

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, APRIL 19, 2010**

COUNCIL PRESIDENT GAMBER B I=d like to welcome all of you to Massillon City Council for Monday, April 19, 2010. We have in attendance with us this evening: Mayor Cicchinelli, Law Director Stergios, Engineer Dylewski, Fire Chief Burgasser, Police Chief Williams and Wastewater Treatment Superintendent 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

COUNCIL PRESIDENT GAMBER B I will recognize Councilman Dave Hersher for the invocation and the Pledge of Allegiance.

COUNCILMAN HERSHER B gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN HERSHER – Chairman of the Environmental 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

ANNA CAPALDI – I'm at 4708 13th Street SW, Canton. I'm here to speak against Resolution No. 7 from 2010 endorsing the annexation of 6.424 acres of land in Perry Township. First I would like to say that this is not about Perry versus Massillon. This is about a government overreaching through the manipulation of annexation laws to help fund a troubled budget by taking money from teachers and school staff with the potential for reduced services. I don't believe this is the time to take 1.8% away from someone just because you think you may need it more. I understand that approximately \$39,000 was spent by the city to acquire the land to purchase it from the State of Ohio. I would like to say that I wish the mayor would spend this amount of time, money and effort to produce real growth for western Stark County, other than

just adding to their income on the backs of our collective residents. As government we can't just look at the money that we can raise but what is the value that we have added. We are the government and we are here to serve not to be served. I also wanted to make sure that council was aware of the level of services that is provided currently by Perry Township because that will add cost again to the city. I did give reports to the Clerk of Council, Perry Township responded to nearly 100 calls of service from our police department. The reports range anywhere from assault, theft, drug violation, alcohol offenses including sex offenses as well as other types of offenses. These cases normally do take hours to investigate and handle appropriately. In addition to that we provide services through our fire department that include yearly inspections, fire safety and fire extinguisher training for the food management department, the metals trades, HVAC, auto body mechanics and bakery students. We also provide fire safety programs for the 3 to 4 year old that attend the child care management classes. So we do more than just drive by during our patrols. So I ask you to consider the level of services that will be able to be provided and again I do not think it was the intention of the annexation laws to merely take from the employees without providing additional services. I just don't think this is the time to do that. I also question and I'm not sure how the city can provide sewer services when the sewer district falls in the county sewer district and how those boundaries are re-drawn. I didn't think that was re-drawn through annexation that was the one question that I had from the reports. But thank you for your time and your consideration.

ANNE UNCKELSBAY – I reside at 3026 Maytime Street NW just one block north of the Perry Township Hall. I'm here to express my dismay and disagreement with Resolution No. 7 – 2010 as proposed by the community development and annexation committee. I'm a retired teacher from the Massillon City Schools. While thinking about what I wanted to share with you tonight I discovered that I have lived in equal number of years in the City of Massillon and in Perry Township 25 years in each. My original concern and objection to the proposal for the annexation was for the employees that the school who would be forced to relinquish 1.8% of their wages to the city for your income tax. In these uncertain economic times I looked at this plan as the wrong way to improve the city's financial situation. I know that all of you who receive a salary have sacrificed because of this also. As a retired teacher with the Ohio Teachers State Teacher's Retirement System I'm aware of the studies that are taking place in all the public pension funds in order to improve their ability to continue to pay benefits and remain solvent in the future. The employees at RG Drage will most likely be faced with increased pension contributions deducted from their wages additional years of service required for retirement, much higher health care costs and legislation for that is still being worked on. In the latest issue of the Ohio School's Magazine an article was entitled "Tough Lessons In Hard Times" I'm respectfully asking council not to make hard times even tougher for those who are working with our youth at the school. As far as I know I do not know anyone at the school we did have one granddaughter who studied cosmetology there and had graduated in 2008. As a little boy said his father looked at this report card of course that is only one person's opinion. My comments tonight are just that just my opinion but they might be shared by others who are not able to be here to express their concerns. As I said my first concern was the pay cuts for the employees as I looked at the other effects of the proposal I found some additional questions which were prompted by articles in the Independent and minutes of your last council meeting. I've not attended any of the meetings or talked with any of you personally I did leave a brief note for the mayor and members of with Ms. Bailey this last Friday and she was quite helpful and I appreciated that. I also left a message on Councilman Peters telephone after he expressed the idea that people were not lining up to oppose the annexation. I've not received a reply. My additional questions which I don't expect to have answered tonight are; #1, how many taxpayer dollars will be expended by the City of Massillon and Perry Township to achieve and/or contest this annexation? #2, has the mayor determined the cost to the City of Massillon to provide services to area to be annexed? Will the cost to the city be minimal as Councilman Manson suggested? Tonight's agenda item Ordinance No. 54 may answer that question. #3, what is the other revenue which the mayor told Councilman Anderson which they did not take into consideration? #4, what is involved with providing sewer services, will there be additional cost to the city? #5, in regard to safety services Councilman Peters was quoted as saying "that he always sees cruisers coming off of Richville Drive and they're probably out there 3, 4 times a day. Has anyone checked with the police department to determine the extent of their patrols in the area? Wouldn't providing services require more than just driving out that way and I think Anna suggested or mentioned the ones I had thought of. But she's more knowledgeable. Security, drug test, traffic accidents, possible thefts are just a few that might take more

manpower. #6, regarding fire and ambulance service, which Massillon station would respond to the school? How would the response time compare with the current response time from the township? Will lives be put in jeopardy? #7, what did Councilman Peters mean when he said the tax comes with the territory and he is tired of hearing about taxation without representation. Why is that not a valid argument against this legislation? #8, I remember when our state had a big push for vocational education to provide for students who were not college bound and provide more practical work training. At the time to my knowledge the Massillon Board of Education did not chose to participate because we had our own vocational department. Will the school districts which sends students to RG Drage be as excited as Councilman Manson when the school is in the City of Massillon? #9, how many share Councilman Slagle's concern for the impact of additional annexation of the city? I believe this is one question which current city residents will be asking as they pay their taxes and complain about dwindling resources and services. #10, how many of the people effected pay city taxes to other cities and so forth? Perry Township does not and can not require income taxes. #11, did Councilman Townsend get an answer to his question that goes along question about how the members of council feel about the people this is going to affect? That goes along with my question #12, which is almost the last. What are the opinions of President Gamber and the remainder of council members, Mrs. Catazaro-Perry, Mr. Ron Mang, Mr. Dave McCune and Mr. David Hersher who have not been quoted as far as I know. I don't like to leave anyone out. #13, my final question is just because something is legal does that make it right? I thank you for listening.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 54 B 2010 **COMMITTEE**

BY: COMMUNITY DEVELOPMENT

Indicating what services the City of Massillon, Ohio, will provide to the US 30 – Richville Drive Area Annexation, upon annexation, and declaring an emergency.

