

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, TUESDAY, JANUARY 19, 2010**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Tuesday, January 19, 2010. We have in attendance with us this evening: Mayor Cicchinelli, Auditor Ferrero, Engineer Dylewski, Law Director Stergios and our Fire Chief Burgasser. On the wall to your left are agendas for anyone who wishes to follow the meeting. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I d also like to remind anyone with a cell phone please turn it off or turn it very far down.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Gary Anderson, Kathy Catazaro-Perry, 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 MCCUNE Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN MCCUNE – Chairman of the Police and Fire Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT GAMBER Madame Clerk, are the minutes of the previous meeting transcribed and open for public viewing (Yes, they are) Are there any additions or corrections to the minutes? If not the minutes stand approved as written.

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

PAUL SANTILLI – I live at 1351 Cricket Hill Drive SE, East Sparta, Ohio. I'd like to speak on the Resolution No. 2 – 2010 on the resolution to fully fund the retiree pensions held by the P.B.G.C. and investigate some wrong dealings that they did when they mishandled some funds. I hope everybody supports this resolution. This resolution not only protects unionized workers but it also has a very impact on the state workers that are now having their problems with the P.B.G.C. on their pensions. Our rules will apply to them and anybody else that's not and if they are allowed to do what they do it will just erase the rissole all of 1974. We can't let that happen. So I hope everybody supports this and thank you for your time. Thank you very much.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 7 2010 BY: PARKS AND RECREATION COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into contract agreement with

Variety Attractions, Inc., L & B Entertainment, Inc., and other companies for various engagements for the 2010 summer concert series, and declaring an emergency.

COUNCILMAN SLAGLE First reading.

ORDINANCE NO. 7 – 2010 WAS GIVEN FIRST READING.

COUNCILMAN PETERS Point of order, Mr. President.

COUNCIL PRESIDENT GAMBER Mr. Peters?

COUNCILMAN PETERS Before this ordinance is read I'd like to state my objection to it even being on the agenda. I'm going to read to you an email that every member of council got last week from our council clerk "just for information when talking with fire chief this morning I found out that the fire chief was planning on purchasing an ambulance through Buckeye Emergency and Specialty. I then realized that we need to do an ordinance to enter into contract instead of just appropriating funds. The police and fire committee has agreed to at least place the ordinance on the agenda. So when you receive your packets tomorrow there will be an ordinance allowing the contract." Now normally I don't have too much of a problem with this except for this was the first time I was notified of this and I am on the police and fire committee. So I responded to our council clerk "I think that you should let everyone on council know that I am on police and fire and I knew nothing about this which is a crock and that I did not sign it. When you say police and fire committee do not make it sound like the whole committee did so." It has been our practice and I understand Rule 29 of Council where two members of any committee can put an item on the agenda. But I think it was misleading to the other members of council to do something like this without notifying at least all the members of that committee. We've always done that that's why we have committee meetings if we're going to just sign things to be put on the agenda lets do away with the committee meetings. I am very distraught over this I think it's you know people wonder why certain people of council don't trust other people this is one of the reasons why. I don't think that it should be put on the agenda until it goes through the proper discussions in the committee meeting then placed on the agenda like we've done the last four years I've been on council. I understand that there are times we've done it with finance and I've talked it over with some of the other committee heads. You know there are times when things come up that comes between the committee meeting and the council meeting I understand that. But I also know that they at least have the respect for the other members of their committee to let them know what's going on. I think that the committee chairman in this instance did not show me that respect and I don't think it should be placed on the agenda. I'll leave it for your ruling, Mr. President.

COUNCIL PRESIDENT GAMBER Madame Clerk, do you have two signatures from members of the committee (Yes) which two? (Dave McCune and Larry Slagle) Is that the standard practice have you done that before? (Yes) Once or twice or many times? (Multiple times) It's our standard procedure I think you eluded to it at the end of your statement the committee chairman was aware of it you know if he wanted to notify the rest of the members of his committee he could have and possibly should have. But in terms of being on the agenda we have our two signatures which is what it takes and so therefore I think it should stay on the agenda.

ORDINANCE NO. 8 2010 BY: POLICE AND FIRE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Wheeled Coach Industries, Inc., for the purchase of a 2009 Ford E450 XL Wheeled Coach Type III Ambulance for the Massillon Fire Department, and declaring an emergency.

COUNCILMAN MCCUNE Yes, we discussed this purchase at the work session last Monday. At that time it was just lumped into a finance ordinance and it was thought that it would be better to split and put this up on the police and fire and then have the financial portion of it in the finance committee. I'll be giving this first reading.

COUNCIL PRESIDENT GAMBER First reading. You said this was discussed at the committee meeting?

COUNCILMAN MCCUNE Yes, it was.

COUNCIL PRESIDENT GAMBER Mr. Peters, were you present for that discussion?

