

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, TUESDAY, FEBRUARY 16, 2010**

**COUNCIL PRESIDENT GAMBER B** I=d like to welcome all of you to Massillon City Council for Tuesday, February 16, 2010. We have in attendance with us this evening: Mayor Cicchinelli, Auditor Ferrero, 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, Dave Hersher, Ron Mang, Paul Manson, Dave McCune, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 8 present.

**COUNCIL PRESIDENT GAMBER B** We've not heard from Councilwoman Catazaro-Perry, Mr. Townsend apparently did get a phone call that she's on her way. In the meantime Mr. Mang, we do need a motion to excuse her.

**COUNCILMAN MANG** – Yes, I move that we excuse Councilwoman Catazaro-Perry from this meeting, seconded by Councilman Manson.

Roll call vote of 8 yes to excuse Councilwoman Catazaro-Perry.

**2. INVOCATION**

**COUNCILMAN SLAGLE B** Gave the invocation for tonight.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILMAN SLAGLE** – Chairman of the Parks and Recreation Committee led those in attendance in the Pledge of Allegiance.

**4. READING OF THE JOURNAL**

**COUNCIL PRESIDENT GAMBER B** 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. 22 B 2010**

**BY: COMMUNITY DEVELOPMENT**

**COMMITTEE**

Amending the agreement between the City of Massillon and Heinz Frozen Foods, under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

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**COUNCILMAN MANG** B I think we had a pretty good presentation this past week ago Monday from Aane Aaby and also from the people who were here. I think it's a chance to keep our industrial group at a level and I think its something that down the line definitely is going to benefit them and also benefit us. People have any comments or questions I've got the Mayor here this was pretty well typical financing.

**COUNCIL PRESIDENT GAMBER** B Mr. Manson?

**COUNCILMAN MANSON** B Oh Mr. Aaby isn't here tonight? I was just wondering if we should go back over it a little bit as far as what the agreement is. But I...

**COUNCIL PRESIDENT GAMBER** B I'm sure the Mayor would be familiar with the details.

**COUNCILMAN MANSON** B Maybe the Mayor would come up and give us an explanation of it again. I'm just asking if maybe you would give us a brief explanation even if you work right off the ordinance of what all we're going to do.

**MAYOR CICCHINELLI** B I was going to say in Section 2 its extremely self explanatory. The city with the consent of the Massillon City School Board will extend the enterprise zone an additional five years. The value for this enterprise zone extension is approximately \$700,000. The city would then pay Heinz \$20,000 a year over this five year period. The Massillon City School Board would waive any tax sharing income tax sharing agreements and those dollars then would be the dollars that we're talking the \$20,000 per year. So they would waive that and not expect to collect that. The Heinz Corporation has agreed to a \$25,000 grant for the district's education technology program. The school district has also requested that Heinz include district students in its scholarship programs. Heinz has also submitted a requested to the State of Ohio for a rapid outreach grant to assist the Massillon plant. Then if you look in "e" in return for these state and city incentives Heinz will make the following commitments. They will construct a long overdue pre-treatment facility at the Massillon plant which would of course help Heinz but also help our wastewater treatment plant and the service to Heinz. They, Heinz will commit to job retention at the facility for five years with an average of 400 full time jobs. The Heinz Company would agree to a minimum of \$217,000 in income tax withholding over that five year period per year. The rest is pretty self explanatory. So that pretty much sums up what the agreement that has been worked out. We feel it's a good agreement and keep in mind a lot of these are minimal in what we would love to see happen especially with the construction of the pre-treatment facility as additional product lines being added at the plant. So that all depends on the economy.

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

**COUNCIL PRESIDENT GAMBER** B I'd like the record to show that Councilwoman Catazaro-Perry is now in attendance so we will have 9 voting.

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

ORDINANCE NO. 22 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 23 B 2010**  
**COMMITTEE**

**BY: COMMUNITY DEVELOPMENT**

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

Packaging & Supply Co., to provide an economic development “inducement grant” to assist the business in relocating its operations to Massillon, and declaring an emergency.

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**COUNCILMAN MANG** B Again, Mr. Aaby and two gentlemen came here from Ideal expressed or told us what they would do. They’re coming in with very small numbers I think two or four but after reading in the paper last week that we lost one that had 90. I recall when they came in they didn’t have a gang so I think it’s very important that we try and help the people as much as we can. Because we never know it could jump very quickly. I will be asking for suspension of the rules.

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

**COUNCIL PRESIDENT GAMBER** B Are there any questions on the ordinance? Mr. Slagle?

**COUNCILMAN SLAGLE** B-Just a point of order, the ordinance itself has a typing error in the second whereas clause. It says E.J. Hoffman Custom Cabinets as opposed to Ideal Packaging & Supply Co.,

**COUNCIL PRESIDENT GAMBER** B You are correct. If anyone would please make that change in the second whereas delete E.J. Hoffman Custom Cabinetry and insert Ideal Packaging & Supply. Thank you, Mr. Slagle.

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

ORDINANCE NO. 23 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 24 B 2010**  
**COMMITTEE**

**BY: PARKS AND RECREATION**

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 purchase of chemicals and fertilizers for The Legends of Massillon Golf Course, and declaring an emergency.

