

**MINUTES OF SPECIAL MEETING
MASSILLON CITY COUNCIL
HELD, TUESDAY, MARCH 29, 2011**

COUNCIL PRESIDENT GAMBER – Call this special meeting of Massillon City Council to order for Tuesday, March 29, 2011. This meeting was called by the Mayor to discuss Ordinance No. 52 – 2011. We'll start the meeting with the invocation and the Pledge of Allegiance by the President Pro Tem Ron Mang.

INVOCATION

COUNCILMAN MANG – Gave the invocation for the evening and led those in attendance in the Pledge of Allegiance.

ROLL CALL

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

Thus giving a roll call vote of 7 present.

COUNCIL PRESIDENT GAMBER – Mr. Mang, we need a motion to excuse two members.

COUNCILMAN MANG – Yes, I move that we excuse Dave McCune from tonight's meeting, seconded by Councilwoman Catazaro-Perry.

Roll call vote of 5 yes, 2 no to excuse Councilman McCune. Anderson and Peters voted no.

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

COUNCILMAN MANG – Yes, I move that we excuse Paul Manson from tonight's meeting, seconded by Councilman Slagle.

Roll call vote of 7 yes to excuse Councilman Manson.

COUNCIL PRESIDENT GAMBER – We do have several city officials with us we have the mayor, the auditor and the law director.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 52 - 2011
COMMITTEE

BY: FINANCE

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 HERSHER – This ordinance comes through the finance committee but I would ask that I would yield to Councilman Slagle and ask that he be recognized.

COUNCIL PRESIDENT GAMBER – Alright, let me ask first who signed this request?

COUNCILMAN HERSHER – There was a special meeting called by the mayor to put the ordinance on the agenda.

COUNCIL PRESIDENT GAMBER – Alright, but how who put the ordinance on the agenda you said it was the finance committee.

COUNCILMAN HERSHER – It's titled by the finance committee but I guess it was the Mayor that called this special meeting.

COUNCIL PRESIDENT GAMBER – Did either of you sign this?

COUNCILMAN HERSHER – The amended...

COUNCIL PRESIDENT GAMBER – The previous ordinance was defeated this is a brand new ordinance on the agenda and no one on the committee signed for it. We'll turn it over to Mr. Slagle, as you suggest in the meantime I'll ask Mr. Stergios to think about this. Mr. Slagle?

COUNCILMAN SLAGLE – Obviously the original meeting was called by the Mayor with his ordinance attached. Frankly, I don't know who signed that at the meeting last night I know that the ordinance regarding the version that I prepared was initialed and signed during the committee meeting.

COUNCIL PRESIDENT GAMBER – By?

COUNCILMAN SLAGLE – I think it was by Dave, myself and someone else frankly, but I don't remember for sure. Mary Beth would have the original.

COUNCIL PRESIDENT GAMBER – Well in any event, lets get into the discussion.

COUNCILMAN SLAGLE – Well, I don't know I don't remember I'm almost certain that I signed it though.

COUNCIL PRESIDENT GAMBER – Okay, you're almost certain then that

should do it. Go ahead Larry would you please start the discussion on the budget. We'll let Mr. Stergios worry about whether this is proper or not. You go ahead and start the discussion.

