

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, TUESDAY, SEPTEMBER 7, 2010**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Tuesday, September 7, 2010. We have in attendance with us this evening: Safety Service Director Loudiana, Auditor Ferrero, Engineer Dylewski, Law Director Stergios and Wastewater Treatment Plant Superintendant Bledsoe, . On the wall to your left are agendas for anyone who wishes to follow the meeting. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or turn it very far down.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Gary Anderson, Kathy Catazaro-Perry, Dave Herhser, Ron Mang, Paul Manson, Dave McCune, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 9 present.

2. INVOCATION

COUNCIL PRESIDENT GAMBER - I will recognize Councilwoman Kathy Catazaro-Perry for the invocation and the Pledge of Allegiance.

COUNCILWOMAN CATAZARO-PERRY - Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN CATAZARO-PERRY – Chairperson of the Rules, Courts & Civil Service 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

COUNCIL PRESIDENT GAMBER – We are at item #5 on the agenda where we will entertain remarks from people who'd like to speak to a topic on our agenda. We have no set time limit per say. But as I always say we have common sense and common courtesy two to three minutes ought to be plenty. If you're going to run over I may gently ask you to finish up. Anyone who would like to may speak we have no limit on how many of you may do that. I ask that you keep personalities out of your comments, keep rumors and innuendos strictly stick to facts and what your opinions are. I'll invite the first person forward to the microphone please give your name and address and after that please just continue to come forward. You do not need an invitation. So at this point whoever would like to please come to the microphone give your name and address and make your comments.

RON WARNER - 1980 Beaumont NW, Massillon, Ohio. I spoke at the last meeting and I am totally against annexation. I represent these people that are here tonight their families, a lot of friends of my mine and we are totally against annexation. I find it a bit ironic we start off with the Pledge of Allegiance and part of it goes one nation under God indivisible with liberty and justice for all. I find this proposal as not justice for the Tuslaw people at all. It might be justice for Massillon but I really feel its injustice for us. I've learned quite a few things in the last couple weeks going to different meetings. The one meeting that really comes to mind is when I went down to the southeast side and I found people practically begging for police and fire protection excuse me police protection. They were saying that their homes were being invaded they were being robbed even sometimes while they were home. I heard many people speak on that matter-of-fact I don't know if was the police chief but he said even his house was robbed. I just find that ironic that the mayor claims that he's got a great police department I'm not saying anything against the police department I'm just saying that I don't think that he can take care of what he's got let alone bring it out to Tuslaw. I after listening to the people I just wondered is there anybody in Massillon who hasn't had their house broken into? There was a man there I think his name was John and he had a lot of common sense I'll tell you. The guy was just really hit home and I remember him talking about the budget Massillon's budget. I remember the mayor saying well you know every year we say that we're in a budget crunch every year and I don't know what happens but right at the end all of a sudden the money comes in. Now I say to the auditors need to find another job or maybe have a big tooth fairy that helps you out I don't know. But for some reason the money comes in it just seems ironic that the mayor didn't seem to know where the money comes it's always taken care of. I'd just like to say again we do not want to be annexed and I believe I speak for probably 99% of the people in Tuslaw. I think it's a shame when a city has to expand its boundaries and take the district like this when we didn't even ask we have no vote. That's just disrespectful it's like a leach as far as I'm concerned it's like a leach. It's something that's just added on just sucking the blood out of the district. You know you have to remember the school is the heart of our district Tuslaw High School and the surrounding areas it's the heart of our district it's where we have a meetings, its where our kids are educated its where probably 90% of these people are educated or educated. To come and take that you have to realize what that is like if the laws were changed and let's just say for instance Washington High School could be taken over by lets say Canton how would you feel? Would you say well that's fine this is what it's like for us we feel like we're being invaded, we're being raped, we're being taken advantage of. When someone wants something and we can not we have no say in it. I'll tell you there's something wrong about that there's just something wrong and you have to have that gut feeling. I believe council has to have that gut feeling there's just something wrong about that the United States of America when someone can come in and just take something because they want it. That's all I have to say.

AL OSLER – Superintendent of Tuslaw Local Schools I live at 435 Oak Avenue SW, Strasburg. First of all, this if you read the paper today we had a meeting with Todd Snichler last evening at Tuslaw High School. Legislatures don't feel this was the intent of this legislation the intent of this legislation was to assist people who 100% wanted to become part of a city and needed those services to be part of that city. So beyond that then I think it becomes the same matter its respect for others and their wishes. Mr. Warner said 99% of the people I haven't had one person from Tuslaw say that they favor this. I've had several calls from people and businessmen in Massillon who sympathize with our plate. Services and that's what you're talking about to extend services this evening and I guess the things we hear are water, sewer, fire, police those are the main things that I've heard. I'd just like the council to consider we have every one of those services and we build our new high school we paid to have the water and sewer lines come to our building. We're building a new elementary school and the state is paying for that they are paying to have those water and sewer lines extended. It's a city, county agreement and that's the way it should be name a service you're going to give us that we don't have. We have an excellent relationship with the Stark County Sheriff's Department, North Lawrence Fire Department. I guess just the service issue falls short for me. Our teachers attended an in service last Friday and the speaker talked about guiding principles that used to be on the New York Regions Board Exams that the students take in New York. Just a couple of those were respect, honesty, trustworthiness, contemplation thinking about it, optimism, initiative but those kinds of characteristics. He said the interesting thing those were found in the United States Constitution that respect for others is essential. Mr. Warner already talked about the school community so I won't talk about that. When the mayor called me to his office the Thursday before this was released to the media he told me that first he just tried to explain what

was going redundant and nonredundant water lines. That was his reason for meeting with me and he said I just didn't want you to read about this in the newspaper. A 24 hour notice wasn't a whole lot I was a little stunned when he said what he said. I warned him right up front this will be unpopular with residents in Tuslaw, our board will not favor this and when I left I felt like the school yard bully had just told me this is what his exact words but you can't do anything about this. That was the attitude that's not a good neighbor and that's not respecting others. One other correction he keeps talking about these 281 homes that's helping Tuslaw and additional funding. I don't want to get into the whole school finance thing here but if you guys ever like to sit down and have a session on school finance I'd be more than happy to meet with your committee and talk about that. Schools in Ohio right now because of the budget conditions run a guarantee last year we received 99% of what we received the year before. This year we get 98% of what we received last year if students move into our district there are no additional dollars for Tuslaw. There is no advantage however if someone builds a house in Tuslaw the child stays in Massillon we get deducted \$5,732. So as I said if anyone would like to talk more about I would be more than happy to. Our enrollment last year 1,541 our enrollment the opening week of school this year 1,492 that doesn't sound like growth to me. So I just ask that you respect the wishes of the residents of Tuslaw and please give us your consideration and vote not to extend those services that we actually already have. Thank you.

