

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, AUGUST 16, 2010**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Monday, August 16, 2010. We have in attendance with us this evening: Safety Service Director Loudiana and Auditor Ferrero, . 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, Ron Mang, Paul Manson, Dave McCune, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 8 present.

COUNCIL PRESIDENT GAMBER - Mr. Mang, we will need a motion to excuse Councilman Hersher.

COUNCILMAN MANG - I make a motion to excuse Councilman Hersher, seconded by Councilwoman Catazaro-Perry.

Roll call vote of 7 yes, 1 no to excuse Councilman Hersher. Peters voted no.

2. INVOCATION

COUNCIL PRESIDENT GAMBER - I will recognize Councilman Gary Anderson for the invocation and the Pledge of Allegiance.

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COUNCILMAN ANDERSON - Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN ANDERSON – Chairman of the Public Utilities Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

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

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

SCOTT GRABER - 1218 Tremont Avenue SW in the city. Mr. President, I rise today to

congratulate, commend and thank city council for bringing Resolution No. 12 - 2010 forward for its consideration and passage tonight. This resolution serves two purposes first to honor the public service of a citizen legislature of the 4th ward T. Roy Roberson. Second, to memorialize the historical significant of the field where much early history of the fames Massillon Washington High School Football Team the Massillon Tigers was made. I wish to thank the member from the 4th ward Councilman Townsend for his leadership on this resolution and also to thank the member at-large and chair of the parks committee Councilman Slagle for his work and contribution in ensuring that the historical importance of the old Massillon field is recognized and preserved in this resolution. I can think of no better way to encourage more citizen involvement in the exercise of self government than to honor the pass contributions of citizen legislatures and at the same time preserving forever a core component of the very identity of the City of Massillon. A place where Coach Paul Brown help create the very soul and spirit of the famed Massillon Tigers mystic. The old Massillon Field where Massillon legends such as Hinie Krier, Bob Blass, Elwood Kammer, Edgar Herring, Jake Gillium, Augie Morningstar, Rocky Snyder and many other legendary figures have played. I hope and expect that the city council will give its full approval to this resolution tonight with a unanimous vote. I thank you for kind attention. While I'm at the microphone I would like to ask that you waive the topic rule tonight because we have a large audience of people that wish to speak on a matter of utmost importance to them and in order there's a precedence for this August 16th 1997 David Smith, president of council allowed 12 people to speak on the north course expansion of the Legends Golf Course which was not on the agenda that night. I thank you again. I move to waive the rules, thank you.

COUNCIL PRESIDENT GAMBER - Is there anyone else who would like to speak on a topic that is on our agenda tonight. There is no one, I did have every intention of moving the public comments section forward. Council will have to give its approval for that. What I would to advise is that we have no time limit as such but I do have discretion and common sense. If a lot of people are saying the exact same thing I will ask you to please cut it short. At this point I will look for a suggestion from anyone on council to bring item 17 forward. Are there any objections from any council members if we bring that forward? I see none. We will move to item 17 and I invite you forward to the microphone to speak the topics that are not on the agenda. Again, I ask you to keep it brief and to the point I'm not timing you but I am pay attention. We need your name and address please.

17. REMARKS OF DELEGATIONS AND CITIZENS TO ITEMS NOT ON THE AGENDA

RON WARNER - 1980 Beaumont NW, Massillon, Ohio. I am a board member of the Tuslaw District. I did take the job to serve these people that you see right here a lot of really good people. We work hard at Tuslaw on our trying to make sure that our teachers, our staff get a good paycheck. I would hate to think that we're going to be giving part of that paycheck to Massillon so that they can get their selves out of a hole. I would say you would almost have to be how you could sit through a meeting like this and not believe that that is the reason he wants to annex Tuslaw School District other than financial gain. I don't see how you could do it. I love Tuslaw I've been in the district 40 - 50 years now. We are sick and tired of every time we turn around we have to fight the City of Massillon for an annexation. This is the most bizarre disrespectful parasitic proposal that I've ever heard of in order for Massillon to gain revenue. I would be ashamed if I lived in Massillon to say this is how I'm going to gain revenue for my city. Thank you.

VICKI HORVATH - 11631 Corundite NW, board president Tuslaw. I just want to say that I vehemently oppose this. I happen to be on R.G. Drage's board and never had a word couldn't say a word to anybody about the opposition of that. I understand that there is land out there for development with Massillon. respect Massillon I work in Massillon but when you take a school district without even anybody getting a say and obviously people are just so upset, You know I grew up there and feel very passionately about my district. I wasn't going to do this and its just very, very sad that this can even happen today with the economic situation the way that it is. We're taking money away from people that work hard everyday a community that's work hard to build that community environment that's coming around at Tuslaw and their so proud of their community. We have no say in whether or not we can come into Massillon. I just wanted to say that. Thank you,

RANDY BLEIGH - 12850 Sunshine Circle Massillon. I'm on the Tuslaw School Board also I just three things that listening to the mayor. You know he's talked about annexation the past 15 - 20 years what he's done for us but bringing all those allotments in there has increased our enrollment. He's wrong there our enrollment has not increased you know. I look I'm sitting on right on the edge of that and I've been watching for years and wonder what's going to happen and the sewer lines go right up behind my house and my property. I look at the what he's saying you know that you guys you guys made this mess and I know not of you guys were on council but you guys brought the sewer lines out there and you brought the water lines out there with the help of Aqua Ohio. But they weren't big enough then and now you're saying okay Tuslaw's going to pay for them. Also the last thing I was down at Fairless I talked to the school board members down there because the mayor said that Brewster annexed Fairless. Well they did because Brewster was paying for all their water lines and their sewer lines to come in. The same thing happened up in Canal Fulton when they annexed them there. As Mr. Osler said we paid for that stuff out of our own pockets. Thanks.

BOB HORNER - 12335 Sarbaugh St SW, Massillon. I also am on the board of education and I'm also a lifelong member of the Tuslaw Local School District. I've watched over the years the process of Massillon a city I've always felt very good about and to continue to feel good about., I had the opportunity to attend schools in here many, many years and I have great reminiscences of that. But I do find Mayor Cicchinelli and his group whoever it is on this group or anybody who supports this annexation I find it morally reprehensible that they would even consider to take a poorly worded law and use it to reach into the pockets of our employees and take out a significant amount of their raise that they just got for purposes we know to fund the city the cost of the City of Massillon. I think its wrong I think it should not happen I would much, much rather see a building of good relationships and a continuation of good relationships with the people of the City of Massillon. Rather than have the governmental structure do this to our school district to the employees of our school district. I might add that you know they just got their small raise and as Mr. Osler pointed out that would all pretty well disappear plus because of this we just passed a levy based on funding that situation. Also funding the need for sewers, water, etc at our school we're covered that way. From the standpoint of the cost the employees would be bearing they're naturally going to want to get that made up. That could cost us another portion I'm going to say a half I might be off a little bit about a half a mill that we didn't figure on. So I think that just from the standpoint of the morality of the whole thing its wrong please don't do it. Thank you.

DAVE RYDER - 11490 Sinclair Street and that's in Massillon. I am one of the principals at Tuslaw Middle School. I am in charge of grades 6 through 8 I can't express my appreciate to our staff and community for their out cry and their out pour and their support. It seems to me that when I came all the talk was what the city could provide for us, fire and also police. In the emergencies that I have been directly involved with and the building that we run has about 700 to 750 students. North Lawrence has done a phenomenal job with providing those services they have been prompt they have been quick. We're blessed that many of those on that squad are ex-Tuslaw grads and they do a phenomenal job with the minor emergencies. I think its very clear that if we do have something catastrophic we will be working with many, many different departments and many agencies. So as far as the fire department is concerned I think I can speak for all the administrators we're very happy with the response time and we're very happy with the quality of care of our students get when we need to transport or when we need them to assist. I can only say with the Stark County Sheriff that you know its very, very rare and we're blessed that we have had no major occurrences of violence or threats. With that being said this money this annexation the money going primarily for the services I personally do not feel that is necessary and once again I appreciate our communities out pour in expressing that. Thank you.

JERRY HOLLINGER - 13415 Lincoln St NW, North Lawrence, Ohio. I'm a Tuscarawas Township Trustee and I would like to address the issue of Mr. McCune I didn't get a chance to respond to your question about response time. Response time is regulated part of the regulation of response time is how fast a fire truck can go and its regulated by 10 miles over the advertised speed of a roadway. I did do a response time when we were fighting with Poets Glen in one location on Wooster Street our response time was 1 minute greater than the Massillon Fire. Keep in mind Massillon Fire is 25 and 35 minutes an hour. We're at 50 miles an hour so our trucks can go 60 miles an hour. Our North Lawrence Fire Department has 4 full time men we're working on Station 2 we've discussed that so we will be expanding this is something that's

unannounced until tonight. So we will be expanding our fire. I'm totally opposed to this its taxation without representation, If I made a mistake in my checkbook I should be able to go to my neighbors and tax them for my blunders. Your blunders are the golf course and the Hampton Inn. The two issues here Tuslaw School gains nothing by being annexed from you. They're on a state highway they you know the state highway takes them so they paid for their services which has been announced. I address this to all you councilmen you owe the responsibility to the citizens and the residents of Massillon. These expenditures are going for something that's going to take away from them. Your snowplowing I can attest to that your snowplowing your street cleaning your parks your storm drains system they're all antiquated. You can't take care of you have and that's what everybody is saying. I'm opposed to it I put it on the council to seriously consider this this is going to be very costly. Thank you.

