

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, DECEMBER 6, 2010**

**COUNCIL PRESIDENT GAMBER** - I'd like to welcome all of you to Massillon City Council for Monday, December 6, 2010. We have in attendance with us this evening: Mayor Cicchinelli, Auditor Ferrero, Engineer Dylewski and Law Director Stergios. On the wall to your left are agendas for anyone who wishes to follow the meeting. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or turn it very far down.

**1. ROLL CALL**

Roll call for the evening found the following Council Members present: Gary Anderson, Kathy Catazaro-Perry, Dave Hersher, Ron Mang, Paul Manson, 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 Manson for the invocation and the Pledge of Allegiance.

**COUNCILMAN MANSON** - Gave the invocation for the evening.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILMAN MANSON** - Chairman of the Finance 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**

**THELMA JOHNSON** - I'm the sister of T. Roy Roberson and I just come up to say to Tony I appreciate everything he has tried to do. It's been a long haul here now I don't know what's going to happen tonight I'm really I gave it over to God I'm not even going let you even disturb my peace on it. If you vote for it fine if you don't I'm going to let your conscious be your guide because you know how you feel that's up to you. I ain't trying to change nobody's mind about it its up to you. But if you're not for it that's fine because I'm not going just let my peace be disturbed. So you do what you have to do and I'll do what I have to do when voting time comes I know what I'm going to vote for. So I'll let you know about that too. I'm just saying to Tony I appreciate him because he has been there, Perry all the ones that I know, Slagle, I don't know a lot about Slagle but my family trusts him on this. So I'm going to say okay with him. But I'm

saying to Tony because I know the work he has put into it and I'm saying to everyone I appreciate the fact that he took the time to do what he did for my brother. Whether you vote on it tonight that's fine we're not going to fall out about it. But I'm going to let your conscious be your guide because if you're not right about it God knows what's going on and I don't have to do anything else or say anything but I put it in his hands. I'll let you know that if it pass fine if it don't you're not doing a disservice to my brother he's gone. So you're not doing a disservice to him you're doing a disservice to yourself because he was a part of you for a long time. If you don't think enough of him to do it that's fine let your conscious be your guide. That's all I've got to say thank you.

**BOB STAFFORD** – I live at 159 21st Street SE, Massillon. I worked with T. Roy for a long time. I was all over the place with him Columbus area and I know some of the stuff that he done for this city. He didn't just do it here in Massillon he done it from Columbus to Massillon I know that for a fact. I went with him when he was in the union we went out on jobs I went on jobs with him. He was a dynamic individual he done what he was supposed to do in the city for the 4th ward. He was a great man in my opinion I haven't heard anybody say how great he was or what he done for this city anywhere in the paper. I haven't been done here but I know what's going on because I keep up the news and I watch the new and I'm still in the NAACP I still work with them. But I know what T. Roy Roberson done he was a dynamic individual he did his job. When people was up on the ward 4 call when the streets were froze up in the projects the streets were froze he would come done here he would see that the streets got done even if he had to stop the snow truck on the street. I seen him do that the things he did was dynamic in this community. A lot of black people do dynamic things in this community but it's not talked about its not but I can talk about it because I know what T. Roy done. Because I eat dinner with him at his home he done marvelous things for the City of Massillon. There's no reason why that park can't be named after him Resolution No. 12 is what I'm talking about. He done wondrous things if anybody else needed or deserved to have a park to be named after a street to be named after T. Roy Roberson should Shriver Park should be called T. Roy Roberson Street or park I mean forgive me for what I said. But the park should be named after T. Roy that is my opinion I don't know what your opinion is you have your opinion we all have our opinion. As far as I'm concerned for the 4th ward T. Roy Roberson should be named after that park.

**DEBRA SMITH** – I live at 1600 16th Street SE. Mr. Townsend is supposed to be representing me and other people that live in that section. I've had a problem with you Mr. Townsend when I call you leave messages I never hear from you. I know the problems in my community and to this lovely sweet lady here it's not about honor her brother because he deserves it. My problem is with 6 months with the problems that we have in our community that are not being dealt with and when people call you, you don't get back to them. When the post office wanted to make the people on 16th Street I called and left a message for you. I spoke to your wife, I never heard a thing from you and I did what I've done with you before I dealt with it myself. Now I think this man that they're talking about needs to be honored I'm not sure that taking a name from a park is necessarily the way to do it. I'm not sure about that. I think there are so many other ways that this man did for the community you know I would think that there would be program maybe for children that are in trouble that you could get grants for and do it in his name and to honor what he stood for. But that you can spend 6 months on this and you can't get back to people that call you. I'm not impressed with you at all. That's all I have to say.

**COUNCIL PRESIDENT GAMBER** - Mr. Townsend you may have a moment to respond.

**COUNCILMAN TOWNSEND** – First I want to clarify something it wasn't my intention for this to last 6 months. Actually back in October I asked everyone here in council lets man up and vote yes or vote no and the whole issue would have been resolved. So it's not my fault because it lasted 6 months. As far as the situation with the post office I did speak with your husband who I do know and explained to him it was a situation that I could not handle. I believe you also contacted the mayor and he told you the same thing. That's federal we're city we can't tell the post office what to do. We explained that to you as far as the grant or program I'm a council member I'm not a social worker I don't create programs. I don't have the resources to do that. There are programs in this city that probably would be more than willing to start programs to do what ever and possibly name after T. Roy. This hearing is about the renaming of a park it's not about me returning your calls because I did speak with your husband. I think you two need to communicate a little more and then you will see that I did speak with him. I'm not going to go

back and tell the post office things I think most of us know about that. It was a lack of communication we have a neighborhood association within the 4th ward actually two that cover 16th Street. Ms. Smith could have been more she could attend either one of them and would have found me there. Could have someone who can get a hold of me my cell phone number is giving to everyone in the community. She could have contacted me through my cell phone. Thank you that's all I have to say.

