

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, FEBRUARY 1, 2010**

COUNCIL PRESIDENT GAMBER I d like to welcome all of you to Massillon City Council for Monday, February 1, 2010. We have in attendance with us this evening: Safety Service Director Mike Loudiana, Auditor Jayne Ferrero, Engineer Keith Dylewski, Law Director Perry Stergios, Fire Chief Tom Burgasser and Wastewater Treatment Plant Supervisor 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 PETERS Gave the invocation for tonight.

#### 3. PLEDGE OF ALLEGIANCE

COUNCILMAN PETERS – Chairman of the Streets and Highways 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

#### 6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

##### ORDINANCE NO. 10 2010 BY: COMMUNITY DEVELOPMENT COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into a development agreement with Habitat for Humanity of Greater Stark and Carroll Counties to utilize Neighborhood Stabilization Program (NSP) funding to build six new single family homes in the Columbia Heights neighborhood in the City of Massillon, and declaring an emergency.

COUNCILMAN MANG I think Aane did a real good job explaining this to you even had some pictures. But the important part about this is that we're going to put the government's money to work. We're going to put it to work with a group Habitat who their main concern is to get new homes available for people and at the same time as they sell these units that money will stay in the City of Massillon so that other units can be built. If there's no questions on this I certainly would not want to stop this by waiting a week or two I would like to get it moving.

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. 10 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

##### ORDINANCE NO. 11 2010 BY: COMMUNITY DEVELOPMENT COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract with Stark County Regional Planning Commission for Housing Rehabilitation Services in the City of Massillon, and declaring an emergency.

COUNCILMAN MANG The word there is rebuilding refurbishing homes that have deteriorated to the point that they may be demolished. So by working with the Stark County Planning

Commission were able to come up with a right way to proceed with this program. This is something the city has been doing well I guess for a long time. There is no great need to pass this tonight other than getting it off our agenda.

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. 11 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 12 2010 BY: COMMUNITY DEVELOPMENT COMMITTEE

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to I-1 Light Industrial.

COUNCILMAN MANG This is the Fresh Mark request to rezone some neighborhood lots residential lots so they can make an expansion to the west. This piece of legislation will go through three readings and the third reading we will have a public hearing. Do we have a date for a public date, Mary Beth?

COUNCIL CLERK MARY BETH – Yes, its March 1st at 7:00pm.

COUNCILMAN MANG Thank you. First reading.

ORDINANCE NO. 12 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 13 2010 BY: ENVIRONMENTAL COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Mutual Agreement for technical assistance between the City of Massillon , Ohio and Stark County Ohio Soil and Water Conservation District, and declaring an emergency.

COUNCILMAN HERSHER This is the renewal of a tri annual agreement with the Stark County Ohio Soil and Water Conservation District. Whereby the district performs some work for us related to our licensing with the Ohio EPA. We heard our engineer discuss at the work session that its necessary for our licensing and that we could not do in house at a rate cheaper than the \$3,500.00 renewal which is the same as the agreement ran the last time it was renewed. So as its my understanding that the agreement is currently expired I'd like to move for suspension this evening and to pass this ordinance tonight.

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. 13 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 14 2010 BY: PARKS & RECREATION COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract upon award and approval of the Board of Control, with the lowest and best bidder, for the rental of 114 golf carts for The Legends of Massillon, and declaring an emergency.

COUNCILMAN SLAGLE Obviously this is for the 114 golf carts at the Legend. The Legends can not operate a golf course without golf carts. The previous lease was entered into in 2006 at that time it was \$59,850.00 per year for 104 carts. It was a three year lease last year we entered into a one year extension of that lease. Now we're putting it out for bids and after approval by the Board of Control to enter into the lowest and best bidder. Because the season is set to start in

42 days I would ask that we suspend the rules requiring three separate readings and ask for emergency passage of this tonight. And I make that motion unless there's any questions.

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

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

ORDINANCE NO. 14 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 15 2010 BY: POLICE AND FIRE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into Transportation Agreements between the City of Massillon safety forces and other political subdivisions safety forces of Stark County, and declaring an emergency.

