

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, OCTOBER 4, 2010**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Monday, October 4, 2010. We have in attendance with us this evening: Mayor Cicchinelli, Auditor Ferrero, Engineer Dylewski and Law Director Stergios, On the wall to your left are agendas for anyone who wishes to follow the meeting. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or turn it very far down.

1. ROLL CALL

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

Thus giving a roll call vote of 8 present.

COUNCIL PRESIDENT GAMBER – Councilman Mang, we need a motion to excuse for Mr. McCune.

COUNCILMAN MANG – I move to excuse Councilman McCune, seconded by Councilwoman Catazaro-Perry.

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

2. INVOCATION

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

COUNCILMAN MANG - Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN MANG – Chairman of the Community Development 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 if you would like to speak to council about a topic that appears on the agenda please come to the microphone state your name and address and then make your comments please.

ATTORNEY DREW GONYIAS – I am one of the partners of CBSC Inc. I understand that there were some questions last week that maybe some of you had that needed to be answered. I am here to answer those questions for anybody I just by way of introduction we are a company that's been in existing for 45 years. We are locally owned me and another gentleman are partners in the business. If anybody has any questions about the contract that's out in front of you fire away.

COUNCIL PRESIDENT GAMBER – Mr. Mang, you're chairman of the committee do you have any questions?

COUNCILMAN MANG – The only question being I know that there's been this is the third reading. We've had three readings, work sessions and readings there's been questions regarding this piece of legislation. That was the reason that Mr. Loudiana invited the individual here tonight to make certain that all the questions that we have or had have been answered. So enjoy yourselves.

COUNCIL PRESIDENT GAMBER – Are there any questions for the gentleman? Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Could you tell us some of the other companies that you're working with, other cities for collection?

ATTORNEY DREW GONYIAS – Municipalities we do some a lot of ambulance services. We get we do referrals for an ambulance billing companies so we have the City of Canton. We have just signed a contract with Louisville; we do Nimishillen Township, Jackson Township, some private ambulance companies as well. We have other we primarily do medical collections and we have Aultman Hospital, some of the position groups within Aultman Hospital, other practices radiology practices, dental practices. I mean it runs the gamut.

COUNCILWOMAN CATAZARO-PERRY – And your percentage of return?

ATTORNEY DREW GONYIAS – It all varies I mean obviously its getting a little worse as time goes on here until we pull out of this. But we anywhere from 15 to 20% is what we see after you're not going to see that in the first couple of months that you placed the accounts. But over a period of nine to twelve months you'll start to see if you look back at what we placed a year before you'll start to see that percentage.

COUNCILWOMAN CATAZARO-PERRY – Thank you.

COUNCIL PRESIDENT GAMBER – Are there any other questions? Thank you very much we appreciate you being here.

SAM DOUBT – 835 Cherry Rd NW. I'm here again this evening to really object not object as much as oppose to being on Ordinance No. 95 for the storm utility. Also just want to say this kind of relates to the other because on 102 I'm not for or against annexation. If people petition the city to become part of the city that's fine, but I do I do really object to the fact that you continually keep either raising our sewer taxes in order to pay for the infrastructures in the township. So what you guys have to do and decide either you're representing the township or you're representing the community as a whole. I personally am really tired of actually paying taxes every time we turn around you're sending all you're basically doing is becoming a developer. If these people want to come here I don't have any problem I'm in the construction business. I don't oppose construction or I wouldn't be in that. What I do oppose is the fact that you use our money to develop these areas and we benefit nothing from it. I don't know that anybody on city council can actually come forward and tell you how much you've made on these annexations. We've grown in land mass but not in population. Revenue wise they say we're better off I don't know whether we are or not. But I'm mainly here to just say I don't really want you spending my money for the sewer or for the annexation of the Bit of Eden. Thank you.

AL OSLER – 435 Oak Avenue SW, Strasburg. I'm coming to speak on behalf of the Board of

Education of the Tuslaw Local Schools. The employees of Tuslaw and the residents of our school district and I'd like to just take some time to you've heard a lot of negative things in the last few council meetings. I'd like to take time to thank council and Mayor Cicchinelli for your willingness to listen your patience with us and your kind consideration of our request. I feel like you really did listen and it was a learning experience for a lot of us too we hadn't attended these council meetings so I hope it was an education for everyone. If there's ever any thing I could do to help you in another way please let me because we do want to be good neighbors. Thank you.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 114 - 2010 **COMMITTEE**

BY: COMMUNITY DEVELOPMENT

Declaring the improvement of certain real property located in the City of Massillon, Ohio, to be public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

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COUNCILMAN MANG – Members of council, I understand that the work session that I was not here for that Mr. Aane Aaby did present the two pieces of legislation that's on here tonight for TIFs. We also have with us tonight David Meeks and I'm going to ask Mr. Meeks to come up to the microphone. At that point I would like to start to my right no, we'll start with Larry Slagle. Larry, do you have questions of what we're talking about or do you want further explanation? (Not at this time, no, thanks) Dave Hersher? (None tonight, thank you, Ron) Paul? (No) Donnie? (No), Tony? (No), Kathy?

