

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, JUNE 6, 2011**

**COUNCIL PRESIDENT GAMBER B** I'd like to welcome all of you to Massillon City Council for Monday, June 6, 2011. We have in attendance with us this evening: Safety Service Director Loudiana, Bob Cyperski from the Law Department, Auditor Ferrero, Community Development Director Aaby and Engineer Dylewski. 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, Paul Manson, Dave McCune, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 8 present.

**COUNCIL PRESIDENT GAMBER** Mr. Manson, we need a motion for Mr. Mang.

**COUNCILMAN MANSON** I move that we excuse Councilman Mang, seconded by Councilman Anderson.

Roll call vote of 8 yes to excuse Councilman Mang.

**2. INVOCATION**

**COUNCILMAN SLAGLE** Gave the invocation for tonight.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILMAN SLAGLE** – Chairman of the Parks & Recreation 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 corrections or additions to the minutes if not they stand approved as written.

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

**JIM WOODS** – I live at 112 Forest Avenue SE. I live on Forest Avenue I've lived there since 1948 and they're about to want to drill another oil well in my backyard that butts up against my property. I haven't been to any of the meetings I understand there has been some discussions about the drilling sites. The point I would like to make is that you know this is a residential area you know there's they already have two oil wells on Forest Avenue. Now they're just tearing up the neighborhood there's a street just above 13th Street that the city put in all the utilities and at the end of the street they built an oil well. Well there's no homes on the street I don't know if there ever will be you know I wouldn't want to live there with an oil well on the same street. The street's not very long you could probably only put about 4 houses on each side. So I just want to see our community be developed better than what these oils in a residential area I'd rather see them out of town away from the homes so we can keep our neighborhoods looking nice. That's really all I have to say.

**COUNCIL PRESIDENT GAMBER** Mr. Woods, let me direct your attention to Mr. Anderson if you raise your hand Gary Anderson is the chairman of the committee that would be involved with that. If you would like to check with him after the meeting I'm sure he might either have some answers for you or you could give him questions and he can get answers for it.

**JIM WOODS** – Okay, thank you.

**COUNCIL PRESIDENT GAMBER** Thank you.

**BEN VENDERBURG** – I'm with Ohio Valley Energy we have a proposed piece of legislation before council tonight starting at 58.51 acres of Massillon City streets and 8.32 acres property I'm here to answer any questions that council may have regarding this piece of legislation. Thank you.

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

**ORDINANCE NO. 70 B 2011**  
**DEVELOPMENT COMMITTEE**

**BY: COMMUNITY**

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

**COUNCILMAN HERSHER** This ordinance is to authorize the Mayor to enter into an agreement with Carbonlessdemand for an economic development inducement grant. This business is a 23 year printing business

on line based that would like to move into the city at 332 Erie Street S so that they room to grow their current operations. They currently have I believe if understand correctly a dozen employees in this. The grant amount of \$3,200 represents the cost to them for relocating their actual physical printing presses. So I don't believe there were any objections to this grant.

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

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 70 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**ORDINANCE NO. 71 B 2011**  
**COMMITTEE**

**BY: ENVIRONMENTAL**

Authorizing the Director of Public Service and Service of the City of Massillon, Ohio, to grant a 20 foot wide easement Aqua Ohio Water Company in the City of Massillon, and declaring an emergency.

**COUNCILMAN HERSHER** B The title says most of what this ordinance is about. It's to grant a 20 foot easement along the east side of Valerie north of Hankins which is the site of Wales Park to Aqua Oho to allow construction of a water line. Again, not being the understanding that there weren't any objections to this at the work session I'd like to go ahead and move it forward this evening if none are raised.

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

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 71 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**ORDINANCE NO. 72 B 2011**  
**COMMITTEE**

**BY: POLICE AND FIRE**

Authorizing the Mayor and the Director of Public Service and Safety to enter into a contract agreement with the Massillon Firefighter Association Local #251, Collective Bargaining employees for the extension of said contract for six months, November 10, 2011 through May 10, 2012, and declaring an emergency.

**COUNCILMAN MCCUNE** B Yes, this ordinance is a request by the firefighter's union to extend if anybody has any questions the safety service director is here we can ask him anything we'd like. I've asked that the union leadership be at the work session next week to discuss from their point of view the reasoning behind this and until then I will be giving it first reading.

ORDINANCE NO. 72 – 2011 WAS GIVEN FIRST READING.

**ORDINANCE NO. 73 B 2011**  
**COMMITTEE**

**BY: PUBLIC UTILITIES**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Development Gas & Oil Lease with Ohio Valley Energy Systems Corporation for a 52.51 acre parcels owned by the City of Massillon, and declaring an emergency.

