

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, NOVEMBER 1, 2010**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Monday, November 1, 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. Also since we don't have too many people in the audience I'll take a moment to mention that while the room was packed during the Tuslaw meetings I had more than a few mention to me about councilmen texting during the meeting. I don't know if you're playing games or checking football scores I'm just mentioning it that people have noticed. So maybe texting isn't such a good idea during the meeting.

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 Councilwoman 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 and 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

SAM DAUT - 835 Cherry Rd NW. Once again here I'm here to speak still in opposition to Ordinance No. 95 for the storm water utility because for same reasons. As petty as it may sound I still believe it's a tax its things that should have been addressed over a period of time and you shouldn't have waited till the last minutes just like the roof on your house you don't wait for it till it leaks in your house before you put a roof on it it's the same thing here. I would have had no problem like I addressed it at the last meeting if this were a temporary tax but it isn't and I

feel you should correct your problems as before and even though this is a third readings hopefully there's enough of you here tonight that would be concerned with the fact that I don't the city as this point really needs to generate more city income tax and the burdens on the tax payers of Massillon. Hopefully that there will be at least a few people that feel the same as I do. Thank you.

PAUL THAYER – 1706 Jefferson Rd NE, Massillon, Ohio. I'm in regards also to the storm sewer you're talking about. It would be like 3 cents a day a dollar a month that is cheap. If you don't do it where are the funds coming from you have to have the fund come from somewhere and as residents to buy two cokes you'd have a dollar in it. Who buys coke more than just less than two cans a month? I know it's a permanent one but its one I think we think we need. If we don't we could have a lot of problems because there's a lot of storm drain sewers out there that need to be repaired including on my street. In fact we just got one done recently like I said last time this year. I feel it should pass it wouldn't be a hardship on people I don't think for only a \$1.00 month that's not asking very much. Thank you.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 122 - 2010 **COMMITTEE**

BY: COMMUNITY DEVELOPMENT

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Perry Township, R-2 Single and Two Family Residential to R-2 Single Family Residential.

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COUNCILMAN MANG – This piece of legislation deals with the recent annexation of property out on Richville Drive by Drage. What this would do is bring the area into the city obviously which it is and put a zoning on it. At present that piece of land is zoned in Perry Township zoning and what we're proposing here is to bring it in with Massillon zonings which compares pretty close to what's going in Perry. This will be its first reading and there will be public hearing on December 6th at 7:00pm.

ORDINANCE NO. 122 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 123 - 2010 **REGULATIONS**

BY: HEALTH, WELFARE & BLDG

Amending CHAPTER 1301 "OHIO BUILDING CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1301.01 "Adoption", Subsections 1301.03 "Scope" (e) and (g), 1301.09 "Enforcement" (a)(3) Section 1301.10 "Permit Fees" 1,2,3,4,5,6,7 and (b) (c)(d)(e), 1301.11 "Plan Examination Fees" (a)(b)(c)(e), 1301.12 "Qualifications Required From An Application For Fire Suppression Contractor's Registration" 1,2, 1301.13 "Application For Fire Suppression Registration; Bond and Fee" (a)(b)(c)(d)(e)(f), 1301.14 "Application For Registration As Journeyman Fire Suppression Installer; Fee" (a)(b)(c)(d)(e)(f)(g), 1301.15 "Application For Registration As Fire Suppression Installers Apprentice" (a)(b)(c) and 1301.99 "Penalty" (a)(b) and enacting new Section 1301.01 "Adoption", Subsections 1301.03 "Scope" (e) and (g), 1301.09 "Enforcement" (a)(3) Section 1301.10 "Permit Fees" 1,2,3,4,5,6,7 and (b) (c)(d)(e), 1301.11 "Plan Examination Fees" (a)(b)(c)(e), 1301.12 "Qualifications Required From An Application For Fire Suppression Contractor's Registration" 1,2, 1301.13 "Application For Fire Suppression Registration; Bond and Fee" (a)(b)(c)(d)(e)(f), 1301.14 "Application For Registration As Journeyman Fire Suppression Installer; Fee" (a)(b)(c)(d)(e)(f)(g), 1301.15 "Application For Registration As Fire Suppression Installers Apprentice" (a)(b)(c) and 1301.99 "Penalty" (a)(b)

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COUNCILMAN TOWNSEND – First reading.

ORDINANCE NO. 123 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 124 - 2010
COMMITTEE

BY: PARKS AND RECREATION

Amending Chapter 163 Recreation Board of the Codified Ordinances of the City of Massillon by enacting a new Subsection 163.05 Public Park and Facility Naming Policy, and declaring an emergency.

COUNCILMAN SLAGLE – First as for clarification and correction on the ordinance Mr. Stergios in keeping with the numbering policies of the codified ordinances of the City of Massillon changed the structure. For instance the a,b,c,d,e,f,g and h were originally roman numerals thus in number f renaming in paragraph or section 4 the recommended name must qualify according to section IV of this policy should be changed to in (d) the third bullet point for procedure is set forth an item V c-g should be changed to (e) 3-7 under section g 2 where it says approving policies in section V the V should be (e) under section h 1 where it says criteria section IV that should again be (d). I think those are just typographically changes that weren't picked up when the ordinance was renumbered or identified. I would hope that we can do that just by reflecting on the record that it doesn't change anything all it does is direct us to the appropriate sections in this.

COUNCIL PRESIDENT GAMBER – I'm willing to accept that as typo changes is there anyone who has a comment or question on that? Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Yes, I did not understand one thing you just said Mr. Slagle.

COUNCILMAN SLAGLE – When you look at the ordinance it says 163.05 Public Park & Facility Naming Policy correct? Yeah, that's exhibit A, then where in () its has a purpose do you see that? Alright, that was originally I authorizing is II objectives was III, then objectives 1, 2, 3 and 4 were a, b, c and d. So they renumbered all those but they didn't pick up when you go to F renaming if you go down to 4 the first bullet point refers to section Iv but IV has been changed to D. If you go down two more lines to the third bullet point it says item V c to g but that's now renumbered as (e) 3 to 7. If you G 2 the last third line says policies in V that again should be (e) and if you look at h 1 where it says section IV that should be (d). If you look on the last page then on what we had signed you can see where it was originally numbered but that changed came because it needed to apparently go in line with the ordinances the way they are numbered and identified in the code book.