RANDY BLEIGH - 12850 Sunshine Circle NW Massillon. By trade I'm a computer guy so I have all kinds of time to get on the internet and research things. I look at things I say you know just because it's the law does not make it right. Up until this year as a school board we had the right to paddle students but we didn't. We have the right to suspend and expel students but we don't only in the right situation. I have the right as free speech to stand up here and swear at you up and down but it's not right. You know as my son told me about the school employees you know we look at about 150 of them that's going to suffer you know taking out some taxes from them. But it's really the whole community because what will happen when we go to negotiate our next contract they're going to want that money back. It's just like in Massillon if you upped your income tax down here to 2% your employees are going to want it back in the next contract. You know being on the internet I looked up the word steal Webster defines it as the wrongful or willing taking of money or property belonging to someone else with intent to deprive the owner of its use or benefit either temporarily or permanently no particular type of movement or carrying away is required. Some of things they said was to take the property of another wrongfully or especially as a habitual or regular practice to take away by force or unjust means, to take without permission to seize, win or gain by trickery, skill or daring. I look at it and say you know what kind of an example are we setting you know like the mayor last time he was here said you know don't say those kinds of things in front of the kids. It's like what kind of example are we setting as adults you know. Some of the things I looked up and say why do people steal its says well whether it's shoplifting or car jacking or robbing a bank people have their own reasons to steal. Maybe out of desperation or just plain selfishness but stealing is wrong no matter how you look at it. It's too bad more of our tax dollars couldn't be spent on ways to help people who need finance aid. Then who knows maybe there would be less people with reason to steal. Is stealing inherited or a way of life if a person has not been taught that stealing is a sin then his habit of getting money, precious jewelry's or other valuable materials from people in establishment is ignorant of the word of God for the love of money is the root is all evil First Timothy 6.10. I'll end that with as elected officials you know we think we're above the law sometimes and they don't apply to us and I do believe that over the years you know we kind of make our rules you know being on a board and that we kind of overlook what people want sometimes. The last thing that I looked up on some of the Ohio laws was like one that they referred to as 2913.02 theft aggravated theft. It said the value of property or service stolen is \$100,000 or more a violation of this section is aggravated theft a felon of the second degree. If I go out and perform a felon I go to jail you know so I've just go to end with like I said thank you for your consideration as your pending stealing of the schools.

TERRY HEMPERLY - I live at 12910 Barber St SW, Massillon. I am currently the Tuscarawas Township Trustee. I am here tonight not as a representative of the township I'm a representative of Tuslaw community. What is the Tuslaw community its Tuscarawas Township residents, its Lawrence Township residents and it's the City of Massillon residents. This annexation is unfair I'm here to plead with you to be fair with everything. Now the trailer park wants to be annexed into the city they have an issue. Okay this issue is not new they've known about this problem with their sewer for years. They didn't want to spend the money to fix but

now they want the City of Massillon to come in and pay for their sewer. That's not right. When you were growing up your parents told you to play fair don't cheat. I was watching the Massillon game the other day and Massillon fans got so irate at a call on the field because it was not right it wasn't fair. That's why all these people are here it's not fair to them. Tuslaw School District was just rated excellent that didn't happen over night. It had the administrators, teachers, the community is the reason for that. Here you want to come in take 1.8% out of their pay because they did a good job. I'm sorry that is not fair. This whole thing reminds me of the Lebron James thing. He was within his right to take his talent and go to Southern Florida or where ever but was it right to the fans of North Eastern Ohio and Cleveland that supported him all the while he was here. The money he made came from us paying for the tickets. Now I'm asking you no I'm pleading with you tonight look beyond the financials. Look into your heart do what is best for Western Stark County be a true Massillon Tiger be fair. Thank you.

ED WARSTLER- A Tuslaw resident 45 years. If I had my cell phone on me right now I'd pull it out and I'd dial 9-1-1. Because a robbery is just about to take effect and that money is coming out of my pocket. I'm not real happy about that we call 9-1-1 who do we get folks there's nobody going to help us because we don't have a representative that's going to come in and stand up for us. So that's why we have 150 of us here right now representing ourselves. We don't think its right what you're doing and I think everybody behind me right now if we took a vote what are we going to say everybody. (No) There it is so that into consideration folks. You want to hear it louder sir we can yell it out.

JUDY SEARS - I'm here as a resident of the City of Massillon I live at 1043 2nd Street NE here in town. I did send an email to every one of the members on this council and I thank the two who responded to my email. I live here I travel the streets here I go down First Street every day the condition of First Street is deplorable and its been that way for a long time. I'm sure there are many other streets within our town that need some attention. I agree that the mobile home park has had a problem but as a citizen of Massillon why should we our tax dollars bail them out. What services in our town are going to suffer police, fire because we now are extending our boundaries. We're expecting our services to continue and go further and there will be more demands on their time and their needs. So as a citizen of the City of Massillon I object to it because I think we need to take care of our inner city it's deplorable and it needs some attention. Thank you very much.

CAROL ROGERS - 17641 Rich, Dalton. This is my 27th year in Tuslaw and more proud than ever to be a teacher in the Tuslaw District. I'm a language arts teacher and so I wrote a poem. In every classroom in Tuslaw there hangs the seven pillars of character. I say its ours because all of us staff and students alike embrace the belief that it is not just what you say but what you do that makes the world a better place to live. We believe that honesty generates honesty we believe that when we respect others we respect ourselves. We believe that it is our individual and collective duty to be responsible. We believe that it is important to play by the rules. We believe that kindness has not gone out of style and we believe that it takes a community to educate our students. We believe that knowledge and wisdom will prevail as you make your decision on this issue that is so important to us. Thank you very much.

HELEN MILLER - My address is 11977 Barr Street SW. I'm here representing the Tuslaw School bus drivers and possibly and more than likely the Massillon School bus drivers. I've been a Tuslaw driver for 8 years and my route travels quite a few of the city maintained streets. I have to say that Friendship Acres and West Brook Estates are deplorable. In the winter they're simply treacherous and this past winter almost impassable. We have to drive these kids to school we go to townships they're plowed, they're salted its fine they don't call off school but we try to get through the city streets and we are in trouble. I've had to reach out my window and tell the kids to run because I could not negotiate a curb at idle going through Friendship Acres. It's just absolutely horrendous so if you can't take care of what you already have as Judy said how could you possibly think of extending services out to us. It just doesn't make any its makes no sense no sense whatsoever. I'm you're already responsible for more than you can handle. It's a sense of responsibility. You'll be increasing the risk of Massillon bus drivers because you're going to be spreading your services even thinner. They're going to get less service because you've got to try to take care out in front of the high school. It's not just our children I'm looking for the safety it would be your children too because the roads needs to be taken care of. You need to do it and you're not doing it.

STEPHANIE BELTS – 8344 Traphagen Street, Massillon, Ohio. I'm a kindergarten teacher for the Tuslaw District. I grew up in Tuslaw you know they say that everything you need to know you learned in kindergarten. One of the things that we learn in kindergarten is to play fair. I think you've heard from the superintendent and the board members tonight. I want you to hear from the teachers because one of the quotes in the paper that one of the councilman said that if he knew if the teachers were against it he'd have voted for it. So we just you to know that we're not for the city tax.

DAVID CHAPMAN – I live at 12656 Kimmens Rd SW, Massillon, Ohio. You guys just bear with me a minutes this kinds of sound of track but it will tie together. My parents live in the 800 block of Wales Rd have been Massillon residents for close to 60 years. They live between the Kiddie Corral which is a Massillon park and on the other side of them is one of Massillon's finest landlords that I believe just about everybody here has been notified about including the health department and the building department. My suggestion is rather than take this basket full of money that you want to give to Sam Campion's heirs. Sam was a very successful businessman and I suggest you take that basket full of money and maybe put it into that park called the Kiddie Corral where the fence is basically nonexistent. Part of the rail is gone actually took part of the fence down and made a parking area and my mom can attest to this that the kids come out into that parking area and run into the alley called Roslyn. The cars coming off of Wales Rd there's been several near misses there and don't know why the fence was taken down. But I know originally when I was kid there I lived there for 30 some years or I'm sorry 20 some years but the fence went around and came out on Parkview and there was actually a fence behind with just two small openings so that kids couldn't go busting in and out of there. Now I think it's very unsafe the fences are in dilapidated condition. Like I said there is home that we've had several of the people the officers and I even think the councilman was been involved in this. But for some reason nobody wants to do anything about it. But they want to take the annex Tuslaw High School and take the money from my family which will cause a hardship to my family by doing this. So if any of you want to talk to me about the condition up on Wales Rd after this I will be glad to talk to you including the mayor. But the ward councilman or anybody else would like to talk to me I'll be glad to fill you in on it but I am very much against this annexation due to obvious reasons. Thank you.