COUNCILMAN SLAGLE – We have before us perhaps two different versions of the ordinance one being the amended version that I prepared and then the original version of which was submitted to us by the Mayor. The city needs a finance ordinance a budget in place by tomorrow in order to pay paychecks. In that regard by Thursday morning to pay paychecks in regard this was discussed last night at the work session of council. Those of us opposed to the original piece of legislation on the budget that was submitted back in November which had apparently no changes to it on the new one that was submitted with the call of the meeting last Friday by the Mayor. In that regard I then prepared over the frankly Sunday night and Monday an alternative to that which in fact had 4% reductions in every account in which we had the ability to reduce on the general fund dollars. We had a discussion of that yesterday and I believe that based upon the those of us that opposed the original budget from the Mayor that this was an appropriate compromise because it indicates a desire and an effort by us that at some point the administration had to we were making the administration take and acknowledge that cuts had to be made and that the departments would have to live within those cuts that were being made. It seemed that we had a consensus to that perhaps not everyone involved but certainly enough to pass a budget today. In the meantime I know that Mr. Hersher was concerned about the fact that we had cut the salaries of sitting public elected officials. As I understand it he then prepared an additional request to amend that will come forward tonight to return what I had taken out of those elected officials salaries and take them instead out of other line items in their budget accounts which would be services and contracts. So that the 4% reduction is still there in that regard I was also concerned and asked Mr. Stergios before hearing from Mr. Hersher about whether we could legally do what I was suggesting we did. In fact I received an email from Mr. Stergios saying that there is a provision in the Ohio Constitution which prohibits any change whether it be an increase or a decrease in a public office there's compensation during the existing term of that officer. The reasoning behind that is that there should not be improper influence to bear on any public officer by decreasing their compensation during the course of that elected officer's term. Because of that constitutional requirement I then agreed with Mr. Hersher's concern because I felt that constitutionally we could not do what we did. What I suggested that we should do in terms of the salary only. Frankly I think most of us have given it back I would also emphasize that in our current climate I think it would be prudent for any elected official to return those funds to the city when we're faced with a budget which in my opinion has no hope of meeting the revenue to pay the expenditures even though its balanced but we know even with mine police and fire are still underfunded by at least \$2 or \$3 million dollars. Having said that though I believe that a budget needs to be passed that in my behalf I've made my position known I'm satisfied that this is the type of compromise that occurs during this process but I also will indicate that because of the critiques that have been given throughout this process by other members of this council and by members of the public and by members of the city itself that I would suggest that we as a council request that we know

certain things occurring when they occur. For instance I believe that we should have a full accounting as to somehow when bills come in and when they're being paid and when they're being held. We should know when people are being hired and being to replace people and when they're being hired to replace more than one person when they're being hired not to replace anyone but they fill a need to be placed because as I learned at looking at this there are any number of ways in which I don't believe even we as a council are necessarily fully informed as to how we get to the balanced budget at the end of the year. Which I believe last year was in fact a fiction that we weren't balanced.

COUNCILMAN SLAGLE moved to suspend the rules requiring three separate readings of the ordinance that has been presented before us by the special meeting called by the Mayor. Then once that has passed then moved to discussion of that ordinance and also the amendments that have been requested either by myself in the form of what was given last night to council or what Mr. Hersher has proposed based on what I just said. Seconded by Councilman Peters.

COUNCIL PRESIDENT GAMBER – I have a question we have two Ordinance 52's in front of us which one are we considering under your motion Mr. Slagle?

COUNCILMAN SLAGLE – The original ordinance that was presented by the Mayor is the one that we would be considering because that was the only one attached to the notice of the meeting. As point of order do I need to move to amend the ordinance before we suspend?

COUNCIL PRESIDENT GAMBER – We need to make sure which document that we're talking about. Please tell us what the front page looks like on the ordinance you're talking about.

COUNCILMAN SLAGLE – I believe that the two look identical except for the amounts.

COUNCIL PRESIDENT GAMBER – Date top left corner?

COUNCILMAN SLAGLE – They look identical as well.

COUNCIL PRESIDENT GAMBER – Alright, for instance lets go to the bottom the bottom figure for the law director what number do you have?

COUNCILMAN PETERS – The bottom figure where law director? Can I speak because he doesn't have it.

COUNCIL PRESIDENT GAMBER – I'm asking Mr. Slagle, he made the motion.

COUNCILMAN SLAGLE – \$161,424.00.

COUNCIL PRESIDENT GAMBER – On page 1 the law director the final figure is what?

COUNCILMAN SLAGLE – Oh, council I'm sorry I was reading council...

COUNCIL PRESIDENT GAMBER – No, the bottom number on the page.

COUNCILMAN SLAGLE – \$637,797.12.

