

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, TUESDAY, JULY 5, 2011**

**COUNCIL PRESIDENT GAMBER** - I'd like to welcome all of you to Massillon City Council for Tuesday, July 5, 2011. We have in attendance with us this evening: Safety Service Loudiana, Engineer Dylewski, Auditor Ferrero, Treasurer Lambert 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, Dave McCune, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 8 present.

**COUNCIL PRESIDENT GAMBER** – Mr. Manson, Mr. Mang is absent.

**COUNCILMAN MANSON** – Yes, I make a motion that we excuse Councilman Mang. Seconded by Councilman Hersher.

Roll call vote of 8 yes to excuse Councilman Mang.

**2. INVOCATION**

**COUNCIL PRESIDENT GAMBER** - I will recognize Councilman Gary Anderson for the invocation and the Pledge of Allegiance.

**COUNCILMAN ANDERSON** – Gave the invocation for the evening.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILMAN ANDERSON** – Chairman of the Public Utilities 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**

**BONNIE FOSTER** – I'm here representing Ohio Valley Energy in regards to the ordinance that's on your legislation. I did want to address a few of the questions that came up tonight from the audience. I want to make a few points first. Before we can move forward with any of these wells that are going into the neighborhood I want to make certain and clear that everyone

understands on this that we can't move forward without overwhelming majority of the residents on board with us. If overwhelming majority of the people feel this way that was in the audience tonight we won't be able to move forward the state does not approve these things. So you have to keep that in mind a lot of times the ones that are for these types of situations are the ones that stay a little bit more quiet and don't come out and aren't quite as vocal. But keep that in mind when you go to make these decisions that we do have to have overwhelming majority of the people on board. The residents have to be on board as well. So keep that part in mind I would like to make. I know the thing I would like to talk about that came up was the economy to the area jobs. I'd like to make just a couple quick statements that Ohio's natural gas and oil industries employs about \$14,400 indirect jobs right here in Ohio. So that does they were saying about bringing in outsiders we have about \$14,400 indirect jobs from the natural gas industry in Ohio. That's only going to continue to grow with this industry. I do believe that the energy independent somebody brought up that we do need to be independent from foreign oil. Ohio producers produced 20% of natural gas used in our state alone. This is a conventional well that was discussed this is nothing new that's been done. There's over 6,400 wells drilled in Stark County, 295 drilled in Perry Township over 125 in the City of Massillon alone. Now back to a couple of the things that the people had brought up. There is a fuel clause in your lease it's a 10 year term but there's a fuel clause in there so anything that has not been used and utilized in a unit does get released. We have no problem and I wrote down before that gentleman actually suggested those two clauses as far as transferring we don't have a problem taking and adding language in there that this lease will have to require written approval before any transfers are done to anybody. If that would be the case we have no intention on transferring it. So there's not a problem adding language into that lease if you want to add that into your motion before you move forward. We can add language into the lease that the lease is not able to be transferred without written approval from the council to anyone. We can also add language in there that we only limit it to the Clinton depth that is our intention so there's no problem putting that type of language in the lease. There's no compression station planned for any of these sites. The water is hauled away by an independent water hauling company it is injected anything that is pulled back out is injected into an approved underground injection well. It will be hauled away not just left on site. Then there was something brought up about water wells and the state requiring testing. The state requires anybody who has a water well within 500 feet of the surface location be tested so there is a base line already on record before drilling. The state requires that it's done so that is in there. Then if there's anything afterwards they will step back in afterwards if there's any complaints when the drilling is done. With that that's what I had wrote down and I'd be happy to answer any further questions now or later.

**COUNCIL PRESIDENT GAMBER** – We generally don't permit questions but I will in this case. Mr. McCune?

**COUNCILMAN MCCUNE** – Last week when you're co-worker was here he spoke about the traditional and non-traditional drilling. He did bring up the fact that these wells would be directional wells. That he could drill them at the Clinton lodge and end up actually tapping into the pool out underneath Kmart. So I would really like to know exactly how, where these wells are intended to be drilled in regards to the surface versus subsurface.

**BONNIE FOSTER** – They are a directional well however with that being said it is a horizontal well at the point we enter the Clinton sandstone. When we talk about a directional well it still conventional because we're not going in and hitting that shale and then going horizontal for our fracture. We're only going under the ground at a directional angle we set up our surface because we can't get this point without going directionally when we hit the point of entry that the point of the Clinton sandstone then its called a vertical we're going to go straight down we're only going to fracture a vertical or a horizontal well. We're not going into the shale this way we have to get there from an angle. That's a directional well but it is not going into the sandstone at that horizontal level and fracturing across it. It will be straight up and down so that's how we have to get there because we can't get to this point it may be in the middle of a residential area and people don't want it right in that spot. So we find a spot that has open spacing and adequate room to hold the facility and that will be the surface until we get to that Clinton level. Did that clear that up?

