

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, SEPTEMBER 19, 2011**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Monday, September 19, 2011. We have in attendance with us this evening: Community Development Director Aaby, Building Official Houpt, Auditor Ferrero, 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, 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 we need a motion please.

COUNCILMAN MANSON – Yes, I make a motion that we excuse Mr. Mang, seconded by Councilman McCune.

Roll call vote of 8 yes to excuse Councilman Mang.

2. INVOCATION

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

COUNCILMAN PETERS – Led those in attendance with the invocation.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN PETERS – Chairman of the Streets & Highways 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

SCOTT GRABER – 1218 Tremont Avenue SW, Massillon, Ohio. I'd like to address Ordinance No. 117 – 2011 by the finance committee authorizing the issuance not to exceed \$11,500,000.00 bonds in bonds. I'm in favor of this and I'm also in favor of the refinance of the

bond on the Legends Golf Course. I'm in favor of refinancing or reissuing the bonds on the senior citizen high rise. Because city council has a wonderful opportunity to undo a horrible mistake that was made when these bonds were originally issued in the form of general obligation bonds. General obligation bonds pledge the full faith and credit of the city to pay the bond. If the City of Massillon had no other revenue to even to pay police or fire protection they would have to pay those general obligation bonds. So we have a wonderful opportunity here to refinance and reissue and get rid of the mistakes that were made the mayor had admitted were mistakes and to mitigate the mistake by issuing revenue bonds which will use the revenues generated by the activities to finance the bonds. It will release the general fund to the City of Massillon of the obligation the general obligation to pay those bonds. So I'm in favor of that under that condition all of those bonds should be reissued as revenue bonds. This will free the general fund of Massillon of \$1.8 million dollars per year in bond debt obligation. I thank you very much for your time.

TERRY HEMPERLY – Tuscarawas Township Trustee, 12910 Barbara Street SW, Tuscarawas Township. I'm here on the Ordinance No. 112 about the agreement on Kenyon in the newspaper article they said that some of the council members were against it because it's a waste of money. Tuscarawas Township will be going ahead with this paving whether Massillon does or not. Now if Massillon decides not to go ahead with this there will be like a checker board and that will be a dangerous situation for all people who drive on that. Especially the people who live in the Kenyon Creek Allotment now several years ago over in Deerford next to the Hammer Farm township paved one side of the road which is theirs the City did not and as a consequence there was potholes on this part of the road. People were driving on the paved part of it and I'm afraid if Massillon doesn't do go with us on this we're going to have the same situation. So what I'm doing we're working with the City trying to you've got money problems we've got money problems but we need to work together. I think that this board of township trustees is willing to work with Massillon any way we can work out a peaceful solution to our problems as long as its not a piece of Tuscarawas Township. Thank you.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 116 – 2011

BY: FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$925,000 OF BONDS FOR THE PURPOSE OF CURRENTLY REFUNDING BONDS ISSUED IN 1994 FOR THE PURPOSE OF PROVIDING PERMANENT FINANCING FOR THE MASSILLON SENIOR APARTMENTS PROJECT; AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS; AUTHORIZING AN ESCROW AGREEMENT IN CONNECTION WITH THE BONDS, IF DESIRED; AUTHORIZING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF DESIRED, IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

COUNCILMAN MANSON – Yes, want to have a discussion here briefly. As I said we will be giving this three readings and going through it through the committee process. I believe I have a commitment from the law director and Mr. Aaby and the auditor to be at the committee meeting Monday night. I would like to forego any other discussion right at this time until Monday. I agree that maybe the they may not be that difficult you know may be very wise for us to do this but I do believe that we need to understand it very well. We knew about the high rise but we hadn't heard about the recreation center when this was presented to us last week. So it's just taking a little time to devour it. So my intention is just to give first reading to both of them tonight.

ORDINANCE NO. 116 – 2011 WAS GIVEN FIRST READING.

ORDINANCE NO. 117 – 2011

BY: FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,500,000 OF BONDS FOR THE PURPOSE OF ADVANCE REFUNDING BONDS ISSUED IN 2002 FOR THE PURPOSE OF

(I) ACQUIRING LAND IN CONNECTION WITH A CITY RECREATION CENTER; SITE IMPROVEMENTS FOR THE CITY RECREATION CENTER, INCLUDING DEMOLITION RELATED THERETO; CONSTRUCTING, FURNISHING AND EQUIPPING THE CITY RECREATION CENTER; (II) CONSTRUCTING PHASE I PARK AND RECREATION FACILITIES AT THE COMMUNITY PARK; FURNISHING AND EQUIPPING THE SAME; LANDSCAPING AND IMPROVING THE SITES THEREOF; ACQUIRING LAND AND INTEREST IN LAND FOR PARK AND RECREATION PURPOSES; AND (III) DREDGING AND IMPROVING THE RESERVOIR AT RESERVOIR PARK AND SITE IMPROVEMENTS RELATED THERETO; AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS; AUTHORIZING AN ESCROW AGREEMENT IN CONNECTION WITH THE BONDS; AUTHORIZING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF DESIRED, IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

COUNCILMAN MANSON – Yes, one other thing I'd like to say about these two ordinances. I know myself since Monday when we were first presented these two ordinances I've been calling the law director and talked to him at least twice and I've talked to the auditor. I suggest that if anybody has any questions don't hold back get them asked directly to them if you need to. I'm going to give this first reading.

ORDINANCE NO. 117 – 2011 WAS GIVEN FIRST READING.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A. REPOSITORY - \$1,381.41

COUNCIL PRESIDENT GAMBER – Mr. Manson?

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

Roll call vote of 8 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

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

COUNCIL PRESIDENT GAMBER – We have numerous reports from city officials all of which we will put on file.

