

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, JUNE 20, 2011**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Monday, June 20, 2011. We have in attendance with us this evening: 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, Paul Manson, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 7 present.

COUNCIL PRESIDENT GAMBER – Mr. Manson, we have two absences.

COUNCILMAN MANSON – Yes, I intend to bring these forward separately I had a request and I agree the request that we deal with these separately. So I would like to make a motion that we excuse Councilman Mang. Seconded by Councilman Hersher.

Roll call vote of 7 yes to excuse Councilman Mang.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – I make a motion that we excuse Councilman McCune. Seconded by Councilwoman Catazaro-Perry.

Roll call vote of 6 yes, 1 no to excuse Councilman McCune. Peters voted no.

2. INVOCATION

COUNCIL PRESIDENT GAMBER - I will recognize Councilman Tony Townsend for the invocation and the Pledge of Allegiance.

COUNCILMAN TOWNSEND – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN TOWNSEND – Chairman of the Health and Welfare 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

RENEE BOGUE – I'm a 20 year resident of Massillon and I am a concerned citizen. I just found out that Ohio Valley Energy wants to frack that is horizontally drill 58.51 acres of Massillon City streets and wants an additional 8.32 acres of property which is I'm assuming will be for the drill site. I adamantly oppose this I have found that extremely few Massillon residents know of this. I would like to see the City of Massillon send out a letter to all residents notifying them of Ohio Valley's intentions. I would like the Ohio EPA to be present to answer questions much like we had when the Soil Recycling Plant was suggested. We use the Lincoln Theater as our venue keep in mind that the United States Environmental Protection Agency will not conclude its study of fracking and the contamination of drinking water until 2012. I request that legislation be passed that will prohibit fracking within city limits. I feel that fracking is a threat to our water supply the mayor of Navarre explained to me today that was his concern as well. He turned down the money an offer made to him and stated that no guarantees by the company could be made. He questioned what would happen when the drillers leave and deterioration begins. Millions of gallons of water and tons of a cocktail toxic chemicals will be injected in the well. If these toxic and dangerous chemicals migrate through the cracks in the rock they can pollute our wells, aquifers and reservoirs. One Stark County resident had his well tainted as he angrily explained to me at the car show I hope he's here tonight and I encourage him to speak. Mike Mangin of Medina County had to have tainted well capped and is building a cistern at his own expense to catch rain water off his roof so that he can have water. Anyone having a well should have it tested now so that when contamination occurs they can prove that they had a viable well. The recovered waste water is sent to our wastewater facility can not be cleaned of 600 chemicals. The toxic industrial waste containing radioactive metals will then be discharged into our water ways. Do we really want industrial waste recycled where our drinking water is as well? The drill site will be emitting volatile organic compounds 24 hours a day, 7 days a week. The emissions from the diesel trucks will also pollute our air combined they produce ozone which creates a greenhouse effect. Cancer causing benzene is also emitted remember what goes up in the air comes back down with the rain. The truck traffic will tear up our roads and we taxpayers will foot the bill. It is also we the taxpayers that subsidize the gas and oil companies. Property values will go down who would want to move to Massillon

companies or families those near the drill site would probably not even be able to sell their homes. Fracking is not worth the risk it will destroy our quality of life and turn Massillon into an industrial zone. Fracking will be devastating for future generations our children and their children will suffer common sense dictates that fracking should not be allowed in our city limits. The life of this city and its citizens is in your hands I also like to point out that I think we have mine engineers here but I think I was told when I moved into Massillon there are a bunch of mines under us so that's potentially very dangerous in the fracking situation as well. Also I'm very proud to say that Hartville tomorrow night is going to have its third reading of Ordinance 0-1-11.16 banning fracking from Hartville Village. I just have one question that you can answer it at the other session but I noticed in the minutes that there were 52 acres of city property leased to Ohio Valley as well. I was concerned what those were as well as I think the public would like to know what areas they're intending to frack what's streets if we could have boundaries. So thank you very, very much and if you have any questions I'd be happy to give you my phone number, my email, again I am not an expert on this subject but I have done a heck of a lot of research I think Gasland the video Gasland some of you might have heard about that it shows the devastating affect of fracking. I bought a copy for the city council and I've left it with Mary Beth. There's also another DVD that I left with her that shows all the cancers and diseases that are going to result because of these chemicals and the emissions. I need that DVD back on the diseases but Gasland is yours and I also left a copy of the May issue of Discover which has some very good points about fracking in it. So once again thank you very much.