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

**COUNCILMAN SLAGLE** – Couple of questions. Do you have the ability to get indemnity and liability bonds on these? And is that normal?

**BONNIE FOSTER** – Well, we carry insurance liability on these and we have a hold harmless clause in your contract is that what you're referring to?

**COUNCILMAN SLAGLE** – Yeah, well it just says hold harmless that doesn't tell us you've got the insurance.

**BONNIE FOSTER** – If you would like us to supply an insurance certificate I'd be happy to do that.

**COUNCILMAN SLAGLE** – I certainly think it should be included. The other thing is it always net versus gross? I thought some contracts dealt with gross not net.

**BONNIE FOSTER** – It can and it can be whatever is negotiated.

**COUNCILMAN SLAGLE** – And is it also true that the percentage that you're getting is at 12.5% is lower than other percentages? Some places have been giving 16, 18%?

**BONNIE FOSTER** – Again, we're going back to the different types of drilling. When you're talking about the Marcellus and the Utica drilling those pay out and the way you know they're 10 times the amount of a Clinton well. So they do have a higher yield of percentage typically across the state 12.5 at a Clinton is standard in industry. It's different in the amount of pay out and what we're going to get in return.

**COUNCILMAN SLAGLE** – What then is the average acreage upfront money for the Clinton formation?

**BONNIE FOSTER** – There really isn't a standard average for a Clinton well in this area. It's all in negotiations and I'll say a year ago it was probably a \$100 an acre and now in the Massillon area it's about \$1,000 an acre. But again that's extremely high for a Clinton well it's not extremely high for the Utica or Marcellus development. They pay out a lot more they produce 10 times the amount so it's easier to raise those numbers.

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

**COUNCILMAN SLAGLE** – No further questions. Thank you.

**COUNCIL PRESIDENT GAMBER** – Is there anyone else? Thank you very much.

**BONNIE FOSTER** – Thank you.

**COUNCIL PRESIDENT GAMBER** – Is there anyone else who would like to speak? Please come forward. And if someone would like to follow him please just come automatically.

**PAUL LAMBERT** – I live 577 23rd Street NW. I'd like to address Resolution No. 7 I'm also the city treasurer. Resolution No. 7 has to deal with every five years I have to contact the banks and renew their give them a chance to bid on the city funds both checking accounts and the investment accounts. So that's what Resolution No. 7 I would like to have a passage tonight if I could as an emergency we have to get the letters out to the banks and then get approval. Then I'll be back with another resolution to accept them. So if anybody has any questions I'd be glad to answer them if not I would appreciate passage. Thank you.

**LILLIAN FUQUEN** – 2819 Brentwood Rd in Canton. I just wanted to I had a couple of things that I did not mention previously. So this lovely lady from Ohio Valley mentioned a number of things that I just wanted to also touch upon. She said that the majority of the people have to agree to this before they can actually drill. That they won't drill if they don't have the majority

of the population agreeing to it. I believe this is something that I encourage you to look at I believe that is the majority of the property owners have to approve of this. That then goes into the forced pooling aspect which is I believe not an issue with you here but could be down the line. Once a property has been leased that becomes part of a pool and it can be re-assigned later on down the line. This is some thing that we're finding throughout Ohio particularly with Ohio Valley Energy. I'm working with a group in Broadview Heights that is fighting this right now. So I would encourage you to look at that. So no it does not have to be the majority of the people it has to be the majority of the property owners. I don't know how many property owners there are that has been asked about this in region. 14,400 jobs in Ohio from Ohio Valley Energy or the industry those are existing jobs that does not mean that there's going to be job boom with this. There may be a few jobs that are the result of this increased drilling. But I don't believe this will actually be a boom for the job market and the local economy. I'd be interested to find out how many of those jobs are actually Massillon jobs. Energy independents I'm going to skip that one it's a huge one. New technology and risk this is a new technology and is it risky? Yes, its risky it is directional drilling she mentioned that yes it is absolutely is directional drilling. Again I encourage you to look up little more on that. Lease transfer yes it is completely it is plausible it is very often its does happen very often and if that is written into the verbiage of the contract I would and many of the residents of Massillon I believe would feel far more comfortable. There is no compression on site but is there compression near by. Are there compression sites near by? Another issue is the when the produced fluid when the waste would the flow back comes back up from the well and they have to put it in a place near by until they can take it to a deep injection well or a wastewater treatment plant. What do they do with it then as it comes back? Typically they put it into a pit that's near by on site. When its there it is completely exposed it is not covered. So I would encourage you find out whether they're going to be using tanker trucks or a pit. If you're going to allow this which I recommend you don't there are ways that you can try and make it a safer endeavor. I encourage you to ask how they're going to be storing the flow back until it's taken to be disposed of. People with a water well within 500 feet of drilling site are the state requires that they have base line water testing. She mentioned this. I don't believe that here in the city that are very many water wells so I would encourage you to find out who's going to be doing the water testing surface ground water testing and aquifer testing. You need to make sure that you have an independent tester.