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

Indicating what services and zoning conditions the City of Massillon, Ohio, will provide to the Bit of Eden Area Annexation, upon annexation.

COUNCILMAN HERSHER – This ordinance spent a considerable amount of time in committee before making it on the agenda. This is our third reading with it this evening. We are investing approximately \$16,000 is our share to make some sanitary sewer improvements and annex the Bit of Eden area. We know that we're going to have approximately a two year pay back on this project based mostly from sewer fees collected after the annexation. So if there are any questions we'll get them answered tonight other wise we need to bring it forward for passage up or down.

COUNCIL PRESIDENT GAMBER – Do we have questions on the ordinance? Mr. Manson?

COUNCILMAN MANSON – Not questions but a comment. Do we want to do it after we move the ordinance forward before we vote or right now?

COUNCIL PRESIDENT GAMBER – Ask your question.

COUNCILMAN MANSON – Well, no, I want to make a comment on it a few comments. We have been talking about this for quite a while. It's considerably less than what the original proposal was to us maybe a year or a year and half or more ago. But there had been a number of questions that come up about. I just want to touch on a few of them. First thing is that we have this property 90% more than 90% surrounded by the City all three sides. There were some people that believed that we had to plow the snow and maintain the streets and we do not plow the snow there or maintain the streets. That is private development there and they'll be required to do that. We will be required to supply police and fire service we have taken a pump truck out there and driven it in the park so we do have the ability to fight fires in that park as well as anybody else has. I wanted to repeat what Mr. Hersher said that there will be some property taxes involved here for sure that goes along with the fees. Also there will be some city income tax but as it said in the note that he sent out it's a little tough to determine that but there will be some city income tax involved. I believe this is a valuable piece of property and I do believe that it would help us to correct a problem that actually is falling out on us. It's coming out of there and going across much of the city property. I think this is something wise for us to support this annexation.

COUNCIL PRESIDENT GAMBER – Mr. McCune?

COUNCILMAN MCCUNE – Yes, this property would become part of the 6th ward. If you remember the map if you would even look at the map that we had on the ward boundary issues. It's an island within the 6h ward. I believe because of the significant reduction in the cost of and the fact that we'll get a return on our money in a couple of years along with I believe it takes a little bit of foresight here with the property. Because as Councilman Manson has said it's a valuable piece of property and will become I think even more valuable down the road. So I think this is something that we'll close up a loophole out there we already have our safety forces out there. It really doesn't cause any additional stress to our safety forces as it stands. So I'll be supporting this ordinance tonight.

COUNCIL PRESIDENT GAMBER – Are there any other comments? Mr. Hersher, we're back to you.

COUNCILMAN HERSHER moved to bring Ordinance No. 98 – 2011 forward for passage, seconded by Councilman McCune.

Roll call vote of 4 yes, 4 no, President Gamber broke the tie by voting yes.

ORDINANCE NO. 98 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 5 YES, 4 NO. ANDERSON, CATAZARO-PERRY, PETERS AND TOWNSEND VOTED NO.

ORDINANCE NO. 100 - 2011

BY: ENVIRONMENTAL COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with A J Diana Sons for the disposal of leaves for 2011, and declaring an emergency.

COUNCILMAN HERSHER – This is the yearly leaf disposal agreement \$28.50 per ton is the same per ton rate last year. I believe the total contract of \$15,000 is the same as last year also. It's my sense we probably would have passed this two weeks ago other than some procedural challenges. So we'll bring it forward and hopefully pass it this evening.

COUNCILMAN HERSHER moved to bring Ordinance No. 100 – 2011 forward for passage, seconded by Councilman Manson.

ORDINANCE NO. 100 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 102 - 2011

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

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 various street improvements in the City of Massillon, and declaring an emergency.

COUNCILMAN PETERS – I was reading something which one are we on? Sorry, oh 102. Okay, yeah this is for repaving projects on Lanedale and Woodstone. This is again third reading. We've discussed it because we took two streets off and we put two streets on. If there's any questions the engineer is here he'd be glad to answer them if there aren't I'm going to move that we put it up for passage.

COUNCIL PRESIDENT GAMBER – Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I'd like to have the engineer come up please. Mr. Dylewski, we've talked briefly before the council meeting started and I talked with you. I'd really like to support this but the funds are coming out of capital improvement is that correct?

ENGINEER DYLEWSKI – As it stands now that's correct, yes.

COUNCILWOMAN CATAZARO-PERRY – And I've checked with the auditor to see if we can move those and she said there's not any way that we can move those this evening. So I just wanted to bring you to make sure that there's no possibility of doing that. If the auditor could approach the microphone just to confirm that that would be great. Mrs. Ferrero, is there any chance at all to move this out of capital improvement? (No) Thank you. As you know I've met with the state auditor as well as the auditor and Mrs. Pantello and our numbers for the year are drastically low for us to make our bills. I know we're not paying bills currently. I would like to support this but due to our financial situation I can't with a good conscious go forward and support this tonight. So I just wanted to let everyone otherwise I would support this and have this done because the streets are very poor. I've been out there I've driven it they're poor but because its coming out of capital improvement we need to make sure that we're making payroll and paying our police and fire and paying our workers and we're not even paying our bills. So I will be voting no on this this evening.

COUNCIL PRESIDENT GAMBER – Are there any other questions for the engineer while he's here. Thank you, Mr. Dylewski.

ENGINEER DYLEWSKI – Can I make a point Mr. President?

COUNCIL PRESIDENT GAMBER – You certainly may.

ENGINEER DYLEWSKI – Mr. Peters that wasn't switched yet for 17th and Andrew. If you guys wanted to add Lanedale and Woodstone that needs to...

