

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, OCTOBER 18, 2010**

**COUNCIL PRESIDENT GAMBER** - I'd like to welcome all of you to Massillon City Council for Monday, October 18, 2010. We have in attendance with us this evening: Safety Service Director Loudiana, Law Director Stergios, Engineer Dylewski, Community Development Director Aaby, Building Official Houpt, Auditor Ferrero and Wastewater Treatment Plant Supervisor Bledsoe. On the wall to your left are agendas for anyone who wishes to follow the meeting. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or turn it very far down.

**1. ROLL CALL**

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

Thus giving a roll call vote of 9 present.

**2. INVOCATION**

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

**COUNCILMAN ANDERSON** – Gave the invocation for the evening.

**3. PLEDGE OF ALLEGIANCE**

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

**4. READING OF THE JOURNAL**

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

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

**COUNCIL PRESIDENT GAMBER** – We are at item #5 in the agenda where we invite you forward to speak on a topic that is on the agenda please come to the microphone at this time state your name and address and then make your comments.

**BILL GREEN** – I'm the Superintendent of the Stark County Board of Developmental Disabilities. My address is 9345 Paulding Street NW that's Massillon, Ohio. This evening I come to you on behalf of the 3,000 people that the Board of Developmental Disabilities serves to provide testimony in relation to Ordinance No. 114 that is under consideration. I also represent the 292 people with disabilities that live in the City of Massillon along with the 25 employees who work at our West Stark Center who generate \$950,000 in annual payroll for the

City of Massillon each year. I begin by recognizing the authority granted to the City of Massillon under the Ohio Revised Code 5709.40 for declaring improvements for the a public purpose and to implement Tax Increment Financing under Ordinance No. 114. I also acknowledge the rationale for making such a public policy decision given declining income tax revenues and cuts in state funding you have taken with the loss of tangible personal property taxes. I further acknowledge the intent of the law you are using which is to stimulate economic development. I know and believe that this is the spirit in which this ordinance has been proposed. This evening I would like to provide the perspective from the Stark County Board of Developmental Disabilities regarding your declaration to implement Tax Increment Financing for the business interests of Shearers, Menards and the proposed Lincoln Center II initiative. Our concern is not these initiatives and their financial impact upon us in the short-term because the impact of these initiatives are very small. The concern we would like to share with you is for the future, whether that is 10, 15, or 20 years from now when many of us will not be around. Our concern is if Tax Increment Financing is further enacted for other properties in Massillon, and then two non-school TIFs are approved in Alliance, four more by the City of Canton, another in Minerva, and still another in East Sparta. It is for the future is why I am here this evening. I would be remised not say anything for those that will come after us. I do not want it to be said why did Bill Green not say anything and let this happen to the future of our levy funding for people with developmental disabilities. As we all know Tax Increment Funding takes the taxes on any improvements of Shearers, Menards and the proposed Lincoln Center II initiative, and directs it to infrastructure improvements within the City of Massillon. Who could argue against this well if this was not acted the property tax improvements would be collected and would be passed on to the levy funded agencies, which included the Board of Developmental Disabilities, Children Services, libraries, mental health and parks and recreation. So it is not so much the argument against it but the concern for our levy funding for the future because our levy funding is based upon the total properties values of businesses and if non-school TIFs begin to occur in the number, our yield lessens and our revenue will decrease over time. Same dollars for businesses, more for cities that avail themselves of this statute such as yourselves the less for levy funded agencies. I know the argument that levy funded agencies are not harmed in any way but it is equally true to say that we lose on the improvements the business makes in the City of Massillon if Ordinance No. 114 is approved. So just so you're aware of the climate we're working in, and it is not markedly different than yours. You have already lost tangible personal property tax revenue we're losing \$4.6 million over the next seven years. Tangible personal property dollars will begin their phase-out beginning in 2011 and will conclude for us in 2017. We're also losing \$1 million dollars in tax equity dollars which is a state tax unique to the Developmental Disability field with a formula change. So by the end of 2017, the Board of Developmental Disabilities is losing \$5.6 million and this does not include any reductions that are expected in the next State of Ohio biennium budget. We have 1,200 people on waiting lists for a home and community based services that are waiting for services at this time. We also have a 120 infants and toddlers we serve them each year. It is for them that we request that you delay the third reading of this ordinance and continue to permit us to lobby the state legislature to have the ORC 5709.40 changed so that Boards of Developmental Disabilities are exempted from Tax Incremental Financing as schools are presently. If you choose not to delay, and you approve Ordinance No. 114, the Stark County Board of Developmental Disabilities sincerely hopes that the Tax Increment Financing stimulates economic activity and that it will generate enough revenue as to not have a negative impact on future services to those who depend on our support. I thank you for the this evening and praise each of you for your commitment to public service and making the tough decisions that must be made at this time. Please make one of those tough decisions be not to proceed with Ordinance No. 114. Thank you very much.

**COUNCIL PRESIDENT GAMBER** – Thank you. If you would like to you may submit that. If it does not already have it please put a date and who its coming from and then just pass it forward. Thank you. Is there anyone else who would like to speak to council tonight?