COUNCIL PRESIDENT GAMBER – Madame Clerk, are you familiar with the changes that's just been requested. (Yes). Alright, Mr. Law Director, you're happy with calling that a typo change? (Yes) Alright, that is a typo. Mr. Slagle, you have a motion?

COUNCILMAN SLAGLE – Yes, I have and again having I think all the other things we've discussed in committee and heard no opposition other than the changes that were requested to be made to make it clear in all aspects that city council has the ultimate authority with the qualifying veto power that the mayor which then can be overridden. I think all those changes have been made and it is the same policy except for what I've just discussed this has been in place through the recreation board since 2005 except for those changes and make it clear about that. Based on that I would hope that having heard no opposition to this change and because we do need to put something into place for future councils so that this issue doesn't arise every again and we put the next one to bed much more quickly than what we did with this most recent proposal that's before us.

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

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

ORDINANCE NO. 124 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 125 - 2010

BY: PUBLIC UTILITIES COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface development Gas & Oil Leas with M&M Royalty, LTD for the 1.58 acre parcel owned by the City of Massillon, and declaring an emergency.

COUNCILMAN ANDERSON – As I understand this the gas well is going to go in whether we receive any money for it or not. In light of that that’s my opinion on it and I’m going to move to waive the rule requiring three readings and bring Ordinance No. 125 forward for passage.

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

COUNCIL PRESIDENT GAMBER – Any comment or discussion? Mr. McCune?

COUNCILMAN MCCUNE – Yes, even though I realize if we didn’t vote for this the city would lose some monies from the royalties of this well. Because I am so adamantly opposed to the laws that is currently written I feel that I would be a hypocrite if I voted for this. So I will be in opposition of this.

The rules were suspended by a roll call vote of 7 yes, 2 no. McCune and Townsend voted no.

ORDINANCE NO. 124 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 2 NO. MCCUNE AND TOWNSEND VOTED NO.

ORDINANCE NO. 126 - 2010

BY: FINANCE COMMITTEE

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

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COUNCILMAN MANSON - Yes, we have two parts here we’re dealing with. The first is \$14,000 be appropriated from the unappropriated balance of the Federal Law Enforcement Trust Fund account 1216 to account 1216.305 supplies and equipment. The money is needed to purchase radios, fire arm qualifications and other necessary equipment for the new hires and also for chairs and other miscellaneous needed equipment for the police department. Section 2 is for \$1,007.25 be appropriated from the unappropriated balance of the summer concert fund and these are costs that the safety and street department incurred during the summer working providing some services to the concert fund. If there’s any questions we’ll get the mayor up there to answer them. Otherwise I will be making a motion to waive the rules.

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. 126 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 127 - 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 will be transferring \$70,509 from and this will be coming from the Clerk of Courts with the Clerk’s Johnnie Maier’s support. There will be \$35,000 coming out of hospital, eye and dental, \$27,500 out of deputy clerk salary, \$6,609 coming out of PERS and \$1,400 coming out of Medicare for a total of \$70,509.

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. 127 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY REPORT FOR OCTOBER 2010 B COPY FILE

B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 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 9 yes to accept the auditor's report.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – Committees will meet on the 8th and just in case everyone doesn't know it there are five Mondays this month so we will not meet the 22nd. Also we'll advise anyone that if there's any changes to the year end schedule if there's any meetings to be postponed if there's any special meetings please start thinking about those things so you all will have time to talk about it. Mr. Manson?

COUNCILMAN MANSON B Yes, we will be having the administration here Monday evening presenting the 2011 budget proposed budget.

COUNCIL PRESIDENT GAMBER – Mr. Slagle, did you have your hand up?

COUNCILMAN SLAGLE – Yeah, I have a request that I will not be here next week so I'd that as many members of council can appear at the November 11th meeting of the recreation board which will be held at the city rec. center at 5:30pm. I know it's on their agenda to discuss the renaming of Shriver Park.

COUNCIL PRESIDENT GAMBER – Mr. Slagle, do you at least have one person from your committee that will be there?

COUNCILMAN SLAGLE – I think Mr. Anderson has agreed that he can make it. I don't know if Mr. Peters can or not? (No)

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD 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 – This is our third reading with the amended version we had three readings before that with the original version was submitted. We've had several work sessions to talk about it and I won't ever say you know it's just a dollar or anything like that because I know a dollar is a relative term it means something different to everybody. But I do believe that it's an important part of our capital planning we know we have an immediate need in that system. We know we have a future need in that system and so I do ask that we pass this evening.

COUNCIL PRESIDENT GAMBER – Is that a motion?

COUNCILMAN HERSHER – Yes.

COUNCILMAN HERSHER moved to bring Ordinance No. 95 – 2010 forward for passage, seconded by Councilman Manson.

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

COUNCILWOMAN CATAZARO-PERRY – I'd like to ask Councilman Hersher does the mayor support this fee.

COUNCILMAN HERSHER – Mr. President, I don't know I think that would be more appropriately directed to the mayor.

COUNCIL PRESIDENT GAMBER – Mr. Mayor, would you come forward please?

MAYOR CICCHINELLI – Since I signed the legislation request and my department has been involved since the very beginning of course I do.

COUNCILWOMAN CATAZARO-PERRY – Thank you. I would just like to make a comment that I will not be supporting this, this evening. I don't think we should tax the people without giving them the opportunity to say yes or no to it. This will be additional dollars out their income and their income and at this time I really don't think I think people are struggling and I don't think this is appropriate at this time.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON B Yes, I will be supporting it. I think there are fees that the city looks at that we change from time to time. I think we do have a need for this 15 years ago some of these things the EPA is after us about weren't even a subject but they are now. When they start getting after us about compliance on these it does bring additional cost to the city. So I will be supporting this.

COUNCIL PRESIDENT GAMBER – Mr. McCune?

COUNCILMAN MCCUNE B Yes, I also will be supporting this ordinance I am also a person that's been struggling through this economy. But as an official and because of I think it's been 4 of these that I've had to have done in my ward since I was elected. I know that the cost can be very exorbitant and I believe that we need to have legislation in place to bill for the lack of a better term rainy day fund to help offset the cost of these repairs. So because of that I feel obligated to support this ordinance.

