

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, JANUARY 3, 2011**

**COUNCIL PRESIDENT GAMBER B** I=d like to welcome all of you to Massillon City Council for Monday, January 3, 2011. We have in attendance with us this evening: Mayor Cicchinelli, Auditor Ferrero, Building Official Houpt 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, Ron Mang, Paul Manson, Dave McCune, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 9 present.

**2. INVOCATION**

**COUNCILMAN PETERS B** Gave the invocation for tonight.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILMAN PETERS** – Chairman of the Streets and Highways Committee led those in attendance in the Pledge of Allegiance.

**4. READING OF THE JOURNAL**

**COUNCIL PRESIDENT GAMBER B** Madame Clerk are the minutes of the previous meeting transcribed and open for public viewing (Yes, they are)

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

**6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 1 B 2011  
REGULATIONS COMMITTEE**

**BY: HEALTH, WELFARE, BLDG**

Amending CHAPTER 1317 “PLUMBING CODE” of the Codified Ordinances of the City of Massillon, and enacting new Subsections 1317.02 “OHIO PLUMBING CODE ADOPTED; AMENDMENTS”, 1317.04 “LICENSE EXEMPTIONS”, 1317.05 “QUALIFICATIONS FOR PLUMBING CONTRACTOR’S LICENSE,; REGISTRATION AS JOURNEYMAN PLUMBER”, 1317.06 “APPLICATION FOR PLUMBING CONTRACTOR’S LICENSE; BOND AND FEE”, 1317.07 “APPLICATIONS FOR REGISTRATION AS JOURNEMAN PLUMBER; FEE”, 1317.08 “APPLICATION FOR REGISTRATION AS PLUMBING APPRENTICE” 1317.09 “EXISTING CERTIFICATE OF COMPETENCY”, 1317.10 “BOARD OF PLUMBING EXAMINERS; TEMPORARY BOARD”, 1317.11 “POWERS AND DUTIES OF BOARD”, 1317.12 “EXAMINATION FOR LICENSE OR REGISTRATION”, 1317.13 “RE-EXAMINATION”, 1317.14 “FEES” 1317.15 “LICENSE AND REGISTATION RENEWAL”, 1317.16 “REVOCATION OF LICENSE OR REGISTRATION”, 1317.17 “LICENSE AND REGISTRATION NOT TRANSFERABLE”,

1317.18 “PERMITS”, 1317.19 “PERMIT FEES”, 1317.20 “INSPECTION”, 1317.21 “CERTIFICATE OF APPROVAL”, 1317.22 “RE-INSPECTION”, 1317.23 “DUTIES OF INSPECTOR”, 1317.24 “AUTHORITY OF INSPECTOR”, 1317.26 “RIGHT OF ENTRY” and 1317.99 “PENALTY”.

**COUNCILMAN TOWNSEND** B Mr. Houpt discussed this ordinance a couple work sessions ago it was discussed last week. If anyone has any questions I’m pretty sure Mr. Houpt will come up and answer those questions.

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

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 1 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 3 NO. CATAZARO-PERRY, PETERS AND TOWNSEND VOTED NO.

**ORDINANCE NO. 2 B 2010**                      **BY: PARKS AND RECREATION COMMITTEE**

Authorizing the Mayor of the City of Massillon, Ohio, to enter into contract agreements with Variety Attractions, Inc., L & B Entertainments, Inc., and other companies for various engagements for the 2011 summer concert series, and declaring an emergency.

**COUNCILMAN SLAGLE** – First reading.

ORDINANCE NO. 2 – 2011 WAS GIVEN FIRST READING.

**ORDINANCE NO. 3 B 2011**                      **BY: FINANCE COMMITTEE**

Authorizing the Auditor of the City of Massillon, Ohio, commencing January 1, 2011, to deposit revenue from the Inheritance Tax to the General Fund, and declaring an emergency.

**COUNCILMAN MANSON** B Yes, we discussed this at last Monday’s meeting. It’s very simple the money from the inheritance fund will be going into an account in the General Fund. Unless there’s any questions I intend to ask to waive the rule.

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 9 yes.

ORDINANCE NO. 3 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**ORDINANCE NO. 4 B 2010**                      **BY: FINANCE COMMITTEE**

Adopting temporary appropriations fro the operating and capital expenditures of the City of Massillon, Ohio, for fiscal year 2011, and declaring an emergency.