**COUNCIL PRESIDENT GAMBER** – Alright, you're up to your 3 minutes if you'd like to wrap it up please.

**LILLIAN FUQUEN** – So just make sure that you have an independent tester as well as the industry. Over site who's going to be monitoring these wells and how often this is an issue that we're running into here in Ohio. Indemnity clauses I encourage you to look at that law director please. And then she mentioned that there are no standards that's true there are no standards in this there's no standard of practice. Every company does it different and this industry that's one of the issues that we're running into. It's very hard to find there is no standard of practice and if one year ago it was \$100 an acre and now its \$1,000 acre why the rush? If you're in such need of money wait it will be worth more. Then I also encourage you to talk to the businesses that will be nearby. Thank you.

**COUNCIL PRESIDENT GAMBER** – Final opportunity to come forward. Thank you.

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

### **ORDINANCE NO. 80 - 2011**

### **BY: ENVIRONMENTAL COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract upon approval of the Board of Control with CTI Engineers, Inc., for the Construction Administration Services for the Bar Screen & Grit Screw Replacement Project at the Wastewater Treatment Plant, and declaring an emergency.

**COUNCILMAN HERSHER** – We have previously voted on and approved this project at the Wastewater Treatment Plant. This ordinance here is for a just the portion the construction administration services portion of the project. We have a separate finance ordinance dealing with the finances for this contract. So knowing that we've already in principle approved the project I'd like to go ahead if there aren't any pressing concerns tonight go ahead and pass this this evening so we can keep the project moving.

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

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

ORDINANCE NO. 80 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**ORDINANCE NO. 81 - 2011**                      **BY: ENVIRONMENTAL COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and received sealed bids and enter into a contract, upon award and approval of the board of Control, with the lowest and best bidder for the WWTP Administration Pump Station and Sanitary Sewer Improvement Project of the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

**COUNCILMAN HERSHER** – First reading.

ORDINANCE NO. 81 – 2011 WAS GIVEN FIRST READING.

**ORDINANCE NO. 82 - 2011**                      **BY: HEALTH, WELFARE & BLDG REGULATIONS**

Amending CHAPTER 1185 “FLOOD PLAIN AREAS” of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Sub-Section 1185.03 (a)(b) and deleting (c) “Basis For Establishing The Areas of Special Flood Hazard” of CHAPTER 1185 “FLOOD PLAIN AREAS” and declaring an emergency.

**COUNCILMAN TOWNSEND** – We discussed this last week at the work session. Actually Mr. Dylewski came up and shared a little information with us. All this is FEMA has come up with a new flood rate which the city is already participating in. There's no additional cost to the city it's just an update. That's it.

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

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

ORDINANCE NO. 82 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**ORDINANCE NO. 83 - 2011**                      **BY: POLICE AND FIRE COMMITTEE**

Amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – FIRE DEPARTMENT of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – FIRE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – FIRE DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

**COUNCILMAN MCCUNE** – First reading.

ORDINANCE NO. 83 – 2011 WAS GIVEN FIRST READING.

**ORDINANCE NO. 84 - 2011**

**BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the General Fund and the 1406 Wastewater Treatment Capital Improvement Fund, for the year ending December 31, 2011, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, we have two sections here to deal with. Section 1, prepare an ordinance to appropriate from the General Fund 1100 to the following accounts \$107,000 to police salaries, \$93,000 to police comp paid, \$113,000 to salary fire and \$94,000 to fire comp paid for a total of \$408,000. Second part is for \$18,200 prepare legislation to appropriate \$18,200 from the unappropriated balance of the 1406 Wastewater Treatment Plant Capital Improvement Fund for construction administrative services for the 2011 Wastewater Treatment Plant Bar Screen and Grit Screw Replacement Project. This is a joint project with Stark County which by previously approved Ordinance No. 64 – 2011 the county will pay 50% of all project costs including the services. Therefore the city's share for the construction will be \$9,100 out of the \$18,200 we'll get \$9,100 from the county. Any questions we have the engineer here.

