

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, JUNE 7, 2010**

COUNCIL PRESIDENT GAMBER B I=d like to welcome all of you to Massillon City Council for Monday, June 7, 2010. We have in attendance with us this evening: Mayor Cicchinelli, Safety Service Director Loudiana, Law Director Stergios, Engineer Dylewski, Auditor Ferrero, Community Development Director Aaby and Wastewater Treatment Superintendent Bledsoe. We also have the proposed new member of the Park & Recreation Board Michelle DelRio-Keller. 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 McCune for the invocation and the Pledge of Allegiance.

COUNCILMAN MCCUNE B gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

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

4. READING OF THE JOURNAL

COUNCIL PRESIDENT GAMBER 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

COUNCIL PRESIDENT GAMBER B At this point we have a special Mayoral presentation I'll recognize Councilwoman Catazaro-Perry.

COUNCILWOMAN CATAZARO-PERRY – Yes, tonight we have the American Idols here a team that worked very hard and was the first in the State of Ohio to go to WORLD which is a very competitive competition in Disney. There were 27 of them that attended and we have 4 of

them here from Massillon. We'd like to bring them up for a presentation from our Mayor.

MAYOR CICCHINELLI – Kathy, on behalf of the city administration and city council I'd like to present a proclamation. I'll read a few whereas; the American Elite American Idol Cheerleading organization has been in existence for the past four years; this special needs cheerleading team was found by Councilwoman Kathy Catazaro-Perry. Whereas, the American Elite American Idol Cheerleading Team is the first special needs cheerleading team from Ohio to be invited to perform at the WORLDS Competition located at the Wide World of Sports Complex in Orlando, Florida; this competition is one of the most prestigious competitions in the whole United States and is presented by USASF. And whereas, the American Elite American Idols Cheerleading Team consists of 28 members the young girls who live in Massillon are Jasmine Garner, Katie Teets, Elizabeth Brown, Vanessa Perry and the late Sydney McInnis also cheered with the American Idols. Therefore, I, Francis H. Cicchinelli, Jr. Mayor of the City of Massillon, Ohio hereby proclaim Monday, June 7, 2010 as the American Elite American Idol Cheerleading Team Day in the City of Massillon. We do have a proclamations for each of the cheerleaders, so Elizabeth Brown, Jasmine Garner, Victoria Garner, Vanessa Perry, representing Sydney McInnis, is her mother and her dad. Also we have one for Katie who could not attend so I'm sure Kathy will take care of that. So on behalf of the citizens of Massillon congratulations and good job.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT GAMBER B Before we get into the business of the meeting regarding the ordinances and resolutions there's been a request for executive session. Councilwoman Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Yes, we'd like to go into executive session to discuss the fact finding results for the AFSCME contract. I'd like to invite Mike Loudiana, Perry Stergios, the Mayor and I think that's and all the council members I think that's everyone. Seconded by Councilman Mang,

COUNCIL PRESIDENT GAMBER B We are back from executive session we'll commence with the presentation of ordinances and resolutions.

ORDINANCE NO. 68 B 2010 **COMMITTEE**

BY: COMMUNITY DEVELOPMENT

Authorizing the Mayor of the City of Massillon, Ohio, to enter into a development agreement with The ABCD, Inc., to utilize Neighborhood Stabilization Program (NSP) funding to acquire, rehabilitate and resell two vacant foreclosed vacant lots in the City of Massillon, and declaring an emergency.

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COUNCILMAN MANG B This program fits in well with the stimulus money that the government seen fit to send to us with the idea of being putting people to work rehabbing homes and giving people a chance to be able to buy some of these homes. So the project that we have before us tonight is one of those and I would strongly recommend that we pass it on the first issue only because the sooner we get started the sooner we get some people to work and the sooner we're liable to get people in the homes. So my recommendation will be to suspend the rules.

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

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

ORDINANCE NO. 68 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 69 B 2010

BY: COMMUNITY DEVELOPMENT

COMMITTEE

Amending Ordinance No. 46 – 2010 by changing the name of the grantee from Massillon Senior LLC to The ABCD, Inc., and declaring an emergency.

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COUNCILMAN MANG B Again this is well this is really a no brainer we'd have a change in direction here so we have to have a change in the parties that will be represented. So I don't really see that there's any problem whatsoever because council approved the very first piece of legislation. I see no reason not to approve this.

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

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

ORDINANCE NO. 69 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 70 B 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Thirteenth Floor, to provide an economic development "inducement grant" to assist the business in locating its art gallery and gift shop to Massillon, and declaring an emergency.