COUNCIL PRESIDENT GAMBER – Mr. Mang?

COUNCILMAN MANG B I will be supporting this piece of legislation its seems as though the (inaudible) has already been issued to the city by the EPA as to we will, we will. I know that the dollar that we're talking about in anybody's pocketbook is a dollar that they don't have. But

I also realize that the circumstances that are involved with this dollar I think outweigh the other side. So I will be supporting this issue.

ORDINANCE NO. 95 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 5 YES, 4 NO. ANDERSON, CATAZARO-PERRY, PETERS AND TOWNSEND VOTED NO.

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 – This piece of legislation has had its third reading this evening. At our work session I basically asked if there was questions regarding these two pieces of legislation. I made it known during that week to one of our administration people so we could get the answers this evening. I'm not aware of anyone making any requests. So this legislation is ready for its question of passage. So I'll bring it forth, Mr. President.

COUNCIL PRESIDENT GAMBER – Motion by Mr. Mang, we have a second by Councilman McCune.

ORDINANCE NO. 114 – 2010 WAS DEFEATED BY A ROLL CALL VOTE OF 4 YES, 5 NO. ANDERSON, CATAZARO-PERRY, HERSHER, PETERS AND TOWNSEND VOTED NO.

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 – Yes, this piece of legislation is also up for the third time it's had its third reading. I made the same question to you at the last work session any questions regarding this?

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Yes, I thought we would have a question period after the last proposal. But we missed that I'd just like to discuss this a little bit. I'm a little disappointed on the last one there's a couple points I want to make here. First of all, I'd like to have either the mayor or Mr. Meeks answer a couple of questions for me or comment on these. So I don't know who would prefer to do it or if they would just like to chime in. First thing I'd like to make clear no one loses any revenue current revenue correct? (Correct) Secondly, who stands to make out better on if there is a large development that stands to make out better on the increase revenue the city or the schools?

MAYOR CICCHINELLI – The schools are made whole from the beginning. So the schools do not lose any money.

COUNCILMAN MANSON – And they would get a larger share of the tax. (Yes) So my point is that this is not only good for the city it's also good for the schools. I've been sitting I've been involved in development and stuff and politics for a long time and all I've listened to continuously is about the rust belt of the northern states around the Great Lakes. How the infrastructure is crumbling how we don't reinvest and this is an opportunity for us to set aside funds that are definitely just targeted to reinvestment. It's something set up by the state legislature to encourage infrastructure development we had a fellow here a couple of weeks ago Mr. Green that is from Stark County Board of Developmental Disabilities. He specifically recognized that the state did set this up we have a couple of different types of TIFs. We have TIFs like we have at the Marketplace and up at Target and we also have these non-school TIFs that schools are still made whole. They will benefit even more than we do from increased development and I think the whole community will benefit from that. I have to support these as a Massillon City Councilman.

COUNCIL PRESIDENT GAMBER – Mr. McCune?

COUNCILMAN MCCUNE – I don't really don't have a question. I had concerns after Mr. Green spoke about the future impact that these non-school TIFs may have on the developmental disability boards not only in Stark County but around the state. So I took the time to speak to Mr. Green personally after the work session. He didn't have anything specifically against these TIFs his current concern was the possibilities of these TIFs becoming the more common practice and the impact they may have on the developmental disability boards in the future. He asked that we take it into consideration and possibly table these until he had an opportunity to lobby the state legislature to include the developmental disability boards into these non-school TIFs making them non-school developmental disability board type TIFs. I agree with that concern but as I tried to explain to Mr. Green the timelines that we're under for these types of TIFs are such that we really can not table them and the benefit for the city is so such that we I feel obligated as a city official to vote for these TIFs. So and I'm sure that my fellow council members have the same concerns as I in regards to the developmental disabilities. Not one of us as I told Mr. Green wants to do anything to negatively impact the disadvantaged not only in Stark County but statewide. So I promised Mr. Green that I would contact my state representatives elected officials and ask that they get on board and help him with his lobby efforts support his lobby efforts to include the developmental disability boards in the future. I've done so and I continue and I plan to do so after the elections take place and the next session brought forth and sworn in. But again as I said because of the positive impact that these types of TIF have for future developments and for cities like Massillon I feel as an elected official for the city I feel obligated to vote for these TIFs. So I will be supporting this ordinance when it comes forward for passage.

COUNCIL PRESIDENT GAMBER – Are there any questions for the mayor or Mr. Meeks while they're up here? Mr. Slagle, do you have a question?

COUNCILMAN SLAGLE – This TIF that we're dealing with in Ordinance No. 115 is basically for the downtown area is that correct?

MAYOR CICCHINELLI – Yes, it's presently vacant land but will be developed.

COUNCILMAN SLAGLE – You mean the surrounding roadways and everything else that goes with that?

MAYOR CICCHINELLI – Correct and there are some issues for pump stations and improvements of Tommy Henrich and improvements just in general. Yeah, I mean our infrastructure needs are growing folks and we need money to pay for our infrastructure needs. Ward council members particular have several requests that come through the administration for issues in their wards. Well those things cost money and this is an opportunity for the city to put some money away for future infrastructure projects. The great thing about this program is the development that's causing the infrastructure needs and the improvement to infrastructure needs end up paying for the infrastructure. That's why it's a good concept used quite a bit throughout the whole state. So I think you need also understand that just in Stark County just because Stark County only has 11 of these I believe doesn't necessarily mean that there aren't other

communities thinking about this. I know for a fact the City of Canton is looking at possibly passing legislation for TIFs. So I think you're going to see more political subdivisions using it because it's a fair way of putting money spending money for infrastructure needs. For an example just this past the last couple of weeks we had issues on Route 21 at the Massillon Marketplace bridge or Erie Street bridge where we needed some repair work to be done. We utilized \$10,000 out of this Marketplace TIF to pay for that if we didn't have that money set aside it would come out of capital improvement or another source. Folks, we can debate this all night but if you don't think it costs money to get these infrastructures taken of then you're living in a fantasy world. You can't vote against every issue that comes up that raises revenue because of whatever considerations. Because increased revenue means its helps the city down the road. These things cost money.

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – My concern though is and I know it has to be a rather liberal reading of the statute when you use the funds for instance on the last project which I tend to agree with. The liberal reading is better than a more restrictive reading on how far you can go with those TIF dollars. But have you had an opinion of the Attorney General's office or anything interpreting exactly what is considered to be the public infrastructure within that TIF area and how far that would extend to?