**CATHERINE SPENCER** - My address is 1334 3rd Street SE. I'm in favor of the park of being changed to T. Roy Roberson. But I feel that this just if you do you do if you don't you don't but T. Roy did a lot for the 4th ward when the mayor was running we helped him campaign. We passed I passed literature with him when the mayor was running and I think people should have more input for the reason the park should be changed. But if it does it does if don't I won't fall out with you but I feel like when election time comes we know who to vote for. Because I don't think we've been treated fairly about the park. Massillon I've lived here all my life I'm the 5th generation. Massillon does what Massillon wants to do city council does what city council wants to do. I don't think we've been treated fairly in the 4th ward but come what may do what you feel like you ought to do.

**GAIL GAMBLE** - I reside at 1400 Gibson Avenue SE. I've been before council for many things but I believe this is a worth wild effort to rename the park. I've spoken with Mr. Townsend and possibly there are other things that we can do to honor Mr. Roberson. I'm not that familiar with the person that the park is named after now. I don't think it would be a disservice however to remove that name the people in the 4th ward are not that familiar with the person that it's named after now. As Ms. Spencer said I think I've watched through the years and I too believe that the 4th ward is like second class citizens in this town. That when we speak and unfortunately part of it I must say is part of our own fault because we are weak tonight. So I have a problem that the council room is not filled Mr. Townsend and I want to applaud you for what you tried to do. He's a councilman as all of you are councilmen and you are only as good as the people in your ward backing you. I don't Mr. Roberson however should have to not be honored for the lack or the apathy that we may have or whatever your concerns or concerns about not naming after it him. I don't think that should be problem I think we should look at the good that he did in the community. Not just in the 4th ward but in the City of Massillon. I too know that he was very involved in campaigning for mayor, passing out things whether he agreed or disagreed we all agree and disagree with each other at time but sometimes we just have to man up, woman up or whatever and do what's right for the memory of the person. Did T. Roy Roberson do something in the City of Massillon that deserves an honor. Yes, he did I've seen people honored names and I'm not going to name any names because I don't want to do a disservice to anyone who has been honored. But I've seen honor bestowed for far less than what Mr. T. Roy Roberson did in this community. So I hope you will vote your conscious and make sure that when you vote that's only about whether T. Roy should be honored not whether or no 4th ward citizens will be looked on again as second class citizens. 4th ward citizens have come forth and voted for things and against things that council has supported us in and when it went down and I'm not going to bring that up because that's not an agenda item. When everything went down you found out that we were right. That there have been some things that have happened in our community that weren't right because we weren't supported. I just ask you tonight to support 4th ward and we want the park named after T. Roy. Thank you so much.

**JOE HERRICK** - 910 W Main Street, Massillon. Despite the fact that nothing has been found to discredit Herman Shriver this body is considering removing name from a park. I don't believe that a person's name or anyone's name should be removed from a public venue just for being politically convenient. I would like to ask this body to come up with another honor befitting Councilman T. Roy Roberson rather than stripping one name off and replacing it. Thank you.

**SCOTT GRABER** - I rise today to support the dedication and naming of a parcel of land owned by the City of Massillon in honor of a former city council member a member of this body in Mr. T. Roy Roberson and at the same time to memorialize and recognize for the first time the site as the place where modern scientific football in the Massillon Tiger High School Football tradition were created by Massillon's favorite son Paul Eugene Brown. This site has never been named or dedicated by the city council of Massillon it is time that it is formally

dedicated as a park and named appropriately. However and even more importantly than what it is named I believe the city council must immediately recognize it for what it is actually is. I believe that the City Council of Massillon has a responsibility to list this land as a City of Massillon historic listed property pursuant to Sections 3, 5 and 7 Chapter 1349 of the Codified Ordinances of the City of Massillon. Several purposes of which are a) to establish procedures where by certain areas, places, sites, buildings, structures, objects and works of art shall be allowed that measure of protection so that the following objectives are reached. 3) to save guard the heritage of the city by preserving areas, places, sites, buildings, structures, objects and works of art which will reflect elements of the city cultural, social, economic, political or architectural heritage. B (5) fostering civic pride and the beauty and notable accomplishments of the past. B (7) promoting the use and preservation of historical sites and structures for the education and the general welfare of the people of Massillon. Therefore I formally request and move that city council immediately designate parcel 68015 known as Outlot 154 City of Massillon, State of Ohio as a 1349.02 (g) listed property pursuant to the Codified Ordinances of the City of Massillon Chapter 1349 historic districts under sections 1, 2, 3 and 4 of 1349.05. 1349.05 designation of historical district or listed property a) in considering the designation of any area, place, site, building, structure, object or work of art in the city as a historic district or a listed property. The historic preservation commission, the planning commission and council shall apply the following criteria with respect to each property one or more of the following must apply. 1) the character, interest or value as a part of the heritage of the city, the state or the United States. Outlot 154 is arguably one of the most seminal sites of the creation of modern scientific football. The modern football format by Paul E. Brown coaching the Massillon Washington High School Football Tigers for 7 years on the site from 1932 to 1938 following Paul Brown coached the Ohio State Buckeyes and established the Cleveland Browns and Cincinnati Bengals professional football teams. Thus it qualifies in all three specifications as part of the heritage of the city, state and the United States. 2) the location as a site of a significant historic event. This site is the location of many historic events but we may focus on two events. November 21, 1936 when 21,000 persons gathered here to witness a high school football game between Massillon Tigers and Canton McKinley. On or about November 22, 1924 when this field was formally dedicated as Massillon Field as documented in the Evening Independent newspaper with superintendent of schools H.R. Gorrell presiding and the dedication speech given by Congressman John McSwiney of Wooster. 3) the identification with a person or persons who significantly contributed to the historic development of the city. Outlot 154 is identified with scores of persons who significantly contributed to the historic development of the city. Indeed with the very fabric of the City of Massillon including Paul E. Brown, Elwood Cammer, George T. Redbird, Superintendent of Schools H.R. Gorrell, Coach Dave Stewart, William Miller, Bill Edwards, Carl F. Ducky Schroder, Henry Potts, August Augie Morningstar, Bob Blass, Mel Milton, Vincent Rocky Schneider, Eugene Red Henderson, Judge Paul Pep Paulson and editor of the Evening Independent Luther Emery. I could go on and on and on naming the persons who are associated with that field football, public education and the heritage of this city. Finally 4) it exemplification of the culture, economic, social, archeological, historic heritage of the city. There can be no questioning the proposition that the deeds accomplished on this site exemplify in all ways the cultural, economic, social and historic heritage of the city. Massillon if it identified with anything is identified with Massillon High School Football and football in general is one of the birthplaces of American Football in its professional and amateur forms. The Massillon Tigers Professional Football Club claimed the Worlds Championship for Professional Football in 1904, 1905 and 1906 as Champions of the Ohio League. Football legends such as Newt Rockne, Earl Greasy Neil competed in those early professional leagues.