SALLY MAYFIELD - 14309 Lawmont Street NW, North Lawrence. I just wanted to say that we are powerless and that is a very frustrating feeling for us to know that this could happen and we have no power to stop it. City council members we are your mercy please be merciful. Thank you.

ELIZABETH SIRGO – I live at 566 Noble Place in Massillon. I've been a resident in Massillon for 31 years. I'm proud to say that I'm employed by the Tuslaw Local Schools. Just like I've spoken with some the men on the panel earlier a couple weeks ago I really feel that it's important all the people that you wanted to represented when you became council. With you being a leader and in charge of different things obviously you might know some of other things that might come into play before its public knowledge just like you have on this situation. We just feel that the annexation is truly against what we believe our community is very strong you can see that with all of the blue all the people employed by Tuslaw not just teachers but all the other helpers that we have. We want to do the best that we can for our children and we want to show them all the traits that we talked about the leadership skills, honesty, integrity all those things. Even at a young age I teach first grade and even at a young age I try to teach my children about how it's good to be honest and the rules of a citizens and the rules of the authority figure. What we're doing here annexing isn't wrong if it's done in the correct procedures I really don't think. But the way this one has come about I really believe is wrong. I just think that if we're trying to teach our children to be leaders later on in life whether they're young in kindergarten or first grade or second but then also in the high school level. They're hearing about these things and they're reading them in the paper and they're asking their parents questions and they're asking their teachers questions why are you in the newspaper, why are we hearing your names in different discussions. If we're trying to teach them leadership skills and we look at this and we take this as an example a real world example what do we want them to do when they are at your place when they become council and they become maybe a mayor. What do we want them to think is right for annexation? Is this the procedure we want them to take are these the steps. So just like I end every conversation when I talk to you on the phone for some of the council I just really hope that you remember all of the people who are not able

to represent themselves tonight and are not allowed to have a voice and that you stand up for what you think is right and really remember that its not just affecting the residents in Massillon but its truly effecting our whole community. Those people in that community even if they don't vote for certain issues in Massillon they help build our businesses and they help build our community. We want that to continue to grow as a Massillon resident I want that to grow. I want to see strong communities but if we build this wall and we make the people upset because of this annexation it's going to be a bad rap on the Massillon City as well. So as a resident I'm truly opposed but as an employee of Tuslaw I really think that it's wrong and it's unfair. So we're asking for you to stand up for what we can't say for ourselves. Thank you.

JOE HERRICK – 910 Main St West in Massillon. I'm here to speak on the resolution concerning renaming Shriver Park. I do believe that you have many options for honoring this former city councilman other than taking the name away from a park some subject that has well earned it. When a park or building or some such is named for a person it's expected to be there for perpetuity which is the idea. Herman Shriver was a lesser known founding father of Massillon he helped to bring the railroad to Massillon which fueled the second level of our expansion. He was a coal dealer which Massillon is known nationwide for its coal back in the 1800's and he was a community member. He was one of the founding fathers of St. Paul's Church and one of the things that he did for the community at large when the city had a hard time financing sidewalks he paid for the almost mile of sidewalk in front of his residents out of his own pocket rather than have the taxpayers do it. You've all received letters from me and some of you wanted additional information so in the orange sheet there is another report about who Herman Shriver was as well as the source information.

ROBERT SNAUFFER, JR.- 116 16th Street SW. I'm a Massillon resident and also have a student a daughter attending Tuslaw High School. As a resident I'd like to know due to the diminish services with the recent annexation of R.G. Drage in the event of a catastrophic event whose to say the services would be able to cover it at both school. It can not happen we're spread thin the way we are. We've mentioned earlier about our roads I just said I live on 16th Street Mr. Mayor have you drove on Tremont Avenue West. (I'm not the Mayor) I'm sorry Tremont Avenue is absolutely in horrible shape we have roads that are just deployable mentioned by the bus driver. What good would come from this we have a community Tuslaw community that's being that's fighting for this. We all do not want to be here tonight we should be at home with our children shaping their future. This is not what we want we should all be following the golden rule here tonight not the golden rule of he has all the gold makes all the rules but do unto others. Do you really feel that stealing a piece of property is what would you want that done to you or you? Without a say that is the thing that irritates me the most the residents and the teachers they're the ones that are going to suffer the most financially. They don't even have a vote to me that is mind boggling that we can take money out of somebody's pocket to use at our discretion and they don't get a say. To me that is amazing also it has been mentioned about the diminished services on the west side and in the various media outlets it's been discussed in three to five years there may be another fire station go up. Where is that money going to come from? Now we're talking about approximately \$130,000 that's what's been in the paper and I might in correct with that information where's the break even point. From the Massillon resident side where is our break even on that? How much money are we going to put out per year to get \$130,000 a year. That makes no business sense whatsoever. In the private sector it would be a bad business decision and people would walk away from it. Thank you.

SAM DOUBT – 835 Cherry Rd NW. I'm here on Ordinance No. 95 tonight. I see where it's declared as an emergency. It seems to me everything is an emergency on city council that nobody takes the time and I've kind of looked into this it's about the storm sewer. This is sort of like what they're saying about how the mayor generates income. This is going to be a dollar a home owner's fee per month and two dollars to the business which seems pretty petty but there again its going to amount to about \$150,000 plus a year. From what I talked to in the EPA other than the salt water that the salt bin that they have to move and put a cover on and the waste that they've been putting up there for the street sweepers which by the way on Cherry Rd we haven't seen a street sweeper since the beginning of spring. So it's understandable why it's bound up there. All I'm saying is that most of all this money from what I understand like the catch basins it's not the citizen's fault this community just why they're here tonight because we've kind of let everything go and expect to go out and get more land. What they're saying is

that everything else is falling apart in the community it isn't my fault that those catch basins because it was poor maintenance and it's really not having a maintenance plan at all,. Like I said why should we have to there again it's a progressive tax if it was a one or two year I probably wouldn't complain. But aside from that those two really items that are mandatory by the EPA most of all the rest of the money is supposedly going to education and stuff and educating the community. What really upsets me most of all I'm already paying for this Muskingum Water Shed thing it's a similarity of what you guys and I still don't understand that tax. But all I'm saying here I support these people 100% because it's great to see people come out and fight for their rights. I think it's about time that people in the City of Massillon would show up and support people like them because enough is enough.

BARB LATCHLEY – I live at 13866 Warrick Drive, Canal Fulton. I've been a teacher at Tuslaw for 35 years. I agree with what everybody has said I mean Tuslaw is a community we are your neighbors. What you're doing is wrong Sally mentioned that we're powerless we have no vote. There's nothing that we can do about it. The only thing that I can do is say that if this does pass I will never shop in Massillon again. I have told that I do my shopping at Giant Eagle I go to the Target store I get my gas at Get-&-Go. I use First Merit Bank I've told all those places when I've gone in there that I will not shop there anymore. I'm just asking you to please consider your neighbors and do what you think and know is right and vote no for this. Thank you.

