the tax dollars and I've heard this argument over the you know the internet gossip columns that you know all this money the taxpayers are losing and paying for is going to be taken away. If we do not have the tif we're still going to get the income tax money or the property tax money but it we're only going to get 8% out of that 25% or that 20%. You know and I'm not saying I was I don't want to bring up any soar subject but you know this is the same thing that's happened with the license plate fee. Okay, I'm not saying I was for it or against it and I'm not condemning anybody that was for or against it but had we passed the license plate tax we would have gotten all that money. Now that we didn't the county passed it anyways and we're only getting a small percentage of it. I really think that this is a good comparison with this TIF. That's really how I compared it, it wasn't the mayor's comparison it was my comparison. I can not see taking away money that we could be using and the taxpayers aren't...listen everybody says you know you've got to look out for the taxpayer hell I'm a taxpayer. You know so I'm looking for myself so if I didn't say that clear enough that's why I brought the mayor up let him explain it a little bit better but I'm telling you I think it's a good deal after looking at it.

MAYOR CICCHINELLI – You said it extremely well.

COUNCIL PRESIDENT GAMBER Thank you, Mr. Mayor. Do you have a questions for the mayor?

COUNCILMAN TOWNSEND – Yeah, Donnie was mentioning property taxes. We pretty much the city kind of rely on a significant portion of tax revenue property taxes we pretty much rely on that?

MAYOR CICCHINELLI – No, because the if you remember the sheet we passed out back in June we get a total of real estate taxes totaling that are thrown in the general fund is a little over a million dollars. Now that's a lot of money but the bulk of that's a smaller amount compared to these other funds that we get. Real estate taxes go primarily to schools for school revenues we get like Donnie says 7, 8 or 9% of real estate taxes depending on what taxing district we're living in. There's five taxing districts within the city and there's one or two percentage points difference but it's a small amount when you compare the 100% of real estate taxes that are collected on a parcel. So but it does help but its not a large amount and in this instance we are capturing a larger percentage of real estate taxes to put into these tif accounts to do infrastructure.

COUNCILMAN TOWNSEND – Okay, because I'm still learning about this. If lets say if we I guess capture if we put some of these property taxes to the side for the TIFs times are tough and right now we pretty much depend well not depend but the taxes do come in handy for the city, right?

MAYOR CICCHINELLI – We're only talking Mr. Townsend, we're only talking real estate taxes we're not talking any other...

COUNCILMAN TOWNSEND – Right, right, real estate taxes...

MAYOR CICCHINELLI – Revenue streams correct.

COUNCILMAN TOWNSEND – So if when the TIF district are created these taxes are set aside for the tif districts?

MAYOR CICCHINELLI – No, excuse me, they're not districts in this case. They're individual parcel number TIFs. So there could be multiple TIFs but this is not a district per say; its one or two parcel numbers depending on each TIF.

COUNCILMAN TOWNSEND – Okay, the taxes are set aside for the TIF parcels.

MAYOR CICCHINELLI – It's set aside for infrastructure, yes.

COUNCILMAN TOWNSEND – Okay, considering our budget crunch that's revenue we won't have anymore so to speak well we can't use because it's being set aside is that true?

MAYOR CICCHINELLI – Are you saying we can't use like for salaries or wages or things like that?

COUNCILMAN TOWNSEND – Well, whatever we're using it for now.

MAYOR CICCHINELLI – No, no, these dollars can be spent as soon like Mr. Peters pointed out there's \$450,000 in our only tif that's paying us something back and that's Massillon Marketplace. Those dollars can be spent any time council would want but they would have to be spent on an infrastructure project. But so in essence the dollars that are generated by the TIFs the dollars that they're going to capture can help the general fund because then you don't have to depend on the general fund other revenue sources like income taxes, capital improvements whatever the case might be to do certain projects. You'll have these dollars set aside to do capital improvement/infrastructure projects. So it will help the city's position to pave for some of these projects.

COUNCILMAN TOWNSEND – Right, I guess what I'm trying to understand if we capture some of the real estate taxes in these tough times would there be an opportunity to release those taxes to assist in whatever local governments do real estates taxes.