CHRISTINE MUMMERTZ - 11325 Orrville Street NW. I'm a Tuslaw Alumni and I have six children that three currently attend and one has graduated from Tuslaw. It's very important we have very good community we have very good community support. North Lawrence Fire Department has always taken care of our community and we have wonderful staff our teachers, our administrators have when they built the high school came under the grant we finally had passed a levy and we're such a small community and I think you might just leave us alone. Because you know we're just we're happy just the way it doesn't the only I see as and I'm just a parent it just seem to me that he's trying to dip into the teachers pockets. I don't see where that will help my kids because I know a lot of this staff use their own money to help my kids. So I would appreciate it if you would decide not to go along with the annexation. Thank you.

MATT CHALFANT - 1765 Greendale right on the border of Massillon and Tuslaw or Tuscarawas Township on the Tuscarawas side. I've got a little bit of expertise in pipeline stuff I work for a utility company that I won't name. When they say about dead end line out there if you took a map of the water department, gas company and other stuff like that I bet there are many dead end lines that are only one source coming in. They were not all looped around if you go out on the corner of Greendale and Millersburg Road four gas lines come to the intersection but none of them touch the intersection. Yet if they would go out you know we would respond they'd fix the lines. Same with the water service the city doesn't own the water service they don't repair the water service its up to the water service to first they do like a if they're adding a major load like this school system they're gong to calculate how big that line needs to be to get enough water to that school system or you know the buildings. So its not like they just threw this out there and they're like oh 20 pounds of water I doubt there's any 20 pound water out that far out there. You've got a big water tower out there on I forgot the name of the street but what I want to know is are you guys and your talking about paying for this when did Massillon become a developer where they're going to foot half the bill for the developer by putting in the water and the sewer when the developers job is to put in the water, the sewer, the streets and then have people come and buy the houses. Where which what you guys are doing you're footing half the bill and you're making the developer more money than he would get normally. You know and its at the taxpayers backs and like you say what your return on your investment . So and as for fire and stuff you've got two, three guys out there at 17th Street and if they have to go all the way out to the very edge out there by 93 and you have another incident then where are going to pull guys from? You're getting them probably Wal-Mart or way over on the other side of town or downtown and they have to travel also over to the Westside or if they need more than just the guys they've got you know you're really thinning out your services that are supposed to protect all of the community. I mean the mayor's up there will some kind of pipe dreams if you guys are in a deficit how can you have more people. So I just put that out there.

COUNCIL PRSIDENT GAMBER - Sir, could I call you back to the microphone for just a second please? I have a question. None of us work in the plumbing or the piping or the water industry. You used the term dead end the documents we have use the work no nonredundant is that the same thing?

MATT CHALFANT - Well no nonredundant just means that I have a single shooting out that delivers to so many houses,. Redundant just means that say I have a square block if I have to service this guy on this side water will come around from the other side and get so many people. You're still not going to cover all the people because you have to shut off the main somewhere.

COUNCIL PRESIDENT GAMBER - But dead end and nonredundant are two different things or are they the same thing?

MATT CHALFANT - Yeah, same thing.

COUNCIL PRESIDENT GAMBER - Okay. Thank you.

MATT CHALFANT - Because you see nonredundant that's what I'm saying if you threw a map out of the water system of Massillon on the edge of town not in the center there's lots of nonredundant lines out there. Because they're not going to close them all.

SALLY MAYFIELD - 14309 Lawmont Street NW, North Lawrence. I live in Tuslaw District and I've also taught there for 13 years. I kept waiting for one of my fellow teachers to speak up and because obviously I'm not very comfortable in the public eye. I'm much better with children so none of them got up to speak but you've heard from principals, you've heard from board members, you've heard from trustees I wanted you to hear from a teacher. I wanted you to see that there are many of us here and staff members not just teachers bus drivers, secretaries, guidance counselors if you guys could raise your hands. All of you staff members thank you I just wanted you to see that there that we care and we like Tuslaw the way it is. We just feel like we're being taken advantage of violated and many of us completely revamp our schedules for tonight because we found out about this you know hours ago. This is how important it was to us you know kids were shuffled and neighbors are picking and football everything this is how important to us. We love our community the way it we want it to stay the way it is.

TERRI BUMGARTNER - 3674 Pigeon Run, Massillon, Ohio. I've been out here over 40 years and I do teach at Tuslaw. I just want to say that I don't want this to become a bad history lesson that we have to present to our students as the way government is run in the State of Ohio. So please consider that thank you.

COUNCIL PRESIDENT GAMBER - Is there anyone else who would like to speak. After this young lady how many more plan to speak may I see hands please. Alright we have one more after you then please go ahead.

JANET KOHLER - 3670 Pigeon Run SW, Massillon, Ohio. I only have two things to say I am afraid that if this does go through its going to hurt future levy votes and we always pass our levies in Tuslaw. We know how good its run its run very good administratively so we always pass our levies. Second thing is its easy to sit and say you're going to do this but all the attorneys fees that we're going to have to put out in Tuslaw is going to take away from our services, our road services, our repaving. I mean all these attorney fees are bound to come out and its going to cost us a whole bunch of money if this goes through.

JIM CLOSE - 1331 Woodline North Lawrence. I urge you to vote no on this. We speak of cooperation yet we find out late in the week with the phone call I believe that the board was notified that you are doing this 6:00 Monday evening the next week we have a meeting. Then the mayor isn't even here to listen to our comments. So we speak of cooperation but at the same time we're not seeing it. So we are happy with the way we have things out there at Tuslaw the school district and we really would like to keep it the same. We don't see any value any benefit other than the teachers are going to pay income tax it looks like a money grab to us., Thank you.

COUNCIL PRESIDENT GAMBER - This will be last speaker.

BRYAN ROBINSON - 510 North Wooster, Dover. I just want to take time to really point out the mayor said was that the water helped to make Tuslaw community grow. It's not the water that made Tuslaw grow we have an unbelievable community great parents, great students. But then on top of that we have great staff and great administration. Our administration runs on a tight ship we are able to pass levies because we run such a tight ship. We live within our means and that is the only thing that I would ask you as council please live within your means. Do not take from us I'm a 15 year teacher at Tuslaw I've never worked in Massillon I shouldn't have to pay Massillon taxes. Tuslaw can't go to Dalton to pay for their tax overages. Thank you.

COUNCIL PRESIDENT GAMBER - By way of explanation this item is not on our agenda this evening for a vote. What you folks witnessed earlier was a informal committee work session, It was discussed it is up to the community development committee of Massillon Council to advance it forward. Our next scheduled meeting is the Tuesday after Labor Day which is as I say the next scheduled meeting. If there is a special meeting called there's no intent to hide anything the news media is aware of our schedule. You know certainly you all have the networks that you have to find out what's going on. So I appreciate you all coming thank you for your comments. I would also like to say also thank you for basically having a little bit different spin with everybody that came up instead of just the same thing, the same thing, the same thing. we'll wait for a moment while you exit.

BRUCE ISLER - I'm here representing both myself as a former trash hauler in the City of Massillon and I current represent R & R Sanitation a locally owned and operated company out of Mogador Ohio. We would like to receive a permit to haul commercial only trash in the City of Massillon. I've talked to both Perry Stergios and also your service director . I have a copy of the letter from Mr. Stergios from a couple of months ago and he reiterated the policy that was put into place in 1979 which says no new permits will be issued nor will any current permits be transferred. Well the problem the three commercial haulers the three primary commercial haulers in the city currently were not even in existence in 1979. Yet they're all hauling trash with a permit. The permit #2 that was issued in 1979 was issued to my company Isler Refuse Service and that consequently was transferred as the ordinance illegally in 1984 to BFI then it was transferred a second time to Republic Waste Service. J & J Refuse out of Dover has a permit not sure how they got theirs they weren't even in existence in 1979. The third major hauler is Waste Management the current Waste Management Company was not in existence either in 1979. The current Waste Management Company is 10 or 12 years old not to be confused with the predecessor which was different corporation all together. Okay, so I'm here today again representing R & R Sanitation a locally owned and operated company asking to have a change in the ordinance so that we can get in and we can haul commercial trash. Because I think the ordinance was you know in 1979 you had at least 45 permits issued I have a copy of the current permits and somebody has a #45 so at the time it made sense to try to eliminate all those trucks going up and down your streets. However I think its come full circle where you've eliminated competition because what you've got if you're a commercial entity in this city you've got three choices and two of them are national companies where the money is leaving this area entirety.

COUNCIL PRESIDENT GAMBER - Okay, may I make a suggestion? (Yes) This is not on our agenda we have it in front our environmental committee for review. Dave Hersher is the chairman he is not here but Mr. Manson is also on the committee I suggest you talk with him for a moment after council. You know certainly come to our work sessions they'll get your name and number and keep your apprise when we're discussing this again. (Okay) Thank you.