VICKI HERSHEY – 14845 Orrville Street, North Lawrence. I had emailed all of you but I wanted to take the opportunity to ask you again I have no children at Tuslaw. I live in Lawrence Township and I don't work for Tuslaw but I attended Tuslaw and I received an excellent education. I had the support of teachers I had the support of the community and my mother went to Massillon and she went there in the '30's. I know sitting and listening to her and her friends talk about Massillon and Paul Brown and when it was building the school and building the city and just how much pride they had. Well that's the pride that we have at Tuslaw we are a community. I'm just so proud to have said that I went to Tuslaw and I'm so proud of all the people that are here. I just ask you to let the Tuslaw Mustangs go free.

CHRISTINE MUMMERTZ – I live at 11325 Orrville Street NW, Massillon. I spoke to you guys last time as a parent and a supporter of our staff and our teachers. I brought my three kids because I don't know how to explain to them how this happened and what I did not do to help make sure that this did not happen. I went and got petitions I asked people to sign it and I really don't understand how I can explain to them it's a mayor that just wants to get into our teacher's pockets and the construction workers pockets that are building the new elementary school. If you really think about the Bit of Eden trailer park those houses have they're \$300,000 houses and you really think that they're going to keep that community in there. That was one thing I wanted to ask the mayor which I don't see him. I work full time I ran to my daughters football game we came here after the storm and again I wish you would take the time to consider how this is going to affect future voters that may reside in Massillon and how you chose to let your mayor take over our land. From what I hear also that he's interested in the property behind Tuslaw High School the 100 acres. On your petitions two of the landowners did sign it that they are against. Helen Woolley signed the petition also and these are people that have companies in Massillon and I decided that I'm going to time how long it takes me to run to Wooster to shop. It takes me just 20 minutes right out 30 and I've always shopped and so do my kids shop in Massillon and we've always been proud to come into Massillon..But now it's really a hard you know it's hard for me to explain to them how this can happen and how legislation allowed it to happen. If you could please not vote for it, but thank you so much for you I do appreciate it. Thank you.

HEATHER LINDENBERGER – I live at 10933 Graber Street SW Massillon, Ohio. I am a Tuslaw teacher I'm a Tuslaw graduate and I am a Tuslaw parent. I moved from Massillon because I wanted my kids to receive that kind of education. The gentleman that spoke over here that said we don't get a vote he said that best. But you know what if you put it up for a vote for the Tuslaw teachers and if was to benefit our kids we would vote for it. Because the kids are what matters and our community showed in the past election by voting for the levy that we take care of our own at Tuslaw. I just want you to recognize that.

DAVE SEARS – P.O. Box 151 North Lawrence, resident of Tuslaw. My grandchildren go to

Tuslaw School System. Just to enter a little politics into this I'm a life long democrat and I think most of the folks on this council from what I checked are democrats and I just hope that I said most. Traditionally the Democratic Party has stood up for the underdog and the person who has not been represented properly. I just hope that the democrats on this council will continue that tradition. Thank you.

PHYLLIS STAVER – My address is 12690 Sinclair Street SW. When I'm not fighting annexation petitions I deliver meals on wheels. One of the areas that I deliver and I have a circle that includes most of Tuslaw and one of the areas that I've been delivering to for many years now is Bit of Eden trailer park. I am in there weekly sometimes twice a week. I knew what the trailer park was like before the mayor thought he wanted it. Interestingly enough I thought why would anybody want this trailer park because most of the residents here are either retired or unemployed. But they're housing status isn't really too great. I appreciate the fact that he wanted to make sure that they had sewer and water lines. I know that is needed what became interesting to me just this morning when I was delivering is the fact that I had noticed a week or so ago there was a lot of excavating going on around these trailers. Today when I was making a delivery the one worker was there and I said so what are you putting in. He doesn't know who I am and he said oh we're putting in the water lines. I said really he said yeah the new owner wanted to get those installed. Oh because I didn't realize there was a new owner now whether this muddies the waters or not I do not know except that I was told that Joe Lamada is the owner of the trailer park. Which takes the Sam Campion trust out of the picture. Then of course my mind took off with this thought and I thought well if there's water lines being installed and that property has not been annexed who's paying for it? One would have to assume that Joe Lamada is the one paying for the water line. I know that when the new high school building was installed at Tuslaw the water line and the sewer line were part of the package of the new building and had nothing to do with annexation five years ago. So now today I have to wonder if Joe Lamada has the cash on hand to put in the water line without the mayor's help why do you need the trailer park. Of course the other interesting part of it is if you don't have the trailer park you can't annex Tuslaw School property can you? So I'd like every one in this room to consider that picture I am not making this up. This was a real conversation after I had it I called Mr. Osler and I showed that piece of news with him and I said what do you think this means to our anti-annexation feelings? He said I don't know and I said I don't know either but it sure makes a very unclear picture for me as to what was is really going on. So as you deliberate what to do with our school buildings and our property keep in mind Joe Lamada has another thought at this point and maybe he can take care of the trailer park as it was neglected for so many years. Then with that way maybe Mr. Cicchinelli doesn't have to. Thank you.

RUDY TURKAL – 1024 Oakwood NE Massillon. I really didn't come down with the intention of saying anything. But I thought well I'm here I might add my two cents in. Tuslaw, I'm sorry yours is more important but this is concerning the park issues. I think when the city leaders of ten years ago or 110 years ago found someone worthy enough to name something after them the idea was to put it as Joe Herrick said in perpetuity those of us at Washington High School think that means in ink not pencil. To be erased later or to be worn away by usage. If we have someone now that we feel worthy enough to name something after I don't think it's fair to erase a part of our history that's already there. You can't erase your history if we have something new that we want to name after someone do your due diligence make sure that they're worthy of the name and name it that way. But don't erase our history. Thank you.

COUNCIL PRESIDENT GAMBER – Is there anyone else? If not we will move into the introduction of ordinances and resolutions. To explain this to you all Ordinance No. 102 is up for first reading tonight according to state regulation an ordinance has to be given three separate readings which if this receives all three readings will take it into the first week of October. There are provisions for that rule to be waived I don't anticipate that will happen tonight and this will receive I'm quite sure first reading tonight and will be back on the agenda for second reading on the 20th of September.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 102 - 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Indicating what services and zoning conditions the City of Massillon, Ohio, will provide to the Bit of Eden Area Annexation.

-

COUNCILMAN MANG – First reading.

ORDINANCE NO. 102 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 103 - 2010

BY: ENVIRONMENTAL COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with AJ Diana Sons for the disposal of leaves for 2010, and declaring an emergency.

-

COUNCILMAN HERSHER – My understanding that there weren't any objections or questions at the work session about this. This is an annual agreement with Diana and Sons for the disposal for the leaf pickup. It's at the same per ton price at \$27.50 as last year so with the understanding that there weren't any questions or reason to hold this up I plan on asking for suspension and passage this evening.

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

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

ORDINANCE NO. 103 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 104 - 2010
REGULATIONS

BY: HEALTH, WELFARE & BLDG

Amending CHAPTER 1188 "SIGNS" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1188.07 (c) "Permit Fees" and 1188.07 (e) "Permit Conditions, Refunds and Penalties" (1) (2) and (3), and enacting new SubSections 1188.07 (c) "Permit Fees" and 1188.07 (e) "Permit Conditions, Refunds and Penalties" (1) and (2).

-

COUNCILMAN TOWNSEND – First reading.

