

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, DECEMBER 20, 2010**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Monday, December 20, 2010. We have in attendance with us this evening: Safety Service Director Loudiana, Law Director Stergios, Engineer Dylewski and Building Official Houpt. 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 Dave McCune for the invocation and the Pledge of Allegiance.

COUNCILMAN MCCUNE – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN MCCUNE – Chairman of the Police and Fire 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

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 151 - 2010
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Accepting an application for annexation for the Sibila Annexation to the City of Massillon, Ohio, and declaring an emergency.

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COUNCILMAN MANG – It hasn't been too long ago that we sat here and requested the Stark County Commissioners to annex the property to the City of Massillon. They have done that and now it's back to us to accept it. I think everybody knows where the property is at its out on Valerie and Hankins. I see no reason to go through the readings. There was no opposition to start with so I will be asking for suspension of rules.

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. 151 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 152 - 2010 **BY: COMMUNITY DEVELOPMENT**
COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an offer to purchase agreement between the City of Massillon and the State of Ohio for the purchase of real estate located adjacent to the Indian River Juvenile Correction Facility, upon approval of the Board of Control, and declaring an emergency.

COUNCILMAN MANG – At the work session we had Keith Dylewski our engineer and we also had Gene Boener and I believe Gene is here this evening. We discussed the complications of what we are attempting to do. The outcome of this will probably make Ernie Lehman, Ernie from Ernie's Bicycle Shop if he still lives in Navarre he always wanted to ride his bicycle all the way up through but when he got that far he had to get off the path and do whatever. So now it seems as though the CCI Gene Boener has worked out a situation with the State of Ohio that they will in essence sell the property through us so that the culvert can be fixed. So the area that's been a problem for many, many years to both the Stark Board and to the Massillon Rec. Board of cleaning it up will be a thing in the past. I normally would not even attempt to ask you to suspend the rules but after listening to Mr. Boener who explained it approximately 4 years ago or so we were very close to this same type of agreement with the state. As you know at that time right after that or right before that there was a change and we kind of lost control of it. Right now we have control again to the extent that we feel that if this council here will pass this of legislation the state will do what they have told us that they will do. We do have Mr. Boener here we also have our engineer here if anyone would like some answers to your questions I'm sure they would be happy to do that.

COUNCILMAN MANG 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. 152 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 153 - 2010 **BY: HEALTH, WELFARE, BLDG**
REGULATIONS COMMITTEE

Amending CHAPTER 1313 "ELECTRICAL CODE" of the Codified Ordinances of the City of Massillon, and enacting new Subsections 1313.01 "ADOPTION OF NATIONAL ELECTRICAL CODE; COPIES; CONFLICT, 1313.04 "LICENSE EXEMPTIONS". 1313.06 "APPLICATION FOR ELECTRICAL CONTRACTOR'S LICENSE, FEES, O.C.I.L.B. CERTIFICATION", 1313.07 "APPLICATION FOR JOURNEYMAN ELECTRICIAN'S LICENSE; FEES, 1313.08 "APPLICATION FOR REGISTERED APPRENTICE LICENSE, FEES, 1313.09 "POWERS AND DUTIES OF BOARD OF ELECTRICAL EXAMINERS" 1313.10 "EXAMINATION FOR LICENSE" 1313.11 "LICENSE FEE" 1313.12 "LICENSE

RENEWAL” 1313.13 “REVOCATION OF LICENSE” 1313.16 “PERMIT FEES”, 1313.17 “ROUGH AND/OR SERVICE INSPECTION”, 1313.18 “FINAL INSPECTION”, 1313.23 “CONSTRUCTION REQUIREMENTS” and 1313.99 “PENALTY”.

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COUNCILMAN TOWNSEND – Mr. Houpt explained this from top to bottom last week at the work session. I don’t anticipate any questions but if any of the council members have any questions I can call Mr. Houpt up. If not I would like to move Ordinance No. 153 forward for a vote, waive the rules and move Ordinance...

COUNCILMAN TOWNSEND 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. 153 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 2 NO. CATAZARO-PERRY AND TOWNSEND VOTED NO.