**COUNCILMAN ANDERSON** We had some council members not here during the work session last week. My only question is since we have the people here does anybody on council have any questions of the gentleman from the oil company? Evidently...

**COUNCIL PRESIDENT GAMBER** Mr. Peters?

**COUNCILMAN PETERS** I'd just like to say if there are then why not come back to the work session on Monday I mean I don't see any reason that we have to pass this on first reading anyways.

**COUNCILMAN ANDERSON** No, that's fine I'm going to give it a first reading.

ORDINANCE NO. 73 – 2011 WAS GIVEN FIRST READING.

**ORDINANCE NO. 74 B 2011**  
**COMMITTEE**

**BY: FINANCE**

Making certain appropriations from the unappropriated balance of the 1410 16th Street Project Fund, Muni Motor Vehicle License Tax Fund, 2105 Stormwater Utility Fund, Economic Development Fund, Wastewater Treatment Capital Improvement Fund, Inn at the University Infrastructure Fund, Shearer's Foods Infrastructure Fund and the Faircrest Properties Infrastructure Fund, for the year ending December 31, 2011, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, we have eight sections we're going to be dealing with here. The first part is \$470,981 and that is please appropriate from the unappropriated balance of the 1410 16th Street project fund for the 2011 intersection improvement project. The city has received the safety funding grant through ODOT that will contribute \$452,649 towards this project leaving the city responsible for the remaining \$18,332. The city's share of the project will be reimbursed through the city via a grant received from the Stark County Transportation Improvement District making this project 100% funded. Thomason Electric of Monroe Falls is the apparent low bidder. If there's any questions we have the questions we have the engineer here and he can answer those for you. The next part is for \$30,000 please prepare an ordinance to appropriate from the unappropriated balance of the municipal motor vehicle license plate tax fund 1206 to the following account 1206.435 \$30,000 for supplies and materials. This appropriation is pay for

D&R Company for streets materials cold and hot mix. Section 3 is for \$25,000 please appropriate \$25,000 from the unappropriated balance of the 2105 stormwater utility fund for the replacement of catch basins located at various locations throughout the city. The list has been compiled of 27 catch basins that have failed and are in need of replacement from that list the following are to be replaced at this time. It gives a list of the intersections and stuff there I won't read them all. Any questions we have the engineer we can talk to him about that. The next part is for \$4,335 a request to appropriate the following amounts \$3,200 for an economic development grant for Carbonlessdemand.com to help this company to relocated to Massillon which we talked about earlier. \$735 for legal expenses with Bricker & Eckler regarding TIF funds and \$400 for legal expenses with the Massillon Community Improvement Corporation regarding a proposed project involving Heartland property. The next section is for \$500 we have a series of these here they all pertain to TIFs please appropriate please prepare an ordinance to appropriate from the unappropriated balance of the Wastewater Treatment Capital Improvement fund to the following account 1406.610. This is to cover the fees charged by the county for collecting delinquent sewer monies. This one was not TIF I'm sorry about that. The next one for \$200 is TIFs, please prepare an ordinance to appropriate from the unappropriated balance of the Inn at University Village infrastructure fund 1429 to the following account with the fiscal year ending 2011, \$200 county collection fees. Next one is the same thing for \$200 this account is 1422 Shearer's Food infrastructure fund and the last one is \$25 to appropriate from the unappropriated of the Faircrest Properties infrastructure fund 1428 to the following account 1428.905 \$25 county collection fees. That's it if there's any questions we can bring the engineer up I'm sure he can answer them for us.

**COUNCIL PRESIDENT GAMBER** Mr. Townsend?

**COUNCILMAN TOWNSEND B** I have a question so kind of bear with me here. Section 2, it says \$30,000 to an account entitled supplies and materials. I guess could you explain a little bit just could you explain a little bit of section 2 to me.

**COUNCILMAN MANSON** – I'm going to ask the engineer to explain it. How about the auditor, we'll have the auditor.

**COUNCIL PRESIDENT GAMBER** Call the auditor forward please.

**AUDITOR FERRERO** – It's to pay for the salt, the cold (unaudible) that we use we pay for that through the street department its coming out of the muni motor vehicle license fund.

**COUNCILMAN TOWNSEND B** Okay, so we buying salt in the early in the year?

**AUDITOR FERRERO** – We're still for salt from this past winter. We still have a balance on that account as well.

**COUNCILMAN TOWNSEND** Alright, thank you, Mr. Manson.

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

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 74 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**ORDINANCE NO. 75 B 2011**  
**COMMITTEE**

**BY: FINANCE**

Making certain appropriations from the unappropriated balance of the Economic Development Fund, for the year ending December 31, 2011, and declaring an emergency..