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COUNCILMAN MANG B What this individual is doing he's bringing in additional items to his business more to the arts. This kind of fits in with the program that's been stirring around the city lately between the museum and the city to try and get more of arts available to people. Here's an individual who is going to name his store The Thirteenth Floor and he has accepted a grant or would be glad to accept a grant that the mayor has proposed. I don't see any problem with that he's been in business in the city its just extending his business.

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. 70 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 71 B 2010

BY: ENVIRONMENTAL COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to sign all necessary documents for a grant through the State of Ohio Clean Ohio Assistance Fund to assist in the performance of a Phase II Environmental Study on the two (2) remaining parcels on the former Republic Steel Property, and declaring an emergency.

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COUNCILMAN HERSHER B I don't believe there were any pressing questions or issues with this but I'm going to give it first reading tonight so that we do have a work session with our engineer who made the request just in case so that we can have a thorough discussion of it. So first reading please.

ORDINANCE NO. 71 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 72 B 2010

BY: POLICE AND FIRE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, for the lease/purchase of Digital In-Car Video Systems for the City of Massillon Police Department, and declaring an emergency.

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COUNCILMAN MCCUNE B Yes, we discussed this last Monday or Tuesday. This is a very important tool for the police department not only for their protection but for the public's as well. You will notice that we deleted or amended the ordinance to take out enter into contract from section 2. So that we give the administration time to get the money together before we go out and purchase them. If there any questions the law director or safety service director is here we can ask either one any questions you may have. If there's no questions I plan to suspend the rules.

COUNCILMAN MCCUNE 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. 72 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 73 B 2010
SERVICE COMMITTEE

BY: RULES, COURTS, AND CIVIL

Directing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to reject the recommendations of the Fact Finders Report of June 2, 2010, concerning the AFSCME, Ohio Council 18, Local 996 union contract, and declaring an emergency.

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COUNCILWOMAN CATAZARO-PERRY B We are going to bring our law director up Perry Stergios this evening. This is a little confusing and so in order to have everybody vote their conscious and do it correctly Perry's going to explain the verbiage of this ordinance.

LAW DIRECTOR STERGIOS – The Ohio Revised Code essentially states that if a municipal corporation wishes to reject a fact finder recommendations they must do it within 7 days of receipt of the fact finders report. So the ordinance is drawn up to state that you reject the fact finders recommendations. The safety service director and I concur both feel that we should accept the recommendations so that the fact of voting down this ordinance has the practically effect of saying we agree with what the fact finder has recommended. So if we vote or if you vote no that means that we are saying as in section 3 the fact finders recommendations are deemed to be acceptable to the city council. If you vote yes you are rejecting what the fact finder recommended and we go back to negotiations or whatever the next step may be.

COUNCILWOMAN CATAZARO-PERRY moved for suspension of the rules and passage, seconded by Councilman Townsend.

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

ORDINANCE NO. 73 – 2010 WAS DEFEATED BY A ROLL CALL VOTE OF 9 NO.

ORDINANCE NO. 74 B 2010
SAFETY

BY: STREETS, HIGHWAYS, TRAFFIC &

Amending CHAPTER 353 "TRAFFIC CODE" of the Codified Ordinances of the City of Massillon, by deleting SubSection 353.99(d) "PENALTY".

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COUNCILMAN PETERS B As an explanation from our law director this ordinance is to

reflect the way I understand it the state code and bring our ordinance up to date so that they're both the same so there aren't any discrepancies. If I'm wrong the law director can come up and correct me but I believe I'm right in saying that. That's all it is.