COUNCILMAN PETERS – We have to amend?

ENGINEER DYLEWSKI – Right, that would need to be amended. That's if you recall we discussed at committee.

COUNCILMAN PETERS – Then...

COUNCIL PRESIDENT GAMBER – Mr. Peters, can you fill us in?

COUNCILMAN PETERS – Yeah, I'm going to make a motion on...

COUNCIL PRESIDENT GAMBER – Before you start making motions explain what's going on.

COUNCILMAN PETERS – Well, we're going to make an amendment to this because we're taking two streets out. I thought we already done that. We're taking two streets out and putting two streets in. So that would take us back to first reading if I did that.

COUNCIL PRESIDENT GAMBER – Which streets are you taking out?

COUNCILMAN PETERS – 17th and Andrew.

COUNCIL PRESIDENT GAMBER – And replacing them with?

COUNCILMAN PETERS – Lanedale and Woodstone.

COUNCIL PRESIDENT GAMBER – As chairman go ahead and make that motion to amend.

COUNCILMAN PETERS moved to amend Ordinance No. 102 – 2011 by replacing 17th Street and Andrew with Lanedale and Woodstone. Seconded by Councilman McCune.

COUNCIL PRESIDENT GAMBER – Is there any discussion or comment on that? Mr. McCune.

COUNCILMAN MCCUNE – Yes, the addition of these two streets was I came I believe from calls that I had received and I appreciate the fact that Keith and Donnie and Mike went out addressed it as quickly as they did. The roads are in such horrible condition that one of the ladies that called me contends that she had a bicycle wreck that was a direct result of the roads conditions out there. She I went out and met with her and she's definitely laid up. So these are streets that needs to be addressed if at all possible like I said I've received many calls on it. So I would like to I'm going to support it naturally and wanted to just express my appreciation for the actions of all parties concerned in making these two streets part of the plan.

COUNCIL PRESIDENT GAMBER – Are there any other comments? Mr. Manson?

COUNCILMAN MANSON – Yes, I'm assuming asking the engineer that it's a wash as far as the cost its still going to remain the same \$109,000 approximately right with the switching or not?

ENGINEER DYLEWSKI – No, because if council approves the Kenyon project \$12,600 for the Kenyon project is coming off the \$109,000. So it would be a reduction of the \$12,600 of the \$109,000.

COUNCILMAN MANSON – Then the other part would be \$58,000 out of the capital improvement fund and we're doing \$51,000 out of the motor vehicle license plate fund. Right, for this?

ENGINEER DYLEWSKI – I believe that's correct.

COUNCILMAN MANSON – So it isn't all out of capital improvement and there are other things hinging on this. What we you know we're going to be looking at as far as Kenyon. So I'm in support of moving it forward.

Roll call vote of 7 yes, 1 no to amend Ordinance No. 102 – 2011. Catazaro-Perry voted no.

COUNCIL PRESIDENT GAMBER – Mr. Peters, we are now back at first reading with 102 what's your pleasure?

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

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

AMENDED ORDINANCE NO. 102 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. CATAZARO-PERRY VOTED NO.

COUNCIL PRESIDENT GAMBER – We now have section 4 of Ordinance No. 113 that was separated from the rest of the ordinance last meeting.

ORDINANCE NO. 113 - 2011

BY: FINANCE COMMITTEE

Section 4: Making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2011, and declaring an emergency.

COUNCILMAN MANSON – Yes, as we just heard the other streets that we voted on there will be some adjustment in how much is paved on those to clear the funds open the funds up for this project. So I'll be making a motion to come forward for third reading.

COUNCIL PRESIDENT GAMBER – Is that your motion?

COUNCILMAN MANSON – Yes.

COUNCIL PRESIDENT GAMBER – Do we have a second? Seconded by Councilman Hersher. Are there any comments or questions? Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – I had a brief conversation with Mr. Hemperly and told him I would like to support this this evening. However, Mr. Hemperly they are not able to take it out of muni motor it has to come out of capital improvement and just wanted you to know that we have a really, really poor financial situation. At the end of the year we're going to be really, really short and had it been able to come out of muni motor I would be able to support this. But I can't due to it coming out of capital improvement. Would Mrs. Ferrero please come to the podium?

AUDITOR FERRERO – Since you passed the previous ordinance that \$109,000 that they have budgeted for that that's going to be reduced by this \$12,600. That's the plan so the way the ordinance was passed the money is available there for it.

COUNCILWOMAN CATAZARO-PERRY – In muni motor?

AUDITOR FERRERO – No, capital improvement. It's going to come out of there for one or the other. All we're going to do is reduce this one with these five streets. We're going to reduce that by this \$12,600 so we can do the Kenyon project.

COUNCILWOMAN CATAZARO-PERRY – But you can't take it out of muni motor?

AUDITOR FERRERO – No.

COUNCILWOMAN CATAZARO-PERRY – Okay, unfortunately I'm going to have to vote no on this because my council members are not understanding what a dire situation we are in. I know they want to get things done this year I do too but we're not paying bills and it is September. We stopped paying bills in August and we've got people calling our departments wanting paid and it's really, really important that we're all paying attention to this. I know they are but I've met with the state auditor, I've met with Jayne, I've met with Mrs. Pantello. It is a tough, tough time and I'd like to see our capital improvement dollars moved over and not be used for this this year. So that's all. Thank you.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Yes, I just have to comment on that. Mrs. Catazaro-Perry's said that we don't understand this. Well we do understand this very well I think maybe your problem is you don't understand it. We are not in fiscal watch, we're not in fiscal emergency. We do have bills that we have to pick and chose but the city does not quit moving. Every money we take in approximately \$1.3 million in revenue we might take in \$1.1 million this month and we might take in \$1.3 or 4 next month. But we are not in watch or emergency either one. You did meet with the auditor and the state auditor had somebody there and did they say that we are in fiscal watch?