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**COUNCILMAN SLAGLE** B Yes, just a point of order, this was also to have sand. The original legislation has sand in it chemicals, fertilizer and sand. I think the actual piece of legislation does but the notice here does not. I don’t know if that makes a different or not.

**COUNCIL PRESIDENT GAMBER** B When you say the notice what notice are you talking about?

**COUNCILMAN SLAGLE** B Well, this doesn’t mention sand but the actual ordinance itself does.

**COUNCIL PRESIDENT GAMBER** B Alright, I’m sure if the ordinance is correct that’s what we’ll go with.

**COUNCILMAN SLAGLE** B Well, we discuss this obviously at the work session. This is a typical purchase I’m going to ask for suspension of the rules because this all needs to be started because the golf season is fast approaching. So...

COUNCILMAN SLAGLE 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. 24 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 25 B 2010**

**BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the Safety Forces Equipment Fund and the Economic Development Fund, for the year ending December 31, 2010, and declaring an emergency.

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**COUNCILMAN MANSON** B Yes, we have two sections here. The first section is to request \$30,000 be appropriated from the unappropriated portion of the safety forces equipment fund to equipment line item of said fund for the purchase of a vehicle for the municipal court chief bailiff. That's the first one. Section two has to do with what we just dealt earlier that's the appropriation of the \$10,000 for Ideal Packaging and Supply.

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. 25 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 26 B 2010**

**BY: FINANCE COMMITTEE**

Authorizing the Auditor of the City of Massillon, Ohio, commencing January 1, 2010 to deposit revenue from the Inheritance Tax to the General Fund, and declaring an emergency.

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**COUNCILMAN MANSON** B Yes, this has to deal with Resolution No. 4 that we're going to be discussing here. I was just wondering if I could just put that right behind Resolution No. 4. We'll deal with Resolution No. 4 first.

**COUNCIL PRESIDENT GAMBER** B We can if you'd like but this isn't doing anything other than authorizing if and when something happens.

**COUNCILMAN MANSON** B It's no big deal. Well...

**COUNCIL PRESIDENT GAMBER** B Which ever you prefer we don't care.

**COUNCILMAN MANSON** B I'm going to be asking to waive the rules. So,,,

**COUNCIL PRESIDENT GAMBER** B My suggestion is let's just go ahead with this ordinance. Is there any question about the ordinance? Alright, your motion please.

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. 26 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCILMAN SLAGLE** B Point of order, Mr. President.

**COUNCIL PRESIDENT GAMBER** B Mr. Slagle?

**COUNCILMAN SLAGLE** B In re-reading Ordinance No. 24 it does not include in fact include sand.

**COUNCIL PRESIDENT GAMBER** B Alright, Mr. Law Director may we call you forward, please. Let me give you a copy of Ordinance No. 24 – 2010 which we just passed unanimously on first reading. Mr. Slagle has a question for you.

**COUNCILMAN SLAGLE** B The original request for legislation said chemicals, fertilizer and sand. The actual legislation when it was printed does not include the sand.

**LAW DIRECTOR STERGIOS** – Why don't we amend it and revote on it and add sand to it just so there's never any question so no one can complain about that.

**COUNCILMAN SLAGLE** B That's correct.

**LAW DIRECTOR STERGIOS** – Even though we already pass it. We do a motion to bring it forward again, amend it, reconsider. I think that's sufficient.

**COUNCILMAN SLAGLE** B Okay.

**COUNCIL PRESIDENT GAMBER** B Thank you. Mr. Slagle, if you would make that motion to reconsider.

**COUNCILMAN SLAGLE** B I make a motion that we bring forward and reconsider Ordinance No. 24 – 2010 for the sole purpose of adding to the ordinance after each chemicals sand. Seconded by Councilman Peters.

**COUNCIL PRESIDENT GAMBER** B Mr. Law Director, are we are going to have to suspend the rules again?

**LAW DIRECTOR STERGIOS** – Yes, sir.

**COUNCIL PRESIDENT GAMBER** B Alright, so this vote is strictly on the reconsideration we're hoping for a yes vote.

ORDINANCE NO. 24 – 2010 WAS RECONSIDERED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT GAMBER** B Mr. Slagle, we need a motion to suspend the rules.

COUNCILMAN SLAGLE 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. 24 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT GAMBER** B Madame Clerk, if you would please make that correction and then of course you'll have to have a new ordinance signed.

**ORDINANCE NO. 27 B 2010**

**BY: FINANCE COMMITTEE**

Amending Ordinance No. 134 – 2008 by revising Section IX Depreciation, and declaring an emergency.

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**COUNCILMAN MANSON** B Yes, I guess this is request from the State of Ohio it's please prepare an ordinance to amend Ordinance No. 134 for depreciation of vehicles. They want to take police cruisers to 10 years from 5, street department snow and dump trucks to 15 from 10.

Like I said the recommended changes have been requested by the State of Ohio. So I will be asking to waive the rules and move this tonight.

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. 27 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**RESOLUTION NO. 3 B 2010**

**BY: FINANCE COMMITTEE**

Requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of real estate taxes for the 2010 fiscal year.