**COUNCILMAN MANSON** – Yes, I guess there were some questions on this and Mrs. Catazaro-Perry asked to split it out. Have the questions been answered or is there anything you would like to ask right now? I guess we can get the auditor up and discuss it.

**COUNCILWOMAN CATAZARO-PERRY** - Well we had some questions about this \$8,000 for the grant writer. So we wanted an update on what grants were written are we still waiting on the response have we received them. If in the total grants we have received to date dollar wise.

**COUNCIL PRESIDENT GAMBER** For the record that question is directed towards the auditor.

**AUDITOR FERRERO** – Let me tell you that this particular expense is not for the grant writing. This is for the art district what she's doing for the art district and its coming out of economic development. What she's doing is she's working with the chamber and numerous other people in the community trying to start up this art district over here by the Lieberman's in that general area. I will tell you that the mayor and I have a meeting with her on Wednesday because what we're going to do is we're going to try and renegotiate her contract. To date we have paid her \$7,500 from what she has done up to this point and we're going to try and renegotiate that. What she's telling me is that they're working on getting the Ananda Center in a place in the quarter. They've been talking to some investors about buying a building within the district the old Salvation Army building they're also talking with the Stark Cycling Center about the third floor space. They want to have an office temporarily rent free hopefully. For this they will work on getting the other offices converted into art studios and work of filing them.. The rent from the studios will go to Stark Cycling Center because they renting the entire Eaton building which is all over there in the Erie Street block in that area. They're working with the Arts in Stark on some this and the OAC project grant is going to be reviewed next week she wrote this on 5/19. I was off last week so this is my first day back but I can tell you that I am going to be in that meeting and hopefully we can renegotiate and maybe make that a little bit lower price. If that answers your question.

**COUNCILWOMAN CATAZARO-PERRY** - It answers mine but I think

Larry has some.

**COUNCILMAN SLAGLE** What are we were told it was grants so I'm confused now. So what are we paying, who are we paying it to, what is the hourly rate we're paying and how does it come up with \$8,000?

**AUDITOR FERRERO** – Well, \$1,500 a month and that went through council and that was passed by council earlier last year I believe it was. It is to establish that quarter that's what they named it QU then ART in capital letters. It's the art quarter its basically how they named that and they're trying to get that art district up and running down here so that we can between the museum and the art district over here by where the old Salvation Army building is that whole city block. Then over by where Lieberman's is that block that goes along where the dance studio was just to where that alley is that goes through it.

**COUNCILMAN SLAGLE** So is this for the first third of 2011 then?

**AUDITOR FERRERO** – Yes, we were doing she was doing some grant writing for us but we've only paid her one payment this year because she hasn't done much for us. She says there's not a whole lot out there and some of it because we don't have all the documentation to present it. So this year as far as the grant writing that she's done for us we've only paid her \$210 in 2011.

**COUNCILWOMAN CATAZARO-PERRY** - But we've already paid her \$1,700 and now this with an additional \$8,000 for the arts district? (Yes) And she's earned this this isn't she's already earned this correct? (Yes) So this is March, April, May?

**AUDITOR FERRERO** – No, this will be for the future through December. We're appropriating the money so that we have it to pay for her in the future.

**COUNCILWOMAN CATAZARO-PERRY** - But if you're renegotiating should we not put this as a first reading and then wait till you...

**AUDITOR FERRERO** – Well, we'll owe her for the month of June and I'm sure she'll bill us with that. If we come back with a new contract we'll certainly bring it to council. We can always bring a new set of appropriations.

**COUNCIL PRESIDENT GAMBER** Mr. Manson?

**COUNCILMAN MANSON** is there any reason we couldn't wait one meeting since its still June?

**AUDITOR FERRERO** – You absolutely you can you can give it first reading.

**COUNCILMAN MANSON** First reading.

ORDINANCE No. 75 – 2011 WAS GIVEN FIRST READING.

**ORDINANCE NO. 76 2011**

**BY: FINANCE COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into contract, upon award and approval of the board of Control, with the lowest and best bidder for the purchase of fuel for city vehicles at an off-site location, and declaring an emergency.

**COUNCILMAN MANSON** – There it is its buying fuel for city vehicles we have the safety service director here if there's any questions we can bring him up. If not I will be moving to pass.

**COUNCIL PRESIDENT GAMER** uying fuel or just receive bids?

**COUNCILMAN MANSON** To go out for the bids and I would think that we'd buy the fuel also.

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

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 76 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**RESOLUTION NO. 6 B 2011**  
**DEVELOPMENT COMMITTEE**

**BY: COMMUNITY**

Endorsing the proposed annexation of approximately 5.972 acres of land in Perry Township, owned by the City of Massillon, Ohio, together with 29.013 acres of land owned by the State of Ohio located in Perry Township and urging the Board of Stark County Commissioners to approve the annexation.