ORDINANCE NO. 104 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 105 - 2010

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the 1216 Federal Law Enforcement Trust Fund and the Unclaimed Money Fund, for the year ending December 31, 2010, and declaring an emergency.

-

COUNCILMAN MANSON - Yes, we have two parts to this ordinance tonight. The first part is for \$1,200 please appropriate from the balance of the 1216 federal law enforcement trust fund to an account 1216.305 supplies and materials. This money will be used for one year of GPS intelligence for our special investigative unit and detective bureau. The second part is for \$318 please prepare an ordinance to appropriate from the unappropriated balance of the unclaimed money fund 3108 to the following account 3108.905 transfer to general fund. These are funds from 2005 in the unclaimed money that is transferred to the general fund. If there's any

questions I will try to answer them if not.

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

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

ORDINANCE NO. 105 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 106 - 2010

BY: FINANCE COMMITTEE

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

-

COUNCILMAN MANSON – If you look at your sheets I don't know if you have the second sheets of transfers. But this is a total of \$11,402.85. This is for civil service testing \$11,152 is for the testing, \$250 for supplies and materials and postage and stuff for that. If anybody has any questions...

COUNCIL PRESIDENT GAMBER - Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Could you explain the \$30 fee to the Ohio Municipal League?

COUNCILMAN MANSON – No I can't.

COUNCIL PRESIDENT GAMBER – Would you like to call someone forward?

COUNCILWOMAN CATAZARO-PERRY – Mrs. Ferrero, would you be able to explain the \$30 to the Ohio Municipal League? I'm not sure we're paying a fee to them.

AUDITOR FERRERO – Actually probably the one you want to ask is Mr. Loudiana.

COUNCILWOMAN CATAZARO-PERRY – Mr. Loudiana, would you be able to explain the \$30.00 it's a very small amount but I'm not sure why we're paying a \$30.00 fee.

SAFETY SERVICE DIRECTOR LOUDIANA – I'm sorry I wasn't listening. What was the question?

COUNCIL PRESIDENT GAMBER – Mike, we're paying \$30.00 to the muni league its part of the civil service test.

COUNCILWOMAN CATAZARO-PERRY – Do you know what that's for?

SAFETY SERVICE DIRECTOR LOUDIANA – I think that's civil service pays that for something the league helps out in the testing. Another words they give us different frankly I think that's pretty cheap, but I'm sure that's for civil service.

COUNCILWOMAN CATAZARO-PERRY – It just caught me off guard to see that we're paying I wasn't sure. So thank you.

COUNCIL PRESIDENT GAMBER – Mr. Manson.

COUNCILMAN MANSON – I don't believe that's for the Ohio Municipal League I believe we are taking from all of those accounts listed there and transferring it to services and contracts. Right, yeah that's not coming out of it's we just took it away from them.

SAFETY SERVICE DIRECTOR LOUDIANA – Apparently they had \$30.00 more in there than they needed.

COUNCIL PRESIDENT GAMBER – Mr. Manson, may I ask a question?

COUNCILMAN MANSON – Yes.

COUNCIL PRESIDENT GAMBER – What list are we putting together here? For what positions?

COUNCILMAN MANSON – Well, it would just be the civil service exam we would fill anything that was open off that I would assume police, fire and anything else that would fall under civil service. I'm not sure I think these are good for maybe two years but I would have to ask Mr. Loudiana. Mr. Loudiana, how long are these tests when we test these people how long are they good for?

SAFETY SERVICE DIRECTOR LOUDIANA – The tests are good for a year and civil service has the right to extend it one year after that year.

COUNCIL PRESIDENT GAMBER – Thank you. Are there any other questions? Mr. Manson, your motion please.

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

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

ORDINANCE NO. 106 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 107 - 2010

BY: COMMITTEE OF THE WHOLE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with CBSC for the collection of delinquent accounts including but not limited to ambulance services, utility bills, delinquent taxes and parking violations, and declaring an emergency.

-

COUNCIL PRESIDENT GAMBER – I'm going out on a limb here and calling on Mr. Mang.

COUNCILMAN MANG – Anybody have any objection to collect money? Mr. Loudiana came to us at the work session and explained the situation that we are working at now. The organization that we once had doing this for us is I'm not sure if they ceased to operate or whatever but we now have someone new. As you might have to understand these people who we turn this collection thing over get to be bound pretty tightly as to what they know and what they can tell. After all we're talking about personal finances and things of that nature so it's just not like going out on a street corner and picking two or three people to do this. So we do have several hundred thousand dollars out there between all the things that we collect in the city. I do think we have to pursue this matter-of-fact I told Mr. Loudiana before the meeting that I think beyond this I think we should publicize the names of people not amounts or anything like that just names of people who owe the City of Massillon money. I think in all fairness to the rest of us taxpayers we should make every effort to get that money brought back in. If there's no questions obviously I'm going to ask for suspension of rules.

COUNCILMAN MANG moved for suspension of the rules and passage, seconded by no one.

COUNCILMAN MANG – Nobody wants to collect money?

ORDINANCE NO. 107 – 2010 WAS GIVEN FIRST READING.

RESOLUTION NO. 13 - 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Adopting the decision of the Tax Incentive Review Committee made on August 11, 2010 wherein they recommended that those certain Enterprise Zone Agreements listed on the attached exhibit "A" be continued, and declaring an emergency.

-

COUNCILMAN MANG – Mr. Aane Aaby at the work session explained to us what we're talking about. We're talking about money that the city has granted tax relief to and its customary I think it may be mandatory that every year these people are evaluated again to see if in fact they're living up to what they thought they would do. Another words that might mean additional people or more building more whatever is in the initial contract. You all have a list before you that the committee approval and I think you'll find that they've approval every one that is in that enterprise zone.

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

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

RESOLUTION NO. 13 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A. Repository - \$835.41

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

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

Roll call vote of 9 yes to pay the bill.

10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY REPORT FOR AUGUST 2010 B COPY FILE
- B). AUDITOR SUBMITS MONTHLY REPORT FOR AUGUST 2010 B COPY FILE

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

COUNCILMAN MANSON B I move that we accept the auditor's reports, seconded by Councilman Hersher.

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

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – Committees will meet on the 13th question in my mind about the time what did you all decide 5:30pm, 6:00pm. Where are we at with that?

COUNCILMAN MANG – 6:00pm.

COUNCIL PRESIDENT GAMBER – Everyone agreed? Mr. Peters?

COUNCILMAN PETERS – At the last work session I thought you told me but don't we have to vote on that?

COUNCIL PRESIDENT GAMBER – To change the time?

COUNCILMAN PETERS – Yeah,

COUNCIL PRESIDENT GAMBER – We can vote on it if you'd like to.

COUNCILMAN PETERS - I didn't say that I said don't we have to that's what I'm asking.

COUNCIL PRESIDENT GAMBER – I know if it's in there specifically to say start at 5:30pm then I would say yes we would need to vote on that to change it to another time. Is that what the rule says 5:30pm? Mr. Law Director, can you look in our rules very quickly and see what the rule says regarding the work session. (Rule 8.1 is 5:30pm) Rule 8.1 says 5:30pm I'm looking for a motion to change 8.1 to 6:00pm, the motion by Councilwoman Catazaro-Perry, seconded by Councilman McCune. This is a procedural matter I will accept a voice vote all in favor of changing that rule. Alright, we'll meet at 6:00pm. Mr. Slagle?