**MARY ANN COYNE** – I'm here again you all heard me on Monday we need to renew our Centrex contract tomorrow is our deadline. I have my vendor here tonight if you would like to hear from him. We did have our meeting with First Communication last Tuesday at the end of the meeting they told me there really wasn't anything they could do for us that wouldn't take 60 days anyways to look at and a possible \$250,000 worth of revamping of our telephones. Which would cost the taxpayers even more than what the bill is going to cost them. So if I could bring

Matt up Matt Takacs is from Always Better Communications ABC. Matt was with CCI when they installed our phones he knows everything and anything about them. How they connect to AT&T, how they will not connect to anybody else. I also want to tell you that tomorrow we have a meeting with a gal from Mill Creek Communications who is being given to us by Bob Gessner. Of course, as I told you we're not giving up on trying to do the best we can. But right now we're working on a deadline and we need to renew this contract.

**COUNCIL PRESIDENT GAMBER** – Let me make a suggestion here this is public comments we will invite both of you back up when that ordinance comes up for discussion if that's alright.

**MARY ANN COYNE** – That's okay.

**COUNCIL PRESIDENT GAMBER** – Alright, okay, is there anyone else who like to speak to council at this time?

**SAM DAUT** – 835 Cherry Rd NW, Massillon. I'm here again once again to object to this storm sewer utility. The last council meeting Mr. Hersher had addressed the rest of the council members that if they had any questions that they should address them to him about why they feel that we should be paying this to begin with. I've heard things as far as like other communities do it well I'm objecting to it because I don't live in other community. First of all, nobody aside from the things that the EPA that Massillon should address like the salt storage facility, cleaning up the street I don't understand I'm not objecting to the fact that its \$1.00 or \$2.00. What I'm here complaining about is I don't feel that this should be a lifetime tax. I mean address your problems, correct your problems and correct them within a given amount of time and money. But to sit and give the city a \$160,000 a year and say that its only going to be able to be used for that particular problem we all know that there's ways around that because we thought that with the rec. tax. Instead we all know by now that its gone to pay for golf courses, restaurants I would like for Mr. Hersher to tell me why he feels he's brought this before council and why you personally feel that we should be paying this and the rest of the taxpayers for the rest of their lives and your children. I have no children I'm not passing these taxes onto somebody else. Yes, it is petty but I just think that this is not a good time to with the economy being the way it is and a lot of people have lost their jobs. People are foreclosing mortgage and yeah I mean a dollar isn't much to me its just I don't understand why this has to be an ongoing tax. That's all.

**COUNCIL PRESIDENT GAMBER** – Mr. Hersher, you may respond later if you like to we're here to hear his comments at this point.

## **6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 120 - 2010**

### **BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the 1419 Marketplace Infrastructure Fund, for the year ending December 31, 2010, and declaring an emergency.

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**COUNCILMAN MANSON** – We discussed this at the committee session. This is \$10,000 that will be used for repairs on Route 21. I don't know if anyone is been done that way but there is quite a step in the road down there that you hit that needs to be taken care of. So if there's any questions the engineer is here and he can answer those if not I will be asking for passage.

**COUNCIL PRESIDENT GAMBER** – Mr. Peters?

**COUNCILMAN PETERS** – I just have one question because I apologize I wasn't here for the work session. What account is that coming out of?

**COUNCILMAN MANSON** – That's going to come out the TIF account the Marketplace TIF account TIF fund.

**COUNCILMAN PETERS** – 1419...

**COUNCILMAN MANSON** – Marketplace Infrastructure Fund.

**COUNCILMAN PETERS** – Okay, thank you.

**COUNCIL PRESIDENT GAMBER** – Mr. Manson, on the legislation request that came with that is there anything to indicate what the balance of that fund is?

**COUNCILMAN MANSON** – I believe it's \$400,000 some dollars but I...

**COUNCIL PRESIDENT GAMBER** – I'm asking if its on the legislation request? (No its not) Because I had the administration when they sent through these things to start including what the balance of the accounts are so the chairman of each committee have that.

**COUNCILMAN MANSON** – No, its on there.

**COUNCIL PRESIDENT GAMBER** – What's the balance Mr. Peters?

**COUNCILMAN PETERS** – For the record its \$456,598.94.

**COUNCIL PRESIDENT GAMBER** - Mr. Manson, your motion please?

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. 120 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 121 - 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.

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**COUNCILMAN MANSON** – Yes, we have transfers of a \$184,000 from the various accounts listed there to the various accounts where we need more revenue simple as that.

**COUNCIL PRESIDENT GAMBER** – Do we have questions on the transfers? 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. 121 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**RESOLUTION NO. 15 - 2010**                      **BY: FINANCE COMMITTEE**

Accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor by November 1, 2010.

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**COUNCILMAN MANSON** – It's very simple we do this again every year. We have to the auditor has to set the amounts and the rates simple as that.

**COUNCIL PRESIDENT GAMBER** – Are there questions? Mr. Manson?

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.

RESOLUTION NO. 15 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR ELKS ONE INC DBA FIREHOUSE GRILLE & PUB 48 2ND ST SE SUITE A 1ST FL MASSILLON OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 2010 B COPY FILE

B). TREASURER SUBMITS MONTHLY REPORT FOR SEPTEMBER 2010 B COPY FILE

C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 2010 – COPY FILE

D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR SEPTEMBER 2010 – COPY FILE

E). WASTE DEPT SUBMITS MONTHLY REPORT FOR SEPTEMBER 2010 – COPY FILE

F). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2010.