**COUNCIL PRESIDENT GAMBER** – Mr. Graber, I'd like to mention you're at almost 6 minutes now. Do you have much more to go? (I'll finish very quickly) Do you have anything to say regarding Mr. Roberson's name being attached?

**SCOTT GRABER** – Yes, I'm not done let me to get to it. As members of the professional tigers the City of Massillon itself owned the professional tigers from 1903 to 1907. The Massillon Tigers are considered a charter member of the American Professional Football Association which later became the National Football League. When we talk about the National Football League this field Outlot 154 is a link to that heritage. Paul Brown actually played football on this field during that time period 1924 to 1925. Who could imagine that all these events not intimately related. This is what we're talking about here with the proposal of the

member of the 4th ward. This site is the last existing vestige of that era can any of you think of another site, structure, spot, field or anything that exists from that period of time and the contest of the creation of modern football in the Massillon Tiger tradition. There is none all the other fields that the early tigers played on are forgotten or paved over such as the Meadows Driving Range, the baseball park which is possibly Agathon Field, central steel field and unknown location.

**COUNCIL PRESIDENT GAMBER** – Mr. Graber, may ask how many more pages you have sir?

**SCOTT GRABER** – I'm almost there.

**COUNCIL PRESIDENT GAMBER** – I'm asking you a question how many more pages...

**SCOTT GRABER** – I have two minutes, can I have two more minutes?

**COUNCIL PRESIDENT GAMBER** – You have two minutes and can get you to Mr...

**SCOTT GRABER** – So in summary I believe it is in the best interest of the city that this site immediately be provided with protection afforded by its designation as a 1349.02 (g) listed property. So I'm offering an amended version of Resolution No. 12 – 2010 in the nature of a substitute. If you would be kind McCune to pass around there's one for Mary Beth. There is a proposal for the formal dedication and the naming of the same property in front of you tonight which formally naming I believe is secondary in importance to the designation of the parcel as a listed property. Which naming proposal in my opinion maybe postponed at this time. Although I have no reason to oppose the dedication in naming proposal in front of you as the good faith proposal of an elected representative of the people of the ward wherein the parcel lies. However I can understand certain members concerns about the final naming arrangements at this time. There is no question that the site reserves being safe guarded as a part of the cultural, social, economic and political heritage of the city. Tiger football is the very identity of the cultural heritage of this city. Football in Massillon is the expression of the very identities at the time. Please immediately afford this property protection as a listed property by substituting and adopting the language of the amended version of Resolution No. 12 – 2010. I thank you very much for kind attention and for bearing the extra long speech.

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

**COUNCIL PRESIDENT GAMBER** – Mr. Slagle, do you have a request?

**COUNCILMAN SLAGLE** – Yes, I request that Resolution No. 12 – 2010 be move up in the agenda to be first read today?

**COUNCIL PRESIDENT GAMBER** – Is there any objection to moving that item forward?

**RESOLUTION NO. 12 – 2010**  
**COMMITTEE**

**BY: PARKS AND RECREATION**

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

**COUNCILMAN SLAGLE** – We're bringing this resolution for final vote tonight. I frankly believe that of all the things I've seen in council this certainly ranks up there as one of the most discussed both in the media before us in the presence of all our membership and also in the various blogs that are on the internet. I don't think that we are in fact renaming something I don't believe that there is ever a formal naming of this area. I don't think we're removing a name but we're actually voting on a first formal naming of this area. One thing that stuck me was that T. Roy Roberson was an old time political alien of mine but also someone I worked with 29 years ago. I know of no other councilman that served in any position as a city councilman that enjoyed it more, carried it with a greater flair and had more ponosh for the people in his ward than T. Roy Roberson did. I also want to say that why I'm supporting the

naming of this area to T. Roy Roberson Memorial Park at Old Massillon Field I want it to be known that I also believe that there are many people in the 4th ward as was mentioned that came before Mr. Roberson. Some were contemporaries of Mr. Roberson's, some were after whether it be the Franklin Dennings and the Minney Traylor or the Greers or the Herringtons, the Bradleys, even Clarence Goodson or the Beanes. Pauline Lemmon I served with on council a lot of them did this that T. Roy did in a time in which was much more difficult to take a stand as an African American in the City of Massillon. But I don't think any of them as I said will ever have a memory of serving the city as T. Roy Roberson did. The 65 people that signed this petition from the 4th ward is also significant to me in this decision making process. We had the Tuslaw Annexation which many of us voted against because of the numbers of people that came in and opposed that annexation. I'm impressed by the fact of the number of people in the 4th ward that have supported this particular piece of legislation. I am while a couple of the stalwicks like Mr. Herrick has a very valid point on the historical things and provided much information that I think was valuable for us to know in this area. Other than that there's been very little opposition frankly. If the members of the 4th ward want to name this park in honor of this particular councilman I can't in good conscious say any reason not permit them to do so. So I'll be voting in favor of it. I think its honoring all those that came before him all those that served contemporarily and those that came after him as well. I think it's an important thing for us to do and I hope we'll all vote yes on this.

COUNCILMAN SLAGLE moved to bring Resolution No. 12 - 2010 for passage, seconded by Councilman Townsend.