MAYOR CICCHINELLI – No, but I think some communities in central Ohio in fact Dave Meeks can answer that. They have a pretty liberal interpretation I don't want to speak for his community that he's economic development director for. But they utilize those dollars now they have numerous many more than what we do but they use it for resurfacing of roadways as we speak. Am I right?

DAVID MEEKS – Yes, I believe we have about 36 TIFs in place in Hilliard. We're not the largest users of TIFs in the state. The way we've used it is a way of boot strapping ourselves up we had a lot of vacant land with no way to get to it. What we've been able to do is to supplant our capital improvement budget to get some major roadways built with this throughout the city. Awhile back the legislature did remove a reference to a direct benefit so it took parcel I believe that's what you might be referring to with the liberal interpretation. So to expand it the area where you could use a TIF and expand it what constitutes an impact for the project. So that's what allowed us to it we're to the point now where with some new projects we don't need to use the TIFs or do new TIFs because we built the roads we built them for the next 20 years traffic volumes and projections. So we're coming we have developers coming in now saying well we don't need to TIF your project we've don't need a traffic study because we've already used this money to plan. It's been a great benefit for us something now that we're in a position where we're able now to curtail the need for these. But it was without these our city would be struggling and last year our income taxes were up from new business development and without these roadways we built we wouldn't have been able to do this.

COUNCIL PRESIDENT GAMBER – Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I don't have a question for the mayor or Mr. Meeks just a comment. This is something that I as Mr. McCune said earlier with an ordinance I am adamantly against this and that's just what Mr. Cicchinelli the mayor said tonight is that Canton is thinking about this and then another city is going to think about this. These entities these organizations that we're taking these dollars away from they need those dollars as well. The state is going to start taking away money from them they have to pass levies and in their levies you know if everybody is continually doing this they're not going to have dollars. So I'm adamantly against this we're taking money from people Mr. Green is going to talk with the state legislatures about exempting their organizations as I think he should but we're affecting the parks, the museum, libraries, I mean that is something that everyone is struggling. I can see if you do a couple but we're continually doing this and I don't think its fair to these groups. I you all know I have a special needs child that is not anything that I'm hiding she does not get dollars from developmental disability board. She does get it through her school system her services so but it's important that other children and other people get the services that they need as well. Because they're budget is being cut also as well as the libraries. So I'm adamantly against this

yes, you have to find dollars but this is not the place to take from.

COUNCIL PRESIDENT GAMBER – Are there any other questions for either of these two gentlemen if not we'll have them sit down. Okay, Mr. Townsend.

COUNCILMAN TOWNSEND – It was mentioned that the timeline on this was you know because of the timelines we have to vote on this. Are there timelines on TIFs?

DAVID MEEKS – Yes, there are timelines for when you can enact a TIF and the TIF needs to be enacted before the value of the improvement lands on the tax list and duplicate. The auditor's tax list and duplicate so as you have a project that's under construction you have until the end of September middle to the end of September for a project that's already completed. If you have a larger project that's under construction you could miss out on a portion of the value if the auditor comes in and accesses the portion of the construction that's already been completed. You have to have it all done though before the value of the improvement lands on the auditor's tax list and duplicate.

COUNCILMAN TOWNSEND – So the particular area downtown that we have what is the timeline on this what is the date does anyone know that?

MAYOR CICCHINELLI – Well, the only timeline we had informed council before that we would be back with some of these developments. This one is an anticipation of that 3.5 to 4 acre land being developed. Right now there are no developments on that property but eventually there will be. To give you a timeline on when that will take place I don't know. But once the TIF is in place then when the development takes place is when the dollars will come to the city. It could be two years from now it could be three years from now. Because it's always a year behind anyhow. So if you're asking a timeline on development I can't give you that. I know I am in constant contact with the owner of the property and asking him for updates and he supplies me with that update. But the other thing you need to be concerned with is what are they going to do in Columbus. Are they going to change the law we don't any of that and its nobody can say but you always take that chance when you have legislation like this. So you know I just think we need to take very seriously our attempt to increase revenue. I think once you look at the budget for next year you're going to see this that we are in great need of increasing revenues where we can get the revenue increases. These programs offer that opportunity. Kathy mentions about other entities being cut the City of Massillon was cut the City of Massillon has been cut with local government dollars, real estate monies, inheritance taxes. Folks where's it going to end you all have a requirement and you take an oath of office to represent the citizens of Massillon. We need money set aside for infrastructure this these kinds of programs do that. It's as simple as that we're not taking any money away from anyone and when that is said that is a misinformation and that's not fair. The present funding that they received from that property they get no dollars are taken away. You know you can spin this and say well if it wasn't for the development we wouldn't be talking about it. Well that's true if that land remained vacant for 50 years we wouldn't be discussion this. The issue though is what prompts developers to come into your community and develop. What forces business to come here one of the things that is needed and you can check with developers if you don't believe me. It's a strong infrastructure network if you do not have infrastructure to take care of business for whatever you're talking you're not going to attract that business. So it's a way to have the businesses that are creating the traffic that is creating the infrastructure needs to pay for those things. I mean nobody at least the majority don't seem to be concerned about the effect it has on the city. We need money to do these infrastructure works and projects. Simple as that.

COUNCIL PRESIDENT GAMBER – Mr. Townsend, you still have the floor?

COUNCILMAN TOWNSEND – The reason I asked about the timeline because Mr. Green did ask us to hold off until he can speak with the people in Columbus. Now this particular TIF downtown actually I think it's a good TIF but I have an issue with the services of these other agencies. That's where I you know I had an issue with TIFs from the beginning but this particular one I like. But I have a problem with possibly you said not taking money away from these agencies possibly not allowing them to capture the money they need. So that's where my problem is I don't how come we can't wait you know until this guy goes to Columbus hopefully

within the next six months or whatever and then we bring it back? You know I think it's a good location for this really. But like I said I just have an issue when the guys come over from that agency and he's concerned about their funds. I don't see the rush on this.