COUNCILWOMAN CATAZARO-PERRY – They said we're headed that way.

COUNCILMAN MANSON – We're headed that way but we're not there. We're not there.

COUNCILWOMAN CATAZARO-PERRY – By the end of the year we really could be there.

COUNCILMAN MANSON – But we do understand and another thing I would like to say I am...

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

COUNCILMAN MANSON – Yes?

COUNCIL PRESIDENT GAMBER – Please direct your comments to the chair and the body not to an individual.

COUNCILMAN MANSON – Okay, well the other comment is we would have money in muni motor vehicle license plate fund if Mrs. Catazaro would have voted for it about five years ago. There would be a lot more funds there. That's it.

COUNCIL PRESIDENT GAMBER – Are there any other comments or questions? Mr. McCune?

COUNCILMAN MCCUNE – This also falls in my ward as Kenyon Creek Allotment area out there. The roads are in terrible condition and I really believe that the \$12,000 that we would spend on this would be money well spent. Even as dire as our finances may be I'm sure that from the people that I've talked to out there they would be very appreciative if we went forward with this. So I will be voting in support of this ordinance.

COUNCIL PRESIDENT GAMBER – Is there anyone else, Mr. Slagle?

COUNCILMAN SLAGLE – Yeah, I fully understand the dire financial needs since I've been saying that for three years but I'm not going to sit on a council that stops paving the streets in the City of Massillon. So I think it's a safety issue just as much as police forces. I think the streets have to be paved and that's why I'm going to vote in favor of it.

COUNCIL PRESIDENT GAMBER – We have a motion and a second this is third reading. Roll call vote please.

SECTION 4 OF ORDINANCE NO .113 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. CATAZARO-PERRY VOTED NO.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 106 - 2011 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Indicating what services the City of Massillon, Ohio, will provide to the Cincinnati Area Annexation, upon annexation, and declaring an emergency.

COUNCILMAN HERSHER – Second reading.

ORDINANCE NO. 106 – 2011 WAS GIVEN SECOND READING.

ORDINANCE NO. 107 - 2011 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Establishing the Vacant Land Reutilization Program within the City of Massillon for the purpose of resale or disposition of parcels acquired by the City through the an accelerated foreclosure process from Stark County, and declaring an emergency.

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COUNCILMAN HERSHER – I strongly support this program. I think it's a heck of an idea to get some these properties working again for our residents. I don't it's my sense there's not really a whole of controversy or anything with council. So I don't see any reason to hold this up. So unless I hear from somebody else on council it would be my intention to move this forward this evening by suspending the rules.

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. 107 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 108 - 2011 **BY: PARK AND RECREATION COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Ohio Department of Natural Resources to stock the Reservoir with free stock for public fishing, and declaring an emergency.

COUNCILMAN SLAGLE – This ordinance probably has as much controversy as kissing your mother on Mother's Day. So it's just stocking the Reservoir with fish that costs us nothing. We just have to permit free fishing on the Reservoir. I see people fishing at the Reservoir all the time I which I saw them catch more fish but those of us that fish know you spend more time

looking for fish than you do catching them.

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

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

ORDINANCE NO. 108 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 109 - 2011

BY: POLICE AND FIRE COMMITTEE

Authorizing the Mayor and the Director of Public Service and Safety to enter into an agreement with the Massillon F.O.P. Henderson Lodge Police Officers Association Collective Bargaining employees extending the current contract for an additional six (6) months, December 31, 2011 through June 30, 2012, and declaring an emergency.

COUNCILMAN MCCUNE – Yes, this ordinance pretty much piggybacks on that ordinance that we had earlier this year of when extended the fire contract for six months along with giving the auditor's office firm numbers to deal with. I believe it also provides an important opportunity for the next administration to be involved in the negotiations. So I will be bringing this forward for suspension of the rules and passage tonight.

COUNCIL PRESIDENT GAMBER – Any comments or questions? Mr. Slagle?

COUNCILMAN SLAGLE – I'd like to know if there's been any public comment by either of the two mayoral candidates regarding their position on this.

COUNCIL PRESIDENT GAMBER – Are you asking anyone particular is...

COUNCILMAN SLAGLE – Well, I know one of them is here. Are they both here tonight?

COUNCIL PRESIDENT GAMBER – Well, this is not a discussion by candidates.

COUNCILMAN SLAGLE – Well, maybe at the end.

COUNCIL PRESIDENT GAMBER – Possibly at the end, but not right now.

COUNCILMAN SLAGLE – It seems that's who's going to be affected the most by it besides the employees.

COUNCILMAN MCCUNE – Well, I had discussion with one of the candidates...

COUNCIL PRESIDENT GAMBER – Mr. McCune that was his question to a candidate. Alright so if you don't mind lets not paraphrase what they may or may not have told you.

COUNCILMAN MCCUNE – I already made my statement.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Yes, I will be voting no on this because it just doesn't make sense to me. I voted against it but we did vote to do the same thing with the you know this before. I feel with our situation financially that we should be taking on health care right now. We should not be waiting six months into next year whatever I mean we're talking going out another nine months or so. Most places I see now are paying at 5, 6% of their health care some as much as 10%. I don't think we should be waiting in considering not paying these other bills without asking these people to do something. The city schools I believe their teachers even voluntarily took a pay freeze. I think well and I think and we just had the schools had they switched superintendents you know that's like their mayor. I don't think we should be passing

these things and kicking them down the road I think its things that we should be doing right now. We are not in fiscal crisis right now but we need to do these little things that we just keep delaying everything that either reduces our costs or increases revenue. So I will be voting no on it.