COUNCILMAN MANG B The title pretty much tells what the ordinance is about. It's about advising prior to the annexation what the services the City of Massillon will provide. If you take a look at the number of services that are involved it really is the same services that you and I receive residing in the City of Massillon. There is no difference, there is one area that in the administration level that will take within a year to render those services. But as far as police, fire, sanitation, street department our wastewater and sewer department all those things will be effective immediately. It's very likely I've missed some others but some of the things we're talking about actually are the same as the city services that you and I have. If there's any questions on that I'm going to ask for consideration to bring this piece of legislation forward.

COUNCILMAN TOWNSEND B I have a question and a comment. R.G. Drage where would this school be located which ward?

COUNCIL PRESIDENT GAMBER B Who are you asking?

COUNCILMAN TOWNSEND B If I don't know whoever can answer that.

COUNCIL PRESIDENT GAMBER B Well, I can answer on an annexed area the Board of Elections determines the boundaries. I would guess that it would be in ward 4, but I don't know that for sure.

COUNCILMAN TOWNSEND B I guess my comment you know I made the statement last week just to I guess to hear from city council members. I also made that statement to try to fish out some of the responses of the people or the employees at RG Drage. Unfortunately I haven't heard from them so that tells me and its just my personal opinion that maybe they're not concerned about the 1.8% taxes. Like I said I made that comment to gauge a response from my council members and fish some of the people out but I haven't gotten any phone calls. I haven't gotten any emails or anything so just to make a statement tonight I will be voting in favor of the annexation.

COUNCIL PRESIDENT GAMBER B Would you like a follow-up at all with the mayor or someone on your question regarding the political boundary? (Yes) Mr. Mayor?

MAYOR CICCHINELLI – Like we had stated earlier the City of Massillon does not determine ward boundaries. However, if you look at a map I think its pretty well decided that it will be in 4 because it's the only ward that it's contiguous.

COUNCILWOMAN CATAZARO-PERRY – I would like to bring up the police chief.

COUNCIL PRESIDENT GAMBER B Chief Williams.

COUNCILWOMAN CATAZARO-PERRY – Chief Williams have you had a chance to look at the data that was supplied to city council?

POLICE CHIEF WILLIAMS – Yes, I have.

COUNCILWOMAN CATAZARO-PERRY – Do you feel that we are equipped with our police department to handle calls like this?

POLICE CHIEF WILLIAMS – Looking at the document to be honest I was pleasantly surprised I thought that the call volume would be much greater. Out of the last three years 42 calls in one year was the most which adds up to less than a call a week. So that's something we can easily absorb without making any changes whatsoever.

COUNCILWOMAN CATAZARO-PERRY – Thank you. May I now bring up the fire chief, please?

COUNCIL PRESIDENT GAMBER B Are there any other questions for the police chief while he is up here? Thank you, Chief Burgasser?

COUNCILWOMAN CATAZARO-PERRY – Chief Burgasser, have you had a chance to look at this data?

FIRE CHIEF BURGASSER – I did have a chance to briefly look at some of the things contained within the packet of the information. As far as fire safety classes, fire extinguisher classes and child safety classes for programs for 3 and 4 years. I spoke with our fire prevention officers and much like Perry Township we do the same kinds of things. In terms of a call volume don't think there was a particular call volume associated with fire service contained with the packet of information. If I could infer that usually and certainly countywide dispatch would bear this out is that 70% of calls are fire I'm sorry police and 30% are fire. So if it was one call a week I would infer one call a month and I would say that we would be able to absorb that. I do want to note that the ordinance, Ordinance No. 54, section 2 while it lists of services I think there's a typo that the fire service is not in there and maybe we need to put that. Or else maybe I'm not familiar with this type of annexation and its not to be in there.

COUNCILWOMAN CATAZARO-PERRY – Chief, do you think this is going to create more overtime for our department for the fire department.

FIRE CHIEF BURGASSER – Again, if RG Drage has a major fire we're going to call mutual aid we would staff accordingly for that. Again, we work very well with Perry Township Fire Department and the other agencies we do mutual aid. We give it we get it and I would expect that would continue. You know in a major emergency regardless of whether it's RG Drage, Massillon Middle School or anywhere else we would mitigate the emergency and we may have overtime costs associated with that. So I don't have a crystal ball to be able to tell you whether that's going to happen there or not. But the routine emergency I believe that we should be able to handle with no problem.

COUNCILWOMAN CATAZARO-PERRY – Would it be fair to say that if the property would catch on fire today we would give mutual aid to Perry and therefore we would encumber the same amount overtime vise a versa?

FIRE CHIEF BURGASSER – I'm sorry could you, you lost me at would it be fair to say if it caught on fire I've got to get into my thinking mode.

COUNCILWOMAN CATAZARO-PERRY – Today and Perry called us for help for mutual aid...

FIRE CHIEF BURGASSER – If Perry called us we would send a truck and we would call in overtime, yes, absolutely.

COUNCILWOMAN CATAZARO-PERRY – So it would be fair to say that it would be the same amount or...

FIRE CHIEF BURGASSER – If it were our fire we'd probably would call more people in and we would use them as well. So I mean it would virtually be a wash.

COUNCILWOMAN CATAZARO-PERRY – If anybody else has any questions I'd like to ask the mayor one question.

COUNCIL PRESIDENT GAMBER B Alright, are there any questions for the fire chief, Mr. McCune?

COUNCILMAN MCCUNE B Chief, what would be the distance and anticipated response time to the nearest fire station to the school itself?

FIRE CHIEF BURGASSER – Well, in terms of an EMS call we would send people from station 4 and I'm talking about a first response. You know obviously we had other calls there would be different issues we'd also send in terms of an EMS vehicle the transport vehicle from station 1. You know it's very difficult for me to talk in terms of fire service because there's advantages and disadvantages to volunteer and paid people. We're staff currently okay now for an EMS call they're staffed as well. It probably would be equal distance from their station 1 or station 3 as from our station 4 or our station 1. In terms of a fire response again they command an ability to send additional personnel who are volunteer it just takes them longer to get there. We have our 8 people, 10 people and we'll get there quickly and size up the situations see what the needs are 90% of the time its one room or less and we'll take care of the situation. I hope nobody gets the understanding or impression that I'll demeaning their fire department they have a very good fire department. They're just apples and oranges.

COUNCILMAN MCCUNE B What would be the anticipated response time for us to get on scene.

FIRE CHIEF BURGASSER – I don't have that information. I didn't actually drive out there to give you a distance. I apologize for that I wasn't prepared for that question and I'm sorry about that.

COUNCIL PRESIDENT GAMBER B Thank you, Chief Burgasser, Mrs. Catazaro-Perry, you still have the floor.