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**COUNCILMAN MANSON** B Yes, I will read the request that came from the auditor's office. Please prepare a resolution to request from Stark County the Stark County Treasurer of the current collection of property taxes assessed and collected for and behalf of the City of Massillon which shall be held and treated as an advanced payment on the current collection of taxes due to the City of Massillon at the ensuing settlement 2010 as provided by law. If there's any questions we can get the auditor up to discuss this otherwise I'm going to be asking to move this ahead.

**COUNCILWOMAN CATAZARO-PERRY** – Actually I'd like to bring the mayor up if we could to maybe answer a question I had at the work session. Mr. Mayor, could you tell us if we've ever had to do this before. The years I've been on council we've not done this so I just wanted to know if we've ever done this before.

**MAYOR CICCHINELLI** – Not to my knowledge, but it's not unusual in auditing procedures. I don't remember doing it but...

**COUNCILWOMAN CATAZARO-PERRY** – Okay, thank you, that's all I wanted to know.

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.

RESOLUTION NO. 3 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**RESOLUTION NO. 4 B 2010**

**BY: FINANCE COMMITTEE**

Requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of 75% of the estate and inheritance taxes for the 2010 fiscal year.

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**COUNCILMAN MANSON** B Yes, I will read the request that came from the auditor's office. Please prepare a resolution to request from Stark County Treasurer of the current collection of the estate and inheritance tax for and on half of the City of Massillon which shall be held and treated as an advanced payment of 75% of the collected amount due to the City of Massillon.

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.

RESOLUTION NO. 4 – 2010 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 - \$616.60

**COUNCIL PRESIDENT GAMBER** B Mr. Manson?

**COUNCILMAN MANSON** B 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 JANUARY 2010 B COPY FILE
- B). TREASURER SUBMITS MONTHLY REPORT FOR JANUARY 2010 B COPY FILE
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JANUARY 2010 – COPY FILE
- D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR JANUARY 2010 – COPY FILE
- E). WASTE DEPT SUBMITS MONTHLY REPORT FOR JANUARY 2010 – COPY FILE
- F). MAYOR SUBMITS MONTHLY REPORT FOR JANUARY 2010.

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

**11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT GAMBER** B Committees will meet next Monday the 22ND. Is there anything that anyone wants to bring forward as a request or recommendation any committee report?

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**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, In., for the purchase of a 2009 Ford E450 XL Wheeled Coach Type III Ambulance for the Massillon Fire Department, and declaring an emergency.

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**COUNCILMAN MCCUNE**– Yes, before I bring this forward for consideration I would like to ask a couple of questions of the mayor, the auditor or the chief just to settle some issues.

**COUNCIL PRESIDENT GAMBER** B Alright, who would like for me to call? (the mayor please) Mr. Mayor?

**COUNCILMAN MCCUNE**– Mr. Mayor, during the discussion we've had on this issue over the past several weeks. One of the things that came up was a concern for that if we purchased the ambulance that's being requested by the chief that we will be leaving our streets short for money for repaving, paving so forth. You had indicated that you were going to look into the

possibility of funds being available in other places. I wondered what your findings were there.

**MAYOR CICCHINELLI** – In speaking with the auditor's office as of today we've come up with an estimated \$200,000 for street resurfacing. And I say as of today because depending on our income tax collections and availability of other funds down the road we might be able to increase that. Now this does not include the CDBG program which we normally have a street resurfacing program of around \$100,000 for that also. That does not include this and I also can't give you a definitive number on CDBG because they have not HUD has not submitted that final number to us yet. Hopefully we will get a bump up increase but we do not know that as of this date. So but at least \$100,000 I think we can take out of CDBG approximately for streets. So I think it does give us a street program for 2010.

**COUNCIL PRESIDENT GAMBER B** Mr. McCune?

**COUNCILMAN MCCUNE** – Mr. Peters has a question.

**COUNCIL PRESIDENT GAMBER B** Are you finished?

**COUNCILMAN MCCUNE** – For the moment.

**COUNCIL PRESIDENT GAMBER B** Are you finished with the mayor? Then ask your questions.

**COUNCILMAN MCCUNE** – This could be a question probably a question for the law director but one of the other questions that came up during the course of this proceedings to get where we are today was would we be able to reimburse the capital improvement fund with monies generated through the emergency transport fund?

**MAYOR CICCHINELLI** – In talking to Mr. Stergios the answer to that question is yes. As you know we wanted to establish an EMS fund in fact it's on your cash report. However the state auditor would not allow us to do that establish a separate EMS funds so what the auditor is put it in the general fund under a line item for EMS. So monies are still being collected and going into that fund and as of today we have \$14,866.74. That's just not even a month because the money is still coming in. But to answer your question yes, later on monies can be transferred out of that line item in the general fund into capital improvement. I said three minutes ago that depending if more monies becomes available we can even utilize those dollars capital improvement dollars for additional road work. But that is something that can be done as the dollars come in.

**COUNCILMAN MCCUNE** – One of the things that the chief indicated during his presentation leading up to the passage of the emergency transport issue was that a portion of these funds would consistently be put aside like a five year plan for the purchase of vehicles for the fire department. So even though we're barely into this at some point in time in the say the summer months when we get enough money built up into that fund if we would pass that tonight then what you're saying is that we could transfer those to reimburse.