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 8 yes.

ORDINANCE NO. 84 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**ORDINANCE NO. 85 - 2011**

**BY: FINANCE COMMITTEE**

Making certain transfers in the 2011 appropriation from within the General Fund, for the year ending December 31, 2011, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, we have one part to this. This is simply transfers you have a list of them where they're coming from and where it's going to go. It's to pay those some bills we were talking about with police and fire and stuff. There was one in there for I'm not sure what it was \$3,700 we had to delete because it was already encumbered but it took the number from \$326,000 down to \$322,000. Any questions the auditor is here we'll attempt to answer them.

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

**COUNCILMAN SLAGLE** – Yes, I have a question of the auditor on these? Madame Auditor when these are removed from the various line items of the department are the department heads asked about the removal prior to this?

**AUDITOR FERRERO** – At the Mayor's meeting we went over it with them and we took we left them half of what they had appropriated we went over it with the administration before we did that.

**COUNCILMAN SLAGLE** – How is that going to leave them do you know?

**AUDITOR FERRERO** – Well, there will be some that will probably refill like for example there's one that we took some money and they're going to have to travel and we'll have to look at that. But for right now we had to do this in order to get the payroll to where it needed to be.

**COUNCILMAN SLAGLE** – And when do you anticipate we'll have to do this again if there isn't an increase in revenue?

**AUDITOR FERRERO** – Well, we don't have a whole of room for scrubbing at this point. That's what we're doing we're scrubbing some accounts and there's not whole of room left. So we'll probably wait now until after property taxes come in in September.

**COUNCILMAN SLAGLE** – Thank you.

**COUNCIL PRESIDENT GAMBER** – Are there other questions. Mrs. Catazaro-Perry?

**COUNCILWOMAN CATAZARO-PERRY** – Mrs. Ferrero, how much do we expect to get in from property taxes do you have an idea?

**AUDITOR FERRERO** – I didn't bring that figure with me. Do you have it Manson?

**COUNCILMAN MANSON** – No I don't.

**AUDITOR FERRERO** – I can't give you that figure I'm so sorry. Can I get it to you? (Sure) Sure, will.

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. 85 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**ORDINANCE NO. 86 - 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 a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the lease/purchase of two (2) police cruisers for the Massillon City Police Department and two (2) dump trucks for the Massillon Street Department, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, I think it pretty much explains itself we did have a question on the original request for legislation. When we said purchase but I see it says lease purchase in the ordinance. Also the money we will be using \$55,000 we have 6 cruisers that we presently have on lease purchase that this will be ending with the last payment this year \$55,348. The auditor feels that's an area where we can go to to get the money to cover this lease purchase. If there's any questions the safety service director is here the auditor can answer any questions if we need her.

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

**COUNCILMAN PETERS** – Alright, run this by me again. Where are we getting the money to do this?

**COUNCILMAN MANSON** – We are buying presently 6 cruisers on a lease purchase for \$55,000 a year for how ever many years we did it. This is ending this year okay, and the auditor says that we can use that \$55,000 to pay for this lease purchase.

**COUNCILMAN PETERS** – Yeah, but we don't have \$55,000 we might have to use that \$55,000 for something else. Like salaries?

**COUNCILMAN MANSON** – Could be used for anything.

**COUNCILMAN PETERS** – Okay, that answers my question. Thank you.

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

**COUNCILMAN SLAGLE** – Are the dump trucks also going to be used for plowing do you know?

**COUNCILMAN MANSON** – You'll have to ask the safety service director that.

**COUNCIL PRESIDENT GAMBER** – Mr. Loudiana, please?

**COUNCILMAN SLAGLE** – Mr. Loudiana, will these dump trucks be serving a dual purpose?

**SAFETY SERVICE DIRECTOR LOUDIANA** – Yes, they are plows.

**COUNCILMAN SLAGLE** – As I understand it our plowing situation is pretty dire. (Very bad) In the coming year?

**SAFETY SERVICE DIRECTOR LOUDIANA** – Yes.

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

**COUNCILWOMAN CATAZARO-PERRY** – Yes, as much as I want support this ordinance tonight I can't and because I received an email today I've requested the amount of the bills that we had not paid and we're almost to a million dollars. We also were told last week by our auditor that we don't know if we're going to be able to make salary after August 24th. So I can't support this tonight as much as I want to I think we need to stop spending I think we need to freeze any hiring and really buckle down until the end of the year and the next year. Because I think we're in dire straits.