FRED BERENS - 3105 Sunnybrook. I think I'm here at the right time. I want to talk about the fence issue give a comment at this time. I happen to live Rainelle Allotment and I'm concerned about this issue for several reasons. Several years ago we were annexed into the City of Massillon I was very much instruct mental in that annexation and we're very happy to be in the City of Massillon. We appreciate the services we received since we've been annexed into the city, But recently some things have come up out there that have been a concern to the residents of that area. One of them being this fence I can't understand what the problem is because Mr. Ricker has erected a fence on his property. The reason that he did is because when Mr. Glick purchased his property out there the north side ran 70 some feet beyond Mr. Ricker's property to the back of it. So his frontage on Harmony is only 23 feet and his problem is he can't build a house on that lot because he's concerned about the 23 feet. If Mr. Ricker takes that fence down like some here propose that he do how's he going to keep whoever buys that house off his property? Because they are not entitled to travel on his property and 70 feet of that lot in the front would be on his property. So that concerns me I mean he has the right to protect his property. If he doesn't that would be a concern to me. The second concern and it has nothing to do with that but to show you why we are concerned there's another fellow out there who's flying a helicopter in and out of that allotment on a regular basis the back of house over top of residents Quite frankly gentlemen and ladies you know I'm concerned about the guy falling on my house or somebody else's house or whatever. We've contacted the city and nothing's been done about it. I don't know if there is anything that can be done about it but I would certainly

think that there would be. So these are two items that you know I'm here to speak about tonight I think protection of your property is just eminent and the other item I would certainly think something could be done about that. We are concerned about it and we hope that this fence is not being taken down. He has a right to put it up on his property.

COUNCIL PRESIDENT GAMBER - Two quick comments. First of all a fence or no fence private property is private property and no one else is allowed to use it.. Then as far as the helicopter you say you've talked to the city can I ask either by name or by department who you've talked to?

FRED BERENS - I personally haven't but I know that some people have well I know the police were out there once. I can find out and I'd be happy to get to our ward councilman and tell him who that is.

COUNCIL PRESIDENT GAMBER - Yes, please do that. I'm going to guess that taking off and landing a helicopter is probably not appropriate but I don't know.

FRED BERENS - I don't think the guy even has a license to fly it. I don't know.

HARRY BURRIS - 185 Harmony St NW, Massillon. I live right across the street from the Glick property. Now all the figures I have here shows that he is still about 4.5 feet shy of having enough property to build three houses. We signed a paper saying it was okay for him to build the three houses but we were misled in what was and how the city was going to give him that property frontage. Anyways all the figures I have here show that he does not have enough property frontage plus now I find out with Mr. Ricker's 70 feet it only leaves him with 23 feet frontage. Does that enter into the picture of him still not having enough or way more than not enough. We would not like to see three what I would consider low income houses built across the street from my house. He has asked me what I thought about it and I have told him I didn't like it but if the city said that they can do it they can do it. But when you really dig into it with the county maps and other surveying maps he doesn't have enough.

COUNCIL PRESIDENT GAMBER - Your contact sir would be Mr. McCune your ward councilman. He'll...

FRED BERENS - I've talked to him and I wanted to speak tonight but and thank you for giving me the three minutes.

COUNCIL PRESIDENT GAMBER - We appreciate you coming. I'm not trying to cut you off by any means.

FRED BERENS - But anyways I would like to talk to Mr. McCune, Paul Manson, Ron Mang and I hear Mr. Anderson as a group and really show them on the maps where I come from. The other thing is I would like to know where is this sheet of paper that we signed these signatures on. One more thing on that thing is it can't be found nobody knows where its at. The other one is I think we have three families whose signatures are invalid. Mr. Ricker's, my own and Gary Wilson we all three were right there.

COUNCIL PRESIDENT GAMBER - Well this all sounds very complicated believe me we've been working with it for six weeks. So lets not get into anymore tonight. Mr. McCune, if you could just speak with him privately I would appreciate that and bring it forward at the committee work session.

FRED BERENS - Thank you.

COUNCIL PRESIDENT GAMBER - You/re very welcome.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 94 - 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Block Grant Program for the fiscal year 2010 which the City has provided through the CDBG Program funding, and declaring an emergency.

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COUNCILMAN MANG - We've talked about this issue before we also talked about it when we had the CDBG program and the list of names that are before you tonight are the list of names that this body approved on the money that they would receive. Now that money has been received and now we need to make contracts with each of these individual organizations. That is the reason for this piece of legislation. There's no change in dollar value whatsoever from what you approved earlier on the CDBG program this is identical the same. For reasons that these organizations would like to get their money and etc I'm going to ask for suspension of the rules.

COUNCIL PRESIDENT GAMBER - Any questions, Mr. Townsend?

COUNCILMAN TOWNSEND - I have a question I may be looking at the wrong allocations listing of allocations but what happened to the target sidewalk and curb replacement?

COUNCIL PRESIDENT GAMBER - If I could mention this is not every program these are only the ones that are on this ordinance.

COUNCILMAN TOWNSEND - Right, I still wanted to bring that up because I didn't see it.

COUNCIL PRESIDENT GAMBER - Mr. Mang, do you have an answer for him as far as when the target streets?

COUNCILMAN MANG - I think we've had legislation for it already. I'll move to Mr. Peters.

COUNCILMAN PETERS - I don't think Tony he's not talking about target streets he's talking about the sidewalk money that was set aside. He was told it would be set aside in the CDBG money. He's right I don't see it on here either.

COUNCIL PRESIDENT GAMBER - The first I can recall several weeks ago Aane Aaby saying that not one detail of that program was provided and he's in the process of developing the program. Is that correct, Mr. Mang?

COUNCILMAN PETERS - With all due respect and I still have the floor the money was still allocated out of the CDBG and I don't see it here.

COUNCIL PRESIDENT GAMBER - It's still allocated its just not being spent tonight, that's all.

COUNCILMAN PETERS - Okay, so its still there and I'm just clarifying Mr. Townsend's question not that he couldn't do it himself but he meant the sidewalk program.

COUNCIL PRESIDENT GAMBER - Council approved all the items in the long list some get approved at various times. Mr. Townsend is that satisfactory?

COUNCILMAN TOWNSEND - I meant sidewalk and curb replacement, thank you Mr. Peters.

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.

ORDINANCE NO. 94 - 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 95 - 2010

BY: ENVIRONMENTAL COMMITTEE

Enacting a new CHAPTER 943 "STORMWATER UTILITY" of the Codified Ordinances of the City of Massillon.

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COUNCILMAN MANSON - First reading.

ORDINANCE NO. 95 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 96 - 2010
REGULATIONS

BY: HEALTH, WELFARE & BLDG

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage, and declaring an emergency.

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COUNCILMAN TOWNSEND - We discussed this at the last work session. Actually this annual renewal contract and I do believe as of August 1st it is expired. So we need to pass this tonight.

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

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 96 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 97 - 2010
SAFETY

BY: STREETS, HIGHWAYS, TRAFFIC &

Authorizing and directing the Mayor of the City of Massillon, Ohio, to enter into a Project and Maintenance Agreement with the Stark County Commissioners for the Carmont Avenue/17th Street Project, and declaring an emergency.

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COUNCILMAN PETERS - We discussed this also at the work session two weeks ago. It is just what it says but this is I want to clarify this, this isn't happening this year this is for next year. But we have to enter into the agreement unfortunately our engineer is not here but if there are any questions maybe our safety service director can answer them. But there wasn't any questions at the work session so I'm going to move forward for passage.

COUNCIL PRESIDENT GAMBER - Just a quick clarification the contracts begin next year?

COUNCILMAN PETERS - No, no, no, this is for the resurfacing of next year this is the service agreement for that. We have to agree to maintain the road after they pave it.

COUNCIL PRESIDENT GAMBER - Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I just want to clarify the cost is there by the county?

COUNCILMAN PETERS - Yeah, its going to cost the city a portion though too, I believe we said I don't have it in front of me but I think the city's cost will be \$50,000. I mean that was in my original ordinance.

COUNCILWOMAN CATAZARO-PERRY – Is there anyway to clarify that?

COUNCILMAN PETERS - I can't.

SAFETY SERVICE DIRECTOR LOUDIANA – It's kind of difficult to determine that they haven't come up with any cost. But its estimated it will cost the city \$50,000 to \$100,000 for our share.

COUNCILWOMAN CATAZARO-PERRY – Could you tell me what account that would be coming out of?

SAFETY SERVICE DIRECTOR LOUDIANA – It would probably be coming out of license fees or capital improvement. I don't know which one what ever...

COUNCILWOMAN CATAZARO-PERRY – Well, I'm concerned about what account Mr. Loudiana because I really think that in the future we need to do an audit. I would like to try to save some dollars in capital improvement to utilize that. So it would be really helpful if we knew what account this would be coming out of.

SAFETY SERVICE DIRECTOR LOUDIANA – Here again its kind of new I mean this thing like Mr. Peters said isn't going to be done until next year. Until there's any figures thrown out I don't think we know where we're get it from. But those would be two of the accounts we would get it from road tax, license plate fee or capital improvement.

COUNCIL PRESIDENT GAMBER - Mr. Peters?

COUNCILMAN PETERS - I might also add that we're not okaying the paving project we're okaying the service agreement to take care of it after the paving project. So if council deems it that they don't want to pass it for a paving project next year we won't have to worry about it anyways. But this is just for the service contract agreement.

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

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 97 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 98 - 2010

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Street Construction Fund, Muni Motor Vehicle License Fund, Waste Grant Fund, Capital Improvement Fund, WIC Fund, Section 108 Loan Repayment Fund, General Fund, Home Health Fund and Economic Development Fund, for the year ending December 31, 2010, and declaring an emergency.