**MAYOR CICCHINELLI** – You can transfer all the \$104,000 or transfer a portion of the \$104,000 or transfer nothing. It's up to you folks but yeah you can do that and Perry's here to confirm that.

**COUNCILMAN MCCUNE** – Well, I don't see Mr. Stergios, do you think if you just wanted...

**COUNCIL PRESIDENT GAMBER B** Mr. McCune, we're with the mayor right now.

**COUNCILMAN MCCUNE** – Well, if anybody on council needs to have the law director confirm what the mayor just said we can bring him forward.

**MAYOR CICCHINELLI** – May I add one more thing so council knows the \$200,000 estimated for street resurfacing \$75,000 is coming out of capital improvement that's 1401,

\$25,000 is coming out of muni motor vehicle that's 1206 and \$100,000 is coming out of street construction that's 1201. So that's our plan now and it's not including any other dollars that would be transferred later on.

**COUNCIL PRESIDENT GAMBER B** Do you have any more for the mayor?

**COUNCILMAN MCCUNE** – I'm done.

**COUNCIL PRESIDENT GAMBER B** Mr. Peters?

**COUNCILMAN PETERS** – Mr. Mayor, I'm the untrusting councilman. Why can't we because my decision tonight on voting on this and its no secret and I've said this. I don't have a problem voting for the purchase of an ambulance but I want some assurance I don't know why if we've got \$14,600 some dollars in that account why can't at our next work session the chairman of finance bring that up for a transfer right away. Why can't we do that?

**MAYOR CICCHINELLI** – You can.

**COUNCILMAN PETERS** – I guess you know I don't as long as the money comes out of that fund and we continue if maybe next week we have you know we might have \$26,000 in that. You know and my whole concern is draining that capital improvement fund. So I want to be comfortable with the fact that you know we're paying for this out of that money that you know I completely agree with the chief that I don't have a problem with them putting money back aside for more equipment long term so forth either. I mean like I said there's no secret that I was against this and I said this from the start. I hope you come to me in November and say you were wrong and I can say good I'm glad I was wrong. Because if I'm wrong then this thing is working so you know...

**MAYOR CICCHINELLI** – Mr. Peters, excuse me did you see the printout that the chief gave us?

**COUNCILMAN PETERS** – Yes, I did. But I also I'm kind of like a pessimist you know we bill \$96,000 that don't mean we're gonna get \$96,000.

**MAYOR CICCHINELLI** – No, but even if we get a conservatively half...

**COUNCILMAN PETERS** – Yeah, I'm saying 60% and that's fine. I don't have a problem and I'll let all the members know I don't have a problem with voting for this ambulance if it comes out of that fund. I really don't but going backwards I wasn't paying attention I always pay attention when you speak but it just slipped by me. But how much money do we have for streets resurfacing or for...

**MAYOR CICCHINELLI** – Right now we can put together around \$200,000; but that doesn't include CDBG.

**COUNCILMAN PETERS** – Okay, but then something that strikes me funny not funny but okay we have \$124,000 I believe in capital improvement right now if I'm not mistaken and you're saying we're gong to take \$75,000 of that for street resurfacing. We'll already be in the minus if we appropriate this money right now for the ambulance. Am I correct?

**MAYOR CICCHINELLI** – No, because the money first of all if you're talking this thing that shows...

**COUNCILMAN PETERS** – No, I'm talking on my cash report it says what number was that? (1401) 1401, we have \$124,769 we're taking \$104,000 of that out of there for the ambulance. So I mean...

**MAYOR CICCHINELLI** – But you're only in the middle of the second month of the year so with anticipation of getting additional dollars for capital improvement those dollars as the dollars are collected they'll be put into those funds. So that's why its only an estimated revenue

and it always is throughout the whole year.

**COUNCILMAN PETERS** – And you're better at this than I am so I mean but you know its coming real close I know we're gonna have to start going out for bids and so forth for some of these streets. I mean we're gonna need the money to come from somewhere. So we...

**MAYOR CICCHINELLI** – But if the auditor authorizes and signs the legislation and says the money will be there when and you have to remember we do a street program its usually done late summer early fall. So the money should be there so she is going to inform council yeah, the money will there and she'll sign off on it and dollars will be there to do the street program. So you've got to remember we're only in the middle of February so I and also the encumbrance the \$124,769 some of that may not be used some it might be, all of it might be. Normally it is but sometimes there are a few dollars left that maybe projects incur the entire amount wasn't spent. But to do what you want to do or what you suggested to take the \$14,866 its separate because that's already in another line item within the fire department.

**COUNCILMAN PETERS** – Not to interrupt but I'm saying lets keep taking it out of there until the ambulance is paid fore. I mean really...

**MAYOR CICCHINELLI** – That's up to council Mr. Peters.

**COUNCILMAN PETERS** – I realize I'm only one member of council but I would hope that the other council people agree with me that and not have a problem with this either if we reimburse that fund out of the EMT fund. But I would just like the record to show that you know I'm still opposed to transport but I'm for purchasing an ambulance if we take it out the transport funds. So that's all I have.

**COUNCIL PRESIDENT GAMBER** B Mrs. Catazaro-Perry?

**COUNCILWOMAN CATAZARO-PERRY** – Mr. Mayor, if that's our plan because I think the fire chief and I don't want to speak for him but I've asked him over and over about the million short for the new budget. If that's the plan then how are you going to fund his line item for salaries?