**COUNCIL PRESIDENT GAMBER** – Is there anyone else? Mr. Manson?

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

The rules were not suspended by a roll call vote of 5 no, 3 yes. Manson, McCune and Slagle voted yes.

ORDINANCE NO. 86 – 2011 WAS GIVEN FIRST READING.

**RESOLUTION NO. 7 - 2011**

**BY: FINANCE COMMITTEE**

Estimating the aggregate maximum amount of public funds for the City of Massillon, Ohio, to be awarded and be on deposit as of August 1, 2011 to and including July 21, 2016, inviting bids from banking institutions qualified to serve as depositories of municipal funds under the Uniform Depository Act of the State of Ohio, fixing the date for the designating of such depositions, and declaring an emergency.

**COUNCILMAN MANSON** – Yes, with that and with what Treasurer Lambert said I think we have the information we need if there's any questions we can ask the treasurer to clear them up.

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.

RESOLUTION NO. 7 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**RESOLUTION NO. 8 - 2011**

**BY: FINANCE COMMITTEE**

Declaring the necessity of an election on the question of approving the passage of a two-tenths percent (.20%) increase to the existing City of Massillon Income Tax.

**COUNCIL PRESIDENT GAMBER** – For those of you who looked at your emails over the weekend this was originally listed as committee of the whole. I felt that was improper and that this is more correctly non-committee legislation which is covered under Rule 28. You all have access to our rules and I'll ask you to consult them. This is will receive first reading tonight but I'll recognize Mr. Manson if he'd like to say anything.

**COUNCILMAN MANSON** – Yes, also under those rules I believe there's a method to moving this forward immediately by just a majority of the council moving this onto the agenda. Rather than...

**COUNCIL PRESIDENT GAMBER** – If I can answer that question. The rules require that this be assigned to a committee I'm hereby assigning it to the finance committee. By rule it receives first reading tonight and as I say if you follow through there are deadlines up to what would be August 1st which is the second regular scheduled meeting from tonight that this issue has to be reported back to council before this item can come back on the agenda for second reading there has to be a majority approval by council. Those are the rules however every rule can be temporarily suspended. You all have that right. I would imagine Mr. Manson is about to make his argument for that.

**COUNCILMAN MANSON** – That's exactly the argument I was making when I said that there is nothing to bringing this forward. I believe and the reason I would like to bring it forward quite honestly we're faced with a date of August 10th that anything we want to put on the ballot in the fall needs to be done by then. If we follow Rule 28 to the letter we will go past that date very simple. Like I said there are ways in here I have to disagree with you a little bit. I still believe that there's another way here that a second person of my committee could still sign I believe and this could be advanced. Or it could I believe it could be advanced by...

**COUNCIL PRESIDENT GAMBER** – At this point the legislation has been introduced with the signatures that it has.

**COUNCILMAN MANSON** – Well, there's two ways it can be done. I'm not saying it can be done right this minute.

**COUNCIL PRESIDENT GAMBER** – You chose one way and that's the way we have to proceed.

**COUNCILMAN MANSON** – That's two ways it could proceed. The reason I gave is that I would like to let the electorates make the decision not us. I remind everybody that we are not voting on whether or not you support the tax. You're voting to make it very democratic put it out there and allow the electorates of the city to make the decision. Having said that we'll have more discussion at the next committee meeting.

**COUNCIL PRESIDENT GAMBER** – Alright, is there anyone else who would like to add anything? If not as I say this is now in the hands of the finance committee it receives first reading you have the August 1st deadline by which you need to report back to council. As I say it will require a majority vote to be put on the agenda for second reading.

RESOLUTION NO. 8 – 2011 WAS GIVEN FIRST READING

#### **7. UNFINISHED BUSINESS**

#### **8. PETITIONS AND GENERAL COMMUNICATIONS**

#### **9. BILLS, ACCOUNTS AND CLAIMS**

A. REPOSITORY - \$1,381.00

**COUNCIL PRESIDENT GAMBER** – Mr. Manson, we need a motion to pay the bill.

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

Roll call vote of 8 yes to pay the bill.

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

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

B). AUDITOR SUBMITS MONTHLY REPORT FOR JUNE 2011 – COPY FILE

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

**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** – Works sessions will be held on Monday, July 11th at 6:00pm. Is there any councilmen who have a report, request or anything of interest?

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

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

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

##### **ORDINANCE NO. 72 B 2011**

##### **BY: POLICE AND FIRE COMMITTEE**

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 I'd like to bring the law director forward please. Not that I want to bother this may be frivolous but I received some phone calls about concerned citizens saying that the extension of this contract would some how be illegal. So I wanted to get your opinion on the legality of it all.