**COUNCILMAN MANSON** B Yes, we discussed this last Monday night what this is a temporary operating budget that would get us through the first quarter and allow us to go ahead and operate starting as soon as we approve this. What we did we took the temporary that we had last year and factored in the raises that were negotiated this year that’s the only real changes I believe. There might be some other minor changes that they’re not that important but this is it a temporary operating budget for the first quarter.

**COUNCIL PRESIDENT GAMBER** B Do we have any comments or questions on this? Mr. Townsend?

**COUNCILMAN TOWNSEND** – I have a question for the mayor just a few questions. This is mainly pertaining to the initial budget I sent an email to Jayne and she forwarded to you. I just I have two questions out of the nine I sent. The first one we're allocating a million dollars to the Legends and I just looking at the budget could we actually amend that to possibly say put \$300,000 to the police, \$300,000 to the fire and maybe a \$150,000 to the capital improvement within the parks and rec. Because the way I see it if the Legends is making a profit then over \$250,000 that is being allocating to it if we say if we went with my suggestions.

**COUNCIL PRESIDENT GAMBER** B Excuse me just one moment. Is this something that the auditor should answer or do you feel comfortable answering this?

**MAYOR CICCHINELLI** – Well, I've corresponded with the auditor on this since it's a financial issue. She's just informed me that it's not legal to do that.

**COUNCILMAN TOWNSEND** – To what's not legal?

**MAYOR CICCHINELLI** – To transfer funds those kinds of funds into other funds.

**COUNCILMAN TOWNSEND** – So those funds are specifically designated for the Legends a million dollars?

**MAYOR CICCHINELLI** – That's their budget. Their budget is coming you see the misnomer is the money that you're talking the million dollars that you're talking about is actually their money. That's what they need to operate the department in this case the golf course and their golf course funds. So you can't take them and transfer them to capital improvements or some place else.

**COUNCILMAN TOWNSEND** – Let me ask you last year I believe it was like \$400 some thousand dollars I believe that was allocated. I may be wrong.

**MAYOR CICCHINELLI** – No, its been consistently that much to run the golf course.

**COUNCILMAN TOWNSEND** – So every year. Okay, I was looking at something completely different. Because the budget I was looking at from last year I would assume it was last year had like \$450,000 being allocated to the Legends and not a million dollars.

**MAYOR CICCHINELLI** – Maybe you're getting mixed up with the general fund has allocated like \$350,000 for the debt payment of the golf course. But that's a separate fund those are regular city funds that we help the golf course help pay its debt because in reality its City of Massillon debt not just golf course debt. Its city debt so maybe we're talking about two different things here.

**COUNCILMAN TOWNSEND** – Okay, that could be. The profit from the Legends you know we keep hearing you know its making a profit, it's a making a profit I'm not going to doubt that. Where does that profit goes? Does it goes back into the million dollars being allocating this year.

**MAYOR CICCHINELLI** – Yes, right that's the money the budget says that we need a million plus to operate the course. Any dollars that we get from the actual course go in those funds and help replenish those funds and actually pay for the different things salaries, the wages various things that we have to purchase to operate the course. So the money goes right back in the course.

**COUNCILMAN TOWNSEND** – Okay, then my second question summer concert series I listed \$95,000 but also stated in the email I didn't have the budget in front of me. But on here it says \$65,000 you guys help me out I'm still I'm doing this budget 101 here.

**MAYOR CICCHINELLI** – We decided its been I think it was \$60,000 last year its \$65,000 because we're not sure if we're going to get any assistance for the senior citizens concerts which are held on Monday night in the summer out here at Duncan Plaza. So we put both of them

together but my concert series will not cost any more than \$60,000 and that \$60,000 is what its going to cost to put on our special concert series downtown here. The extra is to pay for the Duncan Plaza we don't know if there's going to be price increase from the federation of musicians we don't know that. We don't know if we're going to get a corporate sponsor we look at those things during this year. But just to make sure we wanted to put an extra \$5,000 in and that's why its \$65,000. Keep in mind that's all money raised so it has to show in the budget but its not going to be city money. We've done that how many times now I raise the money and my committee raises the money for those concerts.

**COUNCILMAN TOWNSEND** – One more question I know I said I'd only asked just two but I'm still learning this stuff here when it comes to the budget. Parks and rec. capital fund 0 now capital improvement is for repair of equipment things of that sort so what happens if these equipments break down? Where would that money come from to repair or replace buy new equipment and things like that?