MAYOR CICCHINELLI – The purpose of the TIF and when this ordinance hopefully is passed this purpose of the tif is to set dollars aside for infrastructure.

COUNCILMAN TOWNSEND – From real estate taxes?

MAYOR CICCHINELLI – Your setting yeah, you're setting aside other governmental entities real estate taxes we're allowed to capture those including our own alright and you put those which amounts to about 20% you're putting those aside in a fund for infrastructure/capital improvements. That's what they should be spent on and it will help the city overall financial situation because like I said we'll be able to utilize these dollars for different projects which ordinarily would come from another revenue source which could be anything any dollars that we generate through other funds. So it does help the general fund it really does because it assigns dollars to be spent specifically for a purpose and I think that's important now and out into the future 30 years.

COUNCILMAN TOWNSEND – So do you think maybe down the road sometime that taxes may have property taxes may have to go up because we're capturing some of the real estate taxes?

MAYOR CICCHINELLI – No, because every one of the projects mentioned in these three ordinances they keep the same revenue that they receive now. So they aren't losing any revenue that they receive at this particular time. What we capture are the revenues generated through the real estate taxes on the improvement. So they aren't really losing anything they are actually keeping the same amount of dollars that they get right now. So they really aren't losing anything they're just they're just they aren't losing anything that they presently get. What they're losing is any tax revenues generated from the improvement from the new building for example from the addition to a building whatever the case might be.

COUNCILMAN TOWNSEND – How would inflation affect the TIFs?

MAYOR CICCHINELLI – The only thing that affects the TIF is the value of the properties.

COUNCILMAN TOWNSEND – So inflation would have no adverse effect?

MAYOR CICCHINELLI – No, I mean inflation always affects everything but in essence you will get the same dollars that you think that you will get you will end up getting those. For example, lets look at the Menards even though we aren't considering that one that's 45 acres the only building that is built there that's still not on the tax roll however its there is the Menards building. There are other parcels of the land there that can be built upon as soon as a building is built there the value of that property goes up hence the tax revenue goes up hence we'll get additional dollars from that TIF because of additional buildings being built there. That will go up Massillon Marketplace we had stated earlier that, that project we actually underestimated which is good the amount of dollars that we would get from that TIF. The property there has actually been re-evaluated higher and we get more dollars generated from that TIF and that's why you see the large amount of money that's \$450,000 now that will be at least \$600,000 by the end of the year. Because the dollars are generating there are increasing because of the value of the property.

COUNCILMAN TOWNSEND – See this is what I was getting at I spoke with a council member in Chicago and he you know Chicago's know to be this TIF Mecca. He stated that he was against TIFs because a TIF drew property taxes and during tough times they were not able to utilize those taxes so therefore the City of Chicago had raise taxes to compensate for the real estate taxes that was being drawn in from the TIF.

MAYOR CICCHINELLI – Well, Tony, the only thing I can caution you on I'm not familiar with Illinois government local government and state government but the states all of times are different. Yes, Chicago's known for TIF districts. This is not a district what a lot of cities did they went in when this law was first passed and created districts all over the place. You know we aren't doing that we're going to go parcel by parcel specific projects. Again Illinois might be different than the State of Ohio I don't know what they have in their TIF law but as far as Ohio's law its how we've explained it that these dollars are captured real estate taxes that the development generates.

COUNCIL PRESIDENT GAMBER Are you finished? (Yes) Mr. McCune?

COUNCILMAN MCCUNE – Mr. Mayor, I think if I and I don't want to put words in Tony's mouth but I think he's asking if by implementing these TIF's are we going to be waiving the 8% property tax that we would normally get?

MAYOR CICCHINELLI – That's part of the 20%, that's included in there.

COUNCILMAN MCCUNE – Alright, so is that what you were...

MAYOR CICCHINELLI – So those dollars yeah, those dollars will go into this infrastructure fund but that's our 7, 8 or 9%. But we get that anyhow.

COUNCILMAN MCCUNE – Exactly, as far as infrastructure repair projects. One of the things that peaked my interest when Mr. Meaks put on his presentation was that these dollars that we're going to get whatever number of hundreds of thousands of dollars that we would get are not don't necessarily have to be localized to the area specific area of lets say Menards or surrounding area. He's saying that as long as we are improving access to that site we could have an infrastructure repair project possibly on the other side of town if we could that improves access to that site. Is that correct?