**LAW DIRECTOR STERGIOS** - I don't know what could possibly be illegal about it to be as I sit here I mean there's been cities across the state that have done this. There's others that have renegotiated them at different rates and approved them. So on short notice I can't think of any reason what would be illegal about it. We've done it before we're doing it again the reason we're doing it is a whole different animal. We're allowed to do it or not do it.

**COUNCILMAN MCCUNE** B Thank you. I promised them that I would ask you that question.

**LAW DIRECTOR STERGIOS** - Okay, that's fine.

**COUNCIL PRESIDENT GAMBER** – Are there any other questions for the law director? Mr. Slagle?

**COUNCILMAN SLAGLE** B What happens if we don't do an extension?

**LAW DIRECTOR STERGIOS** - If we don't do an extension I believe this one expires November...

**COUNCIL PRESIDENT GAMBER** – is that a question for the safety service director?

**LAW DIRECTOR STERGIOS** - Well, we've started to negotiating and historically they've worked even after everything's continued on even after that date even if we don't have a contract anyhow. We've either made something retroactive to that date or not depending on what ends up as,,. If things go on I guess is the answer to the question.

**COUNCIL PRESIDENT GAMBER** – Thank you, Mr. Stergios. Mr. McCune?

**COUNCILMAN MCCUNE** B I'd like to bring the safety service director forward please.

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

**COUNCILMAN MCCUNE** B Mike, I'd just like for you to state for the record the reasoning behind the request of this extension and what pluses and minuses you see in regard to it.

**SAFETY SERVICE DIRECTOR LOUDIANA** – Well, there's two reasons one, as you know this administration is done December at midnight. Two, we don't know what's going to happen to Senate Bill 5 if we start negotiating now chances are the negotiations won't be over until after the first of the year or we'll be in arbitration. Also you have to look at the other side if we negotiate 6% payment for health care and the Senate Bill 5 goes through and you can get 15 we left some money on the table. The same is true for the unions so the discussions we've had several discussions and we felt that other people or other cities have been talking about extending the contract to get through Senate Bill 5. We said for 6 months because we'll be into a new administration and whether it's fair for us to make the negotiations for that administration knowing that this is probably going to go to arbitration and the arbitrator will tell you what the new contract is. So that was our reasoning behind it. We can negotiate that's not a problem but I think we're going to find that this is going to be a long hard negotiation. You know AFSME lasted a whole year in negotiations.

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

**COUNCILMAN SLAGLE** B Yeah, I'll the same questions what happens if we don't extend it then? As a practical matter.

**SAFETY SERVICE DIRECTOR LOUDIANA** – We'll start negotiating probably at the end of August the first of September.

**COUNCILMAN SLAGLE** B Is there any option to extend this just through the first of the year?

**SAFETY SERVICE DIRECTOR LOUDIANA** – Well if you extend the contract through the first of the year the contract is actually for fire is up November 9th. So you start negotiating 6 months before. So you extend it to the first of the year you're still not you're going to start negotiations before the election.

**COUNCILMAN SLAGLE** B What about the police when are they up?

**SAFETY SERVICE DIRECTOR LOUDIANA** – Police is up December 31st. That one should be no problem and AFSME they're up in April of next year.

**COUNCIL PRESIDENT GAMBER** – Mr. Slagle, are you finished?

**COUNCILMAN SLAGLE** B Thank you.

**COUNCIL PRESIDENT GAMBER** – is there anyone with a question for Mr. Loudiana? Nope, thank you. Mr. Mccune?

COUNCILMAN MCCUNE moved to bring Ordinance No. 72 – 2011 forward for passage, seconded by Councilman Slagle.

**COUNCILMAN MANSON** B What reading are we on? (Third) I'd like to have some discussion. This isn't questions this is just discussion I guess.

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

**COUNCILMAN MANSON** B Oh, I wasn't recognized I'm sorry.

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

**COUNCILMAN MANSON** B I was very interested in the question Mr. Slagle asked. I won't be voting to extend this I don't see any reason for extending it. As the law director said we've had this happen in the past and what went on is we continued working you know finished negotiating later on and some of the stuff was retroactive whatever you decide may be done. Primarily I'm concerned again about what we're spending. This I think we should be talking right now about every employee in the city start paying some share of their health care. Nobody wants to talk about this but just again here last week the teachers in Canton it was in the paper they had reopened and renegotiated. We had our own teachers here in Massillon its being done all over the place. We need to save money if you want to be serious about saving money then this is what we should be talking about right now. What should be done I don't buy that this is going to be a long hard negotiation nobody can predict that. It may be but it may not be nobody can make that prediction. But I don't see where we have to extend this contract. We may be waiting forever for a final ruling on SB 5 because no matter how it goes in November I'm sure there are going to be challenges to this. I think we ought to keep everything wide open right now but I do think we should be going to our employees and be talking to them about a percentage of the healthcare that's paid in. I will be voting against it.