COUNCILWOMAN CATAZARO-PERRY – Yes, Mr. Meeks, you know when we do these non-school TIFs how do you envision these organizations that we're taking money away from the added value. How do you expect them to pass levies if we continue to take those dollars? Because the people that vote for the Board of Development Disabilities that vote for the museum, the library they aren't aware of what we're doing. I just want to know how do you think they're going to pass levies when we continue to take these non-school TIFs throughout our city.

DAVID MEEKS – Well, all the other levies they do continue to take to receive the base millage that they were getting from the property. So that does not go away so they do not lose anything. As the properties improve and the TIFs wear off they will benefit from that. So eventually they will see some benefit from this but they're not losing anything we're not taking anything away from them.

COUNCILWOMAN CATAZARO-PERRY – But we are taking it away from them on their gain that they could have had you know sure they get the what is they get right now. But they won't get what they could have gotten and with the state decreasing those funds and they're going to continue to decrease. I just feel like we're taking away from them.

DAVID MEEKS – That's you know that's the way the state law structured with these TIFs. They only invited the school to the table on this. They do not allow a mechanism outside of using general fund dollars to compensate them. On the flip side with the school districts they also do not allow or they could allow school districts that are not a guaranteed district to possibly enter into an agreement with some of these agencies. Because the way the school funding works and the property taxation there are some additional benefit to the schools beyond that which they would have received had no exemption ever taken place.

COUNCILWOMAN CATAZARO-PERRY – Now I was speaking with Mr. Oliver from the Stark County District Library because I sit on their board. I was trying to understand he said that he checked with the county auditor and the county auditor said that his money comes

through the schools. Is that correct? The county auditor's office couldn't even tell him how but they said it does.

DAVID MEEKS – Yes, I believe that goes through the joint library districts. There's a portion of the money that does come to the schools.

COUNCILWOMAN CATAZARO-PERRY – So then the library would still get their entire funding? Do you know?

DAVID MEEKS – You'd have to ask the schools that. I'm not positive how that portion of it is.

COUNCILWOMAN CATAZARO-PERRY – Okay, thank you.

COUNCILMAN MANG – Gary? (I have nothing at this time). My concerns are is that I'm not sure if Mr. Meeks is going to be able to come back to our next work session. We plan on giving this piece of legislation three readings. So if he's not able to come to be at that work session its possible that he will be at the next work session. But just so we all understand that we would like to get as many questions and many answers that you have while we have Mr. Meeks here. Aane does a very fine job but Aane will tell you he doesn't have the in depth of what questions you might want answered. So we'll leave it go at that tonight and we'll find out from the mayor what Mr. Meeks' schedule for the next couple of meetings. Thank you, Dave, appreciate it. I would like to give the ordinance first reading.

ORDINANCE NO. 114 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 115 - 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Declaring the improvement of certain real property located in the City of Massillon, Ohio, to be public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

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COUNCILMAN MANG – First reading.

ORDINANCE NO. 115 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 116 - 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement wit DD Nails to provide an economic development "inducement grant" to assist the company in locating its nail salon in Massillon, and declaring an emergency.

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COUNCILMAN MANG – We've had another gentleman approach the mayor about wanting to start a business up in our city. The mayor has extended a hand to him in the form of a grant. Was the gentleman here at the work session? (Yes) Oh, he's here tonight. Sir, would like to come up say hi.

COUNCIL PRESIDENT GAMBER – Please give us your name and address.

DAN DINH – 3590 Harris Ave NW, Canton, Ohio 44708.

COUNCILMAN MANG – Sir, where do you wish to establish this place?

DAN DINH – Right on 155 Lincoln Way West in Massillon, downtown.

COUNCILMAN MANG – Someone have a location for me is that...what was in there?

COUNCIL PRESIDENT GAMBER – It's the City Center, Mr. Mang.