**COUNCIL PRESIDENT GAMBER** - Thank you. Everyone has those reports and we'll keep copies on file. I understand that the building official would like to speak to council is that correctly? Without objection we will hear a report from a city official.

**ROGER HOUPT** – I submitted a letter to the president of council and a copy for everybody that's here. I'm not going to bore you with me trying to read it. I would like to go to the next page which is a chart and what I did on that chart is I took the building department fees that we've charged and compared them to what I am proposing and what Mr. Kraft had proposed in 2009. The first one is the Inn at University Village if you'll notice we lost \$11,000 well we went in the hole \$11,000 we didn't lose it we just went in the hole \$11,000. The percent of fees that are charged on that building in the old way of doing it or the way it is today is 0.169%. Now that's not 1.69 that's 0.169 that's less than two-tenths of one cent on the dollar. There was a quite a few inspections that were done there that are normally are not the contractor asked for it his fees went up but under the new system. The new system the fees would be a 0.459% and if you'll notice down there that we would had a profit or a it would have been in the black \$11,000. The Salvation Army which is currently in progress over here on the northeast side today the price of the permit is 0.178%. What I've proposed and Mr. Kraft proposed would take it to a 0.285% if you'll notice the funds are getting low in what we have charged to date. I can't go back and raise fees on these people...

**COUNCILMAN PETERS** – Point of order Mr. President, I hate to interrupt you but why are we talking about this now when there's not anything legislation on the agenda tonight for this?

**COUNCIL PRESIDENT GAMBER** – We're under item 10 reports of city officials. We have a number of written reports we're having an oral report if we start to run a little bit too long I will ask him to hurry.

**COUNCILMAN PETERS** – Well we've gotten a written report that's why I'm saying.

**COUNCIL PRESIDENT GAMBER** – I understand but he's explaining it he is within...

**COUNCILMAN PETERS** – Not that I don't like listen to him talk but I just had the question.

**COUNCIL PRESIDENT GAMBER** – You asked why we're under item 10 reports from city officials so that's where we're at. Continue please.

**ROGER HOUPT** – I will skip down to the Bradley Place which is the new senior apartments down here on 125 David Canary 0.150%. The new proposed at this point would have been 0.198% you change over to the page I picked a Ryan Home a home does not cost as much as a commercial building. A home is requires in your page will show you the number of inspections according to the Residential Code of Ohio and I'm holding up the page. This is what they say a home needs to be inspected a Ryan Home of course does not need this number of inspections and you can look down there and see that. Most homes that we do here in the city does not have sprinkler systems. I'm not talking the ones out in the lawn I'm talking the ones inside the house. Most of them do not have fire alarms. There aren't fire resistant penetrations the special ones would have to be APA narrow walls; most of them don't have that. There's a lot things that don't go on in a home the average on a Ryan Home is 17 inspections. I'm asking that council well the committees I'd like to have them bring my yeah it isn't mine the department's request for the increase in fees bring them forward. Of course I will be happy to come to any work session and answer any questions. In the 2008 the building department lost or went in the hole \$30,000. In 2009 it was \$28,000 here's a bright side in 2007 we made it in the black by \$3,000. I'm asking that we would move forward and bring this out of committee.

**COUNCIL PRESIDENT GAMBER** – Alright, Are there any questions for Mr. Houpt? I'd like to ask one if I could. The inspection sheet has about 40 items you mentioned that a Ryan Home has about 17 how many individual visits is that. I mean do you cover a number of them on one visit?

**ROGER HOUPT** – It depends upon what the contractor asks for. If he calls me and says all he wants is a underground service inspection on the electric then its all he gets is an underground service inspection on the electric. It's up to the contractor as to what he calls for. It is not up to me I tell him what he has to do and its up to him to schedule it.

**COUNCIL PRESIDENT GAMBER** – Alright, another question when was your legislation submitted?

**ROGER HOUPT** – I believe I started legislations in June or July, sir. I can't remember the exact the date. I know Mr. Kraft had submitted some before that were tabled in 2009.

**COUNCIL PRESIDENT GAMBER** – No questions? Thank you very much.

**ROGER HOUPT** – Thank you, sir.

## **11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT GAMBER** – Committees will meet next Monday the 25th. Is there any report, resolution or requests from any committee, any committee chairman, any committee member? Mr. Slagle?

**COUNCILMAN SLAGLE** – In conjunction with Resolution No. 12 – 2010 Mr. President, is it possible that I can request a public hearing on the merits on such thing for the November 18th city council meeting.

**COUNCIL PRESIDENT GAMBER** – As the chairman you may call a public meeting any time you'd like.

**COUNCILMAN SLAGLE** – Well that's what I'm doing at 7:00pm.

**COUNCIL PRESIDENT GAMBER** – You're saying next Monday you're having...

**COUNCILMAN SLAGLE** – No, November 18th that would be the second council meeting

from this date. Isn't November 18th a Monday? Oh, November 15th I'm sorry.