COUNCILWOMAN CATAZARO-PERRY – Yes, I'd like to bring the mayor up please?

COUNCIL PRESIDENT GAMBER B Mr. Mayor?

COUNCILWOMAN CATAZARO-PERRY – Mr. Mayor, I have not received one phone call opposing this from any employee at RG Drage. Have you received any?

MAYOR CICCHINELLI – No, Ma'am, the only corresponse was from Mrs. Unklesbay. I did get one call from a resident and there was a lot of misinformation and actually she is a resident of the city at the present time, lived in the township previously. Had all kinds of misinformation and as soon as she got the information she was fine with it. In fact she's not here so I'm sure that attests to the fact that she was happy with the answers and she did not have all the information.

COUNCILWOMAN CATAZARO-PERRY – In reviewing the data that we received do you believe that we can handle these calls?

MAYOR CICCHINELLI– Absolutely, absolutely. I want to say just one lets not lose sight of the fact and I think Ms. Capaldi knows this but I'll say it publicly again. With this type of annexation the property stays in Perry Township. So in essence its annexed into the city but its also in Perry Township. So Perry Township technically is not losing any land. There will be a new taxing district created it will be the City of Massillon, Perry Township, Perry Local School District versus the areas that we live in which is the City of Massillon, Massillon Township and most of you live in Massillon City School District. There's a couple Perry Local School Districts. But the fact is it's a new taxing district so the actual school stays in the township. With that opens up a lot of possibilities as members of council know this is a bigger plan for future economic development. I think one thing that you need to remember is seeing that it stays in the township if council supports what we're attempting to do we will launch a series of discussions involving the township with the trustees as well as the appropriate township officials as well as city officials. Do I think launch a new era of cooperation between the two entities. I think you're going to see more annexations down the road on the expedited version. We've been wanting to do this for quite some time we talked about it during the Fleming Annexation however the township trustees at that time decided to go a different route and supported an annexation of about a 100 acres of county farm to the Village of Navarre. Instead of working with the City of Massillon I will say this that Anna Capaldi did not support that legislation and would have liked to work with the city. So that offer is still on the table and we would hope in the very near future that we can investigate how we can work together on these issues.

COUNCIL PRESIDENT GAMBER B Are there any other questions for the mayor? Mr. Mang?

COUNCILMAN MANG B Yes, mayor, would you explain the sanitary sewer from the county to the city. I notice it's been brought up by these two people tonight.

MAYOR CICCHINELLI– Yes, Mr. Mang, as I mentioned earlier the school in question uses the City of Massillon's wastewater treatment plant. But at the present time is a county customer. However, the waste comes to our plant. As I mentioned earlier if this annexation goes through then we would be required to acquire that customer from the county. There's a formula already in the ordinance between the city and the county as far as sanitary sewer service as part of the agreement. Then we would buy them and then that school Drage would be charged the lower rate and I know its been estimated by Mr. Dylewski to be around \$300.00 a month less for sanitary sewer for the school. So the district its is in it's Stark County District service by the Massillon City plant. Similar to what happens in Canton with their regional plant and Alliance and its regional plant those plants service more than just the cities in question.

COUNCIL PRESIDENT GAMBER B Mr. Slagle?

COUNCILMAN SLAGLE B I'm just going to bring this up now since you're there Mr. Mayor. Obviously you look at it from the advantage of picking up the school and then the taxing of the employees into the city. But we rarely hear the cost to the city because there has to be some cost as I said before with each annexation you're expendingly growing the area that our services have to cover. Have you done any kind of an analysis in that regard?

MAYOR CICCHINELLI– Not and this particular situation I think we discussed at the work session last Monday and some of the information would be I mean specific information would take quite a bit of time to do that. Because you would have to base it on calls base it on the services for example sanitary sewer there's really no service unless something happens. Police and fire I think you'll have both chiefs saying that its not going to negatively impact the present service. If you want us to do that in the future we will attempt to do that with these annexations its going to be very difficult to do that Mr. Slagle. But we will attempt to do something I guess I don't know how I put a value a dollar value on calls. I mean to what extent do you want us to do?

COUNCILMAN SLAGLE B I think you could probably get some sort of a breakdown on the

past annexations and what the city had to spend in various areas though couldn't you. So we at least have a historical perspective...

MAYOR CICCHINELLI – Maybe the large items like if it involved a sanitary sewer construction even though those dollars come from a different fund. We might be able to do something like that.

COUNCILMAN SLAGLE B In terms of the annexation parcel how large is the actual Drage property itself that we're discussing in relationship to the entire parcel?

MAYOR CICCHINELLI – Oh its 80% its over 100 acres.

COUNCILMAN SLAGLE B Thank you.

COUNCIL PRESIDENT GAMBER B Mr. Mang?

COUNCILMAN MANG B Yes, sir...

COUNCIL PRESIDENT GAMBER B Now before you make a motion I would like to mention that the law director has suggested that we add four words into this. I'd rather not declare it a typo I'd rather have us amend or I'm sorry included in the ordinance before we actually start to consider it so that we're going from scratch on this. So Mr. Mang, so ahead and make your comments, please.

COUNCILMAN MANG B I have no comments to make other than I think this piece of legislation is going to be good I think for everybody. It doesn't sound good for the employee but I think the overall picture when we look at the land that's there and the possibility that the state someday may sell the land and that land may occupy residential homes or may be business which in turn would generate more dollars for Perry Township. Again, the city would be looking at an income tax factor. I move to insert the...

COUNCIL PRESIDENT GAMBER B May I go ahead and give you that now Mr. Mang? (Yes) If everyone would look at section 2 please; fourth line in section 2 there was an omission "not limited to the services of the Municipal Police Department," please insert "the Municipal Fire Department," continuing with the services of the Engineering Department. So we're adding four words the municipal fire department. Mr. Mang, I would like that in the form of an amendment before we consider the ordinance please?

COUNCILMAN MANG moved to amend Ordinance No. 54 – 2010 as presented by the President of Council, seconded by Councilman McCune.

Roll call vote of 9 yes on the amendment.

ORDINANCE NO. 54 – 2010 WAS AMENDED BY A ROLL CALL VOTE OF 9 YES.

COUNCILMAN MANG 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. 54 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 55 B 2010

BY: ENVIRONMENTAL 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 contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the purchase of one waste packer truck for the City of Massillon Solid Waste Department, and declaring an emergency.

COUNCILMAN HERSHER B First reading.

ORDINANCE NO. 55 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 56 B 2010

BY: STREETS, HIGHWAYS, TRAFFIC &

SAFETY

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to rename Isabella Avenue SW, running east/west between Duncan Street SW and Jackson Street SW to Mark Ross Avenue SW, and declaring an emergency.