COUNCILMAN SLAGLE – Yeah, as a point of order we have on the agenda for second reading Resolution No. 12 – 2010. It was my understanding that according to the council rules that under Rule 28 when any two members of council do sponsor such an ordinance it will then under rule 28.1 be given first reading only unless otherwise ordered by council be refer by the presiding officer to appropriate committee which then shall report on same with or without amendment as the committee may deem best on or before the second regularly scheduled meeting of council. I don't believe that we took any other action at that meeting and it should be referred to my committee for purposes of dealing with the request. The resolution is presented by Councilman Townsend and Councilwoman Catazaro-Perry I've already taken the effort of completing the form that the parks and rec. the recreation board has for this purpose. I've also asked one of the nieces of Mr. Roberson to obtain the signatures on petitions for the purpose of completing that particular process. I would like the opportunity to have this go to my committee rather than have second reading today.

COUNCIL PRESIDENT GAMBER – Alright, first of all, it is under your committee. Here's my rationale on this you all received an email right asking about this. Prior to August 2nd Mr. Townsend had made what may or may not be a request to the park and rec. committee. Mr. Slagle did start to work on that on August 2nd Mr. Townsend wanted to put this on the agenda under rule 28 which he had the right to do which we planned to do at the council meeting on August 2nd. At the work session prior to that Mr. Townsend changed his mind and asked it to go to the committee of the whole. At our last meeting it appeared on the agenda under committee of the whole and received a first reading. At some point Mr. Mang turned control over to Mr. Townsend who made a motion to suspend the rules then the motion was withdrawn then Mr. Townsend referred it to the park and rec. committee which is where I thought we left it. I received an email from the clerk asking me what are we doing with this. I told her my inclination was to give it second reading under parks and rec. committee that even though the committee changed the ordinance number and the language did not. But I said I would let the law director decide so I sent him an email and got a response that said yes that's what you should do turn it over to park and rec. committee for second reading. Later in the day I received another email from our law director that said sorry he's been thinking about this and it should go under such and such. Well in my opinion we had abandoned rule 28 back on August 2nd it did receive first reading through the committee of the whole. It was assigned to your committee I'm willing to do whatever you all would like to do. I think it's a technical matter but the point is I'm quite sure it will receive second reading tonight. I'm quite sure that the process will go through Mr. Townsend I believe you either did or you're going to talk to the rec. board. Is that correct?

COUNCILMAN TOWNSEND – No.

COUNCIL PRESIDENT GAMBER – You have no plans to do that ever?

COUNCILMAN TOWNSEND – No, no.

COUNCIL PRESIDENT GAMBER – Okay I was told that you were going to.

COUNCILMAN TOWNSEND – I had a discussion with someone and they suggested that I didn't do that.

COUNCIL PRESIDENT GAMBER – Okay, but in any event you did voluntarily your decision to turn it over to the park and rec. committee, correct?

COUNCILMAN TOWNSEND – Yes, yep.

COUNCIL PRESIDENT GAMBER – Which is where it is now and the only question is whether it's first reading or second reading. In any event I don't that you're bringing it forward for a vote tonight, correct?

COUNCILMAN SLAGLE – That is correct.

COUNCIL PRESIDENT GAMBER – So I'll leave it in your hands then if you would like to argue that this is first or second reading and you all can decide.

COUNCILMAN SLAGLE – I think the problem would be that it would then be scheduled third reading in the next meeting of this body. We will not have opportunity at that point to have the recreation department review the process as set forth in the rules. This gives us the opportunity to do that.

COUNCIL PRESIDENT GAMBER – Let me suggest this Mr. Law Director may we call you forward for your input please. I think basically the question is whether this is first or second reading for this ordinance.

LAW DIRECTOR STERGIOS – Well you gave it first reading didn't you?

COUNCIL PRESIDENT GAMBER – In the committee of the whole yes.

LAW DIRECTOR STERGIOS – I think the question is whether it's properly on the agenda and there's obviously a difference of opinion. I was under the impression that its back in committee and it takes a committee to bring it back out. I honestly don't have a dog in the fight one way or the other. But...

COUNCIL PRESIDENT GAMBER – So your opinion is?

LAW DIRECTOR STERGIOS – I think after what happened at the last meeting it went back to the committee and it's up to the committee to bring it forward for second reading and/or report on it or amend it.

COUNCIL PRESIDENT GAMBER – To bring it forward for second reading tonight?

LAW DIRECTOR STERGIOS – No, they haven't had the opportunity to even do that.

COUNCIL PRESIDENT GAMBER – So you're saying it should not even be on the agenda?

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

COUNCIL PRESIDENT GAMBER – Alright.

LAW DIRECTOR STERGIOS – I might be wrong I can't be perfect about everything.

COUNCIL PRESIDENT GAMBER – That’s where we are. Mr. Peters?

COUNCILMAN PETERS – I totally agree for once in my life I agree with Perry Stergios. It was given back to the parks and rec. and it is up to the parks and rec. to bring it forward out of committee and report on it and do their due diligence and so forth. This should go to them first before it was given first reading.

COUNCIL PRESIDENT GAMBER – Anyone else have a contribution to make?

COUNCILMAN PETERS – Just because it was done that way I mean it was I have my twelve pages of take it back and do this and do that.

COUNCIL PRESIDENT GAMBER – Mr. Law Director assuming that we then remove this from the agenda this evening what is your suggestion for that procedure?

LAW DIRECTOR STERGIOS – Well, last time we did that we got blasted for removing something from the agenda. Treat it as a nullity meaning it isn’t there.

COUNCIL PRESIDENT GAMBER – And we do that how?

LAW DIRECTOR STERGIOS – It isn’t properly on the agenda so I would table it for second reading till the next meeting I guess.

COUNCIL PRESIDENT GAMBER – Well, if it’s not properly on the agenda we can’t have a motion and act on it.

LAW DIRECTOR STERGIOS – Well, then...

COUNCIL PRESIDENT GAMBER – The law director suggestion is that we strike the ordinance from our agenda. Comments, questions, discussions? Mr. McCune?

COUNCILMAN MCCUNE – So if I understand this correctly it goes back to parks and rec. and it effectively was before the committee of the whole. Are we staring over or where are we with this?

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – Well, as I read the rules that the first reading was appropriate but since...

COUNCIL PRESIDENT GAMBER – In my opinion rule 28 no longer applies and the first reading through committee of the whole was appropriate in my opinion.

COUNCILMAN SLAGLE – Then I can’t answer that. I don’t want anyone getting the impression that this as it has implied by those that will not sign their name to what they’re suggesting that we’re trying to road block this in any way. But the bottom line is that this is going to be a decision that we’re going to have to live with and virtually every other renaming of a park or a city property from now on. There is a procedure that has been in place since 2005 apparently that is the first logical step to do our due diligence. We should be following that same procedure every time we have this before us and not do it different each time. That’s all I have been asking to do and I will ensure that it’s followed the proper procedure. I have no idea what the rec. department recommendation will or will not be. I don’t have any idea what the ultimate decision of this body will be. But the procedure itself should always be the same we should do a fair, thorough research of what it is occurring of what the name change is all about and what the original name change was about. I think we’ve been given information that was given to us by Mr. Herrick that suggests that there are some at least difference as to what the information was. It seems like a logical procedure to flow through that’s all.

COUNCIL PRESIDENT GAMBER – Alright, I’m going around this way Mr. Manson, you had your hand up?

COUNCILMAN MANSON – Yeah, we haven't done this often but it seems like I remember that we when we assigned to a committee in a case like that then its brought forth by that committee. I think that's what the law director said. I don't believe that it should be brought out by that committee at second reading. It should I believe it should be starting at first reading when it's brought out by that committee.