**COUNCIL PRESIDENT GAMBER** – November 15th at 7:00pm you would like to have a public meeting we'll call it rather than a public hearing. You as chairman will run the meeting? (I will) Alright, is there anything else from any other council member?

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**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** – Yes, before I proceed further that should always be Memorial Park at Old Massillon Field.

**COUNCIL PRESIDENT GAMBER** – Alright, I will now ask the Clerk from now on when this appears on the agenda please check with our chairman to make sure that we have the proper title to this resolution. If you would make sure that she has that.

**COUNCILMAN SLAGLE** – I move we table this to the meeting the first meeting in December 6th, 2010, seconded by Councilwoman Catazaro-Perry.

Roll call vote of 9 yes to table until December 6th, 2010.

RESOLUTION NO. 12 – 2010 WAS TABLED UNTIL DECEMBER 6TH 2010.

**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.

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**COUNCILMAN HERSHER** – Second reading.

ORDINANCE NO. 95 – 2010 WAS GIVEN SECOND READING.

**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** – Second reading.

ORDINANCE NO. 114 – 2010 WAS GIVEN SECOND 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** – Second reading.

ORDINANCE NO. 115 – 2010 WAS GIVEN SECOND READING.

**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** – Yes, I'd like to bring Mary Ann up please to answer any questions from fellow councilmen on this issue.

**COUNCIL PRESIDENT GAMBER** – Mr. McCune?

**COUNCILMAN MCCUNE** – Mary Ann, if I understood at the work session you said that if we entered into this agreement tonight that we could opt-out with a relatively small payment penalty to get out should we find a better deal somewhere down the road is that correct?

**MARY ANN COYNE** – Right, that's correct. However, its going to mean upgrading our equipment which is going to be a pricey situation.

**COUNCILMAN MCCUNE** – Actually is that going to be requirement no matter who we go with?

**MARY ANN COYNE** – Can I this is Matt Takacs from...

**COUNCIL PRESIDENT GAMBER** – Yes, please identify yourself first and then go ahead and make your comments.

**MATT TAKACS** – I'm with Always Better Communications as Mary Ann said I was one of the technicians that actually installed this system years back for another company at the time. Currently with the service that you have I was with the company CCI Consolidating Communications before they were. The service that Massillon City uses from AT&T is what we refer to as a Centrex service. Centrex is what allows the lines the four digit dial one another like when you call Mary Ann's office she can transfer you throughout the city. There are other services that are out there now with digital circuits T-1, Pier I, that would upgrade the service coming in but the actually hardware that is in each one of your facility is not capable at this time of accepting those type of digital circuits coming in. Centrex still allows the City of Massillon to operate as they have on a day-to-day basis. If you need me to elaborate I can talk about the infrastructure the Pier !, the T-1 if you'd like.

**COUNCIL PRESIDENT GAMBER** – I wouldn't get too complicated.

**MATT TAKACS** – I can if you'd like.

**COUNCIL PRESIDENT GAMBER** – Only if there's a question asked. Mr. Peters?

**COUNCILMAN PETERS** – My question is not for him its back to Mary Ann I have several. Who is Kim Esterly?

**MARY ANN COYNE** – She is with US Network.

**COUNCILMAN PETERS** – Correct and she's the one that currently sold us this Centrex and AT&T line am I correct?

**MARY ANN COYNE** – Well, she got us into this, yes.

**COUNCILMAN PETERS** – Okay, well, she informed me today that she can get the city a three month extension paying the same rate with no problem until we decide what we want to do.

**MARY ANN COYNE** – Why did she not want to help us in August then? Because she wasn't getting paid a commission...

**COUNCILMAN PETERS** – I don't know. I'm not here to argue with you but she claims that she tried to contact you five months ago and told you that this was being up for renewal. Then two weeks ago it comes before council as an emergency. So I'm not calling you a liar but I'm just telling you what I've been told by these people. I've also been told by Connect USA Joe Logan he told me I could use his name who is a Massillon business why did we throw him out when he was still cheaper than what Centrex was when you brought them in. No, I'm asking her right now.

**MARY ANN COYNE** – First reason that we got rid of Joe Logan and I was going to say we left them we had to sign a contract to go with them for approximately \$7,000 to \$8,000 a year. We signed no contract with ABC they just come in when we need repair and they take care of the system. Plus they couldn't help in collections they couldn't do what the data lines needed, they couldn't do any of that. So it was just a better buy to go somewhere else.

**COUNCILMAN PETERS** – Okay, but you're saying that we didn't want to get into a three year contract with them. Why do we want to get into a three year contract with AT&T or someone else for that matter?

**MARY ANN COYNE** – Because we need the function. We didn't need them to charge us more...I'm already getting static from people because we pay for maintenance on copy machines, we pay for maintenance on fax machines. We pay for all this maintenance so we're little by little getting out of paying that maintenance for obsolete things.

**COUNCILMAN PETERS** – This is what I'm saying okay, because I'm a businessman okay and I know that okay that if we have a person that's saying this is just what I'm thinking and I'm not telling you what to do. You can do whatever you want but my argument is that we should take this time and if we have five months to do it five months ago we should have already been doing it. We should have been out receiving competitive bids for upgrading the equipment and everything and see what that cost was going to be and weigh it against what this cost is going to be right now with the old service. Because I'm being told that we can get fully upgraded with new equipment and everything else and probably save money cheaper than what we're paying right now on this contract.