**COUNCIL PRESIDENT GAMBER** – Is there anyone else?

ORDINANCE NO. 72 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 2 NO. MANSON AND PETERS VOTED NO.

**ORDINANCE NO. 73 B 2011**

**BY: PUBLIC UTILITIES COMMITTEE**

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

**COUNCILMAN ANDERSON** B I'm going to bring this forward for a vote that was my motion.

COUNCILMAN ANDERSON moved to bring Ordinance No. 73 – 2011 forward for a vote, seconded by Councilman Manson.

**COUNCIL PRESIDENT GAMBER** – This is third reading is there any discussion prior to a vote? We'll start at the left Mr. Slagle?

**COUNCILMAN SLAGLE** – Yeah, I'll be voting against this particular ordinance. I believe the terms of the contract itself are deficient in any number of ways. I think as discussed this does not talk about the Clinton area talks about Queenston Shale in fact below the base of Queenston Shale. It also does not discuss the type of well that will be done. I don't like the liability issues that I raised before. I also think that the terms for the City are probably not as favorable as they should be. Most importantly this oil is not and gas is not going anywhere. So there's no rush to do this. Secondly I think that on an environmental concern I think with the EPA study pending we should consider any future legislation in this area rather closely. One of the most valuable assets we have in our community is our water. We always talk about you

know what assets they have. We've let a lot of things be driven from this area of the country in the guise of the right to work for less states. But one of the things that they can not deny us is the fact that we have plentiful clean water. As long as there is a potential of a risk not a manageable risk I think we have to discuss the potential of those risks we should be concerned about that. I think we also have should be concerned about the fact that Exxon Mobile one of the largest corporations in America just suffered an oil well spill in one of the most pristine parts of our country. You know the Yellowstone River north of the Yellowstone Park. So if Exxon Mobile can not put an oil line underneath the Yellowstone River then I think perhaps here in Ohio we should be looking closer to this. We have the problem with the old wells in the area as well that I don't anyone has every done anything about this. Finally philosophical basis I think this continued reliance on non-renewable resources in our country has to change. There are many renewable resources which can be used. As long as we encourage non-renewable resources they'll continue to do it. I think the hidden cost and the risks that we have in these and certainly from what we have heard not only from those in our community but also countrywide that this clearly hasn't been fully expanded upon. I think these decisions as a council that we should make and force our legislatures to revisit the issue that we do not have local control over these decisions outside of our own property. I think that is just a terrible erroneous bad decision that was ever made. The local communities are no better than anyone else whether these properties should be drilled and the drill should be allowed. Secondly, I think we should have environmental impact studies on these wells. I think someone mentioned last week the fact that there are 3.000+ of these wells in Stark County already and each time we drill another well. It sounds like there's going to be plenty of them we're increasing the risks of something dramatic happening. I think that multiplier problem should be considered there's no reason why we shouldn't have something discussed about how close these are going to be going to old mines in the area. We know that they talk about the fact that this could be drilled all the way up underneath Kmart. So if they can go to Kmart they can certainly go the other direction and hit an old well or one of the old mines. I think that's a danger. So I don't think this is something we should be doing in a span of six weeks. The decision we make here today is going to have an impact in my opinion potentially for decades. It takes longer than six weeks I think to fully visit this issue. So I'll be voting no.

**COUNCIL PRESIDENT GAMBER** B Mr. McCune?

**COUNCILMAN MCCUNE** B Yes, its no secret that I adamantly oppose the drilling of these wells in residential neighborhoods. It's no secret that I firmly believe that an injustice was done when these municipalities like Massillon was striped of the right to have a say in where wells are drilled or not drilled. But at the same time I think that it's also known that I do support the drilling because I believe that we have drill to try to offset our reliance on foreign oil. But these drillings these drillings have to be done wholly and solely in industrial type settings. Not in the middle of downtown areas or residential neighborhoods. So in essence I support the drilling of wells in oil fields and industrial properties I do not intend to support turning my city into an oil field. So with all those things in mind I will be voting no tonight.

**COUNCIL PRESIDENT GAMBER** B Mr. Anderson, we're back to you.

**COUNCILMAN ANDERSON** B I'd like to bring that forward for a vote please.

ORDINANCE NO. 73 – 2011 WAS DEFEATED BY A ROLL CALL VOTE OF 6 NO, 2 YES. MANSON AND PETERS VOTED YES.