COUNCIL PRESIDENT GAMBER – Are you finished? (That's it) Mr. McCune, you had your hand up?

COUNCILMAN MCCUNE – No.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – Take care of him. I've got to find it.

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND – I agree with Councilman Manson I think it should go back to first reading. Also I haven't had the opportunity to look at Captain Herrick's information here. I don't know if it's in there when actually the park its name. Mr. Slagle said that the information that was provided states how the park got its name. I don't know if it's in there I made two requests to the council clerk to look for the ordinance that actually named the area and I have yet to receive that. I know that last request she was going on vacation I didn't realize that before I sent her it but I haven't received any communication from her after that. So I don't know if it's in there the gentleman spoke that his name was changed a 100 and some years ago that is not true. So I'm just kind of responding to Councilman Slagle's comment that the information was in the packet or how the park got its name. I don't know if it's in there I would like to see it or maybe I'll take home later tonight and read it. But I think we can at least resolve that particular issue if we can find the ordinance that actually changed the name because as of 1959 city council was still debating on what to name the area. As of 1972 city directory it was still listed as the old Massillon field. So if someone could present that...

COUNCIL PRESIDENT GAMBER – In your opinion is to go back to the park and rec. committee and basically have them start fresh?

COUNCILMAN TOWNSEND – Yeah, I gave it back over to them and I agree Mr. Manson that it should go to first reading.

COUNCIL PRESIDENT GAMBER – Alright, Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Yes, I requested to have documentation of when that policy was approved I still haven't received that. But I also agree with Councilman Slagle that it was given first reading as committee of the whole and that it was turned over to the parks and rec. It should be on the agenda this evening it should be in parks and rec. committee.

COUNCIL PRESIDENT GAMBER – Mr. Anderson?

COUNCILMAN ANDERSON – I'm just kind of confused by the whole issue. Although it does make a lot of good common sense that this should go back to the park and rec. committee. Until it comes out of there I don't think we can give it a second reading. However, I do have a problem with one issue with the whole thing is the fact that the park was not named after a man it was named after a street. Who was named after...

COUNCIL PRESIDENT GAMBER – Let's keep away from the issue right now we're just deciding whether it should be on the agenda.

COUNCILMAN ANDDERSON – I just said that.

COUNCIL PRESIDENT GAMBER – Okay, can we move on at that point then?

COUNCILMAN ANDERSON – Absolutely, if you choose to.

COUNCIL PRESIDENT GAMBER – Mr. Mang?

COUNCILMAN MANG – No comment sir.

COUNCIL PRESIDENT GAMBER – I have a question for the clerk have you been looking for this? I mean I have no idea what the request was or when it came in.

COUNCIL CLERK BAILEY – I'm trying to find it but if there's no date I have to go all the way back.

COUNCIL PRESIDENT GAMBER – Okay, and our little card file does not provide any information.

COUNCIL CLERK BAILEY – No, there's list for it.

COUNCIL PRESIDENT GAMBER – Mr. Townsend mentioned a 1959 starting date has that helped you at all.

COUNCILMAN TOWNSEND – I have her a window between '59 and maybe '62.

COUNCIL PRESIDENT GAMBER – Alright, so she's in effect looking at every single ordinance do we have those in the building or are those in the vault?

COUNCIL CLERK BAILEY – Some of them are over in the other building I do have a couple of books over here.

COUNCIL PRESIDENT GAMBER – Alright, so we are moving forward it sounds like the general agreement is as Mr. Slagle suggested Mr. Peters, your comments.

COUNCILMAN PETERS – I've got the minutes from the last council meeting. I'll read this one paragraph so you guys you know because you can't remember from two weeks ago. Council President Gamber – Alright, lets move on we've got several motions we've had our fun playing with parliamentary procedures and what's a committee and what's not a committee. Mr. Townsend as sponsor of the legislation you're agreeing to moving it to the park and rec. is that correct? The answer – yes. Mr. Slagle, do you understand and have received that? His answer – yes. In the form that we now have we've had several versions of it but now we're done with it and its now in parks and rec. Mr. Peters, then you call on me and I give you a bunch of lip and then it said then the final answer says Resolution No. 12 – 2010 was given first reading and was referred to the parks and recreation committee. Now that's what the minutes said from the last meeting. So...

COUNCIL PRESIDENT GAMBER – Alright, I'd like to do that in the form of a motion Mr. Slagle if you would. There again because it's a procedural matter I'll accept a voice a vote.

COUNCILMAN SLAGLE – I would move that remove Resolution No. 12 – 2010 from second reading of ordinances and resolutions and direct it to my committee for the purposes of doing the due diligence to see exactly the history of Shriver Park and then to bring back out of committee.

COUNCIL PRESIDENT GAMBER – A second by Councilman Manson and the motion and the second all in favor. You voted no Tony?

COUNCILMAN TOWNSEND – Yeah, because I thought it was going to go to first reading. But we changed that so I'm voting no.

COUNCIL PRESIDENT GAMBER – Well, okay, I thought well in any event the motion has passed its now in their committee. You know if I could say having seen a lot of the emails now this is all anybody's intention was back in July was as long as we followed the procedure we're okay. We kind of got off that track just a little bit and it's a shame that we wasted so much time trying to get it on the agenda properly. Are there any other comments or...Mr. Mang?

COUNCILMAN MANG – Yes, I'm beginning to wonder it seems as though we're asking the council clerk to go back and find out things that I want to know. Now if I want to know those

things I think I should come down here and try to help to find that. I don't know that we direct any individual to find for me the background on something that I'm trying to make a project out of it. I think that's part of my job now I may ask her for where do I go to find the book bring the books out here that's fine. But for the individual set there and go through the books I honestly believe that's our job. I think that's part of our job to get all the information we need. I've heard it said before well we'll get the well we don't know if that's correct or not that's why it's up to the individual to go to those records if we can find them. That individual states to this body what he or she found then we have to accept that. It's his or her work.

COUNCIL PRESIDENT GAMBER – Mr. Townsend.

COUNCILMAN TOWNSEND – I have a couple of things. The only reason I asked Mary Beth because over the years I have seen other council members make requests of past ordinances. They requested Mary Beth to look up past ordinances so I really don't have a problem coming down looking it up. I was just following maybe an unwritten rule that you ask the council clerk to look up something and she'd do it. But show me where it's at and I'll go look for it. With the resolution itself its somewhat incorrect it has Shriver Park to T. Roy Roberson Memorial Park it should also include at the Old Massillon Field because that is the name of the park.

COUNCIL PRESIDENT GAMBER – Alright, is everybody ready to move on? Alright we go to second reading of resolution or I'm sorry Ordinance No. 95.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 95 - 2010

BY: ENVIRONMENTAL COMMITTEE

Enacting a new CHAPTER 943 "STORMWATER UTILITY" of the Codified Ordinances of the City of Massillon, and declaring an emergency.

COUNCILMAN HERSHER – I'm giving this second reading tonight. I just want to note I do intend that will probably be some amendments or changes made to it. I intend to have those changes to everybody before the work session so that we can discuss them at the work session.

ORDINANCE NO. 95 – 2010 WAS GIVEN SECOND READING.

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.

RESOLUTION NO. 12 – 2010 WAS REMOVED FROM THE AGENDA.

16. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT GAMBER – Is there any new or miscellaneous business? Mr. Peters, now your hand is up.