**MARY ANN COYNE** – I can't answer that he's got to do that.

**COUNCILMAN PETERS** – Okay, I understand that but what I'm saying and I'm not being critical all I'm saying is am I right or wrong? What is wrong with going out and getting competitive bids we're a city and we should be doing that anyways. That's my whole argument. I mean if I'm just going to take his word for it fine but I know that I've got Joe Logan calling me and Kim Esterly calling me and all these other people calling me obviously they are interested in doing this. So I'm saying and I'm saying to council I really believe that

this should be done competitively and be bid on to see who does this service. I am not for signing a three year contract with AT&T and I'm not willing to you know and I'm not even willing to pay a penalty if we want to opt-out of it. We don't need to because we've been told that they'll give us an extension. Thank you.

**COUNCIL PRESIDENT GAMBER** – Mr. Peters, I'd like to follow up on one of your questions here. You had asked about Joe Logan I don't know Joe Logan or what he provides. She gave something of an answer that he did not provide what we needed. Is that satisfactory or...?

**COUNCILMAN PETERS** – No, that's not but I'm not going to get into that. I mean that's not the story I was told but you know there's two sides to every story.

**COUNCIL PRESIDENT GAMBER** – Again, I don't want to interrupt you but is it correct or not correct that we were contacted five months ago by whoever the young woman is?

**MARY ANN COYNE** – No, that's Logan? Kim Esterly? No, I contacted her and I asked her why nothing was being done because we were getting to our deadline. Then she contacts me back on August 24th I got an email and she said she can no longer help us because AT&T now makes you go on your own. You are not allowed to go through a third person was that not what the email came back and said that. Then I found out through all these people I've got all their cards I've been working with through all these people the reason is AT&T no longer pays a commission to the outside companies that come in. So that's why they don't Kim Esterly wouldn't help us.

**COUNCIL PRESIDENT GAMBER** – Alright, Mr. Peters you still have the floor. I might suggest as long as the gentleman is here if he's got an answer for you its up to you if you want to listen to him somebody else can ask him then.

**COUNCILMAN PETERS** – That's fine.

**MATT TAKACS** – My I address Councilman Peters. There's a definite line between a provider and a vendor. The telephone companies AT&T, First Communications (inaudible) those are what we refer to as providers. We, myself, Connect USA which you referred to which I will address in a moment we are what we refer to as the vendor the inside people. We take it from the D mark and then distribute it to the actual handset. AT&T is the only provider that can provide Centrex, so there's nowhere to go out to bid.

**COUNCIL PRESIDENT GAMBER** – Is that a disputable statement?

**MATT TAKACS** – No sir, that's a fact. Centrex is an AT&T function only. Only Centrex is offered through AT&T nowhere else. Centrex is the ability the four digit dial from another Centrex line. Massillon City owns 182 Centrex lines and that's all they can dial from auditor's department to the mayor's office to the police department. The systems are not all linked together with the backbone or fiber or copper mesh for that matter. So only Centrex can be provided by AT&T that's why the contract has been renewed every three years because its just a service of AT&T. The municipality does pay a lesser rate for the Centrex then say a given business does. That's why businesses were more apt to jump out of Centrex onto another service and upgrade their hardware. With Connect USA as far as my company we do not sell maintenance if Mary Ann wants to call Connect USA tomorrow they can Connect USA tomorrow and call me the next day. I don't I mean we don't see maintenance we don't make the City of Massillon sign any sort of service agreement. Not to throw anyone under the bus but Mr. Peters had brought up the name Joe Logan when Connect USA did take care of the Massillon City account for that time they would call my company Always Better Communication. I would wear my ABC shirt into the facility and do the telephone. I have the back invoices that show you where we billed Connect USA to do that work. They were using my company to do it I went directly to Mary Ann I said Mary Ann, I was the installing technician I've now moved on this is the company I'm at. You do not need to sign a contract to come with our company you can just use on an as needed basis. So yes, I just went right to Mary Ann.

**COUNCIL PRESIDENT GAMBER** – Mr. Peters, you still have the floor.

**COUNCILMAN PETERS** – I'll yield it for right now but if Mr. Mang has a question.

**COUNCIL PRESIDENT GAMBER** – Mr. Mang?

**COUNCILMAN MANG** - Yes, from the very beginning I thought we all understood that Centrex system is what we've been talking about and to keep the Centrex system we need to get a new contract. Now if we don't want the Centrex system with the gentleman we have to go out and invent the penny again and go through our whole system and come up with a new replacement Centrex. Which I'm quite certain would have a quite a high dollar value. Because I recall I was part of working to put Centrex in the city. I know at that time we thought it was a ton of money until we started to get through all the things that the system gave to us. Now we're sitting here tonight and say fine lets throw everything out of the board and lets bring in everybody that's out there let them come in and give us a quote on their equipment and what's going to cost this city I think that's fine. The only problem is if in fact we can not extend this contract and Donnie said someone told you that you could there's another problem. We're not involved in managing this those phone calls should go to the administration they have no business going to us. We can call those people ask for those things but here's a woman who's asking looking for help and another woman is calling one of the council people saying I can do that I can do and I can do that. Now I don't think anyone wants to be caught in the middle but it sounds like we've done that. I think that's totally wrong they make a presentation to us if we don't like the presentation say fine throw everybody out we want a new presentation we want new equipment and go from there. But you have to understand we could get nipped on the front and nipped on the back. Thank you.