**COUNCILMAN MANSON** – I want to be just as up front as I can about this. First of all this has absolutely nothing in my opinion to do with the decision I'm going to be voting no. I'll make this clear from the beginning so you won't misunderstand what I'm saying. I have absolutely nothing wrong with honoring Mr. Roberson. In fact I think he should be honored but I do have a problem with taking the name away from that park. I know I started playing there in 1958 or 1959 it was Shriver Park. We've done some research we don't know if it was ever formally named or not. There are other parks in town that have never been formally named. I'm opposed to taking the name off of any of those unless somebody shows just cause for removing that name. Removing the name to just pass it to another person is not appropriate for me. It's I don't believe anybody else being honored would want somebody's name taken away from them. I just don't see that. I don't think Mr. Roberson would want that so I will be opposing it for that reason. I think I'll make the same statement I made last Monday we are living too much in the moment and we're not looking at the history or the future of where things are going like this. I just do not feel it's fair to try to put all of us in this position. This thing took 6 months it should have taken 6 months when it started out as one of the confusing things that we've dealt with all year. Okay, we had accusations that there were cooked policies and stuff like that, that's wrong we've gone through this stuff and we've shown these things were in place. Also we turn around in the end and agreed with the policy that the recreation board intends to use when they look at these in the future. So it must not have been a flawed policy from the very beginning. I sit and I listened to the family and I understand what you're saying okay, but also listen there was a young lady here a couple young ladies a few weeks ago one was niece and one of them was a granddaughter she said. I don't know but the one I believe said she was the granddaughter said it would be nice if there was a park named after her grandfather or something. I believe that but I do not believe it's honoring Mr. Roberson taking away a name of somebody else. That's where I am on this. Thank you.

**COUNCILMAN MANG** – Yes, as I stated before that I certainly am not in favor of renaming a park. I happened to be on city council the same time when T. Roy Roberson I spent all my years here as he did. It seems as though we've probably all done quite a disservice to two people. We heard what the individual did that the park or the alley or whatever people have referred to over the years. Now today we're talking about things that Mr. Roberson did. I think what Paul said just a moment ago I don't T. Roy knowing him as well as I did I think he would like the fact that we removed the name of someone else and placed his name there. I don't you know T. Roy was a proud person and I've said this many times I can see him walking down Walnut Rd with his hat and his big cigar. You know it would have done more for T. Roy if when T. Roy was alive that we did something for him. I know that the Paul Brown thing was probably the greatest thing that ever happen to Paul Brown from my standpoint. He came back to the city many of times and I witnessed once when I was told it was him that was pointing to

the stadium and his name. That meant an awful lot to Paul Brown and he had many things. I don't know what today it means to his family maybe they've been here maybe they haven't. But I think renaming something that should be to someone whose here to enjoy it. But I can not I can not vote to rename a park I don't know if it was ever official designated that but it seems like all the people that I've that have talk to me about it only knows that name and don't know how it got there. Paul mentioned he played on it when he was 13 or 14 years old and they called it that. So I just think if we start it and it was kind of had an email and the email referred to that if in fact council decides to rename the park we should in fact put the word temporary in front of the name. Because that's exactly what we would be doing because who knows 10 years from 8 years from now someone may decide hey, here's an individual that did so much for the 4th ward you know that's not what its about. Thank you for listening to me but I can't support this and I will voting no.

**COUNCILMAN ANDERSON** – I was on the fence as many of you know it was in the paper and I said in different meetings that I was on the fence about the whole thing. I sat down and went through the thought process and the thought process brought me to one realization that Mr. Shriver's name is not being removed from the street. If you were trying to take the guy's name off the street you all who are going to say no have a point. But nobody is trying to take his name off of that street. The only reason why the name Shriver Park is there is because of the street in my opinion. But the bottom line is when I looked at the people of ward 4 and that's not my ward I have ward 2. But ward 4 they are so strongly on the affirmative on this issue I think that you know a vote for the affirmative is a vote for T. Roy Old Massillon Field which I feel is probably as important as Shriver or T. Roy. But I think the people of ward 4 have a say in this thing and they want that field renamed T. Roy Roberson Old Massillon Field. For that reason I will be voting firmly on this particular issue.

**COUNCILMAN HERSHER** – Just quickly I agree with the majority actually 99.9% of what Mr. Slagle said as we started this evening other than I do not believe that the best way to honor Councilman Roberson is to do something to give what is in essence by the precedent that we would set tonight a temporary honor I agree strongly with what Mr. Mang said earlier in that we're setting a precedent tonight so that at some point down the line someone who come to a council and say I don't as time passes we're removed from this night say I don't know who Mr. Roberson was I don't know why his name is on that park I believe it should be named or carry this name. I don't think we honor the contribution that he obviously made to this city that he obviously to the residents of the 4th ward and the people that use Shriver Park and from what we heard tonight perhaps the state as a whole I don't believe we best honor him by giving him something that by virtue of the precedent that we will sett tonight is temporary and is subject to being changed again down the line. Thank you.

**COUNCILMAN MCCUNE** – I am disappointed and if not appalled that it would even be insinuated that the color of one person skin or another would enter into the thought process that I have struggled with since this has been forward to council. As this has been banned around for the last 6 months and we have come up with affirmed policy that was in place prior I've consistently asked myself how do we honor a person that the 4th ward wants honored without having to disrespect a person that has had their name on that park for as long as I can remember. Like Mr. Manson I played ball up there when I was 12, 14 years old and it was Shriver Park and that was 40 some years ago. I agree that T. Roy Roberson deserves to be honored I don't agree that honoring that person should be at the expense of another person. My mother I talked to I value my mother's opinion probably as much or more than anybody on the face of this earth and she knew T. Roy and as she worked in the deputy clerk's office at the time when he was a councilman. She said he was a very honorable man and he was worthy of an honor and I fully support that man be honored as the 4th ward residents desire him to be. But I just can not believe after the conversations I had with my mother about T. Roy that he would want to be honored in a way that would just disrespect another person. So after months of wrestling with this I've come to the decision that I just can support changing the name or placing a name on a park for decades has been referred to as Shriver Park. I would even if this goes down if this should go down tonight I would commend Tony for everything he has done and would ask that he look at another avenue and another way to honor T. Roy. Because I think we all agree that T. Roy is worthy of that honor. But I just can't do it at the expense of someone that was a part of the history of Massillon. Thank you.