COUNCILMAN PETERS – Yeah, now my hand is up. Mr. President, I would like to make a motion tonight to reconsider Ordinance No. 86 – 2010. I will need a second.

COUNCIL PRESIDENT GAMBER – Before we get the second when was Ordinance No. 86 acted on?

COUNCILMAN PETERS – At the last meeting.

COUNCIL PRESIDENT GAMBER – On August 16th?

COUNCILMAN PETERS – Yes.

COUNCIL PRESIDENT GAMBER – We have a motion to reconsider Ordinance No. 86 is that what you said?

COUNCILMAN PETERS – Yes, Ordinance No. 86 – 2010.

COUNCIL PRESIDENT GAMBER – Can you provide us with more information?

COUNCILMAN PETERS – Yeah, this is the one this is the one where changes were not made in the ordinance and Councilwoman Catazaro-Perry brought it up you know to our attention that...

COUNCIL PRESIDENT GAMBER – Okay, this is a change in the building ordinance?

COUNCILMAN PETERS – Right, so then everybody changed their mind and it went down to a 4 to 4 vote Mr. Hersher was absent so it went to a 4 to 4 vote. You broke the tie of course and voted for it. So you know I felt kind of violated that thing passed when it wasn't and Mr. Slagle...

COUNCIL PRESIDENT GAMBER – Let's get into the argument for the moment we have a motion to reconsider do we have a second? Seconded by Councilwoman Catazaro-Perry, I voted the way the committee chairman did, did I not? Okay, we now have a motion and a second to reconsider.

COUNCILMAN PETERS – Now do you want my arguments?

COUNCIL PRESIDENT GAMBER – How did you vote last time?

COUNCILMAN PETERS – I voted against it.

COUNCIL PRESIDENT GAMBER – I think it has to be somebody on the prevailing side Mr. Peters. You can't make the motion someone on the prevailing who voted for it needs to make that motion. Otherwise anytime you didn't get a motion passed you'd reconsider it. Is there anyone who voted yes that would like to reconsider? Mr. Peters, do you agree with that ruling?

COUNCILMAN PETERS – No. I don't agree with it I'm kind of like the people from Tuslaw I don't like what you're doing but I can't do a damn thing about it. So...

COUNCILMAN MANG – Yes, you can you can come to this body anytime with rule changes and present them sir.

COUNCILMAN PETERS – Point of order, the councilman from ward 1 does not have the floor. I do okay and the councilman is right even though he's speaking out of turn. I can do something about it and I can always bring an ordinance forward to amend it. That would be my intention.

COUNCIL PRESIDENT GAMBER – As far as the reconsideration someone on the prevailing side needs to make the motion. Mr. Anderson?

COUNCILMAN ANDERSON – Could I ask a questions?

COUNCIL PRESIDENT GAMBER – You may ask a question.

COUNCILMAN ANDERSON – How did I vote on that?

COUNCILMAN PETERS – No.

COUNCIL PRESIDENT GAMBER – I have no idea sir.

COUNCILMAN ANDERSON – I don't remember to be honest with you. Does anybody...I voted no so I can't vote I can't bring it up either. Okay.

COUNCIL PRESIDENT GAMBER – Is there any other new or miscellaneous business? Are there any remarks from anyone in the audience who would like to speak to any topic at all we invite you forward at this time. Please come forward.

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

COUNCIL PRESIDENT GAMBER – Give your name and address.

FRED BERENS – 3105 Sunnybrook NW. I came here last month to the meeting to speak about a problem with a fence in our allotment. Mr. Ricker who's been a resident of Raynell Heights for probably 50 years put a fence up on his property. Mr. Glick who recently bought property out there objects to the fence. The problem is that Mr. Glick bought a piece of land that slides in behind Mr. Ricker's property as it fronts Harmony Avenue. At the time that Mr. Glick bought this property he told the neighbors I'm not a neighbor but I am a resident of the allotment that he intended to build two houses on the site. After he built the first house he replotted it for three lots and he got that thru the Planning Commission somehow. Now he's got three lots and he wants to build two more houses. The lot that has the fence on it which is Mr. Ricker's lot gives him only 23 feet of frontage on Harmony Avenue. He wants that thing taken down so that when he builds his house in my opinion that when he builds the house its looks like that property does front a full 90 feet onto the road. But it doesn't so he's only got 23 feet that he can get into his property off of Harmony Avenue if he builds his third house. Now when we annexed into the city several years back one of the main things we had in our mind was zoning which we didn't have before. That zoning would protect the property owners in Raynell Heights Allotment. We have no objections to people coming out there and building homes. I have seven lots that I own besides my own myself in that allotment and I intend to develop those lots sometime down the road. However they are 100 x 200 foot lots each one of them and these are smaller lots but still he wants Mr. Ricker to take that fence down. I think that's wrong that's his property and if he takes that fence down he's giving false impressions to whoever might buy that house thinking that they have that much frontage on Harmony which they do not have. How will he keep them off of it? You know its just Glick didn't do his homework and he bought a piece of property that he thinks he can get three lots out of. But really only is good for two. We met with your engineering department out there last week and they're in total agreement with the fact that that fence is perfectly legit. The law director I think also agrees to that fact I don't even know we're standing here talking about it today. Because you know he's on his own property why would he have to be thrown off of his property. One thing that I did observe the type of house that Mr. Glick builds isn't what would be comparable to what's in the allotment. But that's his lot and he can do what he wants. But the house that he does have on that lot the electrical service is on a temporary pole in the front yard. It's not attached to the house that's the first time in my life I ever saw anything like that. But those are the kinds of things that he does and now he's trying to pull another fast one on us out there. I'm just you know we're not in favor of it the entire allotment is not in favor of it. I think that council and the city should turn him down flat because what Mr. Ricker is doing is perfectly legal it's his property. Glick's argument is false so I hope that you will rule in his favor. Thank you.

DWAYNE RICKER – 2950 Meadowcrest NW, Massillon. Our law director is aware of this issue I'm sure will he have any comment to make on this?

COUNCIL PRESIDENT GAMBER – This is not a committee meeting, sir. You're here to make comments.

DWAYNE RICKER – Okay, well, that's my say that he is aware of this. He has brought this up with the Planning Committee so where did I go wrong. I put a fence up went through all the channels to have it properly put up, inspected, what kind of people do we have on the building committee. Are they aware of their high paying jobs or could you give it to me. I'm retired I'd have time. So is this what we deal with in the city? Thank you.

COUNCIL PRESIDENT GAMBER – We appreciate it. By the way the members of the board of building appeals are unpaid volunteers and we appreciate their service. Is there anyone else?

MRS. ROBINSON - I'm with Robinson Waste, 1712 South Erie St. I had talk to the

committee about maybe I think last month some time about the transferring of my husband's trash license to our son because he passed away. At this point I don't know you know where I stand no one has contacted me or you know at this point where does it go? That Mr. Hersher I think I talked to him.

COUNCIL PRESIDENT GAMBER – Very briefly please.

COUNCILMAN HERSHER – Certainly, just quickly we did speak and we're going to talk about it at the work session. We haven't had like I told you I was out of town for the last and this next week will be first work session since. I know it seems like a big spread of time but it will be the first work session since we talked. So it is next Monday or this coming Monday rather the 13th we'll be discussing it.

MRS. ROBINSON – I mean you will contact me or should I come to the meeting or...

COUNCILMAN HERSHER – I'll talk to you, yeah absolutely.

COUNCIL PRESIDENT GAMBER – Thank you. Is there anyone else?

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