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COUNCILMAN MANSON - Yes, we have eight, nine, ten parts to this. So we'll start down through them and some of them we're going to do a little bouncing around. So if I get confused just straighten me out or the auditor I'm sure will help me out here. The first part is the community development block grant program in addition to what Mr. Mang talked about earlier there's the \$117,000 for the target area street improvements. Next part section 2 is for \$98,501 this is for street construction street resurfacing. Alright, section 3 \$25,000 for street resurfacing this will be coming out of the muni motor vehicle fund. Section 4 Is for \$10,000 for recycling please appropriate from the unappropriated balance from the waste grant fund \$10,000 to recycling services. Additional money is necessary to dispose of leaves, yard waste and tires. The section 5 is the first part is \$75,000 and that is for street resurfacing and that's coming out of capital improvement. The next section is \$12,775 please appropriate from the unappropriated balance of the 1401 capital improvement fund to the fire department roof repairs. The

explanation the fire station #1 is in need of a new roof there are many leaks. This is for the removal of the old and replacement of the new. Section 6 is the health department needs to appropriate from the unappropriated balance of the 1219.730 wic fund \$20,800 to be used there will be \$8,682 going to supplies, materials and postage. \$600 to travel, seminar and school, \$10,228 to wic salary, \$1,155 for PERS and \$135 to Medicare. Section 7, is \$7,436 and this is what has to be paid for the refinancing for the Section 108 loan that we just refinanced. Section 8, is for \$5,628 please appropriate from the unappropriated balance of the general fund 1100 to the following account 1100.325 supplies and materials. There will be \$2,178 from this is grant money received from the Health Foundation of Massillon for a heart monitor, fax transmission equipment in the amount of \$2,178. Also a grant for \$3,450 from the Ohio Department of Public Safety for equipment was granted. The money needs appropriated to be able to purchase the equipment. Section 9, is for \$4,000 health department needs to appropriate from the unappropriated balance of the home health fund account being 1235.705 the amount of \$4,000 to be applied to the health department salary account. Then the last one is please appropriate \$3,800 from the unappropriated balance of the 1237 economic development fund for the art mural project that is proposed to paint the Federal Avenue Pump Station with the Massillon Tiger theme and the Sippo Pump Station with a Lillian Gish theme.

COUNCIL PRESIDENT GAMBER - Are there any questions? Mr. Townsend?

COUNCILMAN TOWNSEND - Okay, I just need some clarification to the statement that the auditor made. I don't know if she thought I was referring to the target area streets because I did say that. But I'm referring to the target area sidewalk and curb replacement is that in finance?

COUNCIL PRESIDENT GAMBER - Would you like to call the auditor forward?

COUNCILMAN TOWNSEND - No, she just shook her head no.

COUNCIL PRESIDENT GAMBER - Who were you asking for please?

COUNCILMAN TOWNSEND - Nobody none she just shook her head.

COUNCIL PRESIDENT GAMBER - Alright, please direct a question at someone so we know in the minutes who we're talking about. Your question was Mr. Townsend?

COUNCILMAN TOWNSEND - Was the target sidewalk and curb replacement program in finance and its not.

COUNCIL PRESIDENT GAMBER - And you got your answer from?

COUNCILMAN TOWNSEND - The auditor.

COUNCIL PRESIDENT GAMBER - Who nodded no.

COUNCILMAN TOWNSEND - Right.

COUNCIL PRESIDENT GAMBER - Okay, this way its in our minutes at some future time we can figure out what just happen.

COUNCILMAN TOWNSEND - The auditor shook her head no.

COUNCIL PRESIDENT GAMBER - Thank you. Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY - Generally I don't support the Section 108 loan so I want to clarify tonight that I will be supporting this because we did refinance and we did save some money. So I will voting yes on this tonight.

COUNCIL PRESIDENT GAMBER - Mr. Manson. I'm sorry the safety service director would like to come forward.

SAFETY SERVICE DIRECTOR LOUDIANA - I just wanted to clarify that the \$12,775 for the fire station roof was just for the roof over the offices. It wasn't for the whole roof so in 2 years when we come back we'll probably ask for a roof you'll think we were doing twice. But it was just for the offices.

COUNCIL PRESIDENT GAMBER - Mr. Manson?

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 8 yes.

ORDINANCE NO. 98 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 99 - 2010

BY: FINANCE COMMITTEE

Making certain transfer in the 2010 appropriations from within the General Fund, for the year ending December 31, 2010, and declaring an emergency.

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COUNCILMAN MANSON - This is \$4,000 coming out of health department salary that's what the \$4,000 was in the last transfer we made that's part of Ordinance 98 going to mosquito control supplies.

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 8 yes.

ORDINANCE NO. 99 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 100 - 2010

BY: FINANCE COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Fund for the 2010 funding year, and declaring an emergency.

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COUNCILMAN MANSON - Yes, its pretty self explanatory we're looking at Carmont Avenue and this is a joint project with Stark County, Erie Street 241, Tremont intersection improvement project, 27th Street NE and Lincoln Way E, State Route 172 intersection improvement project and Griffith Avenue SW sanitary sewer replacement project.

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 8 yes.

ORDINANCE NO. 100 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 101 - 2010

BY: FINANCE COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Fund for the 2010 funding year, and declaring an emergency.

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COUNCILMAN MANSON - This is something that came in after the last committee meeting

in the middle of the week. The engineer called me and asked me about this Mrs. Catazaro-Perry gave her okay to sign it and also Mr. Hersher. What we have is we have some drainage through the levee that could be compromising the levee and it needs to be repaired. This needs to be done by I believe the middle of September. That's why the engineer asked to bring this forward sooner. Now I think we're in the same situation if we don't have the money I don't we'll be able to approve the project. But we're applying for funds to do this. We could probably hold it one more meeting but he's asking to move it along so he can get the application process going.

COUNCIL PRESIDENT GAMBER - Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I got the message late on Saturday Mr. Manson so I did not sign off to approve it. I left a message with the council clerk and ask her to have the engineer call me on Monday morning to kind of go through what this was about and what the expense was. So I think its fine that we apply for this tonight but I just wanted to understand it fully.

COUNCILMAN MANSON - And he didn't call because he was on vacation. If it's really a problem we could wait until the next but I feel that I'd like to move ahead on the application.

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 8 yes.

ORDINANCE NO. 101 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

RESOLUTION NO. 12 - 2010 **BY: COMMITTEE OF THE WHOLE**

Renaming Shriver Park to T. Roy Roberson Memorial Park in honor of his service and dedication as the 4th Ward Councilman during 1981 until 1992.

COUNCILMAN MANG - As was directed a work session and requested also by the councilman this resolution was passed onto the committee of the whole with the instructions tonight of giving its first reading.

COUNCILMAN TOWNSEND - Point of order here I have something I'd like to say. Actually I really don't see the purpose of giving it a first reading. I think we should vote on it tonight because I brought to this council on May 24th so we're talking about close to almost 3 months. The opposition early on was against what people thought that the history was with Shriver Park. I think I proved that that the history was not with the Shriver Park but with the Old Massillon Field. So I believe that we should vote on this tonight either way. It should not go on another month or two months making it almost a half a year to vote on this.

COUNCIL PRESIDENT GAMBER - Alright, I appreciate your comments. Mr. Mang is the chairman and has given it first reading.

COUNCILWOMAN CATAZARO-PERRY - Point of order. Mr. Mang is the chairman of committee of the whole?

COUNCIL PRESIDENT GAMBER - You all recognize him as chairman of the committee of the whole because he is president pro-tem.

COUNCILMAN TOWNSEND - I never I can't recall that ever being the case in the past.

COUNCIL PRESIDENT GAMBER - What did Mr. Graber tell you to say next then?

COUNCILMAN TOWNSEND - Who?

COUNCIL PRESIDENT GAMBER - I'm asking what have you been directed to ask or discuss about committee of the whole?

COUNCILWOMAN CATAZARO-PERRY - Mr. Gamber, you're out of line.

COUNCILMAN TOWNSEND - Yeah, you're way out of line. I'm speaking on the ordinance I presented back on May 24th and you're bringing up someone else.

COUNCIL PRESIDENT GAMBER - Alright, Mr. Mang is the chairman of the committee.

COUNCILWOMAN CATAZARO-PERRY - Says who?

COUNCIL PRESIDENT GAMBER - By recognition over years of acceptance there was no problem two weeks ago when it was turned over. I have no dog in this fight. Mr. Mang has requested first reading.

COUNCILWOMAN CATAZARO-PERRY - I don't recognize Mr. Mang as chairman of the committee of the whole.

COUNCIL PRESIDENT GAMBER - Well, I'm president and I recognize him as chairman of the whole and I think council over the years has recognized the pro-tem as chairman. If you'd like we can ask the rest of council as I say I don't care one way or the other. Mr. Manson?

COUNCILWOMAN CATAZARO-PERRY - I think its unfortunate that Mr. Townsend is trying to represent his ward appropriately and there are members on council that are trying to block that. That's very unfortunate.

COUNCIL PRESIDENT GAMBER - Mr. Manson?

COUNCILMAN MANSON - Yes, we had a discussion at the committee the other night and I thought we talked about this going forward as a committee of the whole. I thought at that point it was talked about giving it first reading and it would be assigned to the parks committee. Isn't that what was discussed at that meeting?

COUNCILMAN TOWNSEND - No, initially we were I was thinking about just bringing it up for first reading and then after first reading go to the parks and recreation. But we said committee of the whole so that just voided that whole process. If I can recall in the past when there was a resolution as committee of the whole it was usually referred back to the person who presented the resolution. I can recall Councilman McCune presented a resolution pertaining to something and it was referred back to him just like Councilman Manson presented a resolution honoring Massillon tiger football track guy and the Perry softball team. It was referred back to Manson. So now today...

COUNCIL PRESIDENT GAMBER - I would imagine at that time Mr. Mang as chairman said I'm referring this to whoever.

COUNCILMAN TOWNSEND - I don't think he ever said that.