COUNCIL PRESIDENT GAMBER – Mr. Hersher?

COUNCILMAN HERSHER – Well, if there's still some question or discussion that needs to be had on this I wonder if maybe being it forward tonight rather than on third reading is the best way to handle it. I don't know maybe council wants to dispose of it tonight.

COUNCIL PRESIDENT GAMBER – It's your choice Mr. Hersher oh I'm sorry Mr. McCune. Is there any other comments or questions? Back to Mr. McCune.

COUNCILMAN MCCUNE moved for suspension of the rules and passage, seconded by Councilman Peters.

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

ORDINANCE NO. 109 – 2011 WAS GIVEN SECOND READING.

ORDINANCE NO. 110 - 2011 **BY: POLICE AND FIRE COMMITTEE**

Enacting a new CHAPTER 1503 “FIRE PREVENTION BUREAU”, of the Codified Ordinances of the City of Massillon, and declaring an emergency.

COUNCILMAN MCCUNE – Yes, Chief Burgasser is here tonight I'll bring him forward to let him explain once again the importance of this creation of this fire prevention bureau or the alteration of. Chief if you would share with us what led to the need to make these changes in the ordinance.

FIRE CHIEF BURGASSER – Again, I believe what led to the introduction of this ordinance is a mistake on my part and a mistake in 2002 and 2003. In which what we did was authorize legislation from Revised Code 73727 through the use of an ordinance that is not codified or is an ordinance similar to paving a street, etc. Rather than codify the ordinance codify the fire prevention bureau as part of the fire prevention code within the City of Massillon. Virtually every other city does this the City of Alliance, City of Canton. All this would do would allow us to point to a place where people can go to look at what our fire prevention bureau is what it does how it does it and why it does it. Much along the same lines of how we would have recreational fires things like that. It should be in a codified sense and that's all this stuff does. There is no cost to this.

COUNCIL PRESIDENT GAMBER – Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Burgasser, we spoke tonight chief because the last time you brought something forward it was going to add on \$18,000 to a salary. Tonight I just wanted to clarify because you had told me over the phone that there would be no cost at all to the city.

FIRE CHIEF BURGASSER – This is not the deputy chief ordinance. This is codifying fire prevention bureau with the fire marshal. We already have a fire marshal position we already have a place for all of that there is no cost to this. This is not the same thing.

COUNCILWOMAN CATAZARO-PERRY – Thank you. And 1503.03(b) says the fire chief should recommend to the safety service director the temporary employment of technical inspectors. So you are not looking to add anyone to the staff?

FIRE CHIEF BURGASSER – What that specific feature would allow is an example of the Bonnie’s Engraver Gallery fire when we had to bring in technical engineers to look at the structural integrity of that building. If we would not be able to appoint them as technical inspectors or in some cases investigators we could have called in to question the possibility that they were there not on our behalf but on behalf of some other entity. That’s what would allow us to do something like that. That is not in any way shape or form any member of the fire department currently any engineering firm that is even contemplated now. But if during the course of an investigation we would need to summon an technical and I would also submit that that would also be in consultation with our city engineer if he doesn’t have the expertise we would first of all ask him.

COUNCILWOMAN CATAZARO-PERRY – And how often would you think that would happen or would you have utilized that in the past?

FIRE CHIEF BURGASSER – In my experience it’s happened once in 22 years.

COUNCILWOMAN CATAZARO-PERRY – Great. Thank you.

COUNCIL PRESIDENT GAMBER – Any other questions for the chief? Thank you, Chief Burgasser. Mr. McCune.

COUNCILMAN MCCUNE moved for suspension of the rules and passage, seconded by Councilman Peters.

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

ORDINANCE NO. 110 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 111 - 2011 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets for the 2011 – 2012 winter season, and declaring an emergency.

COUNCILMAN PETERS – We basically do this every year. We know we have to have salt for the streets. We enter into this agreement with the Stark County Commissioners buying it in large quantities. The price is a little bit higher than it was last year but what isn’t? I’m going to ask that we waive the rules and get this passed because we’ve got to get on with that winter is just right around the corner.

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

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

ORDINANCE NO. 111 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 112 - 2011 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Project Agreement with the Tuscarawas Township Trustees for the Kenyon Avenue Resurfacing Project, and declaring an emergency.

COUNCILMAN PETERS – I don't want you to yell at me again. This is another one of them I want to make an amendment.

COUNCIL PRESIDENT GAMBER – Hold on one second. Alright, you've got the floor.

COUNCILMAN PETERS – Okay, I'd like to make a motion to amend Ordinance No. 112 – 2011. This is the project agreement with Tuscarawas Township Trustees for Kenyon Avenue resurfacing. In the agreement #2 should read: the township will supervise that portion of the project within the township while the city will supervise that portion of the project which lies within the city.

COUNCIL PRESIDENT GAMBER – Are you talking page 1?

COUNCILMAN PETERS – Page 1, #2.

COUNCIL PRESIDENT GAMBER – And where did alright just asking where did you get that information? The information that you want to amend the language?

COUNCILMAN PETERS – I've got it right in front of me from the city engineer.

COUNCIL PRESIDENT GAMBER – Alright, would you like to call him up or the law director to discuss changes to the agreement?

COUNCILMAN PETERS – Well, might as well go to the other one first and then we'll bring them up at the same time. Then #7 in that same series if the city fails to pay the township within 45...

COUNCIL PRESIDENT GAMBER – Mr. Peters, there is no #7.

COUNCILMAN PETERS – There is now.

COUNCIL PRESIDENT GAMBER – Okay, so you're adding #7?