COUNCILMAN MANG – Oh, it's the City Center. Oh, okay, thank you.

COUNCIL PRESIDENT GAMBER – Are there any questions for the gentleman? Mr. Peters?

COUNCILMAN PETERS – Do you have any other locations right now?

DAN DINH – No, I don't.

COUNCILMAN PETERS – Oh, you don't?

DAN DINH – Yes.

COUNCILMAN MANG – Anybody else have anything? Thank you sir for coming.

DAN DINH – Thank you so much.

COUNCILMAN MANG – We've had several of these and to date I think all of them have been successful in the fact that they've opened up their businesses and are existing. I think we've only had one that after going through the grant proceedings they decided not to do that. But anyhow we do have a gentleman that would like to get started.

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

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

ORDINANCE NO. 116 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 117 - 2010

BY: PUBLIC UTILITIES COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract extending our present Centrex services with AT&T on all City government telephone lines for a period of three (3) years, and declaring an emergency.

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COUNCILMAN ANDERSON – We talked to Mr. Loudiana last Monday about this. He indicated that the contract that we currently have is up on the 18th. This being the 4th the 18th would be two weeks from today. So I personally according to him our cost would be about \$7,000 a month. If we did not have this in place our cost if I'm not mistaken he indicated that it would be somewhere in the \$17,000 to \$20,000 bracket if we did not have something like this in place on or about that time. Did anybody hear anything differently than I just said the other day? That we talked about a week ago? If you do I'd like to hear.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – No, I don't believe anybody hear anything differently. But I'm sure they heard a lot more. I mean I asked the safety service director several questions that weren't answered. One being why did it come to us 18 days before it had to be passed. Two, did we go out and look for other companies he said no. So I he made the remark that he didn't care if I voted for or not. So that's what I'm going to do now. So...

COUNCIL PRESIDENT GAMBER – Mr. Anderson?

COUNCILMAN ANDERSON moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 6 yes, 2 no. Peters and Townsend voted no. .

ORDINANCE NO. 117 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 118 - 2010 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation for the SR 172 Paving Project, and declaring an emergency.

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COUNCILMAN PETERS – First reading.

ORDINANCE NO. 118 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 119 - 2010 **BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the General Fund, Legends Fund, TIF Service Fund and the Economic Development Fund, for the year ending December 31, 2010, and declaring an emergency.

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COUNCILMAN MANSON - Yes, we have four sections tonight to discuss here. The first one is prepare an ordinance to appropriate from the unappropriated balance of the general fund 1100 to the following \$96,158 to fire salary, \$25,908 to accumulated sick leave and \$38,934 to fire comp paid for a total of \$161,000. Section 2, is an ordinance appropriating money out of the golf course 2104 food and beverage fund. \$50,000 goes to the Legends salaries and wages, \$2,645.90 to Legends hospital, eye and dental, \$18,000 to Legends utilities and \$3,000 for Legends bank charges. That will be coming from the food and beverage sales. Section 3 is for \$3,453 prepare an ordinance to appropriate from the unappropriated of the TIF service fund 3109 to the following 3109.905 \$3,453 county collection fees. This is to pay the county for collecting and distributing the TIF funds to the Massillon Schools, Perry Schools and the Meadows Developer. Section 4 we just talked about it a little earlier this is \$2,000 for to an account entitled services and contracts. This appropriation is needed for the following for DD Nails at 155 Lincoln Way West. It's a \$2,000 economic development grant.

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

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

ORDINANCE NO. 119 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM 720 LINCOLN WAY INC 720 LINCOLN WAY E MASSILLON OHIO 44646 TO PFS & SONS LLC DBA FILL & GO 720 LINCOLN WAY E MASSILLON OHIO 44646

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR CAMEO GRILL INC 809 S ERIE ST 1ST FL & BSMT MASSILLON OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2010 B COPY FILE
- B). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 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 Councilwoman Catazaro-Perry.

Roll call vote of 8 yes to accept the auditor's report.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – Next work session will be Monday the 11th that is a holiday but we will conduct business as usual with city council.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR – TABLED FROM SEPTEMBER 20, 2010

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 "Regulations of On-Premise Signs by Zone" (a)(7).

COUNCILMAN TOWNSEND – Ordinance No. 88 after carefully looking at this ordinance I could not find any language for any provisions made to this ordinance that requested a fee. Somehow there was some confusion I take the blame on part of it as far as with fees on 88. What I did find is that with section general provisions Section B it just primarily some language change. What I have here that was included no permits required for the maintenance of a sign. That is what Section B, now with Section A it just appears that there were some language put in there that extended grand opening signs and other temporary event signs from ten days to fourteen days where they can hang them up after the grand opening or the event that they are advertising. This has been sitting for awhile.