COUNCIL PRESIDENT GAMBER – You had asked several questions regarding the land under consideration there is a map with the legislation if you don't have one check with Mr. Anderson here he's the chairman of the committee and he might be able to get that for you. I think your idea about a public meeting is a good one I suggested that I think just to discuss the pros and cons you know would be a good idea.

RENEE BOGUE – Like we did with the Soil Recycling Plant where more people know about it. People were coming to the car show I was carrying my sign for about three hours down there. I only had two people come up to me that knew about it and those were people who were approached for leases.

COUNCIL PRESIDENT GAMBER – This will be second reading tonight I don't anticipate a vote for passage it is just second reading tonight.

MICHAEL BAUGHMAN – This is my first council meeting I've ever attended. I'm actually a Stark County resident I live in North Canton for the past 26 years and a recent graduate of Kent State University. I'm actually a member of a student organization called TASK we are an anti-fracking pseudo group that's just trying to organization and spread knowledge our acronym TASK actually stands for Take Action and Spread Knowledge. We are highly also opposed as to what Renee said on horizontal hydraulic fracturing of natural gas as opposed to the conventional version would be the vertical form. Some of the detrimental affects that she already mentioned that horizontal slick water hydraulic fracturing can impose on our environment

and society beyond going back to the contamination of water. They actually use known chemicals they use hundreds of millions of gallons of water to actually like they its like a high powered pressure washer to actually break away the Marcellus shale that's around 5,000 – 8,000 feet deep below our soil. But in order to break away at the bedrock they need to put these types of chemicals in the water in the first place so it enables for it to crack and fracture horizontally. The problems proposed beyond that is the fact that what do we do with the contaminated millions of gallons of water after we have it. If it contaminates our ground water if it gets into our local you know streams, rivers you can not reverse water contamination. It's irreversible all ground water is connected so that is one huge concern that TASK as a group would like to acknowledge and just you know let the public know the reality of fracking. Some of the other issues that she did not that Renee did not cover I would just like to highly enlighten the public that there's a reason why Pennsylvania is trying to ban fracking and imposing moratoriums. Actually there's been a ban on the City of Pittsburg. There's a reason why New York is highly opposed against fracking. It is because it is detrimental to their I think its their water shed that if they frack and its contaminated it supplies drinking water to 11 million people residents in New Jersey and New York. There are reasons why these states are taking these actions. The actual claim that natural gas is clean energy is totally false. We would also as a group we are also trying to enlighten the public on the actual facts. There was a recent study by Tony Ingraffea he's the engineering mechanics professor at Cornell University in a recent study titled Methane Green House Gas Footprint of Natural Gas From Shale Formations. He actually proves in the study that fossil fuel burning of natural gas is 20% worse than coal. So it's more detrimental to our environment in the first place. And just some other facts that people should become aware of as far as property value goes. Renee nailed it right on the head banks will not go near properties that are fracked or have well pads on it. They won't they're already starting to Chase Bank and Bank of America are already coming out and saying they will not issue mortgages they will not go near properties with natural gas facilities on them. As opposed to residential neighborhoods if people are pulled into signing leases they can come up to 150 feet away from a person's house with a 100 foot well pad and oil rig and not to mention again the truck traffic that ensues and the noise even has become detrimental to citizens. In Pennsylvania more likely and this is why TASK is a group at Kent State we're trying to tackle this issue before it actually gets started before it actually becomes a disease in Ohio. We can catch it before it really gets bad. Upon other things some of the effects it can have its going to have a dramatic effect on the hunting and fishing in the streams. If its going to deteriorate our environment our water our and now with the passage of House Bill 133 now they're going to be able to frack on state parks, state universities and even Lake Erie which is very, very sad because Lake Erie supplies 11 million people in the State of Ohio drinking water. These are issues that TASK as a group highly oppose and hopefully just spreading knowledge and enlightening people of the truths of the matter will help to convey our message. Like I said I'm not a resident of Massillon I'm actually just a concerned citizen of Stark County. For that I appreciate your time.