MAYOR CICCHINELLI – Yes, the when a law is passed sometimes it takes 10 or 15 years for different interpretations of the law to actually become part of the law. It has now been generally accepted that these dollars can be spent on other infrastructure projects. But I think before we do anything like that what we should do is if council has a specific project or if the administration presents a project to utilize some of these dollars then you follow the proper procedures. You look at an ordinance you talk to council to see if they'll put it on the agenda then we go to the law department to determine if it is a his interpretation would be a proper expenditure. If he says yes then the ordinance can go forward if he says no then it doesn't. So that would be I think would be the call of the law department. Because the opinions do change on these things that's why from the very beginning I've said along and if you look in the ordinances it does specify the projects within that area and then it says general projects. But to say that next year or two years from now or five years from now a council will want to do want a project some place else in our community it would have to I would think it would be wise to get that cleared through the law department to see if you could actually expend those dollars. But it has now been a pretty that's what communities are saying and other communities that has these TIFs in place are utilizing those dollars in that way as we speak. But I think it would be wise to because once you do that then you're setting a precedent so we need to get the cards from the law department. But yes, that was an accurate statement because cities are doing it now.

COUNCILMAN MCCUNE – I believe Mr. Meaks indicated that the City of Avon or the Cities of Avon and Hilliard have already done that. (Yes, they have) Do you know if there's any other cities that have taken that cutting edge approach?

MAYOR CICCHINELLI – Not off the top of my head. I believe in Ohio, Cincinnati and Columbus are the two communities that are pretty well known for TIFs they practically TIFed a lot of things like Mr. Townsend was saying like Chicago and they created these large mega districts. But I would think yeah if you would look and talk to the folks in those communities they would probably would say yes we spend it on a variety of things. But...

COUNCILMAN MCCUNE – So the creation of these TIFs would basically create an additional revenue stream of some 12 to 17% for the City of Massillon?

MAYOR CICCHINELLI – Approximately for 30 years. I think if you can do the math some of these projects will generate quite a few dollars for future years for governments, local governments here to determine how to spend those dollars.

COUNCIL PRESIDENT GAMBER Thank you, Mr. Slagle? I'm sorry are you finished Dave?

COUNCILMAN MCCUNE – Yeah, I'm done.

COUNCIL PRESIDENT GAMBER Mr. Slagle?

COUNCILMAN SLAGLE – Since you're up there I'm going to cover all three of the TIF's today and the same question I'm going to ask for all three it will make it faster. First of all, these projects are all completed aren't they or basic completed? (Basically) I mean and obviously they're going to be completed because I've driven past the one on Richville and its almost...

MAYOR CICCHINELLI – Menards' is open and the Inn at University Village is open however you know what kicks in they have to be officially registered on the auditor's tax records. They are not as of this date.

COUNCILMAN SLAGLE – Because I understand those are just some of the concerns what we should have and those are concerns in these three TIFs. The second question I ask is were there any agreements in any of the three TIFs to reimburse any developers and you said no to this one. But its no to all three. (Absolutely) No bonds are actually being none of these are bonded either.

MAYOR CICCHINELLI – For any the only time the answer to that is no. The only time you have bond is if you have specific project and there's no specific project that we're doing that we want to do right now. So...

COUNCILMAN SLAGLE – Through the wonders of the internet you can get all this stuff too and find out that the Department of Taxation and the Ohio State extension has it they all have it and I think it's a great idea. That's all I can tell you.

COUNCIL PRESIDENT GAMBER Mr. Peters, did you have your hand up again?

COUNCILMAN PETERS – Not anymore.

COUNCIL PRESIDENT GAMBER Alright. Mr. Manson?

COUNCILMAN MANSON – Yes, I just wanted to comment on it not a question. I am in favor of these things because much of what the Mayor said much of what Mr. Peters got into as far as money going towards infrastructure and stuff. I've been sitting here for 5.5 years and I've listened all the time when we have reduced what we had budgeted for capital improvements. I've heard from people why don't we you know spend more money on infrastructure. I just think this sets up money it puts it in a fund that will guarantee that it is used for infrastructure improvement. I think that's a plus for us putting money aside like that. So to me it looks like a good thing for us to do to insure infrastructure money.