COUNCILMAN TOWNSEND moved to bring Ordinance No. 88 – 2010 forward for its passage, seconded by Councilman Manson.

COUNCIL PRESIDENT GAMBER – Do we have any questions or comments on the ordinance? Mr. Peters?

COUNCILMAN PETERS – I'm really and of course its been so long since this things been up but I thought there was some money changes in this ordinance.

COUNCILMAN TOWNSEND – Well, that's what the next ordinance they're all tied under each other they're both under Chapter 1188. But this particular ordinance has no fees it's the next one 104.

COUNCILMAN PETERS – Okay, thank you.

ORDINANCE NO. 88 – 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, and declaring an emergency.

COUNCILMAN HERSHER – We tabled this at the last meeting to take another work session with it to discuss some amendments that I proposed to the ordinance. So the first before I make my first motion I would just like to ask if there’s any questions or discussion that’s needed related to the proposed amendments that came out by email and that you guys received in hard copy and that we talked about at the work session on Monday.

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND – I have a question. The fees the dollar from the residents and two dollars for commercial now I read somewhere I don’t know whether it was an email or one of the handouts that you gave us. Someone stated that if this ordinance was not passed that most of the catch basins in the city would not be able to be repaired or was I dreaming. I don’t know.

COUNCILMAN HERSHER – The funds generated will be used for improvements. First of all we have the necessary work that the OEPA is mandating. When we had the gentleman from the OEPA come in and discuss our audit results and we know that we have some issues there that have to be corrected. Also it would go towards improving the overall storm sewer system which would include the catch basins, yes.

COUNCIL PRESIDENT GAMBER – Are there any other questions? Mr. Hersher?

COUNCILMAN HERSHER moved to amend Ordinance No. 95 – 2010 by amending Exhibit A the amendment is simply to remove the last two pages of the ordinance that we’re giving the first three readings and to insert the two pages that you received by email and by hard copy this evening.

COUNCIL PRESIDENT GAMBER – Now there’s very little identifying this but you did receive a copy tonight front and back. The front is midway through Section 943.08 and on the back it ends up with Section 943.13. Does everyone have that? These are the last two pages in the attachment Chapter 943. Does anyone not have that? Mr. Hersher, that’s the sum and substance of your changes is that correct? (Yes) We have a motion for an amendment we need a second. Seconded by Councilman Manson. Can you please explain the amendments Mr. Hersher?

COUNCILMAN HERSHER – Sure, looking at Section 943.09 paragraph fee there’s just the first change is just a simple renumbering in the third sentence. We changing from referring to Section 14 we’re changing that to that Section 13 that was just incorrectly numbered. If you continue through that sentence you’ll find the next sentence each additional period of we struck 10 days and substituted 30 days in that section. Then moving to the last page 943.11 paragraph “a” we discussed this a little bit of length on Monday. The cost has been changed instead of it being added to the owner’s storm drainage service charge the charges will constitute a lieu on the real property which maybe enforced. So you have that language and then moving down to 943.13 “a” we’ve struck or having control in the first sentence and in the third from the last line struck each and everyday and instead inserted every 30 days. Those are the only changes.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – Councilman Hersher, maybe I misunderstood you but I thought you were striking also the misdemeanor.

COUNCIL PRESIDENT GAMBER – Can you note where you're referring to?

COUNCILMAN PETERS – 943.13 shall be guilty of a misdemeanor of the first degree.

COUNCILMAN HERSHER – I don't recall ever my change what I wanted to see changed was rather than and what I talked about was rather than having it be a misdemeanor for each and every day to change the timeframe.

COUNCILMAN PETERS – Okay, that's what I heard then.

COUNCILMAN HERSHER – Yeah, we did discuss and that was one of the things we changed instead of each day being a separate misdemeanor it's each 30 days.

COUNCIL PRESIDENT GAMBER – Are there any other questions? We do have a motion and a second.

Roll call vote of 7 yes, 1 no for the amendments. Catazaro-Perry voted no.

COUNCIL PRESIDENT GAMBER – The ordinance has been amended it is now back to first reading, Mr. Hersher what's your pleasure here?

COUNCILMAN HERSHER – Well, I haven't taken four readings with it I move that we waive the rule requiring three separate readings and bring 95 – 2010 forward for the question of its passage this evening as amended.