COUNCIL PRESIDENT GAMBER – Mr. Baughman, could we have your

address please?

MICHAEL BAUGHMAN – It's 1128 Pittsburg Avenue, North Canton, Ohio.

COUNCIL PRESIDENT GAMBER – Thank you.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 77 - 2011 **TRAFFIC & SAFETY**

BY: STREETS, HIGHWAYS,

Vacating a portion of 4th Street SW, and declaring an emergency.

COUNCILMAN PETERS – First reading.

ORDINANCE NO. 77 – 2011 WAS GIVEN FIRST READING.

ORDINANCE NO. 78 - 2011 **COMMITTEE**

BY: FINANCE

Making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund, 1410 16th Street Project Fund, Veterans Park-Duncan Plaza Fund and the 1219 WIC Fund, for the year ending December 31, 2011, and declaring an emergency.

COUNCILMAN MANSON – Yes, we have four parts here I'll go through them one at a time if you have any questions I will try to answer them. The first part is for \$24,900 please appropriate from the unappropriated balance of the 2105 Stormwater Utility Fund for the replacement of 150 linear feet of storm sewer and associated roadway and repair on Oxford Avenue NE. Recent heavy rains damaged this section of storm sewer and roadway constituting a need for repair. Part 2 is \$19,145 please prepare an ordinance to appropriate from the unappropriate balance of the 16th Street Project Fund 1410 to the following account to the following account for fiscal year 2011. \$19,145 to advance to this is a pay back to the general fund for advanced funds and utility and county ODOT reimbursement before they were received. Section 3, is for \$5,000 appropriate from the unappropriated portion of the Veterans Park Duncan Plaza Fund 1240 to supplies and materials line item of said 1240.125 for payment for grounds keeping and maintenance of Veterans Memorial Park. Next section is for \$2,667 please prepare an ordinance to appropriate from the unappropriated balance of the WIC fund to the following account for fiscal year 2011, 1219.730.5.2750. \$2,667 to advanced to this is a pay back to the general fund for advanced funds until WIC reimbursement was received. Any questions?

COUNCILMAN MANSON moved for suspension of the rules and passage, seconded by Councilwoman Catazaro-Perry.

The rules were not suspended by a roll call vote of 6 yes, 1 no. Peters voted no.

ORDINANCE NO. 78 – 2011 WAS GIVEN FIRST READING.

ORDINANCE NO. 79 - 2011
COMMITTEE

BY: FINANCE

Making certain transfers in the 2011 appropriation from within the 1410 16th Street Project Fund and the 1219 WIC Fund, for the year ending December 31, 2011, and declaring an emergency.

COUNCILMAN MANSON – Okay, we have two parts here they were pretty much explained in the first part. Please prepare an ordinance to make certain transfers in the 2011 appropriations within the 16th Street Project fund 1410 to the following account from advance to 1410.435 to return on advance. This is to pay back the general fund for advancing funds until the county ODOT reimbursement is received. The second part is please prepare an ordinance to make certain transfers in the appropriations from within the WIC fund 1219 to the following account for fiscal year 2011 from advance to \$2,667 to return on advance \$2,667. This is to pay back the general fund for the advanced funds until county reimbursement for the WIC is received. Any questions.

COUNCIL PRESIDENT GAMBER – Mr. Hersher?

COUNCILMAN HERSHER – I was just wondering considering that we just gave first to 78 – 2011 which would have moved, transferred those funds into the advance to account I wonder if we need to just give this first reading this evening. I mean are the funds are in advanced to to pass this ordinance or...?

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Well, it's not a bad idea.

COUNCIL PRESIDENT GAMBER – Do we have any idea what the balance of the fund is will that cover Ordinance 79?

COUNCILMAN MANSON – No, I think its pretty self explanatory you know we had to advance money out of the general fund for funds that hadn't come in on time. So if you want to wait we'll give this first reading and we can talk about it next Monday.

COUNCIL PRESIDENT GAMBER – So we're not going to take money put back into the general fund right? Okay, first reading.