**COUNCILMAN TOWNSEND** – I would like to read the editorial I sent the letter to the Independent back in August. This is what the letter I wrote this is what it said: My desire to rename Shrive Park is simply out of respect for the rich history of Massillon Tiger Football and out of respect and admiration for T. Roy Roberson. I never personally knew Councilman Roberson but what I do know is what he stood for. Mr. Roberson was a man of integrity, a good public servant and a man who stood up for the rights of every Massillon citizen. For many years there was a perception in the 4th ward community that city officials both past and present have ignored, overlooked and dismissed their needs and wishes. Now the renaming of the park may have hit a hurdle. It appears that once again the needs and the wishes of the 4th ward community is being ignored. Renaming the park to T. Roy Roberson Memorial Park at the Old Massillon Field isn't about names it is about renewing a community that has taken many hits over the last 30 years. Renaming the park which has to be one small step toward providing the 4th ward community with the renewed sense of dignity and rebuild pride. It is important to remember that young and old alike gather at this park to enjoy themselves and to communicate and understand the value of community and to uphold the value of which Councilman Roberson advocated. Councilman Roberson had unbiased love for the City of Massillon he has not only a leader but also an icon. The difference between a leader and an icon is that an icon continues to influence people even after they are gone. My constituents always remind me about the late how the late councilman shaped and affected their lives. It is now time to honor him and memorialize the history of the Old Massillon Field with the renaming and the rededication of T. Roy Roberson Memorial Park at the Old Massillon Field. Also I would like to just add that everyone here is saying that we are setting a precedent and that in the future that council members will be faced with a decision to possibly rename other parks. But we have made decisions in this very same council chambers that will not give future council members any voice in some of the decisions we have made here. I'm not going to go into details what decisions we have made but many of them will last for the next 10, 20 and possibly 30 year where the future council members will not have a say on what they should do or what they can do and what they can't. That concludes my statement. Thank you.

**COUNCILWOMAN CATAZARO-PERRY** – Well I'm going to support this tonight and I haven't been shy about it. I supported Tony ever since he brought it to council because these are the people in his ward speaking and asking us to honor this gentleman. I just met him one time but I've heard stories of how wonderful he is. I don't think it's disrespectful to the other gentleman because we don't know for sure how that park got its name. In fact if you read the park and rec. board minutes we don't know how any of the parks got their names. I think that's a concern and I've said before we should go back and review and find out how they did get their names or was it just you know as we think it was an occurrence. That everybody just called Shriver Park Shriver Park because it's a street. So I'm going to support Tony he has truly represented his ward well and he has fought the fight and he's allowed council to go through the process that we needed to go through. Tony I think you did a great job and I'm going to support you tonight and your people in the ward 4. Because I don't live there they do and that's what they're requesting.

RESOLUTION NO. 12 – 2010 WAS DEFEATED BY A ROLL CALL VOTE OF 5 NO, 4 YES. ANDERSON, CATAZARO-PERRY, SLAGLE AND TOWNSEND VOTED YES.

**ORDINANCE NO. 137 - 2010**  
**COMMITTEE**

**BY: COMMUNITY DEVELOPMENT**

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with The Tots Spot to provide an economic development "inducement grant" to assist the company in locating its business to Massillon, and declaring an emergency.

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**COUNCILMAN MANG** – At the work session we had the individuals that own the tots store their names are I think they list themselves as Paris and Woods. One of the representatives speak to the body and explained to us that the location they are going into which was at one point the All Occasions Florist Shop. They got into business basically they were doing some internet work and it kind of grew and grew and matter-of-fact people asked them to open a

store. So for that reason they feel that they can make a contribution to the city and they already have people who are interested in the product they wish to sell. Again it's an opportunity that they are taking to ask the city for some inducement to get their business started or in the case of a business that are presently here that would like to do something with their businesses. So not unless there's some questions regarding this I think the sooner we pass this piece of legislation the sooner we can this business headed in the direction they wish to be.

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

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

ORDINANCE NO. 137 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 138 – 2010**

**BY: POLICE AND FIRE COMMITTEE**

Authorizing the Mayor of the City of Massillon, Ohio, to enter into a two year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for police and fire dispatching services with the Regional Emergency Dispatch for the Massillon Police and Fire Departments, and declaring an emergency.

**COUNCILMAN MCCUNE** – Yes, we discussed this past Monday its something that we have to do every year. Basically it continues our participation with the Red Center, the Mayor is here if anyone has any questions. If not I plan to ask to suspend the rules and bring Ordinance No. 138 – 2010 forward for its passage.

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

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

ORDINANCE NO. 138 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 139 – 2010**

**BY: POLICE AND FIRE COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into Transportation Agreements between the City of Massillon safety forces and other political subdivisions safety forces of Stark County, and declaring an emergency.

**COUNCILMAN MCCUNE** – Yes, much like with Ordinance No. 138 we discussed this at Monday's work session. This is basically a transportation agreement to get prisoners back and forth from the jail to court. If anyone has any questions the Mayor is here I'm sure he'll be able to answer them. If not I'm going to ask for suspend of the rules.

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

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

**COUNCILWOMAN CATAZARO-PERRY** – I would just like to know have we increased these fees at all.

COUNCILMAN MCCUNE – If the Mayor would like to come forward.

MAYOR CICCHINELLI – Not to my knowledge recently. I don't know maybe the law director would can shed some light. I don't think they've been increased.

LAW DIRECTOR STERGIOS – I was telling Councilwoman Catazaro-Perry my...Joe Herrick calculates these fees based on the prisoners that we transport the year before for each jurisdiction. I did look at the old ordinance from last year it might be a little bit higher but their

basically based on number of transports as opposed to...the base cost is the same. It's just how many people to do take to Brewster or Jackson or Perry is what determines the amounts. So they were pretty close to I can't say if they are more or less than last year.