COUNCILMAN MCCUNE Yes, as I mentioned at the work session last Monday this is more or less a house keeping item. We have come to an agreement with the outlying townships on transportation costs. We discussed it I think well enough we can bring the law director forward if anyone has any questions. If not I'm going to ask that we suspend the rules requiring three separate readings and we pass this as an emergency measure.

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

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

ORDINANCE NO. 15 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 16 2010 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for the Main Avenue West Improvement Project, and declaring an emergency.

COUNCILMAN PETERS It's just that its to authorize the safety service director to sign the LPA project agreement with the Ohio Department of Transportation for the Main Avenue West repaving project. If there are questions the engineer is here he can answer them.

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. 16 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 17 2010 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Main Avenue West Improvement Project in the City of Massillon, and declaring an emergency.

COUNCILMAN PETERS Again, just like the clerk said this is to advertise for and receive sealed bids and enter into contract for the repaving of Main Avenue West. I'm going to move on this one also because its getting close we want to get this project done. So we need to get it out for bids.

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

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

ORDINANCE NO. 17 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 18 2010 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Accepting the lot split and dedication plat of Part of Out Lot 330, located on the north side of Lincoln Way East, just west of 27th Street NE, and including the dedication of a small portion of Lincoln Way East, 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 This is a lot split and dedication plat on Lincoln Way East and somebody correct me if I'm wrong I want to make sure I have it right. This is the portion of the parking lot in front of Kmart and this is for putting an auto parts store there so they need the dedication and replat. If there aren't any questions on this or are there any I guess I should say.

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

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

ORDINANCE NO. 18 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 19 2010 BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Neighborhood Stabilization Program Fund, Capital Improvement Fund, Indigent Driver Alcohol Fund, Street Fund, Safety Fund, Parks & Rec. Capital Improvement Fund, Forfeited Funds Fund and Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2010, and declaring an emergency.

COUNCILMAN MANSON Yes, we have eight parts to what we're looking at here. I'll go down through them one at a time if there's any questions you can bring them up. Under section 1, I'm requesting the appropriation of funds from the neighborhood stabilization program budget for the following activities: \$380,000 for housing activities, that's to build six new single family homes in Columbia Heights, \$100,000 for demolition and there's a list of the various properties that are on the list for demolition and \$50,000 for program administrative costs. Any questions? Part 2, we have please appropriate \$117,000 in the unappropriated balance of the capital improvement fund to the following accounts: we have \$55,349 for six police cruisers for the lease payment and that's through 2011, we have \$42,593 for the early warning signals and we heard that today at noon if anybody was listening that those through 2012. We have \$19,780 for the street sweeper lease payment and that will be finished this year. On the early warning signals that's a grant from Aultman just to let you know. Section 3; request that a \$100,000 be appropriated from the unappropriated portion of the indigent driver alcohol fund 1225 to services and contracts line item of said fund for alcohol drug treatment for indigent alcohol and drug offenders. Section 4, please prepare an ordinance to appropriate from the unappropriated balance of the street fund 1201 \$65,000 to supplies and materials. The other part of this is section 5 please prepare an ordinance to appropriate from the unappropriated balance of the safety fund 1202 to supplies and materials 1202.435 \$25,000 that the total of those two of \$90,000 for salt. Then the next one is for \$10,639 the parks and recreation department is requesting an ordinance to appropriate \$10,639 from the unappropriated balance of the parks and rec. capital improvement fund for the purchase of a time clock system for the recreation center, parks maintenance and golf course employees. Then section 7, prepare an ordinance to appropriate from the unappropriated balance of the forfeited funds fund this is for the law department law director \$3,500 to travel, seminar and schooling, \$3,500 to services and contracts, \$3,500 for professional dues and \$2,470 for supplies, materials and postage. Section 8, we have two parts to section 8 first one is please appropriate \$3,500 from unappropriated balance of the 1206 municipal road vehicle license plate fund to perform a traffic signal removal study for the intersection of Tremont and 2nd Street SW that's the first part. The second part is please prepare legislation to appropriate \$3,500 from unappropriated balance of the 1206

municipal motor vehicle license plate fund this is an annual fee it is payable to the Stark County Soil and Water Conservation District that the city contracts with to assist with the mandated responsibility of the Ohio EPA NPDES Phase II Permit relating to storm water. If there's any questions I'll try to bring the appropriate person up here to answer those questions otherwise I will be requesting that we waive the rules.