**COUNCIL PRESIDENT GAMBER** – Mr. Anderson?

**COUNCILMAN ANDERSON** – Okay, I'm going to go back to a question that I think is probably the most important question so far that was answered but I just want to clarify it. Mary Ann, you mentioned before that if we sign this contract for three years with the existing company that we have that there's an out issue in there and I think I'm going to go back but my memory is not the greatest but I think somebody said something like \$470.00 penalty am I wrong?

**MARY ANN COYNE** – Well it's times the months you have left its like two lines which are \$16.00 they're \$8.00 a line and I think at the most it was 24 months I was quoted at \$700 some dollars.

**COUNCILMAN ANDERSON** – \$700 some dollars so that would be our penalty possibly could be a penalty of \$700 some dollars if you found a better system after we signed the three year contract and that's a guarantee going in. (Right) I think that's probably the most important answer that I've heard so far that we can opt-out of whatever we sign.

**COUNCIL PRESIDENT GAMBER** – Mr. Anderson, you're chairman of the committee is there anything would you like to share with council in term of what you're opinion is or what you think of the questioning?

**COUNCILMAN ANDERSON** – Well, to be honest with you I think that can I move to waive at this point in time? Can I move to waive the rule on the three readings?

**COUNCIL PRESIDENT GAMBER** – You may and if we have second we will then continue with discussions.

**COUNCILMAN ANDERSON** – I would like to do that.

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

**COUNCIL PRESIDENT GAMBER** – Alright, it has been moved and seconded is there any

discussion?

**COUNCILMAN PETERS** – Well, we're still in discussion I thought.

**COUNCIL PRESIDENT GAMBER** – We are but now we have a motion on the floor which is his proagrativ. Mr. Hersher?

**COUNCILMAN HERSHER** – Mary Ann, are we certain about that buyout? I mean having AT&T for my cell phone service it seems the idea of buying out a \$150,000 for \$700 just seems that the numbers for me don't seem to...

**MARY ANN COYNE** – He can explain that...

**MATT TAKACS** – Centrex, AT&T asked you to sign a line commitment with this renewal I believe the line commitment is a two line commitment currently like I said you're commitment is a 182 lines. Resigning this at the two line commitment we're going to keep two copper lines long term here within the City of Massillon you're probably going to keep at least two dozen the fire alarms, the security alarms, the elevators, all those different types of devises have to be on an AT&T copper line by FCC regulations. So whether we put in 10 T-1's, 10 Pier-I's, everything like that we're still going to have a copper commitment to the telephone company. So even with that and if we stay with AT&T and when I say we I mean the city stays with AT&T typically there's really not a penalty when you're just renewing services. With AT&T going from a Centrex contract to Pier – I contracts you're still under AT&T's umbrella and AT&T, SBC, AT&T versus AT&T wireless that's two different sides of the coin you can't compare one to the other.

**COUNCIL PRESIDENT GAMBER** – Mr. Townsend?

**COUNCILMAN TOWNSEND** – I was just wondering is there a possibility we could get a copy of the contract.

**MARY ANN COYNE** – I can give it to you. I gave a copy to Mrs. Perry one she did request one. Here's a copy of the new contract.

**COUNCIL PRESIDENT GAMBER** – Is there something specific you're looking for Mr. Townsend?

**COUNCILMAN TOWNSEND** – I just want a copy to look at we're discussing it so why not take a look at it.

**COUNCIL PRESIDENT GAMBER** – Mr. McCune?

**COUNCILMAN MCCUNE** – A typical upgrade from the type of system we have now to a digital system.

**MATT TAKACS** – This is a digital system.

**COUNCILMAN MCCUNE** – It is a digital system?

**MATT TAKACS** – This is a digital system sir.

**COUNCILMAN MCCUNE** – Okay, for the upgrade that...what would be the cost of that on average?

**MATT TAKACS** – Realistically, \$70,000 to \$120,000. The number of handsets that are throughout the City of Massillon with the number of copper lines I would be lying to you if I told you anything less than that.

**COUNCILMAN MCCUNE** – So in order to just maybe transfer our contract take the contract we have right now we're locked into the Centrex system which means we're locked into AT&T

there's no one else that can offer us this.

**MATT TAKACS** – No one can offer what Centrex does.

**COUNCILMAN MCCUNE** – In order for anyone else to be able to make a proposal for change would include that \$70,000 to \$100,000 increase?

**MATT TAKACS** – Yes sir, we would have to upgrade the infrastructure of the City of Massillon how the there's six telephones systems that all talk to one another inside the Centrex footprint that are stand alone systems of one another. With having Pier-I's and different things like that in order to accommodate the four digit dial to make it look like one big system there either has to be a completer overhaul where we replace every handset, every thing under the sun and you're looking at probably closer to \$250,000 to \$500,000. Where if we just replaced the brains or the cabinets the processing parts you're probably in that ballpark of \$70,000 to \$120,000.