COUNCILMAN PETERS Yes, I mean it was discussed it was also discussed why this didn't come through police and fire and it was said that it didn't have to come through police and fire. We were going to it because we were only appropriating funds. You know the email says very clearly that she didn't find out about it until two days later that they were going to enter into a contract. That was never discussed in our work session. For the record it was never discussed I was here for the work session.

COUNCIL PRESIDENT GAMBER We're giving it first reading so it will be up for plenty of discussion next Monday.

ORDINANCE NO. 8 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 9 2010 BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2010, and declaring an emergency.

COUNCILMAN MANSON Yes, we discussed this at the committee meeting the other night. It's my intention to give this first reading but I just want to tell our fire chief and I'm sure he intends to be there at the next committee meeting. But make sure you bring all your information again I thought you did a good job explaining it. We'll talk it over some more.

ORDINANCE NO. 9 – 2010 WAS GIVEN FIRST READING.

RESOLUTION NO. 2 2010 BY: COMMITTEE OF THE WHOLE

Resolution to fully fund retiree pensions held by the P.B.G.C. investigate misuse of pension funds.

COUNCILMAN MCCUNE Yes, this resolution as Mr. Santilli spoke on behalf of is to get the P.B.G.C. to properly investigate the misuse of pension funds. I know probably literally 100's of people in this area that were adversely impacted by the actions of the P.B.G.C. and I believe we should all vote in support of this resolution. So I'll be bringing it forward for passage.

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

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

RESOLUTION NO. 2 – 2010 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 TRANSFER OF LIQUOR LICENSE FROM HARBS MARATHON LLC 804 WALES RD MASSILLON OHIO 44646 TO EL GHAZAL GASOLINE SERVICE LLC DBA PRIME STATION 804 WALES RD MASSILLON OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

A. Repository - \$327.19

B. Keller Office Supplies - \$32.95

COUNCIL PRESIDENT GAMBER Mr. Manson?

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

Roll call vote of 9 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

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

COUNCIL PRESIDENT GAMBER Thank you. We require no action on these we'll file them all.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER Committees will meet next Monday the 25th. I'll remind everyone now February our second meeting we also will have it on Tuesday rather than on Monday due to President's Day holiday. So make that notation. Is there any other report from a committee member or resolution or request?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT GAMBER Mr. Slagle?

COUNCILMAN SLAGLE I'd request from the auditor if she could provide us a for the last ten years the amount of money that was carried over to the next year and the amount of debt that was carried over to the next year in terms of payments that were shifted from the obviously the one calendar year to the next.

AUDITOR FERRERO – Over a ten year timeframe?

COUNCILMAN SLAGLE Yeah, that should be enough.

COUNCIL PRESIDENT GAMBER How far back would you like her to go in the year as far as those payments?

COUNCILMAN SLAGLE 2000 to the present.

COUNCIL PRESIDENT GAMBER No, No, what I mean like December, November, October...?

COUNCILMAN SLAGLE No, just from December to January like we did this year because we know that we had that \$200,000 carryover plus we had \$600,000 of bills that were paid.

COUNCIL PRESIDENT GAMBER Alright. Mrs. Ferrero, are you clear on what he's requesting?

AUDITOR FERRERO – You just want to know what bills weren't paid from one year to the next for the past ten years?

COUNCILMAN SLAGLE Correct, along with any cash carryover.

AUDITOR FERRERO – Well, that’s all on your reports that’s...I’ll call you on it.

COUNCILMAN SLAGLE Okay.

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

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 – Keith Dylewski, the city engineer is here and he has he’ll give us the lowdown on this. Then I’m going to refer to the ward Councilman Dave McCune to see if you know he has any objections but Keith, you would come up and explain this?

ENGINEER DYLEWSKI – Just a standard replat that a section of roadway is being dedicated that’s the reason it has to come before council.

COUNCILMAN PETERS – Why is it being I mean why I guess why is it being rededicated. I mean are they did they put two lots together or something?

ENGINEER DYLEWSKI – Well they’re combining two lots for the replat but years ago when they laid out the lots the property would go to the center lot of the street. So now once they’re doing a replat basically they’re dedicating everything within the right-of-way back to the city just a standard thing that we see a lot times throughout the city.

COUNCILMAN MCCUNE – Yeah, I drove by it I can see no reason whatsoever not to go forward with this.

COUNCIL PRESIDENT GAMBER Just out of curiosity we’ve been doing these one at a time ever since I’ve been on council. As there’s a replat we go and fix the dimension of the street why don’t we just do that citywide if that’s what the current law requires. Why don’t we take care of that at one time and do it?

ENGINEER DYLEWSKI – Well, I guess the answer to that would be it would require a survey and we’d have to obviously pay for that to be accomplished. So when one individual homeowner have this situation where their property line goes to the center of the road and they’re doing a replat that’s when we have to take care of it.

COUNCIL PRESIDENT GAMBER Okay, that explains it. Thank you.