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

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

ORDINANCE NO. 19 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 20 2010 BY: FINANCE COMMITTEE

Authorizing the Auditor of the City of Massillon, Ohio, to enter into a contract with Dianne Oliver for professional services to research opportunities for grants for the City of Massillon, and declaring an emergency.

COUNCILMAN MANSON Yes, we had a lot of discussion about this the other night. This is for a contracted person to write grants. If there are any questions this is the auditor requesting this we can bring her up and she can answer any questions. I believe a copy of this individual's resume went out to everybody so if there are any questions we'll bring the auditor up otherwise I will be asking to waive the rules on this.

COUNCILWOMAN CATAZARO-PERRY I request that I abstain from voting on this evening because I personally this woman and I feel much better abstaining from voting.

COUNCIL PRESIDENT GAMBER Mr. Mang, would you make the motion please to excuse Councilwoman Catazaro-Perry.

COUNCILMAN MANSON Yes, I move that we excuse Councilwoman Catazaro-Perry from voting on this issue, seconded by Councilman Manson.

Councilwoman Catazaro-Perry has been excused from voting on Ordinance No. 20 – 2010.

COUNCILMAN SLAGLE I don't have any questions but its been represented that this will benefit the city financially and secondly there's an expectation that would not exceed \$1,000 a month. Because as we all know obviously an open ended contract like this with \$65.00 an hour could be a great deal of money. So I will be voting for it under that understanding.

COUNCILMAN MANSON I would like to have the auditor come up to the microphone please? Couple of questions here first of all I have a question you could answer Mr. Slagle's if you would like first or you could answer mine. If we have other departments that are already writing grants if they know you know what they're going after and stuff like that is that going to is this going to interfere in any way (Not in any way) or would that person be expected to get any receive any compensation for other departments doing their own grant writing.

AUDITOR FERRERO – People that do grant writing for the city are all city employed people at this given time. There's no interference there's no conflict there's no nothing she's a contractual person she's going to be paid I only have so much money budgeted for her so I will be watching it very closely. I want you to be assured of that and she knows that as well. So her and I have discussed it in full and she doesn't have that many hours a month to give us anyway. So...

COUNCILMAN SLAGLE No, I mean you did state that #1 in your expectations this will vastly exceed the cost the benefits will exceed the cost by a great deal.

AUDITOR FERRERO – That's my goal.

COUNCILMAN SLAGLE And your goal was to keep this under \$1,000 a month.

AUDITOR FERRERO – Absolutely.

COUNCILMAN SLAGLE Okay.

COUNCILMAN MCCUNE Which areas do you expect to get the most benefit by using this person?

AUDITOR FERRERO – I've asked her firstly to concentrate on police and fire. That of course is our biggest burden on the budget and that's where we need some relief. So if she can give me any help in that area that's really what I'm looking for. Then we'll go down and look maybe for some computer system interfacing different departments with other departments those kinds of things. I'm hoping that we can get to that but first and foremost is to try to take some burden off the general fund.

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. 20 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 21 2010 BY: FINANCE COMMITTEE

Appropriating money for 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, this is an ordinance the ordinance that applies to the permanent budget for 2010. Its my intention to give this first reading tonight if there's any questions anybody may have we will we'll listen to them. I have had a couple council people asking me to move this along that they feel that we talked about this for a fairly extensive period of time. So what I'm asking is in the next few weeks anybody who has any questions or anything that they want to know or find out please bring them forward at our committee meeting and we'll talk about them.

COUNCILWOMAN CATAZARO-PERRY I completely disagree Mr. Manson. I think we need to take our time with this we have a temporary budget in place. We have until the end of March to pass this I think we need to take our time and really look at the numbers and make sure everybody understands them. So I don't see a rush in getting this passed.

COUNCILMAN MANSON I'm not rushing in any way at all as long as there's questions coming in that are important to the conversation we will continue to discuss it. I'm just saying what some other council people have said to me. So and if we run out of questions then I may want to move it along a little faster. First reading.

ORDINANCE NO. 21 – 2010 WAS GIVEN FIRST READING.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A. Norlson - \$67.50

B. Keller Office - \$32.16

COUNCIL PRESIDENT GAMBER Mr. Manson?