**COUNCILMAN MCCUNE** – And there's no other alternative?

**MATT TAKACS** – No, sir. Centrex is a feature that's AT&T that most businesses don't even use anymore but the four digit dialing that's here that's how all the communications happen within the city itself.

**COUNCILMAN MCCUNE** – Thank you.

**MATT TAKACS** – Thank you.

**COUNCIL PRESIDENT GAMBER** – Is there anyone else who would like to ask questions in the first round here. As you know we allow everyone two lines of questioning. Mr. Peters?

**COUNCILMAN PETERS** – I didn't the important question is can either of you tell me or deny that we can't get a three month extension with AT&T and Centrex.

**MATT TAKACS** – I wouldn't you would have to have that in writing or have that or hear that from the horse's mouth. I would say no if a person at AT&T is telling you that versus I don't even what title to talk to somebody to be able to get to that level with somebody who has that type of authority at AT&T. I can give you the technician's name, numbers and things like that but as far as someone who would be able to actually speak on behalf of a contract and say no we're going to bill you a different amount. I would not know who that person is and I've been in this industry since '94.

**COUNCILMAN PETERS** – And also for the record to Mr. Mang, this Kim Esterly did not call me. Okay, the only one that called me was Joe Logan called and expressed some concerns that quote unquote we have several other options other than renewing this contract from what they're telling us. That's my problem I'm not saying we're wrong, you're wrong, I'm not saying he's wrong, I'm saying I don't know. I'm saying that before we agree to vote on a three year contract why shouldn't we ask these questions? I mean good grief we've been trying to name a park for seven months. I mean you know its time to this is a little more serious I think and we want to do it in one meeting. So I'm just baffled by that and I really would like to see if we can get it extended. I understand that this is the drop date drop dead date but that's not my fault or any member of this council's fault that it was brought to us only two weeks ago. I'm not slamming anyone but you know everybody knows that I've objected to this not one person has sent me a copy of the contract. Not one person has tried to communicate with me and answer any of my questions from the administration. So I take it they don't want to communicate about it and I was kind of told that at the work session you know if I didn't like it don't vote for it quote unquote. But I'm not for waiving the rules I'm not for passing this until we get other answers. I have one other question that's \$712 now am I wrong on this you said that is per month for the existing for the months that are left on the contract or did I misunderstood that?

**MARY ANN COYNE** – That's what it totals. I would like to...

**COUNCIL PRESIDENT GAMBER** – Were you indicating that you had an answer for a question he raised.

**MARY ANN COYNE** – Well, I would like to say I don't like to look like I'm not doing anything. I have spent 30 days on the telephone and that's no lie I have been recommended by Maribeth Robinson from Mill Creek Communications, Ryan Morton from Corporate Technologies, the ABC people, the gal that finally after four states worth of calls from AT&T get that contract renewed and get it now from all of them. I'm not here you know I'm not here to I'm here so that we can work on a daily basis in this city. I'm not trying to cost the taxpayers more money I'm a taxpayer I don't want to pay anymore than I have to. I just we'll do anything this administration will do anything I'm the person in charge of the phones. So you know knocking the entire administration, knock me if you want to and the way that Kim Esterly became involved with Joe Logan that's how I got Kim Esterly was through Joe Logan and Tom Regal. Tom Regal was a god to me and came to me from CCI and he came with Joe and I hated losing Tom. But now I've got Matt I've got another god.

**COUNCIL PRESIDENT GAMBER** – Thank you. Mr. Anderson?

**COUNCILMAN ANDERSON** – Just one point to clear up I know that I've been on this thing for over four weeks, not two weeks, four weeks. It's been talked about at every meeting and every work session I think Mr. Loudiana has spoken on it and Mary Ann has spoken on it two or three times. So it has been discussed quite a bit and I know at least four weeks and not two but four.

**COUNCIL PRESIDENT GAMBER** – Alright, we have a motion and second to suspend the rules. So I'm going to go to Mr. Mang, Mrs. Catazaro-Perry and then Mr. Manson. Mr. Mang?

**COUNCILMAN MANG** – Yes, Mr. Peters, one of your remarks earlier you stated that this lady called you and stated the fact that we could get a three month extension.

**COUNCILMAN PETERS** – No, I said she called Joe Logan. I said the only one that called me was Joe Logan.

**COUNCILMAN MANG** – So this lady did not call you?

**COUNCILMAN PETERS** – No, I never said she did.

**COUNCILMAN MANG** – Well, I thought for sure you did.

**COUNCILMAN PETERS** – I didn't.

**COUNCILMAN MANG** – But you know a lot of the questions that you have you know if you would have been here at the work session it would have helped a lot. We had an opportunity to do more research that you want done. Because the administration didn't call you I don't care whether they called you or not that's not their job. They're not out here begging you to vote for anything all their doing is presenting what they have. If you don't like it you vote no and if you like it you vote yes or you ask questions. But you know the silliest thing about this is Centrex is it AT&T has got you where they want you good, bad or in different. If you don't want them then you go out and you get a whole new system put in here. Right now this city could certainly afford to do that. I don't think this city could afford to do it in three years or four years. At the amount of money they're talking about.