COUNCIL PRESIDENT GAMBER - But Mr. Peters you have a comment?

COUNCILMAN PETERS - Yeah, it was my understanding and not to be argumentative that the reason Mr. Townsend agreed for this to go to the committee of the whole was that so it could be voted on tonight. He was clear on that at the work session last week because he said I remember him saying quote unquote "if you don't want to do it then vote no". He wanted it to be voted on tonight that's all I have right now.

COUNCIL PRESIDENT GAMBER - I have no objection one way or the other I told Mr. Townsend previously that we were prepared to move forward with it at our last council meeting. Half way through the discussion suddenly it got switched to committee of the whole. What the discussion was about what was to happen to it I don't know I was not part of that discussion. Mr. Manson?

COUNCILMAN MANSON - I still stand by what I thought I understood. Okay, and I still

believe that this should go to the parks to start. I believe it should have gone there and it probably would be completed by now. I intend and if it doesn't go to the parks I intend to vote no.

COUNCIL PRESIDENT GAMBER - Mr. Slagle?

COUNCILMAN SLAGLE - Yeah, I take objection to the anyone trying to block this. I don't I've never tried to block this but in naming and renaming any public property particularly a park in this nature. There is a procedure that's been setup through the parks and recreation committee or through the parks and recreation board. There is nothing illogical about that decision making process that I saw and Mr. Townsend has known about it as soon as I found out it when he informally presented his request. I brought it to the parks and rec. department board to discuss and when they found out that there's already a procedure in place I suggested that be followed. I just don't understand why that procedure can't be followed.

COUNCILMAN TOWNSEND - Because that procedure does not pertain to us. You're the attorney you ought to know that. It does not pertain to us.

COUNCIL PRESIDENT GAMBER - Mr. Anderson?

COUNCILMAN SLAGLE - I'm going to vote no if we bring this forward today.

COUNCILMAN TOWNSEND - Fine, that's what I said last week.

COUNCILMAN ANDERSON - The comment that I heard and Larry was at the meeting Thursday. Two of the board members on there both said that it doesn't make any difference what we say if its brought back to us because city council is going to make a determination what they do with it regardless of what we say. Am I right in that they said that? The president of the board plus the fellow that sits to his left oh now wait a minute no that sits to his right.

COUNCILMAN SLAGLE - What was said was that we would ultimately have the determination which is true. (Right) But what they do doesn't mean that it has no impact on us in renaming anything. Whether it be today or five years from now we should do it in a diligent and a process that makes sure that we get a full public hearing on everything that we're doing. Whether its in regards to Mr. Roberson or whether its in regards to anyone else we may want to name a park after. I mean I don't even understand why we're at this point on this.

COUNCILMAN ANDERSON - I don't either but are we going have any influence by the rec. board about what we do with it?

COUNCILMAN SLAGLE - How can we say if we're going to be influenced by them until they make they review it, they have the hearings on it and the process that their doing to get the full history that's been brought forward and has been discussed. How can we say and presume what they're going to do on that particular matter?

COUNCILMAN ANDERSON - I don't know I'm just stating what they said.

COUNCILMAN SLAGLE - Does that mean we have to be bound by it? No that doesn't mean we have to bound by it.

COUNCILMAN ANDERSON - I'm just repeating what I thought they said at that meeting that's all.

COUNCILMAN SLAGLE - Well, they said we're the ultimate determiner but that doesn't mean that we're not listening to what they had to say. What they found out what was discussed in their hearings. I mean there's a difference between whether we listen to what they have to say as to whether we follow what they have to say.

COUNCILMAN PRESIDENT GAMBER - Mr. Townsend, let me ask you when you referred this to committee of the whole what did you think you were doing? What was your

intent?

COUNCILMAN TOWNSEND – To put it on the agenda so it could get voted on today.

COUNCILMAN PRESIDENT GAMBER – Why was there no objection when Mr. Mang was named as the chairman?

COUNCILMAN TOWNSEND – You just did it.

COUNCILMAN PRESIDENT GAMBER – No, no, no. Two weeks ago when you said I will refer this to the committee of the whole those words didn't come out of my mouth they came out of yours.

COUNCILMAN TOWNSEND – Right I did say that.

COUNCILMAN PRESIDENT GAMBER – What do you mean by that?

COUNCILMAN TOWNSEND – Because we always use the term committee of the whole we have always done it. So I was referring to committee as a whole. Whatever that may mean.

COUNCILMAN PRESIDENT GAMBER – Who do we recognize as chairman of that committee.

COUNCILMAN TOWNSEND – The person who present the resolution. We have always done that. We have never singled out Mr. Mang as the chairperson so to speak as committee of the whole.

COUNCILMAN PRESIDENT GAMBER – May I have some help from the rest of the council members. Is it not common practice...

COUNCILMAN TOWNSEND – It's never been that and those two know it.

COUNCILMAN PRESIDENT GAMBER – Mr. Townsend, is it not common practice that the president pro-tem is named as chairman of the committee? Just nod your heads or if you disagree please say so.

COUNCILWOMAN CATAZARO-PERRY - It is not common practice.

COUNCIL PRESIDENT GAMBER – I must have been on a different universe for 12, 14 years here.

COUNCILWOMAN CATAZARO-PERRY - Mr. McCune brought forward the choir, Mr. Manson brought forward the softball team and the track star. They brought it forward that evening. They talked about it we voted on it. They made the motion to suspend the rule.

COUNCIL PRESIDENT GAMBER - I'll refer back to Mr. Mang who I am recognizing as chairman of the committee of the whole. Mr. Mang?

COUNCILMAN MANG - Based on the communication that I'm receiving here what I don't really understand is that initially the choice was to give it to park and rec, Then the question of whether park and rec. would do anything with it. Then it was referred to the committee of the whole and at the same time when that was done the president said fine but the ordinance will be given or the resolution be giving its first reading. I did not hear anyone here say no word was said and that's exactly what has taken place. It was at that point was the time to say no, no, no.

COUNCILMAN TOWNSEND – I've been saying no, no, no and yes, yes, yes since May 24th.

COUNCILMAN MANG - I know but I don't care about that right now. I'm worried about this resolution.

COUNCILMAN TOWNSEND – Calm down, Ron. Calm down we're just talking, we're just talking. Calm down.

COUNCILMAN MANG - And I'm not excited either. But I'll tell you what I'll do I'll make the rule requiring three separate readings be suspended and we'll bring it up for a vote.

COUNCILMAN TOWNSEND – Lets do that.

COUNCIL PRESIDENT GAMBER - We need a second, are you a member of committee of the whole and you approve it. I don't want an illegal second here.

COUNCILMAN PETERS - I think I'm a member of the committee of the whole.

COUNCIL PRESIDENT GAMBER - What makes you think that?

COUNCILMAN PETERS - Well, because I'm the whole committee.

COUNCILMAN TOWNSEND – We didn't have this much discussion when he tried to sell Genshaft.

COUNCIL PRESIDENT GAMBER - It's been moved and seconded to suspend the rules.

COUNCILMAN SLAGLE – Can I have discussion on this?

COUNCIL PRESIDENT GAMBER - We certainly will have discussion. Mr. Slagle?

COUNCILMAN SLAGLE – The whole purpose of the process that was setup through the parks and rec. board in 2002 at a meeting in which the 4th ward representative was present was to avoid emotional discussion on vary critical issues and a very important issue in renaming a park in the honor of anyone. To set a precedent now to do it on an emotional basis under threat of who knows what you've accused me of blocking it you've accused me of letting it sit...

COUNCILMAN TOWNSEND – I never said that, I never said that.

COUNCILMAN SLAGLE – You certainly implied that Mr. Townsend. Now wait a minute you certainly have implied it. You know I knew T. Roy ten years before you showed up in this town he was a friend of mine. I worked with him on when we both got Governor Celeste elected governor of the State of Ohio. I helped him have access to the governor's office I respected T. Roy Roberson. I think what you're doing now is not honoring T. Roy and I think we should do it in the appropriate process. In 2002 the parks and rec. department through the parks and rec. board setup a process that should have been followed. If you don't want to sign the application I'll sign the application I don't understand to this day why you haven't signed that application.

COUNCILMAN TOWNSEND – And I'll tell you why. Because #1 I feel that policy does not apply to us. #2 if you look at the notes on there they asked Jay Boodhesaw to adopt the policy well to create a policy. He created one there's no record stating that they adopted it and the president did not sign it to say that it was you know an acting policy. So to me they just created this policy and never voted to accept it as policy. But going back #1 it does not apply to us. You know I guess it bothers me that we never we didn't have this type of discussion when Genshaft was up for sale. That went through smoothly now we're talking about not only honoring T, Roy Roberson but also honoring the history of Massillon Tigers all hell breaks loose. I think people need to man up we can just sit here and vote if you vote no you vote no and we move forward.

COUNCIL PRESIDENT GAMBER - Mr. Slagle, you still have the floor. Mr. Townsend was responding to a question.

COUNCILMAN SLAGLE – I don't believe for a minute that we're doing what you just said. What we're trying to do is setup a policy that will come forward any time we need to name or

rename a city park. A policy that seems logical and consistent with what the purpose of renaming a park should be. It's a logical first step its not something that should be taken lightly its not something that should be based upon emotions. It should not be done in a way that this has been particular been done. Because what happens when the next one comes in are we going to do it that way again because we want to rename a park on the east side after someone else. We have to do this deliberately that's all I've suggested you do. Every time you suggest whether you say my name personally or not that I'm trying to block it I've never tried to block this piece of legislation.

COUNCILMAN TOWNSEND – Larry, I never said you tried to block it. Never.

COUNCILMAN SLAGLE – Who's trying to block then?

COUNCIL PRESIDENT GAMBER - Mr. Slagle, are you finished?

COUNCILMAN SLAGLE – Yes.

COUNCIL PRESIDENT GAMBER - Mr. Peters?

COUNCILMAN PETERS – Okay, somebody's got to remain calm here so its going to be me. Okay, and I'm directing this to the 4th ward councilman Mr. Townsend and I'm not trying to stop what you're doing okay. I just I have a great sense that what's about to happen tonight is going to be a disservice to T. Roy. Okay, and I don't think you or any other member of this body wants to do that. I think in my opinion and this is just my opinion as a fellow council member I think that if you're patient enough this can be done smoothly and honorably for T. Roy. I don't see any member of this council voting against this if its done with that procedure.

COUNCILMAN TOWNSEND – So what procedure following up with parks and rec.?

COUNCILMAN PETERS – No, go to parks and rec. I'm on parks and rec. I will personally sign it and I don't think that Mr. Anderson or Mr. Slagle will have an objection to signing it. We will sign it I mean I'll give you my guarantee I'll sign it. Okay, and it will be on the agenda we'll give it its three readings or two readings. I will remind you nothing against you or what you're trying to do. When I renamed a street after a former mayor here not so long ago. Okay, it seemed like it went fast but it didn't really go that fast. I took about six months and I held I had a public hearing for it. Even though it didn't require a public hearing I held a public hearing in case there was some objection to it. Okay, so I think we need to follow the process I am 100% behind you if you decide you want to bring it forward for a vote. I don't have a problem with that but I fear disrespecting T. Roy is going to happen. I'm fearing this is going to be turned down and I don't want it to be.

COUNCILMAN TOWNSEND – This is the process, this is, this is the process.

COUNCILMAN PETERS –I've said along and I've told you this and no secrecy that I felt that this should have come through parks and rec. Okay, I felt that along you've felt that it was being held up in parks and rec. You felt that way all along. But I have always said that the proper thing is to go through council although there's people who disagree and you say you don't have to. You don't have to. Okay, but I do believe that it should be done that way. The only thing I am fearing right now is that we're going to do T. Roy a disservice and disrespect him by voting no on this tonight. I think you're going to have some no votes and we're one council member short. I think that's going to make a difference also. That's all I'm asking.

COUNCIL PRESIDENT GAMBER - Mr. McCune?

COUNCILMAN MCCUNE – I just really kind of want to echo what Mr. Peters just said. I think if we allow this to run the course that has been setup for us along. This would fly through here unanimously and we would pay T. Roy the respect and the honor that he's deserving of. But we all but there's no doubt that there will be no votes here when there's unnecessary if we just stay calm and let this thing run its course. Set a pattern set a good path for generations to follow and so that things of this importance are done and they're done properly and they're done

diligently and they're done with all due respect that its intended. So I really ask that Councilman Townsend to consider those things and lay your emotions aside. Allow this to just take a little awhile longer to get there.

COUNCILMAN TOWNSEND – Can I respond to that?

COUNCIL PRESIDENT GAMBER - No, Mrs. Catazaro-Perry has her hand up.

COUNCILWOMAN CATAZARO-PERRY - Well, I think that the problem is that Mr. Townsend brought this forward in May and all of sudden a policy surfaced that's not signed and passed by any minutes that we can find is that correct, Mr. Slagle?

COUNCILMAN TOWNSEND – It wasn't passed but they have minutes though.

COUNCILWOMAN CATAZARO-PERRY - I think that's where the untrustworthiness comes into play, Mr. Slagle, honestly. Then he says he wants to do it as a committee of the whole and now tonight its put into Mr. Mang's seat. When every other time that somebody brings something as committee of the whole the person who brings it forth is the one who gets to speak on it and waive the rules. So there's a lot of distrust here because of those things. So I would like to really know has this policy been adopted. Is it adopted and is it active is it an active policy.

COUNCILMAN SLAGLE – First of all, it didn't just suddenly surface. When Mr. Roberson was first mentioned to be honored by having a park named after him Mr. Townsend requested an opinion from the law director as I recall about the process. That's when I learned that it was being done. Based upon the copy of that email to me I think contacted the parks and rec. department and their board and suggest that they put it on their June meeting. The June meeting unfortunately was cancelled but at the same time they then identified that in 2002 they although there are some people who are alleging this policy doesn't exist. But in 2002 when Councilwoman Autrey was present they discussed the Massillon Parks and Recreation Department public park and facility naming policy. Which specifically dealt with naming parks and renaming parks with an application. When that surfaced and I don't remember the exact date but it was sometime in June I emailed that policy to Tony and suggest that he complete it and file it with the parks and rec. board so they could discuss it at their next meeting. It wasn't filed but it was still discussed at the next meeting at which point the letter from Perry surfaced about what can be done or not done. The information that Perry had identified on how it became Shriver Park and that was at the park and rec. board meeting of July. But they didn't bring it up any further because they didn't have a formal request to rename the facility.

COUNCILWOMAN CATAZARO-PERRY - My question you still didn't answer it. Was it voted on was that policy adopted?

COUNCILMAN SLAGLE – Well, frankly I don't know if it was voted or not voted on because they don't have the best of record keeping. But it was clearly if not formally informally adopted because they had it and it was there. It didn't just surface I mean it's like it was created in June of 2010 which isn't true, it was created in 2002. This is the first park I think that has come forward to be renamed and it's the first time its come forward to be renamed. I think its just a terrible policy to have a parks and rec. department and a parks and rec. board that is going to look at this it talks about a 30 day wait period, public hearings that the mayor should be informed and ultimately we will then get it. When you are changing the name of a park as it specifically says in this policy parks and facilities named after individuals should never be changed unless its found that the individual's personal character is or was such that the continuing use of their name etc, etc, would not be in the best interest of the community. It's a very serious thing to rename a park what happens 20 years from now when perhaps when the relatives of T. Roy Roberson are no longer around and perhaps the Tony Townsend relatives now want to rename this park and they want to do it. I mean it's a logically procedure.

COUNCILWOMAN CATAZARO-PERRY – I'm not saying its not a serious thing I'm saying when I sit on boards we vote on to adopt or not adopt a policy. I'm asking if there are minutes that it has been adopted or not adopted. He's saying that he doesn't believe it pertains

to us because he has zero documentation that it was adopted. I'm not trying to fight his fight I'm really not but you know these people in ward 4 have come forward and have asked us of something. Now if its not been adopted why don't we have a public hearing ourselves? Why don't we give it three readings ourselves and let it go that way? I would like to see documentation myself not for Tony but for me that says that that policy was adopted and is an active policy.

COUNCILMAN MANG – As I recall at the work session...

COUNCIL PRESIDENT GAMBER - One moment please Mr. Mang, are you finished Mr. Slagle?

COUNCILMAN SLAGLE – No, I would just say that the renaming of a facility or the naming of a facility is so important and the person to be honored should have such a clear understanding for the family members or anyone else that they went through all the procedures that it should not only have a public hearing and a 30 day wait period after the park and rec. board examinant but once it comes to council it should go through three hearings because this is a life well heroically it should be a lifetime thing. But if we do it haphazardly it may become a thing that we do you know just as whim every ten years we just going to go rename a park. I think it's a terrible policy just to do it that way and I think it dishonors the people that we're renaming it for that's all. I don't understand the objection.

COUNCILWOMAN CATAZARO-PERRY – I think that they should adopt a policy then if its not been adopted have the parks and rec. adopt a policy and let it Tony go through the proper channels. It's not been adopted Larry, you can't show me anything that it has. So ask the park and rec. to adopt it and start over and we will go through the proper channels but that's just not fair to give him a policy and say its in place when its not never been voted upon.

COUNCILMAN SLAGLE – I understand what's unfair about that. There was a matter of filling out this form which I'm doing right this minute. What's unfair about that why do we have a parks and rec. board.

COUNCIL PRESIDENT GAMBER - We're turning into argumentation here. Mr. Slagle, can you wrap up your comments and I'll then call on Mr. Mang? Mr. Slagle, are you finished?

COUNCILMAN SLAGLE – I'm finished I'm filling out the application.

COUNCIL PRESIDENT GAMBER - Mr. Mang?

COUNCILMAN MANG – Yes, I thought at the work session Mr. Townsend wish not to send this to park and rec. He and Kathy signed it to go to the committee of the whole. At that time the president accepted that and assigned it to committee of the whole and also said we will give it first reading.

COUNCILWOMAN CATAZARO-PERRY – The president can't determine that.

COUNCILMAN MANG – Wait a minute, wait a minute I'm not done. I don't recall anyone objecting to that other than Tony said well maybe we should send it to the parks and rec.

COUNCILMAN TOWNSEND – Let me tell you why I didn't object because the first resolution I submitted never got on the agenda.

COUNCILMAN MANG – Okay, but you did want to change and go to park and rec.

COUNCILMAN TOWNSEND – Well, it was originally parks and rec. and then it went to committee as a whole.

COUNCILMAN MANG – Right but after that you said you wanted it to go to park and rec. but the two of you had signed to go to committee of the whole. All I've heard tonight is that we need to pass this so I'm going to bring it up to pass it. I had a motion on the floor and I had a

second.

COUNCIL PRESIDENT GAMBER - We've already had the motion and the second to suspend the rules.

COUNCILMAN TOWNSEND - This is the point I'm trying to make. Please let me say that...