**MAYOR CICCHINELLI** – Probably some were little higher, some were a little lower...

**LAW DIRECTOR STERGIOS** – Right, the average equals out. Our agreement with them is every year we do a new agreement based on last year's transport and use those numbers to bill them for it.

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

ORDINANCE NO. 139 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 140 – 2010**                      **BY: RULES, COURTS & CIVIL SERVICE**  
**COMMITTEE**

Amending Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(b) Rule 8.1 "Powers and Duties", and declaring an emergency.

**COUNCILWOMAN CATAZARO-PERRY** - First Reading.

ORDINANCE NO. 140 – 2010 WAS GIVEN FIRST READING.

**ORDINANCE NO. 141 – 2010**                      **BY: RULES, COURTS & CIVIL SERVICE**  
**COMMITTEE**

Accepting the appointment of Mary Ann Coyne as the City Records Custodian as voted by the Massillon Records Commission, and declaring an emergency.

**COUNCILWOMAN CATAZARO-PERRY** – First reading.

ORDINANCE NO .141 – 2010 WAS GIVEN FIRST READING.

**ORDINANCE NO. 142 – 2010**                      **BY: STREETS, HIGHWAYS, TRAFFIC &**  
**SAFETY**

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

COUNCILMAN PETERS – First reading.

ORDINANCE NO. 142 – 2010 WAS GIVEN FIRST READING.

**ORDINANCE NO. 143 – 2010**                      **BY: STREETS, HIGHWAYS, TRAFFIC &**  
**SAFETY**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Dalene M. Pride to perform the Motor Vehicle License Audits for the City of Massillon, and declaring an emergency.

COUNCILMAN PETERS – First reading.

ORDINANCE NO. 143 – 2010 WAS GIVEN FIRST READING.

**ORDINANCE NO. 144 – 2010**                      **BY: STREETS, HIGHWAYS, TRAFFIC &**  
**SAFETY**

Accepting the dedication plat and right-of-way for O'Reilly Automotive, Inc., on Lot 17343, located on the north side of Lincoln Way East, just west of 27th Street NE and formally part of Outlot 330 which is also known as the Kmart Property, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

COUNCILMAN PETERS – Seeing that it's almost completely done we might want to pass this. Again, it's accepting the dedication plat and the right-of-way for O'Reilly Automotive Lot 17343 located on the north side of Lincoln Way East. It's the Outlot also known as the Kmart parking lot or Kmart property. If there's any questions the engineer is here to answer them if not I'm going to make a motion.

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

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

ORDINANCE NO. 144 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 145 – 2010**

**BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the General Fund, Massillon Museum Fund, Parks & Rec. Fund, State Highway Fund, Economic Development Fund and the Street Fund, for the year ending December 31, 2010, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, we have quite a bit here we'll go through them one at a time. When we get through them if there's any questions fire away. First one is \$300,000 environmental phase II assessment and please appropriate from the unappropriated balance of the general fund 1100 to the following account 1100.405 phase II environmental assessments. This is for the republic steel property we have no cost involved in this. This is basically just a pass through type of thing the auditor is here if there's any questions you need to ask. Next part is for \$55,600 appropriate from the unappropriated balance of the Massillon Museum fund 3110. \$53,307 that will be going to the Massillon Museum. Same thing this is a pass through there's also \$2,292.83 in here for fees for the auditor for collecting these revenues. Next one is for \$8,632 appropriate from the unappropriated balance of the parks and recreation 1234 fund \$8,632 to services and contracts. Next one is for \$5,360 appropriate from the unappropriated balance of the state highway fund 1202 \$5,360.60 this is for equipment repair for the street department. The next one is for \$2,500 this is what Mr. Mang talked about earlier and we're just appropriating the money here the \$2,500 for the Tots Spot. The next one is for \$2,424 prepare an ordinance to appropriate from the unappropriated balance of the street fund 1201 to services and contracts. This is for equipment for the street department. Any questions?

**COUNCILWOMAN CATAZARO-PERRY** – In section 3 the \$8,632 for the parks and rec. what is that for?

**COUNCILMAN MANSON** – Services and contracts I would assume its probably going to the person that's operating the restaurant. But the auditor can either back me up or not back me up on this.

COUNCILMAN MANSON 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. 145 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 146 – 2010**

**BY: FINANCE COMMITTEE**

Reducing the appropriations in the Police Pension Fund and the Fire Pension Fund, for the year ending December 31, 2010, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, these are funds that we will not be spending before the end of the year. So we have to remove them they were appropriated and we want to remove them.

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

**COUNCILWOMAN CATAZARO-PERRY** – By reducing these we're going to be taking these two items and pushing them to 2011 is that correct to pay these?

**COUNCILMAN MANSON** – Yes.

**COUNCILWOMAN CATAZARO-PERRY** – Thank you.

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

ORDINANCE NO. 146 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 147 – 2010**                      **BY: FINANCE COMMITTEE**

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

**COUNCILMAN MANSON** – Yes, I don't intend to read every item but you can see the left hand column there's a \$123,768 being swept out of the various accounts on the left going to the ones on the right some of which are the salary law department, police clerk, police comp, fire comp and fire salary for a total of \$123,768.

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. 147 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 148 – 2010**                      **BY: FINANCE COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with The Health Plan for health insurance coverage for the City employees, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, we will be having a lot of conversation about this at the next committee session. This came in rather late and we discussed this at the end of the meeting the other night there were only about 4 of us left maybe 5 I believe. But we're looking here at 20% health care increases and right now we're talking about the budget at the same time. So we may as well get ready to have a lot of serious discussion about this and the budget. Myself, I'm probably opposed to going along with this. It's only going to get first reading tonight we will have plenty of discussion.

ORDINANCE NO. 148 – 2010 WAS GIVEN FIRST READING.

**ORDINANCE NO. 149 – 2010**                      **BY: FINANCE COMMITTEE**

Establishing a fund entitled "Stormwater Utility Fund", and creating line items within said fund, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, this is a formality that we have to create an account for said funds to be deposited in.