ORDINANCE NO. 154 - 2010
REGULATIONS COMMITTEE

BY: HEALTH, WELFARE, BLDG

Amending CHAPTER 1321 “HEATING, VENTILATION AND AIR CONDITIONING CODE” of the Codified Ordinances of the City of Massillon, and enacting new Subsections 1321.01 “DEFINITION”, 1321.02 “APPLICABILITY AND EXCLUSIONS”, 1321.03 “MECHANICAL CODES ADOPTION”, 1321.04 “REGISTRATION”, 1321.05 “QUALIFICATIONS REQUIRED FOR AN APPLICATION FOR HVAC CONTRACTOR’S REGISTRATION”, 1321.07 “REGISTRATION REQUIREMENTS”, 1321.08 “PERMITS”, 1321.09 “PLANS EXAMINATION”, 1321.11 “BOARD OF HVAC EXAMINERS”, 1321.12 “BOARD DUTIES”, 1321.13 “ADDITIONAL BOARD DUTIES”, 1321.15 “INSPECTIONS”, 1321.17 “STOP WORK ORDERS”, 1321.18 “NOTICE TO OWNER OF CITY VERIFICATION OF DEFECTIVE HEATING EQUIPMENT”, 1321.19 “REGISTRATION OF JOURNEYMEN”, 1321.20 “APPLICATION FOR REGISTERED APPRENTICE LICENSE” and 1321.99 “PENALTY”.

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COUNCILMAN TOWNSEND – Same thing here Mr. Houpt explained in detail last week at the work session. If there are no questions I would like to move Ordinance No. 154 forward for a vote.

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

COUNCILMAN MANSON – Mr. Townsend, did you sign these ordinances?

COUNCILMAN TOWNSEND – No, I did not.

COUNCIL PRESIDENT GAMBER – Madame Clerk, do we have two signatures from the health and welfare committee? (Yes, we do) Alright, are there any other questions?

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

ORDINANCE NO. 154 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 3 NO. CATAZARO-PERRY, PETERS AND TOWNSEND VOTED NO.

ORDINANCE NO. 155 - 2010
COMMITTEE

BY: RULES, COURTS & CIVIL SERVICE

Authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract wit

the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants charged under City Ordinances, and declaring an emergency.

COUNCILWOMAN CATAZARO-PERRY – First reading.

ORDINANCE NO. 155 – 2010 WAS GIVEN FIRST READING.

ORDINANCE NO. 156 - 2010

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Legends Fund, Bond Ret. WWT Fund, Safety Forces Equipment Fund and the Municipal Road Fund, for the year ending December 31, 2010, and declaring an emergency.

COUNCILMAN MANSON – Yes, we have 4 parts to this. First one here we'll go through them one at a time. The first one is for \$19,235 appropriate from the unappropriated balance of the legends fund to the following accounts: 1204.920.2110 salary legends, \$19,235 for various legends employees. Next part is there's two parts to it for a total of \$20,114, appropriate from the unappropriated balance of the bond retirement wastewater treatment fund 1305 to the following accounts \$17,221.89 to principle upgrade wastewater treatment plant that's for debt, \$2,892.43 for interest for the upgrade for a total of \$20,114.32. Section 3 is for \$6,113 appropriate from the unappropriated portion of the safety forces equipment fund to the equipment line item of said fund 1205.125.2530 for payment of balance for fire alarm systems for city hall buildings and other criminal justice equipment. The next one is for \$518.00 appropriate \$518.00 from the unappropriated balance of the 1409 municipal road fund to account 1409.435.2513 Tremont Avenue SW improvement project. The amount is needed to cover change orders from the project, the project is funded 100% funded with 80% from being funded through SCATs and the remaining 20% coming from the municipal road fund that was awarded by the Stark County Commissioners. That's it.

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. 156 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 157 - 2010

BY: FINANCE COMMITTEE

Reducing the appropriations in the Law Dept. Community Partnership Fund, State Patrol Transfer Fund, Municipal Road Fund, OPWC Loan Fund, Bond Retirement Park & Rec. Fund, Tax Increment Fund, Section 108 Loan Fund and the Bond Retirement Lincoln Center Fund, for the year ending December 31, 2010, and declaring an emergency.