**COUNCIL PRESIDENT GAMBER** – Mrs. Catazaro-Perry?

**COUNCILWOMAN CATAZARO-PERRY** – Well, I just wanted to say that I was unaware that the Centrex system that this is the only way we could go with AT&T. I guess it wasn't clear at the work session and I know that there's a \$700 fee to get out of the contract. I do agree with Mr. Peters on several issues that 1) I think we do still need to shop around and make sure. I think we still need three different bids and I'd like to throw out my company works with New Vox and now its Windstream and we used ACY. We're very pleased with them so just another

idea I didn't hear those names listed. But I still think we shop around you know and I'm hesitant to vote on this tonight but I'm going to support it because of the cost its going to be to the residents if we don't. But I still think I'd like to have your word that we'll still shop around and we'll still look and try to see if there's any other way. I think that's terrible that we're locked in with one company that they're the only ones that can provide that service. I just like to make sure of that not that I don't believe this gentleman but it just seems odd that only one company can provide that. So I do agree with Mr. Peters though that we owe it to the residents unfortunately the timetable's not allowing us that. Thank you .

**COUNCIL PRESIDENT GAMBER** – Mr. Manson?

**COUNCILMAN MANSON** – Yes, first of all. I have a little problem with the tone of this conversation Mr. Peters. It's like somebody was doing something wrong and I don't think you have enough facts to make those accusations. You implied that we spent seven months trying to name a park well its no where close to seven months. That's an exaggeration in itself. At least as far as many of us here okay and I don't believe that you know that's what we're here to try to accomplish. Now a \$700 penalty does not sound like an excessive thing to me. I do think we should look into this thing a little deeper but I think we should be a little more civil now we've been discussion this stuff. I do agree with Mr. Mang that maybe if you stuck around more at committee meetings maybe you would have a little better idea of what's going on with that stuff.

**COUNCIL PRESIDENT GAMBER** – Thank you. Everybody has had an opportunity Madame Clerk would you please call the roll for suspension.

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

ORDINANCE NO. 117 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. PETERS VOTED NO.

**COUNCIL PRESIDENT GAMBER** – Thank you both for being here and for answering questions.

**MARY ANN COYNE** – Can I say something? Thank you, thank you all for your vote and I promise you we haven't given up I promise you that.

**ORDINANCE NO. 118 - 2010**  
**SAFETY**

**BY: STREETS, HIGHWAYS, TRAFFIC &**

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** – Second reading.

ORDINANCE NO. 118 – 2010 WAS GIVEN SECOND READING.

## **16. NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT GAMBER** – Mr. Townsend?

**COUNCILMAN TOWNSEND** – I don't think its new but it probably falls under the category of miscellaneous. I would like to ask Aane Aaby if he can come up and just give me an update on the sidewalk and curb replacement program.

**COMMUNITY DEVELOPMENT DIRECTOR AABY** – Tony, I think you and I have exchanged some emails in the last month or so. I think the most recent email that I had sent out I had a list of parameters that I think need to be discussed on how this program is going to

operate. With it can be done this way it could be done that way you know how should it be done and what ideas do people have I think it would probably behoove to set up some sort of session where we could go over how this might work. Because its totally a new venture for the city and it involves things that are outside of necessarily my department when you get into standards for sidewalks. How sidewalks are determined to be substandard, who's going to be selected for assistance, how the property owner's share going to be handled all those things. We really need some discussion on this.

**COUNCILMAN TOWNSEND** – Alright, I'll go back over the email and I'll give you a call. I have a question for the President of Council. I know that request was given over to Mr. Peters I want to know if I can take it. I'm not the chairman of streets and highways but I am on the committee and I was wondering if I could just take over the request.

**COUNCIL PRESIDENT GAMBER** – How ever the committee decides to apportion its own work I don't care as long as it stays in the streets and highways committee. It will either be there or community development because it's a CDBG program. But I think when we initially discussed it streets and highways was where it belongs and if you're on that committee and the chairman agrees run with it. Just make sure everyone on the committee stays informed. Mr. Peters?

**COUNCILMAN PETERS** – Yeah, I thought I mean I made it perfectly clear at a work session one of them that I showed up for that it was in my committee and the email was the one that I sent to you and I thought I copied everyone on I really didn't agree with it being in the committee I don't care that's not even an arguable point. I thought it should be under committee development because it come out of CDBG money but I made it very clear that I wasn't being the legislation I mean I wasn't the one initiating the legislation and that it would have to be Mr. Townsend because he knew what he wanted. So I made that perfectly clear you know to everyone that I wasn't stonewalling it or holding it up that I just didn't know what he was looking for so I'm for it. Are you are streets and highways so I have no problem with that he's on streets and highways he's part of the committee. Get the legislation and bring it forward I'll sign it I don't have a problem with that at all.

**COUNCIL PRESIDENT GAMBER** – Does that answer your question, Mr. Townsend?

**COUNCILMAN TOWNSEND** – Yes, sir.

**COUNCIL PRESIDENT GAMBER** – Alright, is there anything else?

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

#### **18. ADJOURNMENT**

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

\_\_\_\_\_  
MARY BETH BAILEY, CLERK,

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT