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

Roll call vote of 9 yes to pay the bills.

## 10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JANUARY 2010. COPY FILE
- B). AUDITOR SUBMITS MONTHLY REPORT FOR JANUARY 2010 COPY FILE
- C). MAYOR SUBMITS MONTHLY REPORT FOR DECEMBER 2009 – COPY FILE

COUNCIL PRESIDENT GAMBER Thank you, we will need a motion Mr. Manson to accept the auditor's report.

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

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

## 11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER We will have committee sessions next Monday at 5:30pm. Again, a reminder that on the 15th the city will be closed we will meet on Tuesday the 16th in February.

## 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

## 13. CALL OF THE CALENDAR

## 14. THIRD 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, since this is third reading it will be coming forward to vote on. I'm going to ask that the law director and the safety service director both come up and give us some explanation on this and explain to us why we should pass this or turn this down.

COUNCIL PRESIDENT GAMBER Mr. Manson, just for the sake of the minutes can you in one sentence describe what this ordinance is about before we bring them up?

COUNCILMAN MANSON Yes, this has to do with health care for the employees of the city and the employees of the court.

COUNCIL PRESIDENT GAMBER Thank you. Who would you like to call up first?

COUNCILMAN MANSON Michael. Before we start now this thing has gotten really muddled up here in some our committee discussions and all the kinds of different things that have come into this. So that is why I'm talking also I want to bring the law director into this at some point because I want to keep it clear exactly what we're talking about here and nothing else.

SAFETY SERVICE DIRECTOR LOUDIANA – This all came about to enable me to give hospitalization benefits to the clerk of courts and the courts contrary to what our agreement is for the rest of the employees. Our agreement with the employees is or our contract reads employees will be on payroll for six months and they'll work at least 35 hours. The court wants to put them on soon as they can if they start on the 28th they want to put them on the 4th or the 1st. So to do that I've always been reluctant to do that because the ordinance is contrary to that and that was why I asked that we change the ordinance to just eliminate that particular part of the contract for the courts and the clerks.

COUNCILWOMAN CATAZARO-PERRY Mr. Loudiana, just to clarify though that the courts are not doing anything inappropriate they are mandated or they can do this under state law. Correct?

SAFETY SERVICE DIRECTOR LOUDIANA – The law director and I might disagree under state law it says a court in the city can or will use or can use the city’s insurance. It doesn’t say they can alter the insurance policy and my argument is they are altering the insurance policy. But I’m not fighting anymore so the law director says we should do it then I’ll do it.

COUNCIL PRESIDENT GAMBER Mr. Stergios?

LAW DIRECTOR STERGIOS – I guess you want me to comment or... What the safety service director said is essentially correct and what we have to remember is that the clerk and the court can basically compensate their people however they want. They are not bound by anything that our regular city employees are bound by. Another words if they don’t follow under our insurance or follow our rules they could just raise Joe Q employee’s pay by \$800 a month and let him go buy his own policy for that six month period. They could go purchase a different group health insurance contract that whatever cost they want and then pass that cost onto us. Michael is correct in that historically I think everybody tried to play by the same rules and whatever the city had in place for police, fire, the unclassified employees, the prior entities that the court and the clerk’s office would generally follow our rules. Well, its been an ongoing battle since I’ve become law director in ’03 as to what the rule is. Michael’s predecessor I think was just all over the map sometimes people got it right away and sometimes they didn’t. So Michael’s trying to make things uniformed the ordinance we have in place really only applies to city employees. Employee of the court or the clerk is not quote a city employee they are an employee of the court or the clerk. So they are being carved out as an exception because they don’t want to wait for their employees to wait six months to get health insurance coverage. Maybe we don’t even need to do it but it clarifies things for future labor negotiations I think that the safety service director has been confronted in the past by various bargaining units that well how come we have to wait and the court doesn’t? Well, now we have an ordinance in place that says the court doesn’t have to wait and that’s the answer. So it helps him out in the long run also I believe.

COUNCILMAN MANSON If we would I guess I want to know if we vote yes if we vote no. If we would vote no and this would stay as is and then the court said that they wanted health care for the first month for somebody and Mr. Loudiana refused what would happen or could happen?