COUNCILMAN PETERS – Yeah, yeah.

COUNCIL PRESIDENT GAMBER – Alright, you're changing #2 and you're adding a #7?

COUNCILMAN PETERS – Got it.

COUNCIL PRESIDENT GAMBER – Alright.

COUNCILMAN PETERS – Did I confuse you?

COUNCIL PRESIDENT GAMBER – Sure, why should tonight be any different?

COUNCILMAN PETERS – If the city fails to pay the township within 45 days of the receipt of an invoice a late fee of 5% of the invoice amount shall be added to the invoice. Now we can bring the engineer up if there are any questions.

COUNCIL PRESIDENT GAMBER – Do you think it's worthwhile to make copies of these so the other council members can see them?

COUNCILMAN PETERS – I could you do.

COUNCIL PRESIDENT GAMBER – Why don't you do that, Mr. Stergios, can we borrow you're secretarial skills for a moment. In the meantime we'll call the engineer forward. Mr. Stergios, were you involved in these changes?

LAW DIRECTOR STERIOS – No, but I don't have any problem with them.

COUNCIL PRESIDENT GAMBER – Alright, since we're talking the agreement that we'll be

voting on lets make sure that the council members have a copy. Madame Clerk, you may need to go hit the right buttons over there. Alright, Mr. Peters, you have the floor again.

COUNCILMAN PETERS – For what?

COUNCIL PRESIDENT GAMBER – To ask the gentleman any questions.

COUNCILMAN PETERS – I don't have any for him I know what we're doing if anybody else has a question.

COUNCIL PRESIDENT GAMBER – Mr. Hersher?

COUNCILMAN HERSHER – Would the agreement get done without #7? I mean I'm not trying to be funny, but...

ENGINEER DYLEWSKI – When this was presented to council we didn't have any comments back from the township. The city drafted the agreement sent it to the township. So to get it on the agenda what was sent to the township was given to council. So obviously we passed the meeting before the township got its comments back and these comments reflect are from the township.

COUNCILMAN HERSHER – Thank you.

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – I don't know why we should have this in an agreement any more than we don't pay anybody else we haven't paid in for 45 days or 90 days 5%. So...

COUNCILMAN PETERS – I understand why they're asking for it.

COUNCILMAN SLAGLE – I mean I understand that purpose but I can't support something where we're preferring even if it's the township over the rest of our creditors because we're paying them late.

COUNCIL PRESIDENT GAMBER – Mr. Peters, may I ask a question? Were these changes did these were these discussed at a work session or did these come after the last work session and tonight?

COUNCILMAN PETERS – These came after the last work session. I mean right after as we were walking out the door.

COUNCIL PRESIDENT GAMBER – Has anyone on council seen the changes or discussed them?

COUNCILMAN PETERS – No, that's why I made a motion on the floor to change it.

COUNCIL PRESIDENT GAMBER – Alright, well we'll wait just a moment while we get this. Mr. Hersher?

COUNCILMAN HERSHER – I understand there is somewhat of a time deadline would it be if the ordinance is amended would it be Mr. Peters' intention to bring it forward for passage this evening.

COUNCILMAN PETERS – Well, I'm refer that question to the city engineer because its my understanding that we need to get this signed and moved forward with it as soon as possible. Am I correct?

ENGINEER DYLEWSKI – Well I think the township is ready to go on the project. We have nothing to do with the project besides supervising the portion in the city. They bid the project out they're running the project. So...

COUNCILMAN PETERS – And we've already passed the funding of it...

ENGINEER DYLEWSKI – That's correct.

COUNCILMAN PETERS – Tonight, so I see no reason to hold this up for another meeting. I mean...

COUNCIL PRESIDENT GAMBER – May I make a suggestion Mr. Peters? Since this is affecting the legal agreement and no one has seen it yet can we hold this off until the last item of business and give everyone an opportunity to take a look at this or do you want to do it?

COUNCILMAN PETERS – Yeah, we can do that I have no problem with that.

COUNCIL PRESIDENT GAMBER – Alright, is there any objection to moving forward in our agenda to the next two items and then coming back to this? Madame Clerk, would you please read Resolution No. 11 please?

RESOLUTION NO. 11 - 2011 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Adopting the decision of the Tax Incentive Review Committee made on August 11, 2011 wherein they recommended that those certain Enterprise Zone Agreements listed on the attached exhibit "A" be continued, and declaring an emergency.

COUNCILMAN HERSHER – Second reading.

RESOLUTION NO. 11 – 2011 WAS GIVEN SECOND READING.

RESOLUTION NO. 12 - 2011 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Reversing the decision of the Massillon Zoning Board of Appeals made on August 11, 2011 wherein the Zoning Board of Appeals denied a request for variance from the Massillon Zoning Code, Massillon Codified Ordinance Section 1187.08 (a) for a proposed fence at 1632 Amherst Rd NE, on Lot 11221 in the City of Massillon, Ohio, and declaring an emergency.

COUNCILMAN HERSHER – This is another one that I think we probably would have dealt with two weeks we have a second appeal to a zoning board request. Very similar to the first one other than I believe this fence will stop I believe its 12 feet short of the front property line. But still extends beyond the front of the house that's the reason for that a variance is necessary. As written it's a 6 foot chain link fence that does extend again into the front yard beyond the house. My intention is to suspend the rules and bring this forward this evening with the reminder that an affirmative vote is to reverse the decision and to allow the variance. Where a vote in the negative is to not allow the variance I believe I have that correct.

COUNCIL PRESIDENT GAMBER – Any comments or questions regarding this resolution? Mr. Hersher? Mr. Townsend?

COUNCILMAN TOWNSEND – Actually I wanted to ask the gentleman a question.