**MAYOR CICCHINELLI** – Again, we're only a month and a half into this as of today we have \$14,866 and some change. We feel confident the numbers we presented to you and the numbers that potentially could be collected have already been billed and could be collected. Even if you do half of that that's around \$45,000 or \$50,000 a month you do the math. The money is there to at the end of the year to fill in a portion of the gaps within the department. But I think we always agreed that some of these dollars that are generated from the EMS program will be used to buy additional equipment. I think we've said that from day one. So we're just doing it a little earlier than what we anticipated but there's certainly nothing wrong with it. The rest of the dollars again you can fill those budget gaps later on in the year when the dollars are there. I think what we're trying to show you is that some folks were saying this is not a money maker well you can see that it can potentially be a money maker. Now we don't want to call it a cash cow and go and spend all the money before we even collect the bulk of the dollars but the fact is we can use January as an example. It's a pretty good deal for the citizens and a pretty good deal for the city.

**COUNCILWOMAN CATAZARO-PERRY** – Well, when you do the math \$50,000 x 10 months is \$500,000. So we're still not covering salaries but we're going to buy an ambulance.

**MAYOR CICCHINELLI** – We are covering a portion of the salaries. The rest will come in growth and other revenue streams. We keep saying this and keep saying this. It will come in through income tax collections, it will come in through inheritance taxes, it can come in through real estate tax increases it comes in a multitude of things. You're only pinpointing one additional revenue stream Mrs. Perry that we've never had before. That's something to point out.

**COUNCILWOMAN CATAZARO-PERRY** – And I love the revenue stream I'm not saying

anything negative about the revenue stream. I'm just saying you can't use that one revenue stream to pay for everything.

**MAYOR CICCHINELLI** – I agree.

**COUNCILWOMAN CATAZARO-PERRY** – You know we're short \$630,000 in the police line item. So even if we have 1.3% growth as we did this year according to the auditor's department that's \$100,000 maybe \$150,000 at tops that we're going...

**MAYOR CICCHINELLI** – Last year at this time if you look at your cash report I don't know if you keep them but we were around \$2.1 in the negative in our cash report and general fund. If you look at that today that's \$741,000.

**COUNCILWOMAN CATAZARO-PERRY** – But we also didn't bring \$611,000 forward.

**MAYOR CICCHINELLI** – Well, again, we're only \$741,000 short if you want to call it short. The reason we're discussing this and this is great its still estimated revenues folks and that's what you have understand when you're dealing with budgets. We're trying to pound away at that but at the same time going into '10 we're in better shape than we were going into '09. Now are we going to collect the same amount of income tax we think so we don't know but we're doing what we can to increase revenue. EMS which a majority of council supported is an example of where we can get additional revenues. So I think it's a good thing we've said along we would be utilizing these dollars for equipment purchasing I would prefer to wait as far as putting the dollars back into capital improvement. But if council would support the acquisition of this ambulance now I can certainly compromise and live with that. Because that's what government is all about you compromise. It's going to happen anyhow I'd rather wait but it doesn't matter to me.

**COUNCILWOMAN CATAZARO-PERRY** – So my final question then is you know when things get tight because they're going to get tight and we bought the ambulance and then the chief's going to come back and say "I need money for salaries".

**MAYOR CICCHINELLI** – Well, I think there are also belt tightening procedures that are going on in our departments as we speak. You know one thing to remember you can't predict when an emergency is going occur so you can't predict overtime. So we feel confident that the growth will be there to cover what we have to cover. Just like we covered in '09, we covered in '08, we cover every year we seem to do this. But I agree we're not out of the woods totally yet but we're a lot better off than we were last year at this time.

**COUNCILWOMAN CATAZARO-PERRY** – Thank you.

**COUNCIL PRESIDENT GAMBER** – Mr. Manson?

**COUNCILMAN MANSON** – Yes, Mr. Peters brought that up about finance bringing that and I'll be willing you know at every meeting to bring in whatever the number the auditor gives us that's in that. We as a committee can decide whether we want to sweep it all, sweep a portion of it whatever you know we can say the first \$105,000 that's what we want to do with it. I feel that we need I feel that we should make an attempt here to get this ambulance. We are making more calls than I anticipated so I'm worried about the wear and tear on the vehicles. So I would like to do about anything we can here that's reasonable to keep this moving. Like I said we're bring it in every other Monday and let everyone decide exactly what we want to do with it.

**COUNCIL PRESIDENT GAMBER** – Mr. Anderson?

**COUNCILMAN ANDERSON** – Mr. Mayor, just one question. I think I read in the paper where the loss of Canton Elevator is going to be about \$100,000 a year. We're talking about the positives I hate to bring up a negative but a \$100,000 is quite a bit of a negative and I think that has to be thrown into the equation when we're talking about spending a \$104,000 and we're losing \$100,000.