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COUNCILMAN PETERS B I'm going to give this first reading, we're going to give it all three readings. But we do have a public hearing set and you give me the date Mary Beth?

COUNCIL CLERK MARY BETH – Yes, Monday, May 3rd at 7:05pm.

COUNCILMAN PETERS B May 3rd at 7:05 here in council chambers; this will give any residents on that street a chance to come to the chambers and object or agree to. So first reading.

ORDINANCE NO. 56 – 2010 WAS GIVEN FIRST READING.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A. Repository - \$1,338.00

COUNCIL PRESIDENT GAMBER B Mr. Manson, we need a motion?

COUNCILMAN MANSON B I move that we pay the bill, seconded by Councilwoman Catazaro-Perry.

Roll call vote of 9 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2010 B COPY FILE
- B). TREASURER SUBMITS MONTHLY REPORT FOR MARCH 2010 B COPY FILE
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2010 – COPY FILE
- D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR MARCH 2010 – COPY FILE
- E). WASTE DEPT SUBMITS MONTHLY REPORT FOR MARCH 2010 – COPY FILE
- F). MAYOR SUBMITS MONTHLY REPORT FOR MARCH 2010.

COUNCIL PRESIDENT GAMBER B Thank you. Everyone has those reports and we'll keep copies on file.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER B Next Monday the 26th there will be committee sessions is there any council member with a request, a report or a resolution.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT GAMBER B Mrs. Catazaro-Perry, where are we now with the mayor coming in? Is that next week or is that in May?

COUNCILWOMAN CATAZARO-PERRY – May 10th at 5:30pm.

COUNCIL PRESIDENT GAMBER B Is there anything from anyone else?

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 37 B 2010

BY: ENVIRONMENTAL COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an agreement with URS to perform a sewer rate study for the City's wastewater treatment system, and declaring an emergency.

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COUNCILMAN HERSHER B This is as president has already said this is the third reading for this ordinance. Council was against passing this ordinance on first reading so I've chosen to give it three full readings. We're bound by Ordinance No. 30 – 2008 to undergo this rate study. So this is simply fulfilling what we're obligated to do by that ordinance. I've heard from no one since this was first put on the agenda on March 15th with the proposal to change 30 – 2008. So we'll move to that we bring this forward for the question of its passage this evening. Seconded by Councilman Manson.

COUNCILMAN MCCUNE B I did mention at a work session I felt that this Ordinance No. 30 – 2008 should be something that we should reconsider as we do these studies. Because of law because of having to do so but often times we don't follow through with the recommendation of and as Mr. Peters and Mr. Slagle has mentioned in the past that sometimes seem a little redundant to do so. I personally would not support an increase in the wastewater fees if it should show that the study comes back and shows that we should because of the situation within the economy of this nation right now. So I would think at a work session in the future we should reconsider not only this ordinance but many other ordinances that require studies be performed and that we perform these studies on an as need basis rather than a have to.

COUNCILMAN SLAGLE B I think that from what I learned last time we had the study we didn't really comply with it anyway in terms of what was recommended. So why spend the money on them to...

COUNCIL PRESIDENT GAMBER B The ordinance requires the study it does not require that you do anything in particular with it.

COUNCILMAN SLAGLE B Yeah, except the study costs money. It seems to me that we should change an ordinance that's requiring us to spend money if we're not going to comply with it anyway. So...

COUNCIL PRESIDENT GAMBER B Mr. Hersher?

COUNCILMAN HERSHER B My view on this has always been I think it's a good idea maybe we can or we should revisit the frequency but I do think it's a good idea to have these studies periodically so that we make sure that we're not too far ahead or too far behind where we need to be for the needs of the wastewater treatment plant. You know we need to allow ourselves the flexibility like we did two years ago to weigh what the study says versus the actual needs on the ground and the city as far as what action that we take or do not take. So the studies in general I think are a good idea just to make sure that we stay in line with the needs of that asset of the city.

COUNCIL PRESIDENT GAMBER B Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I agree with Mr. McCune and Mr. Slagle that these studies should not be mandated every two years. \$17,000 is a lot of money for a study and to be performing that every two years. So I'm not going to be supporting this legislation this evening.

COUNCIL PRESIDENT GAMBER B Mr. Mang?

COUNCILMAN MANG B Didn't I hear somewhere along the line that we are required to do this study.

COUNCIL PRESIDENT GAMBER B That's correct, it was an ordinance in 2008 that calls for a study a rate study every 2 years. It does not mandate that council follow through with whatever the recommendations are.

COUNCILMAN MANG B I understand that we this body have indicated that we want to take a study every two years. So I would appear if that's the case and we don't want to do it we would have to amend something.

COUNCIL PRESIDENT GAMBER B You would have to eliminate that particular requirement, yes.

COUNCILMAN MANG B Which would take...

COUNCIL PRESIDENT GAMBER B A separate action than this.

COUNCILMAN MANG B Right, I don't see a problem with taking the service I do understand that it will cost us some money but by the same token we're getting another review of the services that we provide. As Dave indicated we sure don't want to be behind what's going on but by the same token we don't want to anticipate or decrease our prices when they're not needed. That's all I have to say.

COUNCIL PRESIDENT GAMBER B Mr. Peters?

COUNCILMAN PETERS B It's Donnie Peters' dumb question time. I don't understand if we've already got an ordinance in place that says we have to do this why is there any other ordinance following up to vote on it again. I mean why do we have to vote on this?

COUNCIL PRESIDENT GAMBER B This would approve the contract the previous ordinance requires a study. This is the study what you're authorizing is in effect the contract for that study. If I could ask a question Mr. Hersher, those funds are coming from the wastewater treatment fund not the general fund or any similar location is that correct?

COUNCILMAN HERSHER B That's my understanding.

COUNCIL PRESIDENT GAMBER B Does that answer your question, Mr. Peters?

COUNCILMAN PETERS B Yes.

COUNCIL PRESIDENT GAMBER B Mr. McCune?

COUNCILMAN MCCUNE B Technically by law we have to pass this ordinance tonight correct?

COUNCIL PRESIDENT GAMBER B You have to have a review. What you're voting on is a particular contract tonight. If I read the ordinance properly, a vendor has been chosen, the scope of services have been described and a figure is included in with the ordinance. Is it not?

COUNCILMAN MCCUNE B I'd like to bring the law director forward?

COUNCIL PRESIDENT GAMBER B Mr. Hersher, the ordinance is basically for the contract

is that correct?

COUNCILMAN HERSHER B Correct, yes, Mr. President.

COUNCILMAN MCCUNE B Mr. Stergios, even though there's some of us on council that stand in opposition of I guess the frequency of these studies and the cost associated with. If we should if this ordinance should be voted down tonight we would be in violation of our own law?