COUNCIL PRESIDENT GAMBER – Does council have any objection to having the gentleman come forward? Go ahead Mr. Townsend.

COUNCILMAN TOWNSEND – My question is this the fence 6 foot long...

DAVID FROST – Negative, its going to 4 or 3 foot high.

COUNCILMAN TOWNSEND – 3 foot high.

DAVID FROST – And it only going to go from the corner the front of the house to 40 feet. Like Roger said they moved my house R-something gave my house 30 feet back.

COUNCILMAN TOWNSEND – Was that initial proposal had a 3 foot high fence?

DAVID FROST – It's the second proposal, the first one I requested a 6 foot they everybody denied it. So I filed a new appeal and requested a 3 foot because that is it doesn't stipulate in your regulations a 3 foot can not be built or put up. Four foot to 6 foot is against the variance law. So another words I want a 3 foot which is authorized that's all I ask.

COUNCILMAN TOWNSEND – So you cut the fence in half pretty much the length and width I mean the height.

DAVID FROST – Yes, yes, sir.

COUNCILMAN TOWNSEND – Okay.

COUNCIL PRESIDENT GAMBER – Mr. Hersher.

COUNCILMAN HERSHER – The ordinance as I'm reading it says 6 foot and I believe that although I don't have it in front of me and I apologize for that...

DAVID FROST – It should have been changed.

COUNCILMAN HERSHER – I believe that the application and the appeal states for a 6 foot fence...

DAVID FROST – Negative.

COUNCILMAN HERSHER – I would imagine that that's where the that the 6 feet...

DAVID FROST – Negative, I requested a 3 foot...

COUNCILMAN HERSHER – Excuse me, I'm addressing the chair Mr. Frost...

DAVID FROST – I don't care.

COUNCIL PRESIDENT GAMBER – Mr. Frost, please we're doing you a favor by talking to you let's keep it civil here.

DAVID FROST – Okay, alright, sir. Okay, Mr. President.

COUNCIL PRESIDENT GAMBER – Mr. Hersher, I have a question.

COUNCILMAN HERSHER – But at any rate that's my comment that the ordinance says 6 foot and I believe that the appeal was 6 foot also. I don't see anywhere where 3 foot is supported with what we're looking at this evening.

COUNCIL PRESIDENT GAMBER – I don't have it in front of me my question is the nature of the variance does the variance have to do with the height of the fence or the fact that it extends beyond the front line of the home?

COUNCILMAN HERSHER – My understanding Mr. President is the variance is required because the fence extends beyond the front of the house.

COUNCIL PRESIDENT GAMBER – So the height of the fence doesn't matter the fact is that he wants it to extend beyond the home. Mrs. Catazaro-Perry?

COUNCILWOMAN CATAZARO-PERRY – Mr. Hersher, could we talk about this at the work session and clarify all these before we vote?

COUNCILMAN HERSHER – Absolutely, I don't have a problem with that. I don't know if I got to finish making my motion if I did I'll withdraw it and give it second reading.

COUNCIL PRESIDENT GAMBER – While the gentleman is here I would say lets discuss this if you want to give it second reading and wait till next week you may do so.

COUNCILMAN HERSHER – Yeah, I think second reading and we'll discuss it when we can talk about it.

COUNCIL PRESIDENT GAMBER – Second reading for Resolution No. 12...

DAVID FROST – Excuse me Mr. President.

COUNCIL PRESIDENT GAMBER – Now what's just happen Mr. Frost is there are a total of three readings available three separate meetings this is the second meeting and rather than vote tonight they want to discuss it further next Monday. Then this will be on the agenda again for our first meeting in October which time it will come up for a vote.

DAVID FROST – Okay, I have one question sir? (Alright) I know for a fact that I requested a 3 foot from a 6 foot down to a 3 foot. Because I read the law and I can not have a 4, 5 or a 6 foot. There's nothing stipulate a 3 foot. So it is on my second appeal that I did request and Roger knows it and Matt also knows it the zoning board. So I want that changed to a 3 foot or how do I go about do I have to file an appeal again or what sir Mr. President?

COUNCIL PRESIDENT GAMBER – Well hold on my question to Mr. Hersher was what variance are you requesting the code says the fence regardless of the height can not come further than the front of your home.

DAVID FROST – I object to what your saying sir.

COUNCIL PRESIDENT GAMBER – And that is the nature of the variance you're seeking.

DAVID FROST – I oppose what you're saying...

COUNCIL PRESIDENT GAMBER – Well then that's why we're going to meet next Monday to discuss it.

DAVID FROST – Because if I if you go around the neighborhood you see fences past the variance regulations.

COUNCIL PRESIDENT GAMBER – Yeah, I'm not arguing that at all I'm just explaining to you that seems to be the variance that was requested was the extension in length not in height. But in any event we've given it second reading we've discussed it council will discuss it again next Monday.

DAVID FROST – Forty foot, 40 foot not 12 from the sidewalk whatever...

COUNCIL PRESIDENT GAMBER – That's fine but make sure that you know I'm sure everybody has the maps and the details we'll discuss it next Monday alright?

DAVID FROST – Okay, what time sir, Mr. President?

COUNCIL PRESIDENT GAMBER – 6:00pm next Monday.

DAVID FROST – Okay, and then in October Mr. President what time?

COUNCIL PRESIDENT GAMBER – Whatever the first Monday is in October that will be October the 3rd at 7:30.

DAVID FROST – Okay.

COUNCIL PRESIDENT GAMBER – I'm going to ask you to have a seat now. We appreciate you being here. Second reading for Resolution No. 12.