COUNCILMAN MANSON 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. 149 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 150 – 2010**

**BY: FINANCE COMMITTEE**

To approve current replacement pages to the Massillon Codified Ordinances, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, we do this every year and unless anybody has any objections to it I will be moving to pass this.

**COUNCILMAN PETERS** – Yes, but I thought we did away with the pages in the books, no?

**COUNCIL CLERK BAILEY** – This is just certifying the new changes that were made.

**COUNCILMAN PETERS** – Oh, even on line we have to still do this, okay. That's all.

**COUNCIL PRESIDENT GAMBER** – If I could add though we still do have a certain number of hard copies that's we're required to have. I believe the police department requests a certain number of copies for their part of the code not the entire book but just their part of the code. The building department I think and the planning commission.

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. 150 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

**9. BILLS, ACCOUNTS AND CLAIMS**

- Walter Drane - \$3,109.20
- Keller Office Supplies - \$40.00

**COUNCILMAN MANSON** – I move we pay the bills, seconded by Councilman Hersher.

Roll call vote of 9 yes to pay the bills.

**10. REPORTS FROM CITY OFFICIALS**

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

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

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

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

**11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT GAMBER** – Committees will meet on the 13th at 6pm. Are there reports, requests or any resolutions from anyone? Mr. Manson?

**COUNCILMAN MANSON** B Yes, about the performance audits we talked about the other night I had a conversation with a consultants that does this stuff throughout the state. I'll wait till we really start talking about it but I'll bring some information in from him. I'm asking if anybody else has done any checking yet. I know and I'm going to ask Mr. Stergios to give me some help here or send me some emails on some of this stuff if you could on some of the performance audits. But I know checking last time I felt certain that the only way these could move forward if its requested by the mayor, auditor or president of council I believe. So I'd like to find out if that's so at least we can get that thing cleared up somewhere along the way. We will discuss it a little bit.

**COUNCIL PRESIDENT GAMBER** – Mr. Stergios, can you follow up or do you need something else?

**LAW DIRECTOR STERGIOS** – No, I can follow up. I know we looked that answer up before but I can look it up again.

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

**COUNCILMAN SLAGLE** – The rec. board meeting on Thursday has been cancelled. They only had one thing on the agenda so...

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

**COUNCILWOMAN CATAZARO-PERRY** – I too have begun further research on the performance audit and I will be sharing some information on Monday.

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

**COUNCILMAN TOWNSEND** – The sidewalk program I think is about 90% complete with that. I have the new codes to be inserted and the building code, ordinances so I'll bring that on Monday and go over what I have. But I'm about 90% complete.

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

**COUNCILMAN SLAGLE** – I just have a question. When a performance audit is requested is that in every aspect of the city government including...

**COUNCIL PRESIDENT GAMBER** – I have absolutely no idea my impression is that you can have a rightful approach for individual departments and specific functions or you can have them look at the entire range of activities. Mr. Manson or Mrs. Catazaro-Perry is that correct?

**COUNCILWOMAN CATAZARO-PERRY** – That's correct.

**COUNCILMAN MANSON** – The way I understand it they'll look at anything you want them to look at that's what you set up parameters of what you want them to look at. I'm still not in favor of this. I still believe that we need to go and take a look at what's going on here. I really think this is something we should be able to do internally. I really in more discussions I've had with some people I really believe that.

**COUNCILMAN SLAGLE** – Well I intend to agree with Mr. Manson I would say that if a performance audit is requested by this body I think it should be of every aspect of city government and every department. It shouldn't be a riffle approach it should be of you know virtually every thing the city is paying on. Whether it be wastewater obviously the operating expenses in the city and the employees the clerk's office, the courts and the like. It seems if it's to be done it should be done everywhere.

**COUNCIL PRESIDENT GAMBER** – We can discuss that at the committee meeting I'll go

out on a limb here and suggest that the courts are probably off bounds of any audit that we would authorize.

**LAW DIRECTOR STERGIOS** – No they're not. You can request anything you want and you have to pay for it. The courts are funded out of the general fund and the clerks are funded out of the general fund. They're just like everything else you can request that but they don't have to listen. You can request it but you don't have a lot of control over their budget. You can request a performance audit but they can mandate what their budget is regardless of what the audit says. So...

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

### **13. CALL OF THE CALENDAR**

### **14. THIRD READING 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.

**COUNCILMAN MANG** – We had this piece of legislation has had its three readings. We had an opportunity to have a public meeting tonight of which there was no one here to speak for or against the rezoning. But the rezoning stands as the township zoning is presently R-2 single family, two family residential we're proposing to bring it into the city as R-2 single family residential.

COUNCILMAN MANG moved to bring Ordinance No. 122 – 2010 forward for passage, seconded by Councilman McCune.

ORDINANCE NO. 122 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

#### **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** – I was hoping that Mr. Houpt was here tonight or the gentleman that showed up last week I wasn't aware that he was going to be here. But I wanted to make a comment about these ordinances. Initially when Mr. Kraft stated why he wanted to increase the fees and things the comment that he made it was I guess it kind of left a bitter taste in my mouth on why he wanted these fee increases. The Mr. Houpt came along and pretty

much when he was asked why he wanted why should he increase these fees and he made mention of overtime pay that you know there was overtime and about the City of Canton has the same ordinances we haven't changed any ordinances in the last 20 and 30 years. Things like that it just never set well with me however I will bring these ordinances forward for everyone to vote on and like I said I wish Mr. Houpt was here so I can tell him to his face that some of these requests I will support but many I will not. Because he never provided an answer to a question that was proposed by Councilman Peters when he asked about all the letters that are being written to people who are in violations of codes and you know some of the monies we can capture from those violators. He never gave a good response on that. I asked him once before when he met in here we sat right there what was he trying did he have a plan in place where he wanted or should he look at possibly cutting or reducing some of the things in his department and his reply to me was that you know I voted on the pay raises which we cleared that up. So I really haven't gotten any straight answers from Mr. Houpt but I would like to ask the Mayor a question regarding Ordinance No. 123 and the other request for legislation that I will be bringing forward. My first question is do you support these fee increases and these additional new fees that are being implemented? (Yes) Why do we need them? Like I said some of the questions some of the answers that I received from the last two individuals really didn't sit well with me. So I'm asking you.