COUNCILMAN PETERS moved to bring Ordinance No. 159 – 2009 forward for a vote, seconded by Councilman Slagle.

ORDINANCE NO. 159 – 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 Yes, I will be recommending that we vote this down. We’re operating under a temporary budget right now. Monday the auditor’s office informed me we will have another budget coming to committee to be taking a look at with some changes that had to be made. I don’t know if anybody was aware but we have no pay increases because there was

no cost of living increase. So that will be one thing that was in the old budget that will be coming out and then a couple of the changes that we've talked about. We'll talk about it Monday night I believe the mayor is coming Monday night. So we will have some discussion about the new proposed permanent budget. So I'm recommending that we vote no on this and just do away with it.

COUNCILMAN MANSON moved to bring Ordinance No. 164 – 2009 forward for a vote, seconded by Councilwoman Catazaro-Perry.

COUNCIL PRESIDENT GAMBER With a recommendation by the chairman for a no vote. It's only common sense we do have a budget in place; we obviously can not have two budgets going at the same time.

ORDINANCE NO. 164 – 2009 WAS DEFEATED BY A ROLL CALL VOTE OF 9 NO.

. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 3 2010 BY: FINANCE COMMITTEE

Amending Ordinance No. 101 – 1975 by repealing Section 8, paragraphs (f)(1) and (f)(6) and enacting new Section 8, paragraph (f)(1) and (f)(6), and declaring an emergency.

COUNCILMAN MANSON Yes, its going to be my intention here to give this just second reading. I hope Mr. Loudiana will come back we've had some discussion on this already with Mr. Loudiana and I hope he'll come to the meeting or the mayor be prepared to discuss it at Monday's meeting. I'll be giving it second reading.

ORDINANCE NO. 3 – 2010 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

COUNCILMAN MANSON Yes, I'd like to make a motion that we...

COUNCIL PRESIDENT GAMBER Can I ask you to hold up on that for one second. We'll if there's anything else to bring up and if not we'll come back to your motion. Alright? Is there anyone else who has new or miscellaneous business? Mr. Manson?

COUNCILMAN MANSON I'd like to make a motion that we go into executive session for legal discussions regarding legal actions as far as parks and rec. and ambulance service. Seconded by Councilman Hersher.

COUNCIL PRESIDENT GAMBER Excuse me, would you like to add to your motion who you would like to attend the meeting?

COUNCILMAN MANSON Yes, I would like to invite the mayor, the law director, auditor and also the fire chief.

MATT RINK – Could you be more specific as to why you need to go into executive session to talk legal ...?

COUNCILMAN MANSON I said its legal discussions about possible you know legal...

COUNCIL PRESIDENT GAMBER An existing...

LAW DIRECTOR STERIOS – depending litigation.

COUNCILMAN MANSON Yes, legal action as far as pending litigation with parks and rec. Okay?

Roll call vote of 9 yes to go into executive session.

Council has returned from executive session.

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

FIRE CHIEF BURGASSER – I'm not certain what the forum is but I told council that I would have a monthly report for EMS. For so far in January as of the 18th we had 160 EMS patients of that the number of patients that the fire department transported was 105. The number of patients turned over to a private company was 33. Those patients who refused or for other reasons were not transported was 22. The number of patients that the fire department transported to Affinity Medical Center is 88. The number of patients transported to Aultman was 9 and the number of patients transported to Mercy was 8. That's the report.

COUNCILMAN MANSON I didn't hear did you give a date that you started.

FIRE CHIEF BURGASSER – January 1st to January 18th.

COUNCILWOMAN CATAZARO-PERRY – Are you tracking insurance, Medicare and Medicaid?

FIRE CHIEF BURGASSER – We are but its still early in the process and we're just getting those billed out. I don't have any figures on that; the report will be probably more lengthy and I didn't know how to the first ones. I just knew that I should probably give you a report. So I will try and do a written report for future.

COUNCIL PRESIDENT GAMBER Chief, that was my question. How do you plan to communicate with council and I think a monthly report would be in order.

FIRE CHIEF BURGASSER – Okay, I'll try and have it written and do that.

COUNCILWOMAN CATAZARO-PERRY – Chief could you also put in like the amount billed and then also the amount received. So that we can receive what the discrepancy is?

FIRE CHIEF BURGASSER – The amount billed will not be as up-to-date. I mean right now I don't even know the amount billed yet and certainly the amount received hasn't come in. But as those figures come in that will be included.

COUNCILMAN PETERS Well, I was going to ask the exact same thing that Kathy did. But what do you mean you can't give me the amount billed? Why can't you give us the figures about being billed? Not now I understand but I mean like ...

FIRE CHIEF BURGASSER – Oh no, as time goes on I absolutely will be able to. I just can't do that tonight. I'm not prepared for that. Thank you.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK OF COUNCIL GLENN E. GAMBER, PRESIDENT

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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