RESOLUTION NO. 12 – 2011 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT GAMBER – Is there anyone on council with new or miscellaneous business to bring forward. Is there anyone in the audience who would like to speak to council on a topic that is not on the agenda if so please come forward?

SARITA CUNNINGHAM – 1167 Lennox Avenue NE, Massillon. I would like to apologize to the students that are here this evening for some of the actions of the people the adults in the gallery. Thank you.

COUNCIL PRESIDENT GAMBER – Since it was brought up about the students attending tonight can we ask anyone who is here from a school please stand up. You're here on any type of a project? Thank you for being here. We are basically finished with our agenda but we do want to go back and address the Ordinance No. 112 is that right Mr. Peters? (Yes) Does everyone have a copy of the proposed changes? Alright you have the floor again.

COUNCILMAN PETERS – Okay, do you want me to say everything I already said?

COUNCIL PRESIDENT GAMBER – No, whatever you think and then I'll ask if anyone has any questions.

COUNCILMAN PETERS – Well, I'm moving to amend Ordinance No. 112 – 2011 with the two changes that I stated earlier which everybody has a copy of. If there are any questions we can bring the engineer back up and he will answer them again.

COUNCIL PRESIDENT GAMBER – But your in the middle of your motion so your motion is to suspend the rules or to amend I'm sorry. We have a second is there a second to the motion to amend? Seconded by Councilman Townsend. Alright we have a motion to amend, Mr. Manson?

COUNCILMAN MANSON – Discussion?

COUNCIL PRESIDENT GAMBER – Go ahead.

COUNCILMAN MANSON – I have no problem with what you said about 2 and some of the other stuff 7 we've already stated that we passed it in the financial part that the funds are there in capital improvement and the...

DAVID FROST – Excuse me Mr. President.

COUNCIL PRESIDENT GAMBER – Mr. Frost, we need the attention of the council members.

COUNCILMAN MANSON – Okay, what I was saying is we already have it in Ordinance No 113 finance that the funds are there it's been signed by the mayor and the auditor. The funds are coming out of capital improvement and the muni motor vehicle license plate fund. So the funds are there so I prefer to just leave 7 out of there. I don't think it's necessary.

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – Yeah, I won't support it with 7 in there either. I mean I'm all in support of paving this road but I'm not going to have someone dictate something that other creditors of the city don't get #1. And #2 I'm not sure that it isn't that this is legal even. So...

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

COUNCILMAN SLAGLE – I'm done.

COUNCIL PRESIDENT GAMBER – Mr. McCune?

COUNCILMAN MCCUNE – I'm just going to voice the same opinion as Councilman Manson and Slagle. I don't #7 is necessary. I'm all for getting that road paved as soon as possible and the money has been appropriated so I don't see the need I won't support it with 7 in it.

COUNCIL PRESIDENT GAMBER – Are there any other comments? Well your options are either to vote for the amendment as is or a motion to amend the amendment. Right now we have a motion and a second...

COUNCILMAN PETERS – Well, I'd...

COUNCIL PRESIDENT GAMBER – Your motion is already is on the floor...

COUNCILMAN PETERS – No, I have a question we're still in discussion. So I'd like to bring the engineer up and ask him a question about that. I didn't write this amendment so I mean I'm just bringing it forward. What is your belief why is this...

COUNCIL PRESIDENT GAMBER – Excuse me, just one second. You didn't write it either?

ENGINEER DYLEWSKI – No, like I just explained this is from the township.

COUNCIL PRESIDENT GAMBER – Okay, so you received language from the township.

ENGINEER DYLEWSKI – That's correct.

COUNCIL PRESIDENT GAMBER – You receive this last Tuesday?

COUNCILMAN PETERS – I received it Mr. Dylewski brought it to my attention last Tuesday, Monday whenever. Okay, so this really doesn't matter to you I mean what...

ENGINEER DYLEWSKI – I don't get a vote.

COUNCIL PRESIDENT GAMBER – What's your specific question?

COUNCILMAN PETERS – Okay, I want to make a motion to amend my amendment.

COUNCIL PRESIDENT GAMBER – Why don't you make a motion to withdraw your motion to amend.

COUNCILMAN PETERS – I want to make a motion to withdraw my first...

COUNCIL PRESIDENT GAMBER – You don't need to make a motion just say I withdraw my motion.

COUNCILMAN PETERS – I withdraw my motion.

COUNCIL PRESIDENT GAMBER – Alright, now we are back to 112 as it was written with no amendments at all.

COUNCILMAN PETERS – Now I would like to make a motion to amend Ordinance No. 112 – 2011, section 2 the township will supervise that portion of the project within the township while the city will supervise that portion of the project which lies within the city. That is the only amendment I wish to make at this time for this ordinance.

COUNCIL PRESIDENT GAMBER – Do we have a second to that? Seconded by Councilman McCune. Mr. Stergios, may I call you forward please? Do you mind if I talk to our law director? You also not having seen this or had input to any of the changes what your

comment on the changes to section 2?

LAW DIRECTOR STERGIOS – Well the changes in section 2 I did either hear or read something about discussion about that. It might have been about the township trustees brought that up or Keith sent me an email. But I have no problem with the changes that Mr. Peters just proposed.

COUNCIL PRESIDENT GAMBER – Alright, does anyone have any other questions for our law director? Alright, we now have new motion to amend. Roll call vote please?

Roll call vote of 8 yes to amend Ordinance No. 112 – 2011.

ORDINANCE NO. 112 – 2011 HAS BEEN AMENDED.

COUNCIL PRESIDENT GAMBER – Mr. Peters, the amended ordinance is now back at first reading.

COUNCILMAN PETERS 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. 112 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 2 NO. CATAZARO-PERRY AND TOWNSEND VOTED NO.

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

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