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

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

ORDINANCE NO. 74 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 75 B 2010

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Neighborhood Stabilization Program Fund, State Highway Fund, Legends Fund, 1414 Collection System Improvement 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'll go through we have five parts here we're going to deal with. First part they're requesting an appropriation of funds from the neighborhood stabilization program budget for the following activities: \$278,666 to an account entitled housing activities, \$18,000 to an account entitled NSP salaries and \$2,500 to an account entitled PERS. The funds being appropriated will be used under a development agreement with ABCD, Inc., to acquire and redevelop two vacant foreclosed lots at 8th Street SE and South Avenue SE by constructing two new single family homes for sale to lower and moderate or middle income households. All proceeds from the sale of these properties will be returned to the NSP fund to be used for other eligible housing projects. The funds being appropriated for NSP salaries will be used to pay city staff time associated with the administration of NSP funded activities as previously described the city has been awarded \$1,578,000 in HUD funding by the state under the neighborhood stabilization program and that's where I'm going to stop on that part. The next part is \$20,000 please appropriate from the unappropriated balance of the state highway fund \$20,000 to go to safety and that's the department where Mr. Houser and several other employees work and that's part of the street department. Well their housed in the same building as the street building. Part 3, is for a total of \$20,000 food and beverage department of The Legends of Massillon is requesting an appropriation of \$20,000 from the unappropriated balance of fund 2104 that's the Legends accounts \$10,000 to account number 2104.920.2393 food and beverages contract services and \$10,000 to account number 2104.920.2412 food and beverage supplies. The funds will be appropriated from the sales of food and beverage at the golf course. Section 4, the first part is for \$19,500 please appropriate from the unappropriated balance of the 1414 collection system improvement fund after inspection of the city garage it has been determined that there are several illicit connections to the storm sewer system which must be rerouted to the sanitary sewer as required by ordinance and OEPA. Then \$8,600 appropriated from the unappropriated balance of 1414 collection system improvement fund. These funds are needed for the purchase of a new pump and a force main for the sanitary sewer system located at the city garage. Then the last one is \$2,000 which Mr. Mang talked about earlier to The Thirteenth Floor. Any questions?

COUNCIL PRESIDENT GAMBER B Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Could you please clarify where the \$20,000 is going in section 2 is that going to police and fire? and what exactly is that \$5,000 for. What TIF monies are we processing?

COUNCILMAN MANSON B Salary in safety that's like the people who work out of the street department. Would you like to have Mr. Loudiana explain that for us?

COUNCILWOMAN CATAZARO-PERRY – Sure.

SAFETY SERVICE DIRECTOR LOUDIANA – Yeah, that appropriation is for additional funds in the electrical or safety department for salaries.

COUNCILWOMAN CATAZARO-PERRY – Thank you.

COUNCIL PRESIDENT GAMBER B Mr. Manson, your motion?

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. 75 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 76 B 2010

BY: FINANCE 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 fuel for city vehicles at an off-site location, and declaring an emergency.

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COUNCILMAN MANSON B Yes, request is from the director of public service and safety 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 fuel for the city vehicles at an off-site location. Any questions we can get Mr. Loudiana up there otherwise I'll be moving to waive the rule.

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. 76 – 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 - \$210.80
- B. Norlson - \$277.68

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

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

Roll call vote of 9 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MAY 2010 B COPY FILE
- B). AUDITOR SUBMITS MONTHLY REPORT FOR MAY 2010 B COPY FILE
- C). MAYOR'S APPOINTMENT OF MICHELLE L. DELRIO-KELLER TO THE REC. BOARD

COUNCIL PRESIDENT GAMBER B Thank you. Mr. Manson, we need a motion to accept

the auditor's report.

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

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

COUNCIL PRESIDENT GAMBER B Item 10(c) regarding the appointment. This is an appointment to serve the remainder of the term for Margy Vogt who resigned. I think everyone received a short bio on email regarding Ms. DelRio-Keller if you could stand up for a moment so everybody can see you and say hello. We do need to approve this appointment so what I'm going to do is go to the chairman of the park and rec. committee and ask for a motion to approve.

COUNCILMAN SLAGLE B Thank you, as Mr. Gamber said that we all received her bio this has been sometimes contentious in the past. We have the authority now to accept or reject this particular appointment. I can see absolutely no reason to think of anything but approving this appointment. This woman is obviously highly qualified has been extradinarily active in the community for as young as she is. She's replacing a good person of Margy Vogt but Michelle obviously has the financial background that we'll need in this position.

COUNCILMAN SLAGLE moved to accept the appointment of Michelle DelRio-Keller as the mayor's appointment to fulfill the term of Margy Vogt to the Massillon Parks & Recreation Board. Seconded by Councilman Peters.

Roll call vote of 9 yes for the appointment of Michelle DelRio-Keller to the Rec. Board.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER B Just a reminder that the next committee session the work session will be the 14th. We did discuss a shorten summer schedule last meeting I was asked if we needed any council action. I don't know why I didn't hear that properly, but because the committee meetings are codified in our rule I do recommend that we temporarily suspend them for the summer. I assuming that the rules committee will discuss that at our next meeting.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

- **SECOND READING ORDINANCES AND RESOLUTIONS**

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RESOLUTION NO. 8 B 2010

BY: COMMITTEE OF THE WHOLE

In support along with other Stark County governments in Committing to Diversity.