**MAYOR CICCHINELLI** – Well that's if there's no other growth and as we speak the new Shearer's plant is about ready to open. I think the trial run is going to begin in the next couple of weeks. Those dollars a portion of that \$100,000 and remember that's only an estimate will be made up there. You know we had Heinz before you I think solidifying that project I don't think you realize how important that is because of the situation with a similar plant that just was completed construction South Carolina that could manufacture the same product line that this plant does. We weathered that storm and got an agreement with that company there's a lot of things happening to solidify our industrial base. There are plants that are hiring Fresh Mark is going to be hiring more people there's a rezoning before you as we speak. So that \$100,000 I think can be made up. But you know I kind of look at things maybe a little differently than some folks. I think the glass is half full and I've always asked people including yourself Mr. Anderson you can certainly help us attract more jobs and bring more revenue in that would be great. So you can point the negative and that is a negative unfortunately it caught us all by surprise but that was a business decision by them and we're going to have to live with it. We attempted to intervene I haven't heard back if we were going to be successful. But we'll make those dollars up and we seem to do that and that provides another building that maybe another company can move in.

**COUNCIL PRESIDENT GAMBER** – Mr. Anderson, are you finished?

**COUNCILMAN ANDERSON** – Yes.

**COUNCIL PRESIDENT GAMBER** – Anyone else have a question for the mayor if not I will go back to Mr. Peters for his second round.

**COUNCILMAN PETERS** – I lost my train of thought. Kind of along the lines of Councilman Perry, is that you know I'm still not too excited about this. Okay, I mean just because you know your showing that we billed \$96,000 and I kind of what the chief to hear this too and I'm sure you and him both agree you know that we bill \$96,600 but along the lines somewhere you know its kind of like my business just because I invoice somebody \$90,000 doesn't mean that I didn't have labor, didn't have the cost of manufacturing and blah, blah, blah. You know its not clear profit okay, so I mean we have to have some expenses along in there. So I mean I think we need to be a little you know a little aware of that I'm sure you are. I would be really ignorant if I didn't think you were thinking about that. But I just want to let everybody know that I mean its not clear profit. So I mean we...

**MAYOR CICCHINELLI** – Well, its up to council that's what it really boils down to. If you want to see the money accumulating then wait 4, 5 months the road until you replenish the fund, the capital improvement fund. That's up to you folks.

**COUNCILMAN PETERS** – I just don't want you guys dipping in it before we get our hands in it.

**MAYOR CICCHINELLI** – No, we not doing that, no we're going to do that. Do you know who makes that final decision?

**COUNCILMAN PETERS** – Yeah, we do.

**MAYOR CICCHINELLI** – Oh, okay.

**COUNCILMAN PETERS** – But alright, that's all I have in my final round.

**COUNCIL PRESIDENT GAMBER** B Mrs. Catazaro-Perry?

**COUNCILWOMAN CATAZARO-PERRY** – Well, the chief and I have talked probably three times about this ambulance...

**COUNCIL PRESIDENT GAMBER** B Is this a question for the mayor?

**COUNCILWOMAN CATAZARO-PERRY** – Nope, just a comment.

**COUNCIL PRESIDENT GAMBER B** Are we finished with the mayor? Alright if I could go back for just a second to Mr. McCune was there someone else you wanted to call forward?

**COUNCILMAN MCCUNE** – Yes, I wanted to call the auditor forward.

**COUNCIL PRESIDENT GAMBER B** Alright, if you could hold off for a moment.

**COUNCILWOMAN CATAZARO-PERRY** – Sure.

**COUNCIL PRESIDENT GAMBER B** Mrs. Ferrero?

**COUNCILMAN MCCUNE** – Jayne, during our work session you indicated that you supported the purchase of this ambulance and felt that we were be able to make up the money if we did make that purchase. I just wanted to get it on the record that you do or do not support the purchase of the ambulance.

**AUDITOR FERRERO** – I'm very much in favor of the ordinance as it is written. I would like to wait until we see how much money it brings in. Because I also believe that some of this money that comes in from transporting needs to be transferred into those salary line items. That is my hope and right now we have \$200,000 for streets repairs and I think that's a hefty amount of money that we have to use. So we are going to have to buckle our seat pants and really watch the money that we spend. Then if there's an abundance in that account then we can transfer that back. Of course I do believe that he's going to be using a lot of that money for supplies and such. But I'm very encouraged by the amount of money that we've gotten so far this \$14,866 and I do feel that since this is our biggest revenue maker for this year that we need to keep our citizens safe. By doing that we need to have a new ambulance so yes I am totally in favor of it.

**COUNCIL PRESIDENT GAMBER B** Are there any other questions for the auditor? Anyone else you wanted to bring forward?

**COUNCILMAN MCCUNE** – Yes, I wanted to bring the chief forward since his handout has been referenced more than once during the conversation. Chief, first I want to commend you and your men for the job you have been doing not only on your everyday duties but with the additional duties that have been taken on with the emergency transport. Being that the handout that you provided us has been referenced several times tonight I thought you might want to take a few moments to go over it. I was just especially not only pleased with the amount billed but the amount saved the residents of Massillon. So I thought I would give you the opportunity to speak on that.