COUNCIL PRESIDENT GAMBER - One moment here. Mr. Mang, are you finished?

COUNCILMAN MANG - No sir I'm not. Because we had said what we were going to do and now you say tonight just tonight I want to bring it up and get it over with. That's fine I'm following your instructions and I give it first reading you didn't like that. I come back and said I changed my mind I move that we suspend the rules and bring it forward for a vote. Only because of what you have asked me to do tonight.

COUNCILMAN TOWNSEND - Okay, this is where the motion and the passing come in. When I first introduced this resolution or we spoke about it in May since then I have gotten nothing but emails and phone calls from members of council not people in the community and even a park and rec. board I won't disclose what he said through email opposing this. No one else, no one else opposing this and so I sent a resolution guess what the resolution never made it to an agenda never made it to the agenda. Okay we moved on I created another one alright then all of a sudden now we're changing rules of the committee as a whole. It just seems like rules only fit to accommodate what the majority wants. So that's where the emotion and the passion and frustration is coming from. Not with this ordinance or not with something someone disagreeing with it. It just seems like this body of council tends to change rules to accommodate the majority or the people who are against something. It has never been the issue where the committee has been assigned to Councilman Mang. I can't remember in the five years I've been on council so that's where the frustration and the emotions and the passions are coming from. The thing is this I think and I commend Councilman Manson for coming out and saying you know hey if it do this I'm going to vote no. But the fact is I think some council members here wanted to it go to parks and rec. so they could shoot it down and then they come back and say hey well they said no so we're going to adhere to their policy and we're going to adhere to what they have to say. What is the purpose I think its more of a slap in the face if they say no and then we turnaround and say yes. So I think a lot of people needs to quit playing games so we can vote it we can set it out here today right now and if it goes down in defeat so be it. Because what its going to happen anyways after we get the reply back from parks and rec. It's going to happen so you know...

COUNCIL PRESIDENT GAMBER - Mr. Mang, everybody has spoken at least twice some of you three times.

COUNCILMAN MANG - Mr. Townsend, Mrs. Catazaro-Perry, your desire is this to resolution be brought forth tonight. Mr. Townsend I relinquish whatever I have to you.

COUNCILMAN TOWNSEND - Actually my constituents are telling me no. So we're going to go through what first reading, second reading... So...

COUNCILMAN PETERS - What a minute, no, point of order, point of order, we've already got a motion...

COUNCIL PRESIDENT GAMBER - Just a moment, you're exactly right we have a motion and we have a second.

COUNCILMAN PETERS - So we all we have to do is vote no on the passage of the suspension of the rule if that's what you want to do. But you have to go through with that we've already established that.

COUNCIL PRESIDENT GAMBER - You need seven votes to suspend the rules.

COUNCILMAN MANG – I ask that my position on this because I've been told you've been told that we have not done this in the past. So to keep that in the past I wish to withdraw my motion I wish that the resolution be given back to Mr. Townsend and Mr. Townsend takes the piece of legislation and sees fit to do what.

COUNCIL PRESIDENT GAMBER - Alright, well in the meantime we do have a motion and a second.

COUNCILMAN MANG – I will withdraw my motion.

COUNCIL PRESIDENT GAMBER - The motion has been withdrawn.

COUNCILMAN MANG – Don't forget we're trying to put it back the way we do business all the time now. I don't want to hear later that this was changed its not changed.

COUNCIL PRESIDENT GAMBER - Mr. Peters?

COUNCILMAN PETERS – I guess if you'll allow it I'll withdraw my second.

COUNCIL PRESIDENT GAMBER - Alright, the motion and the second has been withdrawn. Mr. Townsend you now have the floor. What would you like to do with this.

COUNCILMAN TOWNSEND – First reading. I'll refer it to parks and rec. chairman.

COUNCILMAN MANG – Mr. chairman, I think before that happens I think that there has to be change here indicating that this is going to be transferred and will have to be assigned to them. I don't think since it was done one way it was put on the agenda and such I think we need to change it. I think the option is to give it first reading or vote for passage I think that's the options.

COUNCIL PRESIDENT GAMBER - Well, we've had two motions to suspend, we've had one motion to give it first reading. Mr. Townsend has given it first reading and is referring it back to the park and rec. committee. Is that my understanding now the resolution that we all have in front of us is that the final version or will that change?

COUNCILMAN TOWNSEND – Final version.

COUNCIL PRESIDENT GAMBER - Okay, is everyone satisfied with this do we have any problems? Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Yes, I would still like documentation that this is a policy or have them adopt it one or the other. I think that every board adopts policies and it needs to be adopted.

COUNCILMAN MANG – Mrs. Perry, I don't believe we dictate policy to them that is why they are a board. I'm talking about the board the recreation board I think that it is up to them do as they wish as far as policies.

COUNCILWOMAN CATAZARO-PERRY – Mr. Mang, I'm asking for documentation.

COUNCILMAN MANG – I'm telling you that they have to give us documentation its their board.

COUNCILWOMAN CATAZARO-PERRY – They most certainly do.

COUNCILMAN MANG – You can sit here and deny anything you want to. But if they claim they have documentation that this is what they do that's what they do. Whether we like we can overrule anything we want but the fact is they have said they have that.

COUNCILWOMAN CATAZARO-PERRY – They have not said that, Ron.

COUNCIL PRESIDENT GAMBER - Alright, lets move on we've had several motions we've had our fun playing with our parliamentary procedure and what's a committee and what's not a committee. Mr. Townsend, as sponsor of the legislation you are agreeing to move it to park and rec. is that correct? (Yes) Mr. Slagle, do you understand that received it? (Yes) In the form that we have now we have had several versions of it but we're done with it and its now in parks and rec. Mr. Peters?

COUNCILMAN PETERS – Yeah, I was hoping you would recognize me or I'd have to start yelling. I'm not being argumentative to the ward one councilman but city council can tell the parks and rec. department what their procedures are. Okay, we are the legislative body of the city and we can tell the parks and rec. board what they have to do.

COUNCILMAN MANG – I'm sorry you can not.

COUNCILMAN PETERS – Well, you'll have to prove that differently to me.

COUNCILMAN MANG – Because the parks and rec. is not set up by this council. The park and rec. was set up by the mayor and the board of education by code by law. They establish the rules that they operate under period. We if we decide that we don't like their decision we can do anything but they make up the rules that they want to use and adopt them. Whether you agree with that or not every board that is set aside has that rule. This was set up between the city and the board of education where two and three members were assigned to form that committee and to make that committee function.

COUNCIL PRESIDENT GAMBER - Okay, as I say lets move on and get on to the next issue.

RESOLUTION NO. 12 – 2010 WAS GIVEN FIRST READING AND WAS REFERRED TO THE PARKS AND RECREATION COMMITTEE.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

- A. Repository - \$1,208.00
- 2. Keller Office - \$6.99

COUNCIL PRESIDENT GAMBER - Mr. Manson, we need a motion to pay the bills.

COUNCILMAN MANSON – I make a motion to pay the bills, seconded by Councilwoman Catazaro-Perry.

Roll call vote of 8 yes to pay the bill.

10. REPORTS FROM CITY OFFICIALS

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

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

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER - As far as committee reports the next time we meet will be Tuesday, September 7th for a council meeting with issues that were discussed at the work session tonight. The next work session will be Monday, September 13th. Before we get into anyone else's Mr. McCune, you had mentioned a change in starting time.

COUNCILMAN MCCUNE - Yes, I was requesting that work sessions start time remain at 6:00pm when we go back to regular meeting times. Basically I'm making that request because otherwise I will be late to every single meeting.

COUNCIL PRESIDENT GAMBER - Is there comment or discussion on that? I'll leave that all up to you all to decide but apparently at this point the work session will be at the normal time on September 13th.

COUNCILWOMAN CATAZARO-PERRY - I can support the 6:00pm I don't have an issue with that.

COUNCIL PRESIDENT GAMBER - Well, that's what I was asking for what do you all want to do.

COUNCILWOMAN CATAZARO-PERRY - I'm sorry I didn't know you were wanting a response that will be fine with me.

COUNCIL PRESIDENT GAMBER - Mr. Slagle?

COUNCILMAN SLAGLE - I don't have any disagreements with that.

COUNCIL PRESIDENT GAMBER - Just by nodding of heads is that a general consensus that the work sessions will start at 6:00pm? Alright, Madame Clerk, please make that note. Do we have a start time in our council rules, if we do take a look if it says 5:30pm then we'll need a motion to actually change it.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 85 - 2010 REGULATIONS

BY: HEALTH, WELFARE & BLDG

Amending CHAPTER 1129 "BOARD OF ZONING APPEALS" of the Codified Ordinances of the City of Massillon, by repealing existing section 1129.04 "Fees" and enacting new Section 1129.04 "Fees".

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COUNCILMAN TOWNSEND - Ordinance No. 85 was discussed some time ago actually Mr. Houpt and I pretty much took the whole work session to discuss this ordinance. There should not be any questions pertaining to this since there are no I don't believe there are no questions.

COUNCILWOMAN CATAZARO-PERRY - Well, I just wanted to let council know that I will be voting no on the first two that have increase fees. The fees that we talked about we were supposed to be changed to the amount that we said we were going to change them to and that didn't happen. I don't believe we should increase fees at this time.

COUNCIL PRESIDENT GAMBER - Mr. Townsend?

COUNCILMAN TOWNSEND moved to bring Ordinance No. 85 – 2010 forward for passage, seconded by Councilman Manson.