MAYOR CICCHINELLI – Well, Tony, you're actually right as far as this particular area because there's no development at least scheduled for it. So remember taxes are always a year behind so even if development takes place in 2011 or 2012 you're always a year behind so you're not going to see any benefit to the city a possibly until 2013 part of 2014. Depending on when the development takes place if you pass this ordinance tonight there's no development there so they're going to get the tax revenues that they get because its vacant land. Its only when the development takes place is when this kicks in. But by passing the legislation it will be in effect because you can't predict when that's going to happen.

COUNCIL PRESIDENT GAMBER – I see several hands are these questions for either the mayor or Mr. Meeks? Mr. Anderson?

COUNCILMAN ANDERSON – My question is if this is not passed tonight can this be brought up six months from now?

MAYOR CICCHINELLI – Well, sure it can its up to this body to do that. You could table it and...

COUNCIL PRESIDENT GAMBER – Are you saying if it's defeated tonight?

COUNCILMAN ANDERSON – If its defeated, if its defeated can it be brought up and voted on six months from now or a year from now whenever someone needs it or the economy gets better or whatever the circumstances are so forth and so on. That's my question.

MAYOR CICCHINELLI – That would have to be looked at legally. I don't know are they looking at the legislation in Columbus at the present time?

DAVID MEEKS – There is some legislature risk if they do that the TIFs laws could be changed so much that it really has no value left to the community. As far as if they were tabled or defeated I think that's up to your council rules for how you can bring something back. You know I've been involved in situations where we passed one TIF and then we come in and pass the second one and rescinded one in the past. So I'm not aware of anything in the revised code on that but I think it fall more to your city council regulations for how you deal with legislation.

MAYOR CICCHINELLI – Well, I don't think there's anything in our...

COUNCIL PRESIDENT GAMBER – If the ordinance is defeated tonight it could be reconsidered only at the next meeting. I would imagine at any point after that if someone wants to bring back the same defeated legislation they could but you would then run the risk of suspending the rules and having the same type of a vote by bringing the same ordinance back. My advise would be if you're thinking in terms of delay tabling is the way to do it rather than defeating it tonight and waiting for something later. I'm not advocating any I'm just answering your questions. A defeat tonight probably would be a defeat for quite some time.

MAYOR CICCHINELLI – My only suggestion to council and you folks do what you want if you're going to table this piece of legislation what I would request you to do and Mr. Stergios is going to have to give you some legal advice how to do this. The previous ordinance why don't you put that one back on the table and table that one too. Table both of them and then we can bring it up anytime between now and if you table it indefinitely, indefinitely. If you're going to do that because this is very important that we get more discussions I thought we had sufficient discussion previous TIFs and I thought we had on some of these TIFs. This is extremely important there are some infrastructure needs that we're going to have to pay for down the road here. I mean I'm telling you Lincoln Way being one of them. You know you already know about O'Reilly's we're just waiting for that parcel to be to close on I mean we have a part in 2012 to resurface Lincoln Way the rest of Lincoln Way East even across the viaduct to Lincoln Way West. So that there is a share that we have to put in possibly this TIF money can be part of

that share. The monies are there folks we need them.

COUNCIL PRESIDENT GAMBER – Mr. Anderson still has the floor. Mr. Stergios did you have a response to Mr. Anderson to his question.

LAW DIRECTOR STERGIOS – That was more to Councilman Townsend the clarification.

COUNCIL PRESIDENT GAMBER – Okay, well let's hold off on that then. Mr. Anderson, you still have the floor.

MAYOR CICCHINELLI – Did we answer your question, Gary?

COUNCILMAN ANDERSON – Yes, you took care of the question appreciate it. Thank you.

COUNCIL PRESIDENT GAMBER – Are there anymore questions for either of these two gentlemen? Mr. Townsend?

COUNCILMAN TOWNSEND – I have a question for him. 30 what did you say 37 TIFs you guys have in Hilliard how many public hearings have you guys had out of the 37? The reason I asked that because you believe one thing about the TIFs I have a belief about them and the citizens of Massillon has a totally different opinion about them. So how many public hearings have you had because we haven't had any? So...

DAVID MEEKS – Our city council does not like to pass any thing by emergency. So everything usually goes the full three readings with a public hearing on the second reading.

COUNCILMAN TOWNSEND – Okay, all 37 had public hearings?

DAVID MEEKS – Yes.

MAYOR CICCHINELLI – Well, excuse me, you do have public hearings when you give something three readings and every piece of legislation that this body considered for a TIF were given three readings. That is a public hearing in itself you said the citizens of Massillon have a different opinion well we want to hear that then. I...

COUNCILMAN TOWNSEND – What I mean by public hearings and maybe I'm getting it wrong. You know we're hearing coming up on the 18th about the parks you know something set aside where we're having a public hearing. Where the people to come in and Mr. Meeks or yourself can explain to the people of Massillon what TIFs are about. They can leave here felling confident about your version, our version, my version, whomever. Then at that point I think more people on council will possibly have a different opinion about it. I don't know but I think the people of Massillon needs to know because everyone I've talked to believe that the city is actually you know really robbing these agencies. Because it's our fault because we're not taking this issue to the people and I think we should.

MAYOR CICCHINELLI – Well, I appreciate that comment and maybe we can do that if you want to. In this particular case if you want to table this legislation reconsider the other legislation or table that one. Then if you want to have a public hearing on both issues at different time I'm willing to do that. The only reason we didn't schedule a public hearing is like I said they were given three readings plenty of opportunity for public input. But you might be right having a committee meeting or a public hearing strictly on these TIFs for educational purposes and informational purposes. I think it might be warranted that might be a good suggestion. I'm willing to lead that and get that going and start it if you want to do that.

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COUNCIL PRESIDENT GAMBER – Hold on. Are you finished Mr. Townsend? (Yes) Alright, Mr. Stergios you have a response to Mr. Townsend's question.

LAW DIRECTOR STERGIOS – The one question you asked and Dave help me here because

I could be off a bit. The first TIF was Fresh Mark which I think is already under construction if Fresh Mark got done this year lets assume its going to be done tomorrow its going to hit the tax duplicate next year with an increase evaluations. So it's too late you can't do a TIF on it because it the tax duplicate. The what I call Ohio Drilling and the Deville Property there's no construction on the horizon so theatrically you could bring it back next year as long as the thing didn't start and get completed you can always come back. So you would have a situation sometimes where if you don't pass it you may lose the opportunity to ever do it because construction you have to get it done before the increased value hits the tax duplicates from the new construction. I think that's one of the things you were asking in a different way. So am I right about that Dave? (Yes) That's basically it. So it depends on the circumstances that's all.