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

COUNCILMAN MANG – Yes, just another comment. You know nothing can go forward unless this body approves it. The administration can suggest projects and suggest how they're to be financed but it is up to this body to agree to that. Once this money is put in to an account that money will remain in that account until someone suggests that we use it for something else. But that will also have to be approved by the council. So everything around this money will eventually before its dispensed any place will have to be approved by council. I just want to make sure that everyone realizes that no one can pick up this money and decide to do whatever. They can come to this body and suggest we take this money and do whatever with it. But this body then will have to decide if that's what they want done with the money. Is that...

MAYOR CICCHINELLI – That's 100% accurate, sir.

COUNCILMAN MANG – Thank you, sir.

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

COUNCILMAN TOWNSEND – Yeah, I just have another questions. I have researched about 25 cities regarding TIFs and they all have created these TIFs to attract developers for blighted to blighted areas. These areas that we're proposing to TIF are not blighted you did state that in the future we're looking at three other possible areas are you looking to possibly establish TIFs in

some of these blighted areas we have in the city?

MAYOR CICCHINELLI – Keep in mind if a new project this has to be a new project a new development and it can't be residential. If its commercial and/or industrial then it would qualify so its very possible that a project can be proposed a development can be proposed in an area that you consider blighted whatever that interpretation means.

COUNCILMAN TOWNSEND – Run down neighborhoods and messed up communities.

MAYOR CICCHINELLI – No, it can not be spent it has be commercial and/or industrial. So you can't use it for residential development.

COUNCILMAN TOWNSEND – This particular TIF?

MAYOR CICCHINELLI – All TIFs.

COUNCILMAN TOWNSEND – Because you can use some housing development.

MAYOR CICCHINELLI – There's not a TIF in Ohio that you spend you might be you might be talking about something the TIFs that we're familiar with are TIFs for industrial, retail, commercial. Residential does not qualify however just to throw another example we are getting \$1,500,000.00 from the stimulus dollars to provide an impatiens for our foreclosure problem in these neighborhoods. These target neighborhoods are the first in line to get these dollars so that certainly will enhance those neighborhoods. But keep in mind if we do any type of commercial development anywhere any new type of development we're going to back to council asking for a TIF to be created. Those because and believe me or not believe it or not there will be scattered development throughout the city in non residential developments exclusively commercial, retail or industrial. Any new project that's proposed we'd be more than happy to create a TIF because its only going and then those dollars generated could enhance that residential neighborhood adjoining that development because it provides dollars to do infrastructure. So it could benefit but residential developments are not part of this law.

COUNCIL PRESIDENT GAMBER Finished? Is there anyone else? Mr. Slagle?

COUNCILMAN SLAGLE – Just for a point of information. If you have any questions who I find to be the Ohio Municipal League is quite helpful in giving us quick background information they'll some times send us information they're very receptive to a phone call and they're receptive to emails too. I mean I talked to John Gatherman down there and he's had nothing but positives about TIFs. But as long as they're properly managed then they're a great benefit for the city.

COUNCIL PRESIDENT GAMBER Is your hand up?

COUNCILMAN PETERS – My hand is up.

COUNCIL PRESIDENT GAMBER Alright, Mr. Peters?

COUNCILMAN PETERS – Okay, I told all of you that I did a lot of reading over this past week. I got this thing its called the tale of two cities and I don't have any idea where I got it but a couple council members said that they read it also so maybe it was something that was sent or something. I don't know but there's one paragraph that I just want to read real quick because it stood out when I was reading it and I'm just going to read it. If you don't agree that's fine because its got an author just like anybody else. Moreover it must be understood that municipalities have a uniquely high stake in the TIF. Over several decades the deindustrialization which has cut a large share of the property tax base out from under cities. In sharp declines in federal urban development aid cities have turned to TIF because it allows them to pay for growth with growth. I think that kind of sums up my feelings and why I'm going to vote for it.