COUNCILMAN MANSON – Yes, we have 8 parts here several of them are significant some are rather insignificant. So we'll just go through and I'll explain them here one at a time. The first part is for \$31,958 we have reduce the appropriations law department community partnership fund 1238 to the following funds: \$23,160 from salary comp partnership, \$7,844 PERS, \$421 Medicare, \$495 travel and seminar, \$36 supplies and materials for a total of \$31,958. We have not received the grant revenue at this time it should be coming. That's what I was told so we have to reduce it regardless. Next part is for \$7,092.66 reduce appropriations in the state patrol transfer fund 3105 in the following accounts and the first one is \$3,546.30 state patrol transfer law library and \$33,546.36 state patrol refund to the general. This has been reduced because there wasn't enough revenue to cover what we estimated. Next one is for

\$6,042.18 reduce the appropriations in the municipal road 1409 in the following accounts: 1409.435.2398 \$6,042.18 Wales Rd resurfacing. This is money that wasn't used and will be taken out of there and will be going back I believe in the 1409 account. Next one is this is where we start there's a series of them here and I'm not going to go through them all I'll just say there's one for \$.54, \$.50, \$.50, \$.40 and \$.24. These are all due to reduce appropriations in the funds that they were appropriated for most of them what you can see is we probably appropriated slightly more than what the interest actually came to for the year. So it has to come out to balance so they're being reduced by those small amounts. That's it.

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. 157 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 158 - 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, okay, there's actually 2 parts to this. If you look the first page and come up to where it says \$4,250 just draw a line and look above that, okay. That total up there is \$214,611 and your first page of what we did there on the left hand side you will see where we took all the money out of different funds. We've got \$51,000 out of police dispatch, \$17,000 fire dispatch, \$76,000 utilities, \$36,000 street lighting and on and on for a total of \$214,000 that amount will be going to medical law director, medical domestic violence, Medicare I'm not sure what that one is, salary building \$6,900, police over time \$6,700, police comp \$20,000, police salary \$177,000, health salary \$3,000 and uniforms \$50. For \$214,611.25. Then if you go from that \$4,250 start with the \$30,000, the \$23,000, \$10,000, \$7,000 on down for a total of \$87,771. Those are coming out of muni court bailiff, hospital, eye and dental, municipal court supplies, bailiff PERS, muni court travel, bailiff supplies, bailiff travel and seminar on and on and on for \$87,751 which will be going to fire salary. That's it.

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. 158 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 159 - 2010

BY: FINANCE COMMITTEE

Amending Ordinance No. 21 – 2010 by revising Section 4 of the 2010 budget, and declaring an emergency.

COUNCILMAN MANSON – Okay, we have 1, 2, 3, 4 and 5 parts to this. I'll go through them here amend Ordinance No. 21 – 2010 section 4 of the 2010 budget and declaring an emergency. Transfers from various appropriated accounts above certain funds as follows: \$383,000 from the general fund to the police pension fund, \$488,000 from the general fund to the fire pension fund, \$513,000 from the general fund to the Lincoln Center Phase II and III bond retirement fund, \$285,000 from the general fund to the bond retirement park fund and \$24,000 from the general fund to the OPWC debt fund.

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

Councilwoman Catazaro-Perry.

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

ORDINANCE NO. 159 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

COUNCIL PRESIDENT GAMBER – I have one I'd like to mention it's from the Salvation Army to myself and city council. On behalf of the Salvation Army and those within our community who are in need we thank Massillon City Council for volunteering during the red kettle campaign. Council has volunteered for three different days during December and you all came through great. We manned the station for three days and I appreciate it and certainly everyone who gets any of the benefit of those dollars thanks you. We'll do it again next year.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR NOVEMBER 2010 B COPY FILE
- B). TREASURER SUBMITS MONTHLY REPORT FOR NOVEMBER 2010 B COPY FILE
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR NOVEMBER 2010 – COPY FILE
- D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR NOVEMBER 2010 – COPY FILE
- E). WASTE DEPT SUBMITS MONTHLY REPORT FOR NOVEMBER 2010 – COPY FILE
- F). MAYOR SUBMITS MONTHLY REPORT FOR NOVEMBER 2010.