COUNCIL PRESIDENT GAMBER – Alright, is there anyone else who wants to speak for the first time. Mr. Peters?

COUNCILMAN PETERS – Kind of with Mr. Townsend and Mr. Slagle on this Ordinance No. 115 I kind of want to see that done. I know we're going to need infrastructure money and so forth to get that done. I'm also with Councilwoman Catazaro-Perry because I've been receiving a lot of calls from these different organizations that feel that they're robbing them of their due tax dollars income you know to help their organizations. I'm for tabling this so we can have more discussion I guess let these people come in and let you know how they feel. If they don't then and in answer to the question about the last piece of legislation that was turned down. It can only be reconsidered if someone from the prevailing side makes a motion to do so. I've been on that wrong side so I know all that. So if council is willing to go with what Mr. Townsend said and hold some public hearings on it I would make that motion to reconsider and table. But that's the only way I'll do it.

COUNCIL PRESIDENT GAMBER – Mr. Mang?

COUNCILMAN MANG – I have very strong feelings about the mental health. Mr. Green hit on some very tough subjects but you know the people down at the state don't care. They took a big whack out of their budget they didn't care they said send it back to the county, send it to the city make those people pass a levy. They don't want to raise any taxes down at the state house you know that. If they do you know what happens to them they're sitting on the street. But get those councilmen back in Massillon let them vote for a tax increase. You see this thing is our infrastructure we really don't know how bad it is. I get quite concerned I heard remark on number of pieces of legislation where there was a loophole. There's no loophole I'll never believe that it was there people knew it was there and didn't do anything about it. You know its kind of late we've had two, three TIFs why isn't somebody down in Columbus lobbying? Because those lobbyist they can't afford and nobody's going to lobby not unless there's a perk. You know that. All the boys that go down and the girls that go down to the state house don't want to talk to anybody about an increase. Tony, you talk about bringing in the public here fine but when people talk and say where are you going to get the money from if you don't do this what are you going to say? The answer is raise taxes they're not going to like that and the fact is we're not hurting these organizations now because they're getting every bit. The fact is it's the future funding yes, they're going to lose some future funding but in the long run they will get all that back. And believe me I'm very, very uptight about mental health very uptight. I've had the opportunity to talk to a lot of people the biggest problem is we have a governor who I think is a psychiatrist and somewhere along the line he let the money be cut. Now we're just not thinking people and to me whether you pass this or not I just want to make sure everybody realizes that infrastructure is going to have to happen in this city. Whether it happens this way or a way that's going to be costly to everybody's pocketbook I don't know. Thank you.

COUNCIL PRESIDENT GAMBER – Mr. Hersher?

COUNCILMAN HERSHER – Well, just quickly and you know it was just the beginning that I spoke out in favor of capital planning so I certainly don't have a problem with the capital planning. But my concern we have 8 TIFs in place now. These are 30 year instruments and I think I'm in favor of using them strategically they have a place we have a need for some of them. But what I'm not in favor of is putting a bunch out there on properties that are already developed or in different phases of being developed. You know shot gunning these things out

there because they are a way to quickly bring revenue in. If it's done strategically if it's done in a targeted manner then it's a different story. You know 115 I think is a different animal than the one we just voted on a short time ago I would be in favor of tabling 115 so that we can look at that a little more. But I don't I'm not in favor of reconsidering 114 I so that's just I mean that's how I feel about it. But certainly I would support tabling 115 because it is a different it's an undeveloped property. It's you know I think more in the spirit what the TIF legislation is for. So I would support tabling that ordinance.

COUNCIL PRESIDENT GAMBER – That completes the first go around. Mr. Townsend has already had #2 is there anyone else who would like to add anything to the discussion? Mr. McCune?

COUNCILMAN MCCUNE – Yes, in my original statement I talked specifically about the developmental disability boards and the potential future impact and my concern about that. The reason I didn't mention the parks and the library and so on and so forth is because there are county entities. We have Massillon parks, we have a Massillon library and I believe as elected officials those are what we are here to protect and support. I believe that the levies that are passed to support countywide we have the opportunity to do that at the voting booth. But I don't think that we should do things in a way that we are detrimentally impacting the City of Massillon because of our concern for those entities. Yes, as I said I do have concerns about developmental disabilities and I would ask that the state reconsider and adding them into the non-school TIFs. But even then to think that we wouldn't be facing future levies in support of those boards or in support of the parks or libraries. You're not living in the real world because those are going to take place as time goes and inflation is what it is. So you know as I said before I feel obligated to support things that are for the benefit of the city because I'm an elected official of the city. So you know I would be fully supportive of Mr. Peters bringing 114 up for reconsideration and I would be supportive of tabling both of these ordinances until we can get all these questions answered and give everyone including the effected boards that everybody seems to be at least somewhat concerned about an opportunity to come here and state their case. But again we're elected officials for the City of Massillon our obligation is for the City of Massillon. That's all I have to say.

COUNCIL PRESIDENT GAMBER – Thank you. I'll go around Mr. Slagle did you have your hand up?

COUNCILMAN SLAGLE – Yeah, I tend to agree with Dave on that. The problem that I've seen since I've come back on council is that we have been as council and the city councils prior and the administration in the years prior of being ignoring infrastructure for years in the City of Massillon. To the point where I saw no other option but to support what normally I probably would not have been in support of these TIFs. Particularly not when they are done in a backwards manner meaning we're not using it to encourage building although 115 is different but where things have already been accomplished. Then we're using that to gain funds and while I'm sympatric to certainly what Councilwoman Catazaro-Perry says about where the increases are then certainly going to affect those social services that's not my job. My job is to make sure the City of Massillon has the proper roadways, sewer systems to last not only this year but on into the future and that was the only way I saw. This is a societal problem has been going on for years ever since Reagan instituted their first tax cuts. The problem with all that is when the federal government didn't have the money to filter down to the states and the states to the local governments or as just mentioned when the state took away then locals have to pick it up. It always fell back on local governments and that's you know we're faced with that decision now it's easy to govern when you've got money. It's much more difficult when you're faced with situations like ours and we clearly don't have the funds to fund these without in my opinion forcing it through a TIF program. So whether we bring it back up I don't see those issues changing right now. I wish they would but I don't see that one hearing or a public hearing is going change that. Although it would be a good idea perhaps to get some public comment but every one of our council meeting is a public comment forum. Any one come to our work session and establish public comments there too and I don't how much that will accomplish other than for stalling a vote for another session.