COUNCIL PRESIDENT GAMBER Thank you, everyone's had an opportunity to speak. Thank

you, Mr. Mayor. Mr. Mang, and I'm assuming those questions were for all of three of these since they're basically the same. Mr. Mang?

COUNCILMAN MANG – Yes, I want to reiterate the same thing as we have three pieces of legislation and if possible I would prefer that we answer all the questions to all the legislation those three at this time. All those questions have been answered then I will be proceeding to ask for to be brought forward for a vote. But again I want to make certain as I said earlier that everyone has every possible question that they want they have an answer to. I'm going to support this piece of legislation but that is how I feel about the legislation. Everyone has their own opinion.

COUNCILMAN MANG moved to bring Ordinance No. 88 - 2009 forward for passage, seconded by Councilman Hersher.

ORDINANCE NO. 88 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 2 NO. CATAZARO-PERRY & TOWNSEND VOTED NO.

ORDINANCE NO. 89 – 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, Ordinance No. 89 deals with the Menards property parcels. If there's any questions on this I would sure like to get answers to them so everybody feels satisfied in their voting.

COUNCILMAN MANG moved to bring Ordinance No. 88- 2009 forward for passage, seconded by Councilman McCune.

ORDINANCE NO. 89 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 2 NO. CATAZARO-PERRY & TOWNSEND VOTED NO.

ORDINANCE NO. 90 – 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 – This piece of legislation deals with Faircrest Properties Ltd which is the properties on Nave Rd and a specific parcel number. Are there any questions on this piece of legislation?

COUNCILMAN MANG moved to bring Ordinance No. 88- 2009 forward for passage, seconded by Councilman McCune.

ORDINANCE NO. 90 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 2 NO. CATAZARO-PERRY & TOWNSEND VOTED NO.

ORDINANCE NO. 93 – 2009 BY: FINANCE COMMITTEE

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

COUNCILMAN MANSON Yes, we've been through this probably three, four times now been discussing this. It's pretty straightforward we would be paying \$10,000 to Mr. Meaks for him providing us the services on these TIFs that we are going to file. If you have any questions on them or any comments bring them up.

COUNCIL PRESIDENT GAMBER Do we have questions?
Mr. Peters?

COUNCILMAN PETERS – Okay, I just want to make now this coming out of the 1419 account am I correct in assuming that?

COUNCIL PRESIDENT GAMBER This is TIF Marketplace fund yes and the balance Mr. Peters on there tonight is what?

COUNCILMAN PETERS Is \$450,033.42.

COUNCIL PRESIDENT GAMBER Mr. Manson?

COUNCILMAN MANSON moved to bring Ordinance No. 93 – 2009 for passage, seconded by Councilman Hersher.

ORDINANCE NO. 93 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 3 NO.
ANDERSON, CATAZARO-PERRY AND TOWNSEND VOTED NO.

.SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 96 – 2009 BY: COMMUNITY DEVELOPMENT COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an amendment to the existing Agreement between the City of Massillon and Shearer's Foods Inc., under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

COUNCILMAN MANG – This basically changes the initial agreement that the city had. One of the reasons was the Port Authority was listed as being part of the financing. The other part is this project is now going to be as I understand it going to be done in phases. Phase 1, phase 2 or whatever and initially we talked about a project being presented and built at one time. Now I think Mr. Aaby would you come up to the microphone to make sure of what I'm saying is in the right whatever.

COMMUNITY DEVELOPMENT DIRECTOR AABY – Yes, that's correct.

COUNCILMAN MANG – Does anybody have any questions on this because I'm going to ask for suspension of the rules I sure don't want to stop Shearers from building.

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. 96 – 2009 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 101 – 2009 BY: FINANCE COMMITTEE

Amending CHAPTER 133 "AUDITOR" of the Codified Ordinances of the City of Massillon, by enacting new Subsection 113.05 "PAYMENT OF DIRECT DEPOSIT", and declaring an emergency.

COUNCILMAN MANSON – Yes, we've been discussing this for a couple of weeks and I know there's been some questions. We've discussed as far as maybe some people having some problems with checking accounts and we are capable of handling that. I know there's some

people that don't support this but I think we've given this about all the discussion we need. I was wanting to bring this forward tonight I had discussion with the auditor's this afternoon and I believe we have about 94% already signed up to participate. I intend to make a motion to waive the rules unless there's some questions that we can't answer.

COUNCIL PRESIDENT GAMBER Mr. Peters?

COUNCILMAN PETERS – I'm probably not going to win this war but I'm going to win this battle. I have you said we've discussed this we discussed it at one meeting I don't think that was lengthy enough to be honest with you. We were discussing a lot of other things and this was kind of thrown out there just because you think its you're okay with it you don't think anybody else has a problem with it or should say anything. But I have in front of me the agreement between the employees of the City of Massillon and the AFSCME Ohio Council #8 Local 996 the AFL-CIO. In this labor agreement it specifically states in Article 44 wages and other compensation Section 7; paychecks and W2 forms will be disputed to the bargaining unit employees in a sealed envelop. It does not say anything about a paycheck stub it says paychecks. The law director's not here tonight I don't know how we could responsible pass this or put it forward for a vote unless we ask him if we have to honor this bargaining agreement.

COUNCIL PRESIDENT GAMBER I did receive a phone call from our law director around 4:30pm that he was not going to be able to make it. He did try to arrange someone from his office to be here but could not do that on short notice. Mr. Manson?

COUNCILMAN MANSON – Yes, Mr. Peters, you acted like I said nobody disagreed with it I made the statement that I know that some people disagree with it. If there are questions that we can't answer tonight we'll just give it second reading and that's what we'll do. I think that's a valid question right there that you have.

COUNCILMAN PETERS – Thank you.

COUNCIL PRESIDENT GAMBER Is there anyone here tonight who can answer that Mr. Manson?

COUNCILMAN MANSON – Well, I don't know maybe the auditor could answer that, is it possible I'm sorry I may change my mind Mr. Peters.

AUDITOR FERRERO – I did consult with the law director before I even put this forward. So I wanted you to know that I did consult with him and he told me it was perfectly legal.

COUNCILMAN PETERS – Yeah, but did you specifically ask him about our labor contracts with the employees. Did you specifically ask that question?

AUDITOR FERRERO – No, I did not.

COUNCILMAN PETERS – Okay, then I...

AUDITOR FERRERO – But he's our law director and so I would think he would know.

COUNCILMAN PETERS – Well, that's kind of like years ago when we passed the residency law you know because it was off of hear say "well the law director said he didn't have a problem with it" then the next thing you know we pass it and we're still paying for it. I think we need to be more specific it's a specific ordinance I have a specific question.

AUDITOR FERRERO – I don't have a problem with you giving it second reading.

COUNCIL PRESIDENT GAMBER Mr. Manson?

COUNCILMAN MANSON – Just like I said Mr. Peters it was a good question and I have no problem with that. We can clear that up I can't see where one month one way or the other on direct deposit matters that much. So we'll give it second reading.

ORDINANCE NO. 101 - 2009 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

COUNCILMAN MANSON – Yes, I've got some. The auditor asked me to bring this up if you have any questions you can ask her. There were a couple of a petitions going around town on referendums I guess referendums and stuff that were to be on the ballot this fall. They went through the auditor's office and now they went over to the Board of Elections and the one that pertained to the Wastewater Treatment Plant did not have enough valid signatures, the one that pertains to the zoning on Lincoln Way East did have enough signatures. So it will be on the ballot the Wastewater Treatment Plant will not be. The auditor can answer any questions you may have.

COUNCIL PRESIDENT GAMBER Do you have any numbers at all?

COUNCILMAN MANSON – I think there were 1300 turned in on the Wastewater Treatment Plant and I believe there were 830 that were valid and I think it was 1500 and some that were turned in on the other and it was something over 1300. They had to have 1030 is what they had to have.

COUNCIL PRESIDENT GAMBER Mrs. Ferrero?

AUDITOR FERRERO – 1,030 was the minimum for both of the ordinances. The one for the rezoning they have 1,052 signatures and for the one for this sewer service it was 833.

COUNCIL PRESIDENT GAMBER Alright, thank you. Thank you, Mr. Manson, Mr. Slagle?

COUNCILMAN SLAGLE – Is it accurate then when one of these petitions is circulated and they have enough signatures that there's a cost to the city to have this put on the ballot?

AUDITOR FERRERO – There is.

COUNCILMAN SLAGLE – And what is that cost?

AUDITOR FERRERO – Well, there's a minimum that we pay. Mike, what was that figure that you threw out last week? (\$800 per precinct) But we'll have two separate things because you just passed something else for tonight. So that will be inclusive of both of those ordinances.

COUNCILMAN SLAGLE – So its one fee so if two things are on it its more increase than that one fee.

AUDITOR FERRERO – That's correct.

COUNCILMAN SLAGLE – But I think people should know that when they circulate those petitions that there is a cost to the city to get that on the ballot.

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

BILL KRAFT - 11859 Lockwood Ave SW, Massillon, Ohio. I'm your chief building official, I'm your field building inspector, I'm your plumbing inspector, I'm your heating ventilating and air conditioning inspector, I'm the zoning administrator and watch dog over four people in my department. I would like to I'm not prepared at length tonight but I think in my own mind I'm doing this in a right form and I stand to be corrected. I'd like to be in attendance at the work session at the next work session. I really don't know if it should be in segregated to the work and building and welfare or the whole council. But I ask for approximately an hour it has to do with the budget that I was not being able to maintain for funds to be put back into the general fund. Also I have concerns over Section 141 where the building department was established I'd like to know if that ordinances are still in effect along with 141.02. I don't know if the law director would have to be there or not. It's been a trying experience for me with this budget restraints that has been imposed. I submitted a letter to the mayor hopefully you all received that

I believe that the building department will be able to accomplish what we can till the end of the year. But I have some grave concerns about that and I would be asking that I think that I'm in my right to go into an executive session because it has to do with personnel. A lot of the comments would not be for public that I believe right now. But I would like to address...

COUNCIL PRESIDENT GAMBER Alright, Mr. Kraft, your public phone number and your city email are listed we'll have the appropriate chairman get in touch with you. This is will not be until the 31st (that's fine) alright.

BILL KRAFT - Thank you.

COUNCIL PRESIDENT GAMBER Thank you. Is there anyone else who would like to speak to council? Please come forward state your name and address please.

PETER FICHTER – I live at 1001 Carnation Street NE. I read an article a couple weeks ago about the possibility of people who do not work in the City of Massillon being required to pay a Massillon income tax. I currently work in the City of Canton and pay a 2% tax and I wonder how being that I'm not originally from Ohio I'm not sure how this works being that I am a citizen of Massillon but I work in Canton that I am required to pay a Canton tax. Why you do not have the authority to take or be reimbursed for some of that money that I have paid to the City of Canton. Also I'm wondering how is that at this does get implemented how is that going to affect such things as real estate property values and so forth. Because who in their right mind is going to want to move into the City of Massillon if there's a possibility that he's going to be taxed at the city that he works in also by Massillon.

COUNCIL PRESIDENT GAMBER Alright, by way of quick explanation first of all that idea was proposed along with many other ideas and it has gone nowhere to this point. Secondly, the city that you live Massillon has a 1.8% tax which its entitled to Massillon voluntarily gives up that tax because we recognize you do pay tax in the other city. The other city is in effect getting the Massillon tax we are voluntarily giving you that credit we don't have to there's nothing legal that requires that. Its an issue that cities all over the country are looking at right now. There's obviously going to be a trade off if your home city reduces the amount of credit then you are paying more that is an idea under consideration but its off our table for right now. As far as property taxes it wouldn't affect property taxes in and of itself.

PETER FICHTER – Well, no I'm talking about the property values because my property value would probably go down because I'm not going to be able to sell my house if no one's going to want to buy it if they're going to have to pay a Massillon tax plus you know whatever city they work in.

COUNCIL PRESIDENT GAMBER We understand and we appreciate your comments tonight.

PETER FICHTER – Okay, thank you.

COUNCIL PRESIDENT GAMBER Thank you. Is there anyone else? Before we leave I would like to see Mr. Slagle and Mr. Townsend and Mr. Mang in the conference room as quickly as possible after the meeting tonight for a very short session.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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