**COUNCILMAN HERSHER** First reading.

RESOLUTION NO. 6 – 2011 WAS GIVEN FIRST READING.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

**9. BILLS, ACCOUNTS AND CLAIMS**

A. Repository - \$1,738.20

B. Norlson - \$277.80

**COUNCIL PRESIDENT GAMBER** Mr. Manson?

**COUNCILMAN MANSON** I move that we pay the bills, seconded by Councilwoman Catazaro-Perry.

Roll call vote of 8 yes to pay the bills.

## **10. REPORTS FROM CITY OFFICIALS**

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MAY 2011. B COPY FILE

B). AUDITOR SUBMITS MONTHLY REPORT FOR MAY 2011 B COPY FILE

**COUNCIL PRESIDENT GAMBER** The Mayor's report we will file and we also have the Auditor's monthly report. We need a motion to accept that please.

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

Roll call vote of 8 yes to accept the auditor's report.

## **11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT GAMBER** Next Monday the 13th will be the regular committee sessions. Is there anyone has a report or resolution or a request does anyone have anything?

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

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

## **14. THIRD READING ORDINANCES AND RESOLUTIONS**

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

**RESOLUTION NO. 5 B 2011**  
**CIVIL SERVICE COMMITTEE**

**BY: RULES, COURTS &**

Temporarily suspending Council Rule 8.1 for the purpose of adopting a summer schedule for June, July and August 2011.

**COUNCILWOMAN CATAZARO-PERRY** - I was on vacation when this was initially introduced and from what I'm hearing from council members some council members is that they want to disregard this ordinance because its already June and I don't know how everyone else feels but we can have a discussion about it.

**COUNCIL PRESIDENT GAMBER** Mr. Manson?

**COUNCILMAN MANSON** I think maybe we should just kill it in the fast way possible.

**COUNCILMAN PETERS** I second that is that a motion to table it.

**COUNCILMAN MANSON** Make a motion to table it indefinitely and just let it die, seconded by Councilman Peters.

**COUNCILWOMAN CATAZARO-PERRY** - Point of order, don't we

need to do suspension its only second reading.

**COUNCIL PRESIDENT GAMBER** We have a motion to table that moves to an immediate vote.

Roll call vote of 5 no, 3 yes. Anderson, Manson and Peters voted yes.

**COUNCIL PRESIDENT GAMBER** Okay, the motion has not been tabled. Mrs. Catazaro-Perry its back to you.

**COUNCILWOMAN CATAZARO-PERRY** - Well, I guess I will bring it forward for vote to suspend the rules and bring it forward for a vote. Seconded by Councilman Townsend.

The rules were suspended by a roll call vote of 7 yes, 1 no. Anderson voted no.

**COUNCIL PRESIDENT GAMBER** Okay, now for passage.

**COUNCILMAN MANSON** Now wait a minutes lets clear this vote up here. What's a yes mean?

**COUNCIL PRESIDENT GAMBER** Yes means you're adopting the ordinance. What else would it mean?

**COUNCILMAN PETERS** Some times it means no.

**COUNCIL PRESIDENT GAMBER** Now hold on is there any question or any comment anyone would like to make. Mr. Townsend.

**COUNCILMAN TOWNSEND** What are the dates because I didn't bring my paper with the dates listed?

**COUNCIL PRESIDENT GAMBER** Does someone have copy they can give to Mr. Townsend? Mr. Townsend, do you have a question?

**COUNCILMAN TOWNSEND** No.

**COUNCIL PRESIDENT GAMBER** Alright, we have suspended the rules now we'll move towards question of passage.

RESOLUTION NO. 5 – 2011 WAS DEFEATED BY A ROLL CALL VOTE OF 6 NO, 2 YES. SLAGLE AND TOWNSEND VOTED YES.

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

- **REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

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**CLARENCE GOODSON** - I live in the City of Massillon at 111 Dwight Avenue. The purpose of me being here as you can see on my clothes you'll

see SB 5. We of Ohio is trying to defeat a bill that Kasich is trying to jam down us. Behind that is going to be over 60,000 people lose their jobs also about 800 or so people or better are going to have their pensions cut and I'm one of them. So that's all and thank you for the chance to talk.

**COUNCIL PRESIDENT GAMBER** Is there anyone else in the audience who would like to make any sort of comments? Mr. Townsend?

**COUNCILMAN TOWNSEND** And for anyone who wish to sign his petition that is being circulated throughout the State of Ohio Mr. Goodson has petitions to sign.

## **18. ADJOURNMENT**

**COUNCILMAN SLAGLE** – I move that we adjourn, seconded by all.

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MARY BETH BAILEY, CLERK,

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GLENN E. GAMBER, PRESIDENT