COUNCIL PRESIDENT GAMBER – Mr. Hersher? (No, thank you) Mr. Manson?

COUNCILMAN MANSON – Yes, I would strongly support having a public hearing if that if people feel that may help with understanding this. I'm of the opinion though that we have given it three readings we've been through it before and I think we have to really look at this as what our job is for the city. Continually we see people run for election and one of the things they talk about is bringing development and bringing jobs. But now we're in a situation where we as a council are looking at something that is directly designed to encourage development and we're saying no to it. Now there are times that you have to I guess man up on this stuff and we have to look long and hard at this. We can't continually chock off revenue if this was going to salaries and pensions I'd be the first guy voting against it. This is not going to salaries and pensions this is going for infrastructure. 114 with Fresh Mark out there, Fresh Mark is going to need a lot of infrastructure improvements around there with the type of development that's going on out there across Southway. We need to look at those things you have an example here of a person from a community that is doing extremely well. Now I realize they're in a different area of the state and that area of the state is doing a little better than what ours is. But they've utilized 30 some TIFs we're not taking anything away from any of these groups period. If we are doing our job in the right manner and we've been recognized in the past for creating an atmosphere for businesses that want to come here. I've got USA articles at home that recognize this fact. We need to do these things its time to do it and if you need to have public hearings I'll go along with that. I'll come to them I'll discuss them but I'm not sure that is what the problem is here. People you have to realize there are always going to be some people opposing stuff like this. But you still have to look at the greater good of the city. Like I said none of this is going to salaries and fringe benefits. It's going directly to infrastructure. That's all.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – I just reiterate kind of not kind of I fully agree with Councilman Hersher. You know I think that some of these you know we're going a little extreme I am for 115 that's where I'll leave it.

COUNCIL PRESIDENT GAMBER – Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – There are people lobbying right now in Columbus against these TIFs and to change them. So don't fool yourself they're out there working at it as we speak. I think I am doing my job as a councilwoman in this city. I'm trying to protect those people that get funds from these agencies and you can not keep taking away they have to have funds to function too. We have patients or citizens with mental health issues we have citizens that are developmental disabled. Someone needs to protect them I agree with Mr. Hersher this is hap-hazard we're just grabbing at straws to find revenue. We can't do that we have to have a plan there's no plan okay let's grab this oh we're going to do this. We can't do that you have to have a plan for this and I think we are doing I am doing my job trying to protect these people that have these disabilities and mental health issues. As well as our museum as well as the libraries there has to be plan we've not had a one year or five year plan of anything not even to help with our ditches with the EPA violations. So I'm not going to support this I hope that they lobby I hope that they change the rule and not just for the Department of Disabilities. I mean there are non-school TIFs that he's using right now why can't we use the school TIFs the regular TIFs? That's what I think we're just hap-hazard grabbing for dollars without a plan and trying to make up for lost revenue that we didn't plan for.

COUNCIL PRESIDENT GAMBER – Mr. Anderson?

COUNCILMAN ANDERSON – Everybody has real, real good ideas and opinions. Believe me I'm listening to everybody I kind of have a tendency on this one to I think there needs to be more conversation, more talk and I would be more to go along with tabling the issue myself at this particular point in time than I would be willing to vote for it. I would be more willing to table it than to vote for it to be honest with you. That's all I have.

COUNCIL PRESIDENT GAMBER – Mr. Mang, your comments and then we're back to you for...

COUNCILMAN MANG – It was interesting that we've talked about planning and infrastructure. You know Fresh Mark it was known as Superior you know Genshaft Park that we know down on 21 as the story goes why did Genshaft want that? They wanted that for water they were planning ahead that they wouldn't have enough water. They had already put the route in effect how they were going to get water out of Genshaft to their plant. Here we are talking about infrastructure we don't know when but the Genshaft knew when they knew when to plan and they planned. They bought that land we all know there's water down there because they were afraid some day they wouldn't be able to get enough water for the operation that they were running. They were going to bring that right up 21 right up whatever and that was all in the planning. Thank you.

COUNCIL PRESIDENT GAMBER – Mr. Mayor?

MAYOR CICCHINELLI – 10 or 15 years ago there were less than 50 employees at Fresh Mark today there's 400. There's a major construction project that's been completed another one that's near completion. There are plans possibly to even expand that plant further. The infrastructure needs and that's one of the reasons we brought this TIF forward was because if you see the roadway in front of Fresh Mark that needs improvement and certainly so does Richville Drive. Richville Drive about 6 years ago was resurfaced its already beginning to crack up because there's an over abundance of trucks that from Cloverleaf from Fresh Mark from other companies in that area that utilize Richville Drive compared to 10 years ago. Eventually Richville Drive will have to be addressed in some shape or form whether widening or whatever you're talking about. Because the more increase of traffic you already have increased residential traffic but they don't wear and tear on roads like industrial traffic. So just keep that in mind that's why the Fresh Mark proposal is a legitimate TIF proposal because they are expanding they are in expansion mode. I think the future bodes well for them for future expansions. As far as a plan I sort of chuckle when I hear Kathy say this about a plan because we have presented various puzzle parts to a plan for our infrastructure throughout the last 5 to 10 years. Kathy votes against every thing and that's okay however the need is still there that's not going away and we can do and say anything we want to try to make ourselves look good. But infrastructure needs are not going away it costs money for those infrastructure needs and we do have a plan. You may not have a plan but the administration has a plan and part of that plan is to implement a program where we take care of the city's infrastructure. Tonight you voted against \$12.00 a year for an EPA mandated situation. It takes money to do these things that's part of an overall plan so are TIFs. Its part of a plan to get more dollars in our infrastructure accounts to pay for present and to give you an example of a present project and future. By the way Councilman Anderson this is a public session and you can make all those noises that you want but I as a citizen of Massillon and as the mayor I can talk...

COUNCILMAN ANDERSON – I have a point of a order. I don't recall that there was question asked...