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

The rules were not suspended by a roll call vote of 3 yes, 5 no. Hersher, Mang and Manson voted yes.

COUNCIL PRESIDENT GAMBER – There are not enough votes to suspend amended Ordinance No. 95 – 2010 will receive first reading.

ORDINANCE NO. 95 – 2010 WAS GIVEN SECOND READING.

14. THIRD READING 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, upon annexation.

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COUNCILMAN MANG – I wish to move to table this indefinitely, seconded by Councilman Peters.

ORDINANCE NO. 102 – 2010 WAS TABLED INDEFINITELY BY A ROLL CALL VOTE OF 8 YES.

COUNCIL PRESIDENT GAMBER – By way of explanation to anyone in the audience if an ordinance is tabled to a specific date it automatically appears on our agenda on that date. If an ordinance is tabled indefinitely it requires a vote to bring it back on the agenda it will not appear automatically at any point.

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).

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COUNCILMAN TOWNSEND – Okay, this is the ordinance with the fee. I remember now what had happened we increased the amount by \$25.00. The original ordinance had a \$25.00 fee and it has gone up to \$50.00. I remember we had discussed about non-profit organizations I know there was some talk about churches like St. Barbs, St Mary having an event why would we charge them. So Mr. Houpt did include that when you have temporary events there is a \$35.00 fee to that I forgot to mention that. However, non-profit organizations are exempt from paying any fee with proof of the 501C3 status certification. So if you have questions I can possibly answer them but I’m not guaranteeing that I can.

COUNCILMAN TOWNSEND moved to bring Ordinance No. 104 – 2010 forward for passage, seconded by Councilman Manson.

ORDINANCE NO. 104 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. PETERS VOTED NO.

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.

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COUNCILMAN MANG – We had one of the representative here of the company that wishes to handle the collection process for the city. I might tell you that if this piece of legislation is passed it will be 30 days before it will be in effect after the mayor’s signature. So I will be asking for this piece of legislation to be brought forth for question of its passage.

COUNCILMAN MANG moved to bring Ordinance No. 107 – 2010 forward for passage, seconded by Councilman Slagle.

COUNCIL PRESIDENT GAMBER – Are there comments or questions? Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I just want to understand this completely. The fee that we’re going to pay the commission is 25% for regular collection and 30% for litigated accounts?

COUNCIL PRESIDENT GAMBER – Excuse me who are directing the question to?

ATTORNEY DREW GONYIAS – Are you directing to me I presume.

COUNCILWOMAN CATAZARO-PERRY – I guess you would probably be the one that had the answer.

COUNCIL PRESIDENT GAMBER – Mrs. Catazaro-Perry for the record we need to know who you’re asking?

COUNCILWOMAN CATAZARO-PERRY – Mr. Gonyias. I just wanted to clarify that how we are going to pay you.

ATTORNEY DREW GONYIAS – It is a contingency fee arrangement. Any fees that we

would earn would be taken out of a remittance on a monthly basis. You would be the funds would be net remitted back to you. There's nothing out of your pocket to get started on this.

COUNCILWOMAN CATAZARO-PERRY – Thank you.

ATTORNEY DREW GONYIAS – You're welcome.

ORDINANCE NO. 107 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. PETERS VOTED NO.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 109 - 2010

BY: PUBLIC UTILITIES COMMITTEE

Establishing a video service provider fee to be paid by any video service provider offering video service in the city; authorizing the Mayor to give notice to the video service provider of the video service provider fee; and declaring an emergency.

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COUNCILMAN ANDERSON – This is a very nuts and bolts type of thing that it is kind of I would think would be a kind of automatic thing. Mr. Gessner has been in to explain it a couple different times and having said that I want to move to waive the required three readings.

COUNCILMAN ANDERSON moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 7 yes, 1 no. Peters voted no.

ORDINANCE NO. 109 – 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 SLAGLE – Second reading.

COUNCILMAN TOWNSEND – Point of order.

COUNCIL PRESIDENT GAMBER – Councilman Townsend.

COUNCILMAN TOWNSEND – The name is incorrect it's T.R. Roberson Park at the Old Massillon Field.

COUNCIL PRESIDENT GAMBER – Alright, this is the title of the resolution and not the body and the content. Mr. Slagle would you please make sure that the name is appropriate in the ordinance.

COUNCILMAN SLAGLE – I will.

RESOLUTION NO. 12 – 2010 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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