ORDINANCE NO. 79 – 2011 WAS GIVEN FIRST READING.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING
A NEW LIQUOR LICENSE OR CANTON PIZZA INC DBA PIZZA HUT
2400 LINCOLN WAY E MASSILLON OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MAY 2011 B COPY FILE
- B). TREASURER SUBMITS MONTHLY REPORT FOR MAY 2011 B COPY FILE
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MAY 2011 – COPY FILE
- D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR MAY 2011 – COPY FILE
- E). WASTE DEPT SUBMITS MONTHLY REPORT FOR MAY 2011 – COPY FILE
- F). MAYOR SUBMITS MONTHLY REPORT FOR MAY 2011.

COUNCIL PRESIDENT GAMBER – We have numerous reports from city officials all of which we will put on file. We started sending those out by email is there anyone who is not getting these reports? Alright, we'll assume everyone is getting them.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – Works sessions will be held on Monday, June 27th at 6:00pm. Is there any councilmen who has a report, request or anything of interest?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT GAMBER – Is there any councilmen who has a report, request or anything of interest?

COUNCILMAN MANSON – Yes, next Monday we'll have some finance discussion couple of things I'd like to talk about is one is a resolution of council supporting the reopening of all health care negotiations with our unions and anybody else that's covered by any health care that the city pays. Also we want to discuss any possible tax measures that we may want to put on the ballot in November. We'll discuss those next Monday. That's two things I guess.

COUNCIL PRESIDENT GAMBER – Alright, any thing else?

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

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 SLAGLE Chairman McCune asked me to handle this for him he is requesting that we bring it forward for passage this evening on second reading. We discussed this in the work session this is merely an extension of 6 months on the contracts of with the Massillon Firefighters Association. The city's in favor of that extension the firefighters union is in favor of that extension and frankly until Senate Bill 5 is decided it makes no sense not to extend that contract for six months. Because any negotiations that might be done prior to Senate Bill 5 might be negated by Senate Bill 5. So it makes sense to extend it I'm not sure why Dave wants to bring it forth today but I see no reason why not to waive the reading requiring three separate readings of it and bring it forward on the second reading today.

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

COUNCILMAN MANSON I'm just saying I will be opposing this ordinance it's pure and simple I don't think we need to rush into this yet. I understand some of the reasoning behind it but I don't think it's an absolute emergency.

COUNCIL PRESIDENT GAMBER – This is strictly a vote to suspend.

The rules were not suspended by a roll call vote of 4 yes, 3 no. Hersher, Manson and Peters voted no.

ORDINANCE NO. 72 – 2011 WAS GIVEN SECOND 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 I just want to comment the three locations which we were up in the air about the other day the two at Towne Plaza and the third one is in the 300 block of 2nd Street SW which is in Tony's ward it's the Masonic Temple property. That's the third location so now we know what locations they're talking about. I'm going to give it second reading.

COUNCIL PRESIDENT GAMBER Do you have the site map Mr. Anderson?

COUNCILMAN ANDERSON Yes.

COUNCIL PRESIDENT GAMBER May I ask do you have a copy of that we can get after the meeting. Also Mr. Anderson do you know if the Ohio Valley people will be here at our next committee meeting?

COUNCILMAN ANDERSON Monday night, This coming Monday.

ORDINANCE NO. 73 – 2011 WAS GIVEN SECOND READING.

ORDINANCE NO. 75 B 2011 **BY: FINANCE**
COMMITTEE

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 – Second reading.

ORDINANCE No. 75 – 2011 WAS GIVEN SECOND READING.

RESOLUTION NO. 6 B 2011 **BY: COMMUNITY**
DEVELOPMENT COMMITTEE

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 Second reading.

RESOLUTION NO. 6 – 2011 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

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

RENEE BOGUE – 204 Willow Avenue NE. I would just like to clarify you said this Monday there was going to be a meeting with Ohio Valley is that open to the public?

COUNCIL PRESIDENT GAMBER Monday at 6:00pm is will be called committee work sessions varies legislation that is proposed will be discussed by the committees and the rest of the council members. Mr. Anderson will lead a discussion over this ordinance and folks from the company will be here.

RENEE BOGUE – And to clarify you said that was Towne Plaza, 3rd Street SW and the third area was?

COUNCILMAN ANDERSON The 300 block of 2nd Street SW which is the Masonic Temple grounds.

RENEE BOGUE – Thank you very much.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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