LAW DIRECTOR STERGIOS – Assuming Ordinance No. 30 – 2008 says we're to re-evaluate it every two years I would say yes. What the remedy is I don't really...

COUNCILMAN MCCUNE B So I guess my question would be I guess more of a statement and a question. We have to approve this contract because we have in the past in 2008 said that we were going to perform this. But is there anything that would preclude us from amending the 2008 ordinance so that these frequencies are more or we could change the wording to an as needed basis.

LAW DIRECTOR STERGIOS – Yeah, these nothing to preclude you from amending 30 – 2008 to change the frequency. It would have to be separate legislation on it on a different day we couldn't do it today.

COUNCILMAN MCCUNE B Could I make a formal request that we bring that to a work session for consideration?

LAW DIRECTOR STERGIOS – Oh, I don't have any problem with that I think that probably the request that Mr. Bledsoe or somebody who's more in charge of the sewer plant than myself. But you guys can bring forward anything you want. I mean it can certainly be changed and you're entitled to bring forward an ordinance to do it. So you don't even need permission.

COUNCILMAN MCCUNE B So, yeah, I mean I want to make sure that we're doing this even though I'm in opposition of the study and will not vote in support of it should it come back with probably the obvious suggestion that we do increase rates. I guess I'm honor bound to vote in support of this ordinance tonight or else be in violation of the law. Correct or incorrect?

LAW DIRECTOR STERGIOS – That's a loaded a question. I don't know the answer I mean you guys are supposed to do something under that old ordinance. Maybe it doesn't cost \$17,000 maybe you could get somebody to do it for free that's not going to happen.

COUNCIL PRESIDENT GAMBER B That would be my reply Mr. McCune, is the ordinance requires the evaluation. What you're voting on is a particular contract. You still have the floor. Do you have a question for the law director, Mr. Peters?

COUNCILMAN PETERS B How much jail time will we do?

LAW DIRECTOR STERGIOS – I don't think you'll go to jail. Maybe you should table it till the next meeting.

COUNCIL PRESIDENT GAMBER B Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Stergios, if we're just voting on the contract tonight we may not agree with the \$17,000, maybe if it were a \$1,000 we'd all vote yes. So we're not really truly in violation of the ordinance that Dave that Mr. McCune was speaking about especially if we bring something forward at a work session.

LAW DIRECTOR STERGIOS – I agree with what you're saying but the study if we approve this ordinance we are bound to pay \$17,000 for this contract whether you don't have to like it.

COUNCILWOMAN CATAZARO-PERRY – But there's no timetable on when we approve this it just says every two years. So if we take two more weeks to discuss it at a work session that would be appropriate.

LAW DIRECTOR STERGIOS – Right I don't see any problem with taking two weeks you know tabling it taking two weeks to discuss it.

COUNCIL PRESIDENT GAMBER B Mr. Hersher, may I make a suggestion that we call Mr. Bledsoe forward? It's your call.

COUNCILMAN HERSHER B No, that's fine I don't have a problem with that and then I'd like to make some comments. Well, just quickly I guess we're talking about your department your building what are your feelings on the need for the study the timeline, does it need to be done every two years. This particular ordinance you know the contract with URS.

WASTEWATER TREATMENT PLANT SUPERVISOR BLEDSOE – Well, in my opinion the priority of the study itself is extremely high. Relatively speaking to all the other cities adjacent to and throughout the State of Ohio we lag way behind in our fees and dues and our surcharge rates right now. To come up to par to that should and would not be a problem. The value of that like I said is three-fold. I understand Mrs. Perry's concern about spending the \$17,000 the value of that would be to follow up to vote for the passage of the rates once the rates were established. So if that's not going to be done that would create another problem. But the priority of getting the rates up there where they need to be in my opinion is extremely high. Because of the cost of the treatment of that plant is constantly exponentially growing. That never ends for me and its not going to end for the City of Massillon. That's just an opinion.

COUNCIL PRESIDENT GAMBER B Mr. Slagle?

COUNCILMAN SLAGLE B But Mr. Bledsoe we knew that in 2008 already didn't we that we were already low and we did not increase anywhere near what the study suggested we should in either of our commercial or our residential rates did we?

WASTEWATER TREATMENT PLANT SUPERVISOR BLEDSOE – I wasn't physically here but that's been the story up until yes and that seems to be backed up by what I've put together since I've gotten here. Yes.

COUNCILMAN SLAGLE B I mean a new study isn't going to tell us anything differently than what that study told us in 2008 that we're behind the curve significantly. I mean we certainly didn't catch up have we?

WASTEWATER TREATMENT PLANT SUPERVISOR BLEDSOE – No, we haven't we're still extremely behind especially with the percent of growth that we've had for industrial contribution to the plant. 35% of my flow is industrial to that plant, that's the hardest and the mostly to treat. The surcharges that's usually and like I said throughout the cities of Ohio imposed on the industrial contributors generally is a higher fee. That's because they have an understanding of that cost that it is relative and they usually accept that.

COUNCILMAN SLAGLE B Speaking of the industrial flow in the past two years several of our industrial customers were supposed to be doing pre-treatment and aggressively handling that. Have those efforts been followed up on I mean have we seen an improvement on pre-treatment by the industrial users or are they just stagnated over the last two years.

WASTEWATER TREATMENT PLANT SUPERVISOR BLEDSOE – In my opinion since I've gotten here they've produced quite an improvement especially the new Shearer's project coming on line. They've put a system in there that I haven't gotten to inspect yet because the start up system was delayed, delayed and delayed. They did have problems that's generally a problem in start ups they do have problems because they have to get qualified people in there to operate their systems and that's one of the things that we pushed for in the three meetings with pre-treatment scheduling. I have a good pre-treatment coordinator down there Dawn Casting she follows up on this for me. We're making daily checks we do split sampling we investigate this as thoroughly as necessary. I think they've come quite a ways with it especially over and above on board with what's already defined in the permits issued by the City of Massillon for these industrial contributors.

COUNCILMAN SLAGLE B Okay, does that mean they've all made steps forward or not? I mean Shearer's we understand their putting in a new plant it would be expected that they would comply with that as they've done with virtually every other agreement with the city. But I'm talking about the other industrial users that we know should have been pre-treating and talked about doing more pre-treating. My question is have they improved their pre-treatment operations or not?

WASTEWATER TREATMENT PLANT SUPERVISOR BLEDSOE – Across the board not every single one most of have maintained because that has been as far as the city has pushed for. As you know some people will just get by with whatever they can get by with. They do that for EPA requirements, they do it for the city's permit requirements. As long as they cover themselves they figure they're okay. This procedure and this put in place sewer use ordinance fee rate schedule would impose them to probably make a cheaper move to install whatever they needed to make their pre-treatment as best as they can make before it ever gets to the city lines. Because surcharges and those fees are going to be based on their discharge contaminates and quality.