**MAYOR CICCHINELLI** – Well, you have the department is prioritizing equipment purchases and replacement of equipment. They do that all the time if we need to do that and the dollars are there that's why we said before these budgets are all based on estimated revenue. As the dollars come in some of those funds could be replenished and dollars then put into that fund to do whatever capital improvement that the department wants to do. That's why we do it that.

**COUNCILMAN TOWNSEND** – I have one more because of you just said. You said when the dollars come in where will the comes from?

**MAYOR CICCHINELLI** – Inheritance taxes, income taxes, real estate taxes, local government taxes. All of our revenue sources that actually the dollars from those revenue sources fill in all the gaps that we talk about and the dollars to operate the city.

**COUNCILMAN TOWNSEND** – Okay. I'm done.

**COUNCILMAN MANSON** B Yeah, I just make a comment here. Back to this golf course budget this is money that revenue that they raised during the year. This is money not coming out of the general fund if we say no to that that means we are not allowing them to operate and there won't be a million dollars for anything there. It's what they raised this is the revenue from the golf and from the operation of the clubhouse and the catering, pro shop, whatever. It's revenue not profits it's the revenue they generate. There was some profit last year but it is the revenue even if they took a million dollars to operate and they only \$800,000 revenue it's the revenue. It just happens that this is very close to the number that they did raise last year. But it is their revenue they are raising we're not giving it to them.

**COUNCILMAN PETERS** B I have nothing for the mayor I just want to say a couple of things for the record.

**COUNCIL PRESIDENT GAMBER** B Alright, hand on one second here. Is there any one who has a question for the mayor? Mr. Anderson? We'll get right back to you I'm sorry Mr. Peters.

**COUNCILMAN ANDERSON** B First of all a statement then a question. I don't have a problem with the budget numbers are fine yes or no vote for me depends on your answer to the next question. My question is I want to know who is going to be responsible for making sure that this budget will be maintained and adhered to by each department according to the budget that we're passing today. Temporary budget for the first three months?

**MAYOR CICCHINELLI** – The administration we are I am the department heads.

**COUNCILMAN ANDERSON** B Okay, so bottom line is you're going to take responsibility to make sure that every department on this budget runs within the numbers of the budget line items.

**MAYOR CICCHINELLI** – Lives within their budget, yes.

**COUNCILMAN ANDERSON** B Okay, thank you.

**COUNCIL PRESIDENT GAMBER** B Any other questions for the mayor. Thank you, Mr. Mayor, Mr. Peters?

**COUNCILMAN PETERS** B Just for the record last year's budget Legends budget was \$752,883.00. I'm sure that the different this year is we now have the food vendors and probably wages too I don't know about that. But I got to say that's probably where they're at. But also I'm not blasting but Monday night's work session I brought the same question forward that you asked Mr. Townsend. You know its confusing but I mean the money we have to budget it but we did take in more than what we budgeted for last year. So with the exception of the debt payment I wanted to make that clear too which I argue that should be part of the Legends. But I just wanted to make those two points.

**COUNCILMAN MANSON** B Just a little more on this golf course and the budget there Mr. Peters said it was \$700,000 some thousand last year and probably some of it was due to us taking over the food service that was part of the increase. The other part of the increase is that the golf course had a good year and their part of the budget part of that million something was like \$800,000 some thousand dollars you read it to us the other night Mr. Slagle. I'm not sure exactly what it was but I'm sure it was an \$800,000 some thousand. So it was a little bit of the improvement in the operations at the golf course.

**COUNCILMAN MCCUNE** B I just really have a statement. I just think it's a shame that we find ourselves in the position of having this temp budget before us as it basically represents just over one quarter of the proposed 2011 budget. That due to the recent failure to pass we find ourselves in the position here tonight of having to basically having to pass this temporary budget as it is before us. I just as I think we will have to pass the remainder of the 2011 budget as it comes before us in March in order to avoid a shutdown at that time. I just honestly feel that we shouldn't have danced around the issue and that we should have passed the budget when it came before us because when all is said and done the numbers are not going to change or change very little. So I just felt that I needed to make that statement because I just believe that when ultimately we pass this temporary budget and the permanent budget that we're going to be passing the numbers that came before us originally.