LAW DIRECTOR STERGIOS – The court could go purchase a policy on its own for that person and just pay the premium and basically bill it back to us as part of their compensation package. They could if it was somebody coming another job maybe give them an extra “x” amount of month to pay their cobra premium from their old health insurance until they were eligible. They could just give them more in salary and let the person either purchase coverage or not on their own. I mean...

COUNCILMAN MANSON That’s if we would vote no on it and leave it in place?

LAW DIRECTOR STERGIOS – Technically the way it reads I don’t believe it applies to the courts and the clerk anyhow. We’re just over decades when we said city employees everybody thought that meant everybody including the court and the clerk. Well, apparently now that only means us and they go by whatever rules they chose to follow. Example the educational stipend that people get for having a college degree that’s in the city contracts they give it to their people because we give it to ours. But they don’t have to give it to them they chose to do so. The health insurance is the same thing that’s the best analogy I can think of we don’t really have a lot of choice.

COUNCIL PRESIDENT GAMBER Mr. law director, your recommendation is though to vote yes make this change, correct?

LAW DIRECTOR STERGIOS – I don’t know if I have a recommendation I don’t think it really matters. I mean it clears it up I guess I would say yes vote yes and clear it up. But it really doesn’t make a difference.

COUNCILMAN SLAGLE This also is changing section 1 however, what is the purpose of the

wording in section 1?

LAW DIRECTOR STERGIOS – I forget what section 1 is you... Oh, I was told and the safety service director verified that at some point in history and we're not sure when as usual the life insurance was increased from \$5,000 to \$10,000 as part of our total package with the insurance carrier. So we thought if we were changing the other thing we might as well make that section read what the people has. But it's been \$10,000 again predating myself so prior to '03 it changed. It's just part of the package that we get. So that's the change in section 1 and we also the old, old '75 ordinance I believed referenced either Etna Life and Casualty and that is not who we have so we just deleted the name because we're under the Health Plan now. But that may change in the future.

COUNCILMAN SLAGLE Second question when we put something in an ordinance that mandates health coverage how does that affect negotiation on those union contracts when they come up at a later date? How can you short question how can we negotiation something that we have put into legislative into our legislation that we say we've giving?

LAW DIRECTOR STERGIOS – If you looked at the rest of this 75 ordinance my recollection is it does carve out some differences for the police and fire contracts. But I didn't really come prepared to answer that one. But I mean its still negotiable when the contract comes up I mean this is the ordinance based upon what I have been able to discover historically was created to mirror what was in the contracts. So back then it is carried on so at some point in contract negotiations we say you have to pay \$10.00 a pay or \$20.00 a pay then we're going to have to change this ordinance again to reflect what is in that specific contract for coverage standpoint.

COUNCILMAN SLAGLE So would that bind us into that providing health coverage at full cost in future labor negotiations?

LAW DIRECTOR STERGIOS – I don't believe so no.

COUNCILMAN PETERS I've got a question. If you know if it says in this ordinance that you're going to give the employees of the city a \$5,000 life insurance and some point in time which you don't know when we gave them \$10,000 essentially we were braking the ordinance when we did that. Right?

LAW DIRECTOR STERGIOS – No one complained.

COUNCILMAN PETERS Naturally, they never do. They never complain when its going the other way I know that. But essentially that ordinance was broken.

LAW DIRECTOR STERGIOS – It wasn't being followed to the letter, no.

COUNCILMAN PETERS I just wanted clear that up in my mind. I'm okay.

COUNCILMAN MANG Yes, hearing all the yes' and no's and probable's I wonder if we're better off not having this piece of legislation. Then whatever happens in negotiations happens its not part of our ordinance. When we pass and accept the police and fire contract it will already be in there. From what is going on here I question whether we need it.

LAW DIRECTOR STERGIOS – To interject we have a number of people who aren't quote under contract though that we need to address them like my staff, Ms. Ferrero's staff, the mayor's office. I mean I'm not we need something in place as to what the rules are I guess. If we do away with it completely then we're doing away with it for people that aren't covered by a union contract also. It might create more confusion than solving problems I guess would be my comment at this point.

COUNCILMAN MANG I agree.