COUNCILMAN SLAGLE B Thank you.

COUNCIL PRESIDENT GAMBER B Mr. Hersher?

COUNCILMAN HERSHER B Well, Mr. Bledsoe touched actually on what I was going to mention and that is those that have not am I correct in saying that those that have not improved their pre-treatment are paying the surcharges that you need at least from 2008 to handle that waste. Is that correct?

WASTEWATER TREATMENT PLANT SUPERVISOR BLEDSOE – Yes, when deemed necessary.

COUNCIL PRESIDENT GAMBER B Mr. Manson?

COUNCILMAN MANSON B Yes, its not that many months ago that we had a huge discussion about this with Heinz. They made a major, major, major investment in pre-treatment and if they wouldn't have done that Heinz's history in Massillon would not be very good really. I mean that's keeping that company in town and expanding. Now I know Mr. McCune its no fun to talk about raising rates to people any kind of rates I don't care what it is. But we were way off I feel in what our sewer rates were for industrial and residential. We did a study in 2008 that told us that we had a very politically heated discussion for quite a period of time. Some of the major users I think and rightfully so where they have the right to try to influence council at that time and to try to get the thing through we maybe did back off some from what the study did. But we talked about a future study now to me that's all the more reason why we should be strongly considering that study now to see if we have maybe closed the difference up on what our rates are or maybe even the problem is growing. There's one thing that this has to pay for itself and it has to pay for itself today and it has to pay for itself down the road five and ten years. I mean there's huge changes coming at us as far as handling things just like we had the discussion about sludge and how long we should enter a contract. Because you know different things are coming but the study on this I think is essential because we did back off from what the recommendation was. The other part I think we probably have the expertise between the managers there and our own engineer maybe to do a study. I'm sure we can do a study we can probably take URS's study and make some comparisons to it, okay. But a company like URS or somebody that large has access ready access to a lot of information maybe that we don't have that we would have to spend a lot of time digging up. They may be doing studies for other municipalities that it gives them a running start and knowing what information to ask for out of our wastewater treatment department. So like I said I understand you know you don't want to talk about rates its just like the water rates we're talking about we have to make sure our departments are funded and paying for themselves. All we're talking about is a study now when the study is over the politics will start again. Whether or not we want to comply a 100% with this study or whether there's something in between but we have already seen the effects. Shearer's is doing their plan for their pre-treatment is great and their using that as part of their promotion for their company that they're going to be a green

company. Like I said with Heinz if they wouldn't of decided to upgrade we would probably be seeing Heinz move out; they're spending I believe 1.5 dollars that they committed to that pre-treatment. I think that's going to show other people that they're going to have to do the same thing. You can't just dump this stuff in the municipal sewer system it has to be pre-treated. We have to keep track of these rates because when we handled these kinds of things they're toxic they literally destroy the system. Sulfides can destroy a sewer line from say one specific company or something. So personally I'm in support of doing restudying here now if we want to look at maybe changing the longevity out to maybe if we renew an ordinance saying well lets do it every three years or something I don't have a problem with that. But I think you know part of what we did with our rates was done because we were going to go back and look. That's I think we should do this.

COUNCIL PRESIDENT GAMBER B We're going to finish out this way and then come back to Mr. Hersher? Does anyone else...Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Well, and I agree with Paul the reason that we dropped those rates and voted on a lower number was because of the political climate that came out and spoke against the rates and also spoke against pre-treatment. So you know I think that we should do studies but I don't every two years I think the wastewater treatment plant is not our cash cow and we sometimes use it as that. So I just think \$17,000 is not something we should spend right now and maybe every four years. I don't think it should be done every two years you know you can raise the rates without doing a study if you already know that you're below. We knew it in 2008 I see no reason why you shouldn't put a proposal together and bring it to council and let us vote on it. I mean we already know that. You can call around to different cities and say this is what the rates here this rates there and give that to council and we save \$17,000.

WASTEWATER TREATMENT PLANT SUPERVISOR BLEDSOE – Well, a lot of times and I don't mean to be rebuttal but a lot of times the simple credibility of a firm that does this an engineering firm that does this carries a lot of weight all throughout the system to get it proposed from start to finish. That's a big value Kathy and Keith did go through the system of getting at least five people to propose a quote on this plan and \$17,000 was the cheapest bid that we could come up and still carry the credibility. I would like to state that since I've gotten here my first priority one of my first priorities odor being right up there but one of my first is budget cutting where ever I saw it necessary. Because I know a few tricks and there was a few tricks that I was able to put into place when I got here procedure wise, equipment wise and people wise and man hour wise. I contacted an electric company I've saved us over \$32,000 since I've gotten here off of the electric bill because of the procedural changes I've made. That will continue to stay in place as long as the plant runs the way that I want it to run. So that \$17,000 was accrued it wasn't given to us it wasn't fragrantly thrown out of the budget by me. So...

COUNCIL PRESIDENT GAMBER B We'll go back to Mr. Hersher. I have one quick question if I might Mr. Hersher? The funds in the wastewater treatment plant can those be used anywhere else in the city? Can they go to the police, the fire, the parks, the streets? (No) So in terms of using those funds to bolster any other account it just can not be done legally correct? (Correct) Mr. Hersher?

COUNCILMAN HERSHER B I don't know about the rest of the members of council but I don't have anything further for the engineer I mean for the superintendent.

COUNCIL PRESIDENT GAMBER B Alright, we're back to you for a decision on the ordinance.

COUNCILMAN HERSHER B Well, I do have a quick comment that I would like to make and that is just to reiterate what I've said. You know this study and we can talk about whether it should happen every two years. You know the two years had to come from somewhere you know its not an arbitrated it came from discussions with URS from the needs of the department. But you're talking about taking an opportunity to audit the performance of our rate structure and the performance of the dollars coming into the wastewater treatment plant. It's no different in my opinion than examining any other department or any other budget to make sure that its

happening as efficiently as possible. Especially you know its important with the wastewater treatment plant its an important asset to the city its an important asset to our future economic development that that functions properly and be able to handle the current needs and the future needs of the growth of the city. You know as far as the comment that you know that we know we were behind and so you know we don't need to look to experts again to tell us where we're at. I strongly disagree with that that's about the you know equal to me saying I know the last time I went to the doctor what I was told and I haven't lost any weight so now I don't need to go back to the doctor again. We always need to be in touch with the experts and in this case URS has a history with us they were the best bid. We need to stay in contact with them have them work with our department heads the people who are trained to run that building to run that plant and we certainly have a full body of intelligent and capable people on council but I do not believe any of us have a history in running a wastewater treatment plant. I think its important to leave that to the experts and I think its important even for the managers within our cities to turn to outside help in running their departments. So that's you know there was I think a reason why we passed it two years ago and a reason why we need to continue to have these studies periodically. I'm willing to discuss what that period of time is that we have them but I do think they need to happen because I do think they are important in making sure as I said earlier that we do not get too far behind nor too far ahead in what we're collecting and charging in fees. I believe that the mayor also would like to come up and comment. So if I could call the mayor forward Mr. President.