**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.

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**COUNCILMAN MANSON** – My recommendation is we just vote this down or we could table it indefinitely. We may as well just vote it down.

**COUNCIL PRESIDENT GAMBER** B Is there any discussion on this issue? Mr. Townsend?

**COUNCILMAN TOWNSEND** – Is this pertaining to the grant writer?

**COUNCILMAN MANSON** – The person that works for the arts area and stuff is working in those areas.

**COUNCIL PRESIDENT GAMBER** B Mrs. Ferrero, can we have to a microphone please and Mr. Townsend we'll have you ask your question again?

**COUNCILMAN TOWNSEND** – Is this for the grant writer?

**AUDITOR FERRERO** – It's not for the grant writer it is for the art. It's through economic development its part of the Mayor's ability to try to get the quarter going which is an arts district. She was heading that up. She was writing grants for that there was two separate things. We had a grant writer we don't have a grant writer right now. I've already taken her off of that. Okay.

**COUNCIL PRESIDENT GAMBER** B Are there any other questions? Mr. Manson?

COUNCILMAN MANSON moved to bring Ordinance No. 75 – 2011 forward for a vote, seconded by Councilman Hersher.

ORDINANCE No. 75 – 2011 WAS DEFEATED BY A ROLL CALL VOTE OF 7 NO, 1 YES. PETERS VOTED YES.

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

**BY: COMMUNITY DEVELOPMENT**

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** B This is our third reading with this ordinance. Approximately 34 acres in the Cincinnati Drive area. I've not heard any opposition nor do I recall anybody speaking out at any of the meetings about it.

COUNCILMAN HERSHER moved to bring Resolution No. 6 – 2011 forward for passage, seconded by Councilman McCune.

RESOLUTION NO. 6 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

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

**BY: STREETS, HIGHWAYS, TRAFFIC &**

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

**COUNCILMAN PETERS** – Second reading.

ORDINANCE NO. 77 – 2011 WAS GIVEN SECOND READING.

**ORDINANCE NO. 78 - 2011**

**BY: FINANCE COMMITTEE**

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 to this. First part is for \$24,900 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 the need for repair. Part 2 is for \$19,145 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, 1410.435 advance to this is a pay back to the general fund for advanced funds until county ODOT reimbursement is received. Section 3, is for \$5,000 please appropriate from the unappropriated portion of the Veterans Park Duncan Plaza Fund 1240 to supplies and materials line item of said fund 1240.125 for payment for grounds keeping and maintenance of Veterans Memorial Park. The last 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 advancing funds until WIC reimbursement was received.

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 8 yes.

ORDINANCE NO. 78 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**ORDINANCE NO. 79 - 2011**

**BY: FINANCE COMMITTEE**

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** – This is something we must do in the auditor's office to cover both of these on what we talked about in the last ordinance. We advanced money so now we are putting that money back where it was. We have \$19,145 going from advanced to into return on advance. The other part we have \$2,667 from advance to we're going to return on advance.

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. 79 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**16. NEW AND MISCELLANEOUS BUSINESS**

**LAW DIRECTOR STERGIOS** – May I say something real quick?

**COUNCIL PRESIDENT GAMBER** B Mr. Stergios, you certainly may.

**LAW DIRECTOR STERGIOS** – In all the hustle to get the Resolution No. 8 regarding raising the income tax I did forget to mention there will if it ever comes forward there will be a second ordinance that you'll have to do to amend our tax code to reflect what goes on the ballot. It's one to be honest its one heck of a lot of typing and in such a short time period I chose not to bring it forward because you don't need that to act on what you're acting on. So depending on what you do you may see that down the road. So I just thought I would tell everybody that there is a or there would be a second ordinance coming if this ever gets on. I forgot to tell councilman

Manson that last week. That's all.

**COUNCIL PRESIDENT GAMBER** B Thank you, Mr. Stergios.

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

**NANCY HALTER** – 303 Ertle Avenue NE. I just want to thank council and the administration and the city for all they've done to help us with the Fourth of July Committee. There were five of us from the committee sitting here tonight there's four of us left. We do appreciate everything that the city does to help us with the Fourth of July Picnic in the Park. I wanted to publically thank you we've sent out thank you notes to everybody and it occurred to me we've never publicly thanked the city. Thank you very much.

**COUNCIL PRESIDENT GAMBER** B Is there anyone else? Mr. Manson, before we adjourn can I ask to see you in the conference room for about five minutes right after council.

**18. ADJOURNMENT**

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

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MARY BETH BAILEY, CLERK,

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GLENN E. GAMBER, PRESIDENT