**MAYOR CICCHINELLI** – Well, Mr. Townsend, it's just a the price of doing business I think that if these fees have not been raised for several years. We know the cost of that service has gone up our inspections have gone up. If we don't even come close to matching the dollars that it takes to operate that department. Some of these inspections and some of these fees then we end up driving that department in the red. I think what both Mr. Kraft and Mr. Houpt wanted to do was to try to get that department more revenue. Also at the same time be fair because if you look at building departments through the county and throughout the state even if these fee increases go into effect Mr. Townsend they will still be low compared to other departments. So we're just trying not to gouge anyone but just trying to increase revenue where we can as far as development. Any time you take a permit out that's some times development if you take if you need a new permit in one of the functions of the building department again there's inspections involved. When you do that that costs time to take that person and send him to a house for that inspection. So I don't know what questions weren't answered. I thought these questions were answered.

**COUNCILMAN TOWNSEND** – You had some better answers than what they said. I guess too what are we doing what is that department doing for as far as collecting people who are violating some of the codes. You know we all get tons of letters every week and so what is the city doing to address that and because Mr. Houpt has looked at anything maybe reducing something I don't know or cutting back something.

**MAYOR CICCHINELLI** – Well we have two code enforcement officers and I think they do a tremendous job and anytime there's a compliant launched or they see a problem area whether it be a council member or a citizen they respond rather well. There's a set time table or time schedule for each violation and we do try to work with the property owner to get that property updated. That's the result you see through that letter or a copy of that letter sent to the owner. In most cases that's the majority of the cases the problem is taken care of but we do have problems with certain landlords and certain problem areas but we do try to take care of those two. When we can't then we see other actions or take other actions. That's the demolition by owner that's the first process through the building board then we go from there. Tearing down a property is our last goal. However it some times comes to that but those are few and far between because we think we can save a house if at all possible. But it's just the cost of doing business Tony, I think you have to look and see if we really were gouging individuals we would be raising these fees continually. We haven't I think Frank Sillia was here and he said about 30 years ago that fee was raised. So some of these fees are so outdated its ridiculous and they should have been addressed you know but we're addressing them now and trying to bring everything up to standard. Because the department does work hard and we do have a lot of construction going on a lot of big projects going on in the city today. They have to go out and make several inspections on these properties. We just have to bring some of the revenue back and in most cases the people that are building the new buildings and developing are the ones paying the rate they don't really mind because it's the cost of doing business for them.

**COUNCILMAN TOWNSEND** – I guess I look at it when you have people are trying to improve the community by building homes, businesses or apartment buildings what have you that they're stuck with these fines but individuals who are leaving their homes you know unattended that deteriorating over the years and high grass in the summer...

**MAYOR CICCHINELLI** – Excuse me actually no we do both. We're talking two separate things these fees are for fees that cost for inspections at various times. Okay, we have before you that has been tabled you know the rental fees where we had several people show up...

**COUNCILMAN TOWNSEND** – At the request of Mr. Kraft.

**MAYOR CICCHINELLI** – But I think you're going to see a re-write of that and that's important because that prohibits deterioration of properties. You need to have we need to know where the rentals are and with the new census figures coming out I think you're going maybe see a change there in the number of housing units in Massillon that are rentals. We have an obligation for the people that go into those rentals units but we also have an obligation to our neighborhoods. Strong code enforcement and a strong registration of rental units protect all of our neighborhoods. We have our city is basically 70% owner occupied that's the 2000 census and that's good for city that in certain areas some our neighborhoods the buildings and the dwellings are owned. That's a pretty good number and we want to keep the number at that rate or even improve it. So there are two different things and we do that the code enforcement that goes on that's why you get a copy every time in your ward you get a copy of what we do there because we want you to be aware of what's going on in the community. That strict code enforcement is good for neighborhoods very positive for neighborhoods. But it also means that our people are doing performing a work in their job. The city needs to get some dollars back and that's what these fee adjustments are that we're talking about. So they both can actually occur its not just one or the other.

COUNCILMAN TOWNSEND moved to bring Ordinance No. 123 – 2010 forward for a vote, seconded by Councilman McCune.

ORDINANCE NO. 123 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 3 NO. CATAZARO-PERRY, PETERS AND TOWNSEND VOTED NO.

## **15. SECOND READING ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 128 – 2010**

### **BY: ENVIRONMENTAL COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications, advertise for and receive sealed bids and enter into a three year contract, upon award and approval of the Board of Control, with the lowest and best bidder for laboratory services at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

**COUNCILMAN HERSHER** – This is a regular contract to go out for services that are not as cost effective to do them in house at the Wastewater Treatment Plant. We've given it two readings we had a couple work sessions to do deal with it. But it's my understandings the current agreement will expire before the 20th when we'd be able to give it third reading. So I have not heard any major objections or anything I would like to bring it forward for passage this evening.

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

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

ORDINANCE NO. 128 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCILMAN TOWNSEND** – We all know what the deal is what Ordinance No. 129, so I

would like to waive the rules and move Ordinance No. 129 – 2010 for a vote.

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

The rules were not suspended by a roll call vote of 5 yes, 4 no. Anderson, Catazaro-Perry, Peters and Townsend voted no.

ORDINANCE NO. 129 – 2010 WAS GIVEN SECOND READING.

**ORDINANCE NO. 136 – 2010**

**BY: FINANCE COMMITTEE**

Appropriating money for current expenses and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2011, and declaring an emergency.

**COUNCILMAN MANSON** – Second reading.

ORDINANCE NO. 136 – 2010 WAS GIVEN SECOND READING.

**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.

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MARY BETH BAILEY, CLERK,

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GLENN E. GAMBER, PRESIDENT



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