COUNCIL PRESIDENT GAMBER B Mr. Mayor?

MAYOR CICCHINELLI – Just so the members of council Mr. Bledsoe is a relatively new employee wasn't here when we launched this study and plant was being renovated and expanded. The four companies that we talked about that were in the city were Grief Brothers, Heinz, Fresh Mark and of course we were talking about Shearers. Because as that time they were building a larger facility. All of those facilities there's been a lot of progress made. Fresh Mark in their new expansions will have pre-treatment, Shearers, Mr. Bledsoe already mentioned will have 100% pre-treatment, Mr. Manson mentioned Heinz the expansion if you remember the deal we put together a few months ago to get them to expand here hopefully. But to actually maintain employment levels at the Massillon plant. They knew that a major investment for pre-treatment was necessary and it's a great sign that they decided to move forward on that. There has been some progress the agreements are in the process of being signed when you go up a corporation that large it takes a little while to get everything signed, sealed and delivered. But they're committed in proceeding with their pre-treatment. Grief Brothers is very close I'm saying it could be a couple of weeks of actually getting their pre-treatment up and running. So I know Mr. Bledsoe has been working with them back and forth with the operator there. So those four companies all have made progress and I want council to know that. Those were the key four in the city that needed some type of pre-treatment.

COUNCIL PRESIDENT GAMBER B Thank you, Mr. Mayor. Mr. Hersher, we're back to you.

COUNCILMAN HERSHER B Well, I believe having given this three readings I believe that it should be brought forward this evening for a yes or no vote. If its not the will of council to pass it and this particular study then so be it. But having been given three readings and I think we owe to vote this evening.

COUNCILMAN HERSHER moved to bring Ordinance No. 37 – 2010 forward for passage, seconded by Councilman Manson.

ORDINANCE NO. 32 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 2 NO. CATAZARO-PERRY AND MCCUNE VOTED NO.

RESOLUTION NO. 6 B 2010

BY: POLICE AND FIRE COMMITTEE

Permitting the Mayor of the City of Massillon, Ohio, to enter a Memorandum of Understanding with the Stark Council of Governments (SCOG) to consolidate emergency dispatching operations to enhance safety and improve efficiency.

-

COUNCILMAN MCCUNE B Yes, this is a resolution permitting the city to move forward with its participation in Stark County government to consolidate emergency dispatching operations. I have held it to the third reading because I wanted to make sure I have the input of both the chiefs of our safety services. I never was really able to hook up with Chief Williams to get his complete input but Chief Burgasser strongly recommended that we move forward with this as he wants to stay hands on involved.

COUNCILMAN MCCUNE moved to bring Resolution No. 6 – 2010 forward for passage, seconded by Councilman Slagle.

RESOLUTION NO. 6 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

- **SECOND READING ORDINANCES AND RESOLUTIONS**

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ORDINANCE NO. 43 B 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Plan, authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

-

COUNCILMAN MANG B Public hearing was held tonight at 6:30pm at which time we had probably six or seven recipients of the money that is being outlined. This will be the second reading for this piece of legislation.

ORDINANCE NO. 43 – 2010 WAS GIVEN SECOND READING.

ORDINANCE NO. 44 B 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Accepting an application for annexation for the Hendricks Annexation to the City of Massillon, Ohio, and declaring an emergency.

COUNCILMAN MANG B Yes, it was passed out the amended version of this ordinance. Does everyone have that? The amended version was needed because the original ordinance did not have a copy of the map or the description of the property.

COUNCILMAN MANG moved to amend Ordinance No. 44 – 2010, seconded by Councilman McCune.

ORDINANCE NO. 44 – 2010 WAS AMENDED BY A ROLL CALL VOTE OF 9 YES.

COUNCILMAN MANG 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. 44 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 45 B 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

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

-

COUNCILMAN MANG B This piece of legislation is similar to the very first one on the agenda tonight. It establishes the services that the city will provide to the Poets Glen Area Annexation upon annexation. We'll be asking for suspension on this piece of legislation.

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

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

ORDINANCE NO. 45 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 47 B 2010 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (No Zoning) to R-1 Single Family Residential.

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COUNCILMAN MANG B Yes, the title pretty much matter of fact the title tells exactly what this piece of legislation will do. We will have a public hearing next council meeting at 7:15pm. Second reading.

ORDINANCE NO. 47 – 2010 WAS GIVEN SECOND READING.

ORDINANCE NO. 53 B 2010 **BY: PUBLIC UTILITIES COMMITTEE**

To provide for water service to be furnished by Aqua Ohio, Inc., to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the term of two and half (2 1/2) years beginning on July 1, 2010.

-

COUNCILMAN ANDERSON B I would like to bring Mayor Cicchinelli up. I just have a couple of questions the first one being we left it at the work session that you were going to or attempt to tie up some loose ends. I was wondering what you did or how you did and that type thing.

MAYOR CICCHINELLI – I did have some conversations with Mr. Purtz who's in the audience. I did ask the company to consider a little lesser rate and he took it back to the company and they decided that they couldn't do that. Then we talked about and it amounted to one less percentage point basically. Then we talked about capital improvements if you remember the letter that you received originally said 500,000 for capital costs that the city would see fit to utilize these dollars for. They were agreeable to raise that to \$750,000 a year you should have I know I got my hard copy of that letter today I don't know if members of council got that but I thought Jim sent it to everybody. You just probably haven't received it in the mail yet. But anyhow they've agreed to go up to \$750,000 and also ask or said that they would work with us on any additional projects above and beyond the \$750,000. So we got a little bit more dollars set aside for capital construction which is good for us. I support the request and the ordinance as presented by Mr. Anderson and his committee.

COUNCILMAN ANDERSON B You just answered the second question you probably realized that I was going to ask that. Okay, I guess I will ask the rest of council if they have any

questions.

COUNCILMAN ANDERSON 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. 53 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 3 NO. CATAZARO-PERRY, MCCUNE AND TOWNSEND VOTED NO.

RESOLUTION NO. 7 B 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Endorsing the proposed annexation of approximately 6.424 acres of land in Perry Township, owned by the City of Massillon, Ohio, together with 131.73 acres of land owned by the State of Ohio and Stark County Vocational School District located in Perry Township and urging the Board of Stark County Commissions to approve the annexation.