**FIRE CHIEF BURGASSER** – First of all, we had a little bit of a medical situation out there. So I apologize for the distraction it's been taken care of. The results for January are encouraging again the first sheet in your packet which has the numbers for me are not as exciting as the next sheets which talk about patient care items. Heartache victims with door to balloon times of well under the Cardiologist Association recommended time. That's not to say that hasn't been done before and please don't misunderstand me to say that. What I'm suggesting is that we never got that information before. We never got those kinds of accolades. I think a lot of that has to do with the recognition that we're transporting now but also has to do with the fact that our hospital is a full service heart care hospital, labor and delivery hospital, trauma center. So those kinds of things are encouraging and I've got to tell you that the firefighters are working very hard toward this end. I would like to address the total amount billed \$96,600 we knew all along that we will not get \$96,600 Medicare has an assignment. Medicaid has an assignment and all of those things are less than what we bill that's part of the reason why we had a billing fees stacked the way they did so as to be able to maximize both Medicare and Medicaid and private insurance. I think it's a good you know what I said last year was a conservative estimate \$25,000 to \$30,000 a month. I think that 45 to 50% of this would be another conservative estimate. I know I'm speaking to a majority of democrats but I like to be conservative in my estimates. So I would continue to be conservative and that way I wouldn't disappoint. I would hate to stand before you and tell you that were going to get 76% fall short of that and then have people be disappointed. I am encouraged by the amount of right off for our residents; quite frankly if the private ambulance would have taken all of these

patients to the hospital as they did January of last year our residents would have spent \$15,000 more dollars than what they did this year. That's encouraging to me I'm pretty excited about that. Again, January characteristically is a slow month, February because its 28 days is a short month. So again we'll begin to see these dollars move forward over the coming months. In terms of the EMS fund itself yes, we will have billing expenses every dollar that I have asked you for to set aside I will continue to do and that would be over and on top of whatever money you take out for this ambulance. I would continue to ask to set aside \$40,000 for an ambulance I would continue to ask for \$12,500 for training. I continue to ask \$25,000 for EMS supplies and equipment and I would continue to ask for billing payments. I don't think those are unreasonable expenses I do have some other equipment needs that I may ask for, may not ask for. But again when we were talking about \$25,000 a month we were looking at \$300,000. We may be looking at a little more than that I don't know. So I'm encouraged by these I appreciate the efforts of all of the fire department employees at hard work. I wanted to pass that along there are care issues here as well I think you'll see again we are planning on moving forward with CPAP for congested heart failure patients. Those are things we could not have done in the past because when you transfer care you can not transfer the apparatus that is necessary for the treatment of congested heart failure with respect to CPAP treatment. So those are all encouraging things for me. Thank you for allowing me to express that.

**COUNCIL PRESIDENT GAMBER B** Mr. Slagle?

**COUNCILMAN SLAGLE** – Chief, also I think when I talked to you well the numbers are always encouraging I think the most positive thing you said was the fact that we probably very likely saved one resident's life because we had immediate transport. Is that correct?

**FIRE CHIEF BURGASSER** – The first gentleman, Aultman door to balloon time of 53 minutes according to the cardiologist he was very close to minutes to a half hour of death. The door to balloon time is well under the American Cardiology Association time. They were very ecstatic with that I was pleased and again we've never gotten reports like that. I was very encouraged by that those are the care issues that I speak of.

**COUNCIL PRESIDENT GAMBER B** Mr. Manson?

**COUNCILMAN MANSON** – Yes, something that came up to me that we had discussed at last week's committee session. We do not have to pay until the vehicle is delivered was that right did I understand that or when do we have to come up with....

**FIRE CHIEF BURGASSER** – Actually I think its 30 days after.

**COUNCILMAN MANSON** – 30 days after so we may have another month or maybe even two months of accumulation of these funds in there. So I don't know if it's absolutely necessary that we start transferring it at next Monday's meeting is the point I was going to make. I don't think we need to transfer it until we actually have to pay something out. If most of the money is in the fund we may not have to transfer a lot less out of capital improvement. So it maybe six weeks to eight weeks from now before we even have to pay anything for this. Am I wrong in saying that?

**FIRE CHIEF BURGASSER** – No, sir.

**COUNCIL PRESIDENT GAMBER B** Anymore questions for the chief? Mrs. Catazaro-Perry?

**COUNCILWOMAN CATAZARO-PERRY** – Well, I started to say a few minutes ago that the chief and I have had several conversations about this ambulance. He did speak to me about this one patient and he said that he thought that I would truly understand being a nurse and working in the hospitals for so many years. I do truly understand and I want to congratulate you and commend you and the staff for all of your work for this person. Because my cousin wasn't as lucky and he was 51 years old and passed away and you saved this gentleman. So it's very important that we have the best equipment and the staff that's trained as you're speaking of. So I want you to know that with reservation I'm going to vote for this tonight. I've struggled with

this because of our financial situation because I don't think we're doing enough to streamline and take our departments and make them cut. I don't think we're doing enough and I think we're putting it on your back and I think we're putting it on the police department's back. That's going to be a hardship later on in the year. But for tonight I really want to have our Massillon residents have the best equipment and the best staff that we do have. So I'm going to support you with reservation and I want the fire department to know that I'm confident with them as the transporting that they're doing. But again it's with reservation that I'm going to do this.

**FIRE CHIEF BURGASSER** – I appreciate that and I want you all to know that yes vote or no vote I appreciate all the struggles with this. I understand the budget situation.

**COUNCIL PRESIDENT GAMBER** B Mr. Peters?

**COUNCILMAN PETERS** - I have a question for the auditor.

**COUNCIL PRESIDENT GAMBER** B Is there anything else for the fire chief? Mrs. Catazaro-Perry, I had a note to go back to you that was your comment?