ORDINANCE NO. 85 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. CATAZARO-PERRY VOTED NO.

**ORDINANCE NO. 86 - 2010
REGULATIONS**

BY: HEALTH, WELFARE & BLDG

Amending CHAPTER 1125 “ADMINISTRATION AND ENFORCEMENT “ of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1125.01 “Enforcement”, 1125.05 “Duties of Building Inspector” (a)(b)(c) and (d), 1125.05 (b)(c) and (g) 1125.06 “Final Inspection” and Chapter 1125.07 “Fees”, and enacting new Sections 1125.01 “Enforcement”, 1125.05 “Duties of Building Inspector” (a)(b)(c) and (d), 1125.05 (b)(c) and (g) 1125.06 “Final Inspection” and Chapter 1125.07 “Fees”,

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COUNCILMAN TOWNSEND - Okay, same thing we had plenty of discussion pertaining to Ordinance No. 86 if there are no further questions I would like to move this ordinance forward for its passage.

COUNCILMAN TOWNSEND moved to bring Ordinance No. 86 – 2010 forward for passage, seconded by Councilman Anderson.

COUNCIL PRESIDENT GAMBER - Mr. Peters?

COUNCILMAN PETERS - Yes, I don't want to drag this out all night but you moved really fast on that last one my question is to Councilwoman Catazaro-Perry what fees aren't changed because that concerns me I mean did we who agreed to change the fees and why weren't they changed. That's my question I'm directing that to you.

COUNCILMAN TOWNSEND - Okay, there were two fees I believe to the construction of residential and commercial the residential was bumped down \$25.00 and the commercial was originally \$200.00 and to my understanding it was supposed to go down to \$175.00.

COUNCILMAN PETERS - Are you telling me that it didn't?

COUNCILMAN TOWNSEND - The \$175.00 it didn't go down.

COUNCIL PRESIDENT GAMBER - Was the request made in writing with the legislation request to do that?

COUNCILMAN TOWNSEND - It wasn't nothing in writing but he did everything else that we requested of him that night.

COUNCILMAN PETERS - Well, I have a problem with that if its supposed to be one thing and its another in the ordinance. I have to agree with the councilwoman I mean why would we vote on something that's not what we agreed on doing.

COUNCIL PRESIDENT GAMBER - Well, if I may be permitted to mention the general practice is that the committee chairman will make those changes in writing and submit them. That's how you know its done.

COUNCILMAN TOWNSEND - I did do that, but I went either way because the commercial part really didn't matter to me. I did have an issue with the residential part which was adjusted.

COUNCIL PRESIDENT GAMBER - Well, wait a minute what do you mean it didn't matter. Did you ask for the change?

COUNCILMAN TOWNSEND - Well, I could have went either way. The body as a whole asked for a change and I did write that down if I can recall.

COUNCIL PRESIDENT GAMBER - Were you aware that the change was not made?

COUNCILMAN TOWNSEND - Yes, I was.

COUNCIL PRESIDENT GAMBER - Okay, so that's not a surprise to you as the chairman.

COUNCILMAN TOWNSEND - No, no.

COUNCIL PRESIDENT GAMBER - Okay. Mr. Peters?

COUNCILMAN PETERS - Well, all I can say I'm agreeing with the councilwoman from the 3rd ward I think I don't think you vote on something that we agreed to make a change on. So I'm going to vote no on this one I wish that I would have been a little faster on the last one.

COUNCIL PRESIDENT GAMBER - Any comments or questions? Mr. Slagle?

COUNCILMAN SLAGLE - Yeah, my notes from that committee meeting on this Ordinance No. 86 says that they were supposed to take out the \$50.00 fee.

COUNCIL PRESIDENT GAMBER - Mr. Townsend said that was done in writing and was that change made?

COUNCILMAN TOWNSEND - Yeah, I wrote it down on the form to...

COUNCILMAN PETERS - Yeah, but was it changed on the ordinance?

COUNCILMAN TOWNSEND - No, it wasn't changed on that. But like I said I could have went either way but because of the consensus that they wanted the change until I wrote it to be changed. But we can just table this hold off on it until or no lets just move forward, lets move forward.

COUNCIL PRESIDENT GAMBER - Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY - Well, I just have a comment the other reason that I will be voting no is because I really truly believe that we're just being thrown these changes and I do think the building code changes need to be changed. What I think really needs to be studied and evaluated is when we do increase fees are we increasing the fees for the right reasons. Increasing the fees that are going to make a difference changing a fee for an appeal is not going to make a difference when you have one or two appeals a year. To me that's senseless if we need to increase revenue and we need to pay for our department staff and manager then we need to look at the whole picture and do it in a systematic way. Not just be throwing these things at council and I support Mr. Townsend tonight for saying hold up I want to understand these. Because we all need to do things correctly.

ORDINANCE NO. 86 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 4 YES, 4 NO, PRESIDENT GAMBER VOTED YES TO BREAK THE TIE. ANDERSON, CATAZARO-PERRY, PETERS AND SLAGE VOTED NO.

COUNCIL PRESIDENT GAMBER - I'm going to vote yes. In my opinion council has had this in a normal length of time the changes that were requested apparently someone made and someone not in my opinion \$25.00 isn't going to matter to change anything.

ORDINANCE NO. 87 - 2010
REGULATIONS

BY: HEALTH, WELFARE & BLDG

Amending CHAPTER 1181 "ACCESSORY BUILDINGS" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1181.01 "Regulations" (h) and (i) and creating Section 1181.02 "Solid Fuel-Fired Outdoor Heating Devices", and enacting new Sections 1181.01 "Regulations" (h) and (i) and creating Section 1181.02 "Solid Fuel-Fired Outdoor Heating Devices"

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COUNCILMAN TOWNSEND - Once again there was a lot of discussion on this. We took the whole work session to cover this. If there's no questions I would like to move Ordinance No. 87 forward for its passage,

COUNCILMAN TOWNSEND moved to bring Ordinance No. 87 - 1010 forward for its passage, seconded by Councilman Manson.

COUNCIL PRESIDENT GAMBER - Are there any changes you requested to that were made in this ordinance?

COUNCILMAN TOWNSEND - No.

COUNCIL PRESIDENT GAMBER - Are there any comment or discussion? Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY - Mr. Townsend, there are no fees in this ordinance is that correct?

COUNCILMAN TOWNSEND - To my understanding there isn't it was more just verbiage.

COUNCILWOMAN CATAZARO-PERRY - Thank you.

COUNCIL PRESIDENT GAMBER - Mr. Slagle is your hand up?

COUNCILMAN SLAGLE - It was but I took it back down.

COUNCIL PRESIDENT GAMBER - Do you have a question or not a question?

COUNCILMAN SLAGLE - I'm trying to find yeah I think there are fees in this. But I think it was like a \$50.00 flat versus its current \$18.31. But as my note show this was something required by the EPA and certainly a \$50.00 fee for this doesn't seem a lot.

COUNCIL PRESIDENT GAMBER - Mr. Townsend, are there fees in here?

COUNCILMAN TOWNSEND - There must be. I just yeah there's fees.

ORDINANCE NO. 87 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 88 - 2010
REGULATIONS

BY: HEALTH, WELFARE & BLDG

Amending CHAPTER 1188 "SIGNS" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1188.03 "General Provisions" (b) and 1188.04 "Regulation of On-Premise Signs by Zone:(a)(7), and enacting new SubSections 1188.03 "General Provisions" (b) and 1188.04 "Regulation of On-Premise Signs by Zone"(a)(7).

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COUNCILMAN TOWNSEND - Okay, if I recall there are some fees attached to this. There were some amendments made but there are some fees in this. If any fees that are associated with this only increased by \$25.00.

COUNCIL PRESIDENT GAMBER - Are there any comments or discussion on this ordinance?

COUNCILWOMAN CATAZARO-PERRY - I just have a question. I would just like to clarify the signs. Is this the signs that you were talking about?

COUNCILMAN TOWNSEND - Yeah, there was some he made some amendments to that. But then we have that for the next council meeting. I think I may want to just hold off on this until we can get it together. I didn't expect I left all my notes at home pertaining to these ordinances.

COUNCIL PRESIDENT GAMBER - This is third reading you'll have to table it if that's what you chose to do.

COUNCILMAN TOWNSEND - I don't want to but I think its probably best that I do I don't know. No, we're going to move forward.

COUNCILMAN MANG - Mr. Townsend, you could ask for tabling.

COUNCILMAN TOWNSEND - Yeah lets do that until I catch up with this stuff. I'm going to table this.

COUNCILMAN TOWNSEND moved to table Ordinance No., 88 - 2010 until September 20, 2010, seconded by Councilman Anderson.

ORDINANCE NO. 88 – 2010 WAS TABLED UNTIL SEPTEMBER 20. 2010 BY A ROLL CALL VOTE OF 8 YES.

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT GAMBER - Mr. Townsend, I'd like to ask a personal question. This whole thing about the park renaming came up while I was on vacation and you and I had a number of email communications. I'm just asking if you want to declare publicly whether I did or did not in any put a road block in front of you on your legislation?

COUNCILMAN TOWNSEND - No you did not. I don't know why everybody but you know publicly I think we need to talk because the comments you made earlier were inappropriate.

COUNCIL PRESIDENT GAMBER - Perhaps they were.

COUNCILMAN TOWNSEND - We'll discuss that.

COUNCIL PRESIDENT GAMBER - Perhaps they were.

18. ADJOURNMENT

COUNCILMAN ANDERSON - I move that we adjourn, seconded by all.

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