-

COUNCILMAN MANG B Yes, this piece of legislation in my thoughts is replot, replotting the land 137 acres in the city's 6.424 acres to be one plot of land. I don't see a real problem with this and I will be asking for suspension.

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.

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

16. NEW AND MISCELLANEOUS BUSINESS

COUNCILMAN SLAGLE – I want to remind council and the public that on April 29th at the Massillon Rec. Center at 2pm there will be a work session to discussion the issues with the parks and recreation department and what can be done to assist the parks department and given them ideas and the like.

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

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BOB RICHARDS – I live at 1375 Benson Street SW. My main concern right now is and I want to make it perfectly clear that I have no political agenda and I'm not a grumpy old man but I'm getting there. The thing that bothers me is how we are taking care of this Genshaft Park which is ridiculous. Because that park was given to us and it should be kept up we can spend all that money out at the Legends which probably is close to \$750,000 but we can not keep this thing up. I think it's a disgrace to the city and I'm calling on city council right now to stop this madness. The only reason that is in that condition right now is because somebody wants to sell it. That is not right its not yours to sell and its not this council's to sell. It was given to the City of Massillon. That's all I've got to say.

ANNA CAPALDI – 4708 13th Street SW. I think I would be remiss if I did not point out some inconsistent philosophies that I've seen here tonight. I say city council vote no to raise water rates and I believe that's because of the economy yet they had no trouble taking 1.8% out of pockets of teachers. This is inconsistent philosophy maybe because of who votes for them. But it is still an inconsistent philosophy in these economic times and the voting to suspend the third reading kept anyone else from coming and perhaps at the third reading the teachers may have

spoken up. Thank you.

COUNCILMAN SLAGLE – I have been in almost daily contact with Mr. Kaminski about Genshaft Park. I've been assured that there is absolutely no indication from the parks and rec. department that anything occurring there has anything to do with future sale of the park or anything else. They're moving the best they can to get it into shape. They have in fact assigned one person whose full time duty is to deal with Genshaft Park. So...

COUNCILWOMAN CATAZARO-PERRY – Would it be possible that we talk with Judge Elum about putting some community service workers down there. There is the gentleman is correct there is a ton of trash along the fence I mean community service workers could clean that up easily.

COUNCILMAN SLAGLE – It's possible but in the past that's become an issue with the unions that represent the city workers. Because obviously they're taking away jobs that would be available but we've also increased all the part timers are back for the summer. But I will certainly bring it to Kenn's attention again because I was a softball player for many years down there. I certainly don't want to see anything occur down there other than a positive experience in our softball fields.

COUNCILWOMAN CATAZARO-PERRY – The other thing Mr. Slagle, it was brought to my attention and I have not walked Reservoir Park recently but it is also a mess. I plan on going out there with my daughter as soon as I can as soon as the weather is nice enough that we can go without being ill and check that out. Because I had a couple of emails from residents that said that that needs some work as well.

COUNCILMAN ANDERSON B There's a tour coming up on May 8th a tour for the council people to go do that thing.

COUNCILMAN SLAGLE – I run through Reservoir Park at least once a week and its you know its got the running track doesn't look good there's a quote they have \$28,000 to fix it. They're going to see if they can find the money to at least repair that part of the track. I think the major part of Reservoir Park is the geese. I mean in my opinion.

COUNCILWOMAN CATAZARO-PERRY – And wheelchairs don't have accessibility.

COUNCILMAN SLAGLE – I'll check that out obviously that's not something that would register in my mind but I'll look at it next time I'm doing my slow run through the park.

COUNCILMAN PETERS – Yes and not to overstep Larry but I have been talking with Mr. Kaminski and I know that and the mayor can come up and confirm that. I know that he has upped his work crews and he is I think he's starting another crew tomorrow I mean he is really going full go on these parks. I mean he knows just what we've said some of them are in pretty bad shape and there's a lot of things that need done. But I you know and we just got through a hard winter and stuff and its going to take a while to get some of those problems corrected. But I am and I've been calling him daily and I know that he's on it and I know that he's got extra crews starting tomorrow. He had one that started last week and he's and they're moving on it. So I think you're going to see a noticeable difference in some of these parks especially some of the complaints we've been getting.

COUNCILMAN MANSON – Same thing happened to me last year I had complaints I talked to Mr. Kaminski and within three days I had phone calls back saying that most of the problems had been taken care of except for what you talked about with the geese.

COUNCILMAN MCCUNE – I also have had occasion to speak with Mr. Kaminski and the issues that I spoke with him about were immediately addressed. It's like Donnie said we're just coming out of a hard winter and its going to take awhile to get caught up from that winter. But I have no doubt that they will have them up to speed soon.

COUNCILMAN SLAGLE – Just one follow up because there was an issue at the Veterans

Park down by the in front of the courthouse to the west there. We met down there with Judge Elum and also with Mr. Kaminski and he had half a dozen parks people there you know working on that getting it in good shape. Obviously with the rain that becomes an issue but he's fully aware of the complaints. I don't think the parks are even remotely deplorable I think they need some cosmetic work and I think with the crews that's he getting out now that you'll see some improvement on them because in the spring everything looks better. I mean its just going to do it and he's well aware of the attention. I mean he's paying attention to the details. So...

COUNCILMAN ANDERSON – I just have a question that Larry you brought up the fact about you said somebody is assigned to Genshaft?

COUNCILMAN SLAGLE – That's what I understand, that's correct.

COUNCILMAN ANDERSON – Do you know who that person is?

COUNCILMAN SLAGLE – No, I do not.

COUNCILMAN ANDERSON – I hope its not Pete because the only thing he does is ride the tractor around. You've got to get him off that tractor and get him working.

COUNCIL PRESIDENT GAMBER B Mr. Anderson, lets not discuss personalities please.

COUNCILMAN ANDERSON – That's not a personnel that's an opinion on somebody's ability to do the job.

COUNCIL PRESIDENT GAMBER B Lets not discuss individuals I'll use that word.

COUNCILMAN ANDERSON – Oh, lets not discussion individuals. Okay. Sorry about that.

COUNCILWOMAN CATAZARO-PERRY – I'd like to ask the mayor a question. I have a resident who continually emails me and says he has not received his electric aggregation letter. The opt-out and I just wanted to ask has everyone received those?

MAYOR CICCHINELLI – Yes, to my knowledge everyone should have received those and I think I've heard the number 80% of the folks in the city will take the new rate in our aggregation. So I think that's don't hold me to that I think that's what I remember 80%. But I would assume that yes everyone I don't...

COUNCILWOMAN CATAZARO-PERRY – I'll give you his name after...

MAYOR CICCHINELLI – Yeah, why don't you do that or email me that information because that it could have the company sent them out so they could have left people off. But not to our knowledge.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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