**COUNCILWOMAN CATAZARO-PERRY** – That was it.

**COUNCIL PRESIDENT GAMBER** B Alright, Mrs. Ferrero?

**COUNCILMAN PETERS** – Okay, I'm kind of going little backwards here. Mr. Manson kind of brought something I agree with what he said about waiting and taking the money because you know we won't have to purchase this for 90 days. But I guess my question is at that time say in 90 days when the ambulance comes in do we have to have a different ordinance because we already passed this ordinance to take it out of the capital improvement fund. Say we have the whole \$104,000 in that ambulance fund do we have to go through this again to take it out of that or do we just do an appropriation?

**AUDITOR FERRERO** – What we have to do is transfer the money from the EMT fund...

**COUNCILMAN PETERS** –So we would do an appropriation, okay, so we don't have to re-pass this ordinance...

**AUDITOR FERRERO** – No, no, once you pass this ordinance you've already passed it to purchase the ambulance and its coming out the capital improvement fund.

**COUNCILMAN PETERS** – Right, but we're saying but I guess my question is okay we're saying its coming out capital improvement fund. It technically won't be if we have the \$104,000 in the ambulance fund.

**AUDITOR FERRERO** – It depends on how council votes for that. It would come up for a vote. But as of right now it will come out of the capital improvement fund; if you want to bring an ordinance forward to pay for it out of EMT it would have to go through council.

**COUNCILMAN PETERS** – But the appropriation still has to go through council but we can do an appropriation quicker than we could redo the whole ordinance correct?

**AUDITOR FERRERO** – Yeah, but I can't guarantee that's going to happen is my point. I hope that you're understanding what I'm saying. Right now that's what you want to happen but it would take a vote of all your peers to make that happen. Okay, do you understand? I can't guarantee you that would happen.

**COUNCIL PRESIDENT GAMBER** B Mr. Manson?

**COUNCILMAN MANSON** – That's okay, she covered it well enough.

**COUNCIL PRESIDENT GAMBER** B Mrs. Catazaro-Perry?

**COUNCILWOMAN CATAZARO-PERRY** – I did have one more comment. I agree with the auditor and I just and I understand Donnie wanting to have and I'm concerned about funds in the capital improvement as well. But I think our salary line items needs to be priority and so I just want to make that comment that's where I'm coming from. I think we need to fund our fire department salaries and then come back to the capital improvement and if we have any money left over then we tap into that.

**COUNCIL PRESIDENT GAMBER** B Mr. McCune, back to you for a motion.

COUNCILMAN MCCUNE moved to bring Ordinance No. 8 – 2010 forward for passage, seconded by Councilman Peters.

ORDINANCE NO. 8 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**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** B Yes, this is third reading. This is the funding for what we just talked about.

COUNCILMAN MANSON moved to bring Ordinance No. 9 – 2010 forward for passage, seconded by Councilman Hersher.

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

- **SECOND READING ORDINANCES AND RESOLUTIONS**

-

**ORDINANCE NO. 12 B 2010**  
**COMMITTEE**

**BY: COMMUNITY DEVELOPMENT**

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** B Second reading.

**COUNCIL PRESIDENT GAMBER** B Second reading and we have public hearing with that?

**COUNCIL CLERK MARY BETH** – March 1st at 7:00pm.

ORDINANCE NO. 12 – 2010 WAS GIVEN SECOND READING.

**ORDINANCE NO. 21 – 2010**

**BY: FINANCE COMMITTEE**

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

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**COUNCILMAN MANSON** B Yes, I will be giving this second reading. As I've said in the past any questions that you have or anything you want to know about this bring them in between now and next Monday's committee meeting. I know Mrs. Catazaro-Perry met with the in the auditor's office a week or so ago and went over some things. I think although we may not like everything that we're looking at here I think we do have a pretty good understanding of where

we're at and what our situation is. I still say that we are only approving what the auditor's office will certify. Any of these other funds we talk about are going to have to show up or we will have to tighten our budget. There's no doubt about that we realize that. So second reading.

ORDINANCE NO. 21 – 2010 WAS GIVEN SECOND READING.

## **16. NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT GAMBER** B Mr. Peters?

**COUNCILMAN PETERS** B I'll keep this brief because I know everybody wants to go home. Everyone in this chamber knows that I'm over spirited and you guys might have another word for it. But I want to apologize and to no one individual I want to apologize to this body. Sometimes in my in the spirit of things I get a little excited and carried away. I've done it before and I'm not going to say I'll never do it again. But I want the people of this council to know that I have the upmost respect for each and every one of you. Even though I don't show that all the time I really do. I respect what you do and I respect your opinions and I will promise you that I will unless I'm sick I'll never get up and leave another meeting because I can't control myself. This goes to each and every one of you one of you or one of my constituents and I really owe that person an explanation because you know I'm elected to that person's ward. But I want to make it clear that I don't do things intentionally to disrespect any member of this council. I apologize to the body. That's all I have.

- **REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

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## **18. ADJOURNMENT**

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

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MARY BETH BAILEY, CLERK,

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GLENN E. GAMBER, PRESIDENT