COUNCILMAN SLAGLE Well, I don't have any further questions but I frankly think that this whole thing would be mute if we moved to a national health care plan that was reasonable in

this country. I know Mr. Peters doesn't like this but this is taxpayer paid for health coverage. That should be the first question out of anyone's mouth who objects to a national health care plan.

COUNCILMAN PETERS Well, this isn't the United States Senate so lets just get with this ordinance.

COUNCILMAN SLAGLE But this is in a certain degree.

COUNCILMAN PETERS I object to that.

COUNCILMAN SLAGLE The first question should be do you have health coverage? I will guarantee you that everyone who says that they're not in favor of a universal health care plan will either be covered under a health care program that they pay for themselves because they have the money to do or they're already receiving health care. So the second question should always be who's paying for that health care? The majority of those people were already beyond taxpayer paid for health care. I just happen to believe that those questions were asked and were properly framed in our society people would understand that. I don't personally like since I'm a taxpayer and there's several thousand people in Massillon that are taxpayers who don't have taxpayer paid for health care. I'm not sure why we should be putting it in our legislation at a 100% I think that takes out the options that we have and frankly until certain people have dogs in this fight they're going to say no I don't want the government involved with in my health care plans when in fact they're already receiving them. So philosophically its going to be a strange vote for me to vote no on this because I happen to believe that every American is entitled to health coverage. But I'm going to vote no on this for that specific purpose I don't believe it belongs in our statute.

COUNCIL PRESIDENT GAMBER Mr. Manson?

COUNCILMAN MANSON Okay, now what we have is if we have a yes vote we will be approving the language as proposed. If we have a no vote the ordinance will stay exactly the same as it is.

COUNCILWOMAN CATAZARO-PERRY Mr. Slagle, I just wanted to make a comment whether you vote yes or no that 100% is still going to be in there. Just wanted to make that comment to you.

COUNCILMAN MANSON Okay, like I said we either vote yes and approve the language changes to the ordinance or we vote no and the ordinance remains as it is.

COUNCILMAN MANSON moved to bring Ordinance No. 3 – 2010 forward for passage, seconded by Councilman Hersher.

ORDINANCE NO. 3 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. Slagle voted no.

#### . SECOND READING ORDINANCES AND RESOLUTIONS

#### ORDINANCE NO. 7 2010 BY: PARKS & RECREATION COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into contract agreements 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 This is the same ordinance that raised a lot questions last year at this time regarding the mayor's authorization entering into these contracts for the summer series concert series. We've discussed this in the work sessions the mayor's discussed his position on it. I think we discussed it quite readily last year when the same issue came up. We know that we had almost the \$6,000 carryover from 2009 series that the mayor has again assured us that he feels comfortable that he will raise the \$60,000 which if you remember last year he gave us that

personal assurance and backed it to say that he would cover any shortages if they occurred. We also know that this year for the first year as I understand it we covered the expenses for the set up and maintenance and the security out of the concert funds. So I frankly think that we should take the mayor at his word this time again that its time we get this moving because the faster he can get this contract in place he can get the contracts signed and we can have another good year. We also know that the mayor is looking into dealing with the issue of rain out next year or this year in terms of so we don't have them or at least we can recoup some of the money by moving to another location. I think the concert series is an excellent thing for the City of Massillon I think the fact that they raised over \$20,000 in contributions at those series this last series even with the rain out shows that the citizens of Massillon and surrounding communities that attend these concerts also appreciate them. I think to get this moving we should suspend the rules requiring another reading and I'll move unless there's some opposition to that that's strong in this body to suspend the rules today and pass it. I've gotten no calls from this citizens have not attended anything to say anything about it. I've heard nothing coming out against it as we did last year and I think we should move forward.

COUNCILWOMAN CATAZARO-PERRY Last year I was very concerned about this and I was the only lone vote of no because I really thought our priorities were in the wrong place. However, the mayor did show that he could raise those dollars and by going on his word again this year I will support the concert series.

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

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

ORDINANCE NO. 7 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

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 had extensive conversation at two work sessions now. A few more questions are yet to be answered so I will be giving this second reading.

ORDINANCE NO. 8 – 2010 GIVEN SECOND 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 Second reading.

ORDINANCE NO. 9 – 2010 WAS GIVEN FIRST READING.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

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

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MARY BETH BAILEY, CLERK,

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GLENN E. GAMBER, PRESIDENT



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