COUNCIL PRESIDENT GAMBER – Okay, now that's not what you made your motion on you said you made it on the document that was received on Friday. I have a document with the bottom number is \$664,372.00.

COUNCILMAN SLAGLE – Well, that I misunderstood you President Gamber I had that one in front of me that is \$664,372.00 that's the one the Mayor attached to his notice of meeting that is correct.

COUNCIL PRESIDENT GAMBER – Is that what your motion is for?

COUNCILMAN SLAGLE – I asked for a point of order of whether we do it in that format on this or we motion to amend first based upon the document that I prepared for purposes of convenience so that we wouldn't have to interlineate everything.

COUNCIL PRESIDENT GAMBER – If you're asking me this is what the meeting was called for the bottom number is 664372.

COUNCILMAN SLAGLE – Then I would move to suspend on that basis if we can amend this....

COUNCIL PRESIDENT GAMBER – You then plan to amend this document to something else?

COUNCILMAN SLAGLE – That is correct.

COUNCIL PRESIDENT GAMBER – Alright, does everyone follow? Roll call please to suspend.

COUNCILMAN HERSHER – Point of order, to suspend...

COUNCIL PRESIDENT GAMBER – It takes 7 votes to suspend we're in the middle of our vote here.

Roll call vote of 6 yes, 1 no the rules were not suspended. Mang voted no.

COUNCIL PRESIDENT GAMBER – The rules have not been suspended therefore this receives first reading. Again, I'll remind you that we're talking about the page the bottom number on page 1 is 664372. We also have another special meeting called for tomorrow at 5:45pm that will be to consider second reading for this if anyone would like to amend it at that time that will be fine. Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mrs. Ferrero could you approach I have a question. In the past few days I've received calls from vendors saying that we have not paid our bills. They were told that they

would be paid in March specifically March 24th over \$10,000 and it's a very small business and then they told me today that we are not going to pay them so I wanted to find out about that because it's a concern especially when we're talking about the budget and you know the items that Larry's proposed I think would be in order due to these issues. So I wanted to ask you, you know as council I've never received phone calls from vendors before and I have in the past two days.

AUDITOR FERRERO – Well, I would have to know what vendor it was I mean I don't want you to say it on the floor but you'll have to call me and I'll have to check into it. But right now we're in a negative balance and so we have to come out of that before the month end which is Friday or I'm sorry Thursday. So we have to come out of the negative balance before we can pay any of the because of payroll that we just paid last Friday for elected officials that we pay on the 30th. So I'll have to check on that but you can tell me who that vendor is we are holding bills that's not surprising...

COUNCILMAN MANG – Mr. President, point of order.

COUNCIL PRESIDENT GAMBER – I'm going to come to that in one second.

COUNCILWOMAN CATAZARO-PERRY – I'd like to know if you could give us...

COUNCIL PRESIDENT GAMBER – Mrs. Catazaro-Perry, we have a point of order I understand exactly what Mr. Mang is going to say. The legal purpose for a special meeting is to discuss this ordinance this ordinance has been given first reading legally this meeting is over. We haven't adjourned yet but legally we only discuss what's on this paper. I just checked with the law director and if you all would like to sit around discuss this after the meeting you may do so. But before I brought the point up myself I asked Mr. Stergios and now Mr. Mang what is your point of order?

COUNCILMAN MANG – My point of order is exactly what you have stated sir. The meeting is called for one purpose and the purpose is not to bring Mrs. Ferrero up to explain issues that are not part of tonight's meeting.

COUNCIL PRESIDENT GAMBER – Mr. Stergios?

LAW DIRECTOR STERGIOS – We called the meeting to discuss Ordinance No. 52 which was the budget.

COUNCIL PRESIDENT GAMBER – The law is quite specific on that case as I say if you all would like to stick around and discuss it and ask any questions you're certainly welcome to do so. Mr. Mang, this meeting is adjourned.

GLENN E. GAMBER, PRESIDENT



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