MAYOR CICCHINELLI – The president gave me and I have that right to do that...

COUNCIL PRESIDENT GAMBER – Alright, Mr. Mayor, Mr. Anderson both of you...

MAYOR CICCHINELLI – Play your games some place else down at McDonalds.

COUNCILMAN ANDERSON – I'm not playing your games.

COUNCIL PRESIDENT GAMBER – Everyone has had an opportunity to speak several times. Mr. Mang, the ball is back in your court for Ordinance No. 115.

COUNCILMAN MANG moved to table indefinitely Ordinance No. 115 – 2010, seconded by Councilman McCune.

ORDINANCE NO. 115 – 2010 WAS TABLED INDEFINITELY BY A ROLL CALL VOTE OF 5 YES, 4 NO. CATAZARO-PERRY, MANG, MANSON AND SLAGLE VOTED NO.

COUNCIL PRESIDENT GAMBER – If there's any interest in reconsidering Ordinance No.

114 as Mr. Peters mentioned that does need from someone who voted no previously. We'll consider under item 16 new and miscellaneous business.

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 – This is the third reading on this piece legislation. It is for the preliminary legislation with ODOT for State Route 172 paving project that will presumably take place in 2012. The project funding will be 80/20 with ODOT being responsible for the 80% and the city 20%. Like I say this is the preliminary legislation the engineer has informed me that we'll be seeking other grants and so forth for this. We have plenty to do that so I'm going to move it forward for its passage. If there are any questions we can bring our engineer but there haven't been questions as to date.

COUNCILMAN PETERS moved to bring Ordinance No. 118 – 2010 forward for its passage, seconded by Councilman Townsend.

COUNCIL PRESIDENT GAMBER – Mr. Mang?

COUNCILMAN MANG – Yes, the project that we're talking about would that come out of the TIF?

COUNCILMAN PETERS – I don't know I don't make that call. So call the engineer or the mayor up?

COUNCIL PRESIDENT GAMBER – Mr. Mayor, we'll call you back up please. Mr. Mang?

COUNCILMAN MANG – Yes, my question is the money that the 20% that we're going to need for this project would have to come out basically out of capital improvement. I'm asking if we had a TIF in place could it come out of a TIF? (Yes) Thank you.

MAYOR CICCHINELLI – But excuse me there are also some other funds the we are going to look at there's municipal road dollars, there's issue 2 monies. But it can come out of TIF yes.

COUNCILMAN MANG – But this money could come from a TIF?

MAYOR CICCHINELLI – A portion or all of it yes.

COUNCILMAN MANG – Which means our if in fact it boils down to there's nothing available its going to come out of capital improvement. We all know that the capital improvement dollars keep on shrinking.

COUNCIL PRESIDENT GAMBER – Any other comments or questions? Mr. Peters.

COUNCILMAN PETERS – I'd like to bring the mayor back up please. Good point made by Councilman Mang, but could TIF money be used from Ordinance No. 114 for the paving of Lincoln Way, TIF money out of that fund?

MAYOR CICCHINELLI – Seeing that the person that we hired to help us with these TIFs that and our law director has concurred that they've liberalize those that law. The answer to your question is yes. Any of those dollars can be spent now. But I think we're trying to take the more conservative approach because as part of the plan we want to continue to put money in those funds. But and we don't want to blow the money in one or two years we want to have dollars set aside that's why we're proposing all these TIFs at the present time in the last couple

years.

COUNCILMAN PETERS – Okay, I thought it was my understanding that TIF dollars could only be used for the area or the infrastructure that directly surrounded that particular TIF. Am I wrong on that?

MAYOR CICCHINELLI – The interpretation now is that they liberalized that...

COUNCILMAN PETERS – Well, that's getting pretty liberal when Fresh Mark's doing a development and we're paving Lincoln Way. I mean that's like three miles worth of liberalism.

MAYOR CICCHINELLI – You asked me can we do that I tried to answer it as honestly as possible. I would not recommend to that but you remember the TIF dollars that we get going to one fund. Now if you look at the present cash report all the two TIFs that exist today that we're getting money actually the one we don't get any money from is Meadows. But for Massillon Marketplace goes into one fund. It's up to the auditor and treasurer but I think what they're going to do is the cash report will show one fund for TIFs. These other six that were passed in '08 and some last year '09 they'll start coming on the tax rolls in February of '11. Those dollars are going into that same account however in her complete list of TIFs they could itemize them or list them separately. But in the cash report that you get not the print out the cash report that you get that will show one fund. Those dollars are going to go in that one fund so in essence we're getting the law director telling us that we can spend it on those dollars. I wouldn't want to recommend to do that right now that's why we're also taking the conservative approach on these dollars. But I was asked a question and technically we could but I wouldn't advise it right now.

COUNCIL PRESIDENT GAMBER – Mr. Mang, a question?

COUNCILMAN MANG – Yes, Mr. Mayor, the TIF that we talked about for downtown would that TIF if it was in place be able to be used for this paving.

MAYOR CICCHINELLI – Yes sir, I said that earlier that this would be a good expenditure of those dollars. You are absolutely correct.

COUNCILMAN MANG – Thank you.

ORDINANCE NO. 118 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT GAMBER – If there is any intent to bring Ordinance No. 114 back up for reconsideration tonight now is the time for that. Is there any new or miscellaneous business?

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

SAM DAUT – 835 Cherry Rd NW. I would just like to say I find it really unfortunate that things have gotten the way it has in Massillon that we have to have the state come in here and tell us some of the infrastructure problems that we're having. Now we have the Ohio Department of Natural Resources with the Rezzy problem that I think it's about time that somebody in the administration here is going to have to accept responsibility for all the problems. You can't continue to blame the vandals for doing and the things that are falling apart. I don't understand why we let things go for so long and then somebody in the building department I don't know if it's in the engineer department but somebody we're paying people here. We should not wait for the state to have to come in here and tell us what's wrong with this city. I mean I sit in here listened to all these debates tonight where these funds are going and you can't continue to rob Peter to pay Paul. Basically I think that's why I'm up here it was

never the intention of money it's the idea that somewhere along the way you're paying people here in city hall and I think its about time that they should start earning their money and start doing their job instead of waiting for the state to come in and tell us what needs to be corrected. Thank you.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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