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COUNCILMAN MANG B A few weeks ago we did have a presentation by two individuals who I guess is trying to get the county and all the municipalities maybe on the same page. It's a page that the City of Massillon has worked on for a long time. I believe that without any further ado I think we should suspend the rules and get this piece of legislation passed.

COUNCILMAN MANG moved for suspension of the rules and passage, seconded by Councilwoman Catazaro-Perry.

The rules were not suspended by a roll call vote of 9 yes.

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

16. NEW AND MISCELLANEOUS BUSINESS

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

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COUNCIL PRESIDENT GAMBER B Mr. Manson?

COUNCILMAN MANSON – Yes, the mayor has asked to address council on some business.

COUNCIL PRESIDENT GAMBER B Alright, before we get to that is there anyone else on council that has any new or miscellaneous topics? Alright, Mr. Mayor, the floor is yours.

MAYOR CICCHINELLI – The Federal Housing and Urban Development has offered to us as well as other communities scattered throughout the country a refinancing of Section 108 loans. As all of you know the Hampton Inn, SARTA Center that whole complex a portion of that a portion of those dollars of investment have come from support of CDBG monies. They have they are offering a collection of various communities to put all of these projects together and reduce the loan, the interest rate. So I'm going to have Aane explain it did receive correspondence today from HUD. But Aane will briefly explain the details. But in a nutshell that's what it is. Aane?

COMMUNITY DEVELOPMENT DIRECTOR AABY – I've been in contact with a representative from the HUD office in Washington, DC. He basically they've invited the city the opportunity to participate in a refinancing of the Section 108 loan. Our Section 108 loan was closed in the year 2000, ten years have gone by and HUD is now able to take that first loan out and refinance it if we so chose. Interest rates have dropped considerable we would be combined with all the other Section 108 loans they're also ten years old and they would be sold at a public offering. They have estimated to me that the interest savings rate over the balance of the term of the loan could be considerable to the city and they've given me an interest rate savings of approximately \$500,000 over the term of the loan. Our current rates on our existing 108 notes vary between 7.5% and 8% they're projected interest rates on the refinancing are as low as 0.7% so that would end and they would vary up to 3%. So they won't know exactly until they have the public offering they have told me that this public offering will be conducted I think July 20th or 21st. They have forwarded me which I received today documents that if we wish to participate in this that we have to execute and return to them which would basically be a new loan agreement and a new promissory note and a legal opinion from our law director. They would like all communities that wish to participate in this to get the documents back to them by July 2nd which isn't a lot of time which is why I thought we could bring this before you now. We will be providing you with information during the week and then we can talk about it in more detail at the work session. But I thought since time is a little short on this and it could be a financial benefit to the city that we should get this out now just so you're aware of what's going on.

COUNCIL PRESIDENT GAMBER B Councilwoman Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Yes, Mr. Aaby, how many years do we have left on the current loan?

COMMUNITY DEVELOPMENT DIRECTOR AABY – It runs through 2019.

COUNCILWOMAN CATAZARO-PERRY – And are they asking us to take out a 30 year loan?

COMMUNITY DEVELOPMENT DIRECTOR AABY – No, the terms of the loan would

remain the same it does not get extended. They would just be what we have is a series of individual notes that get retired each year. They would be issuing new notes that would take out the original ones but these new notes would have a much lower interest rate. So we have a cost savings for that it would save us it could save us quite a bit of money.

COUNCILWOMAN CATAZARO-PERRY – And still pay it off in 2019?

COMMUNITY DEVELOPMENT DIRECTOR AABY – Yes, still pay if off in 2019.

COUNCILWOMAN CATAZARO-PERRY – Thank you.

COUNCIL PRESIDENT GAMBER B Mr. Townsend?

COUNCILMAN TOWNSEND – So the money that we save as a city will go back into the pot of...

COMMUNITY DEVELOPMENT DIRECTOR AABY – CDBG.

COUNCILMAN TOWNSEND – Okay.

COMMUNITY DEVELOPMENT DIRECTOR AABY – And they have given to me which I'll provide that during the week but there's a projection of what that savings would be each year and its \$500,000 over ten years that could be considerable.

COUNCIL PRESIDENT GAMBER B Is that loaded front end or back end or is it relatively constant?

COMMUNITY DEVELOPMENT DIRECTOR AABY – All the way up to the back end until the last year, but the spreadsheet will show that.

COUNCIL PRESIDENT GAMBER B Is that anything else? Thank you, Mr. Aaby. Thank you, Mayor.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