COUNCIL PRESIDENT GAMBER - Thank you. We will put on file and all of which I assume you have a copy.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – Next work session is Monday the 27th at 6pm. Is there anything else reports, resolutions or requests from any councilmen or committee chairmen.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 129 - 2010 **BY: HEALTH, WELFARE, BLDG**
REGULATIONS COMMITTEE

Amending CHAPTER 1305 “RESIDENTIAL BUILDING CODE OF OHIO FOR ONE, TWO AND THREE FAMILY DWELLINGS” of the Codified Ordinances of the City of Massillon, and enacting new Subsections 1305.02 “COPIES”, 1305.03 “DWELLING PLANS EXAMINATION” 1305.04 “SCHEDULE OF FEES FOR BUILDIGN PERMITS, 1305.06 “RESIDENTIAL CONTRACTORS REGISTRATION” 1305.07 “CONTRACTOR REGISTRATION AND BOND FEES, 1305.08 “JOURNEYMEN AND APPRENTICE REGISTRATION” and 1305.99 “PENALTY”.

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COUNCILMAN TOWNSEND – Once again another ordinance that was explained thoroughly from Mr. Houpt I would just like to move it forward for a vote.

COUNCILMAN TOWNSEND moved to bring Ordinance No. 129 – 2010 forward for a vote,

seconded by Councilman Peters.

COUNCILMAN PETERS – Question, point of order, I’m not paying attention and I apologize. What reading is this for this ordinance?

COUNCIL PRESIDENT GAMBER – It’s third reading.

COUNCILMAN PETERS – Okay, sorry.

ORDINANCE NO. 129 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 3 NO. CATAZARO-PERRY, PETERS AND TOWNSEND VOTED NO.

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.

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COUNCILMAN MANSON – It’s third reading and I intend to bring it forward for a vote.

COUNCILMAN MANSON moved to bring Ordinance No. 136 – 2010 forward for passage, seconded by Councilman Hersher.

ORDINANCE NO. 136 – 2010 WAS DEFEATED BY A ROLL CALL VOTE OF 4 YES, 5 NO. ANDERSON, CATAZARO-PERRY, PETERS, SLAGLE AND TOWNSEND VOTED NO.

15. SECOND READING ORDINANCES AND RESOLUTIONS

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 – Second reading.

ORDINANCE NO. 140 – 2010 WAS GIVEN SECOND 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.

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COUNCILWOMAN CATAZARO-PERRY – Second reading.

ORDINANCE NO. 141 – 2010 WAS GIVEN SECOND 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.

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COUNCILMAN PETERS – Its just what it says its necessary to sign this consent legislation with the Ohio Department of Transportation. There will be no city dollars used for this project the monies needed for the project will be 100% funded by ODOT. There weren't any questions at any of the streets and highways committee meetings so this is second reading so I'm going to bring it forward.

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. 142 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

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.

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COUNCILMAN PETERS – This agreement authorizes Dalene M. Pride an independent governmental affairs consultant to conduct an audit of certain Ohio Bureau of Motor Vehicles records for and on the behalf of the City of Massillon. Again, there weren't any questions this is something we've done I know twice since I've been on streets and highways. I don't know if we did it every year.

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

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

ORDINANCE NO. 143 – 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.

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COUNCILMAN MANSON – Yes, it is my intention to make a motion to waive the rule on this we had a lot of conversation at Monday night's meeting. There was a lot of explanation from Chuck Clark that some of the reasons for the increases in rates. Everybody will have to make up their own mind up but the sense I get is that we need to move on this and not allow this to lapse. We have Mr. Loudiana here that was in the negotiations and he can answer any questions that anybody has.

COUNCILWOMAN CATAZARO-PERRY – Mr. Loudiana, could you come up to the podium please? Could you tell us is this the only company that we received quotes from?

SAFETY SERVICE DIRECTOR LOUDIANA – We received quotes we received denials from most I gave you copies of I think it was 6 different companies. Since then Aultman has quoted but they were about \$600,000 over what Home Town is.

COUNCILWOMAN CATAZARO-PERRY – Could you repeat the reasons for the increases this year the 20% the reason he gave us?

SAFETY SERVICE DIRECTOR LOUDIANA – Mostly the reasons are just pure history and what our experiences have been and what they've paid out. They paid out more than we paid in. So that affects the history plus there is other history coming up for next year that will be quite large. So I'm sure we're going to get an increase next year.

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. 148 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

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

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