**COUNCILMAN SLAGLE** B Well, as I understand it if we don't pass the temporary budget nobody's going to be paid and we won't have any policemen on the streets. So I'll be voting for the temporary budget but I'll philosophically still vote against the budget that's going to if its going to remain the same as it is that we saw before. Because I don't believe its taking a proper prospective on how to deal with what every other governmental entity in America that's dealing with right now. They're looking at where they can cut, where they can increase revenues and how they can do it I just haven't seen it here. I've been told for three years that I've been on council this is the fourth budget each time that this is a normal process. But each time every year we've carried over more bills into the next year. I may be the most leftist person on this council but I don't understand that concept that you shouldn't spend more than you make and if you are spending more than you make you should figure out why that is and how you can correct it. I don't see that carrying bills over to the next year that has increased significantly from each year despite several windfalls one windfall in each year including the fact that we passed an EMS service which I think was a great idea and the way we did it. But without that it would be a million dollars plus being carried over. I think at some point you have to address that because it gets larger every year. I wonder at what point will we then finally address it. So I'll vote for the temporary because I want policemen on I want our firemen I want our courts to be operating so...

**COUNCILMAN PETERS** B I'm not going to say how I'm going to vote but I'm going to kind of reiterate what Councilman Slagle said. I totally agree with about everything he said except one thing and I won't get into that. But if I would vote to pass this temporary budget I'm going to tell you this right now come 91 days if there's not more than \$5,000 in changes we're going to have to shut the city down as far as I'm concerned because I'm not going to vote for it. We need serious changes that what Mr. Slagle is eluding to and that's the only way to get out of this. So that's all I have to say.

**COUNCILMAN MCCUNE** B I'd like to call the auditor up please. Madame Auditor, in the position that you hold and with the foresight that you have as the financial person for the city do you see us really being able to drastically alter or change the numbers of the originally proposed

budget come March. If its voted down what will you in fact remove safety forces from the streets? I would like is the budget going to change are the numbers that you originally proposed are they less than what we have in the temporary budget tonight?

**COUNCIL PRESIDENT GAMBER** B May I also remind you we're talking about this ordinance which is for a temporary budget you're asking about something that might happen 90 days from now.

**AUDITOR FERRERO** – All I can tell you is what I've been telling all of you all along is that I have so much money that I can certify. What I'm telling you with the amount of money we certified that I am able to certify at this time is what we put together the budget with those figures. So yes we were short in two of the large areas do we anticipate more revenue in those areas yes we do. But can I guarantee that no at this point I can't. But I think as we start out the year and we see some money start to come in with some of these new businesses and things like that I'll be able to give you a little bit better idea come the first of February.

**COUNCIL PRESIDENT GAMBER** B Everyone's had an opportunity several have spoken twice Mr. Manson, your motion please.

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

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 4 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 2 NO.  
CATAZARO-PERRY AND PETERS VOTED NO.

**RESOLUTION NO. 1 B 2011**                      **BY: FINANCE COMMITTEE**

Requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of 75% of the estate and inheritance taxes for the 2011 fiscal year.

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**COUNCILMAN MANSON** B Yes, we had discussions last Monday night on this. It's as we're asking for an advance on what is collected in inheritance and estate taxes. Simple as that.

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 9 yes.

RESOLUTION NO. 1 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**RESOLUTION NO. 2 B 2011**                      **BY: FINANCE COMMITTEE**

Requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of real estate taxes for the 2011 fiscal year.

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**COUNCILMAN MANSON** B Yes, it's the same thing only this applies to property taxes. We're asking for 75% advancement for operating expenses.

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

The rules were suspended by a roll call vote of 9 yes.

RESOLUTION NO. 2 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

**9. BILLS, ACCOUNTS AND CLAIMS**

A. Repository - \$740.38

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

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

Roll call vote of 9 yes to pay the bill.

**10. REPORTS FROM CITY OFFICIALS**

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR DECEMBER 2010. B COPY FILE
- B). AUDITOR SUBMITS MONTHLY REPORT FOR DECEMBER 2010 B COPY FILE
- C). MAYOR’S LIST OF BOARD AND COMMISSIONS – COPY FILE
- D). MAYOR GIVES STATE OF THE CITY ADDRESS TO COUNCIL.

**COUNCIL PRESIDENT GAMBER** B Thank you, we will need a motion Mr. Manson to accept the auditor’s report.

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

Roll call vote of 9 yes to accept the auditor’s report.

**COUNCIL PRESIDENT GAMBER** B We have the Mayor’s state of the city comments we’ll hold off until the end.

**COUNCIL PRESIDENT GAMBER** B Alright, Mr. Mayor, if you don’t mind I’d like to defer till the end of meeting we’ll get business out of the way. Then you can have the rest of the evening.

**11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT GAMBER** B Committee meetings will be next Monday on the 10th, Monday the 17th is Martin Luther King Day so we will meet for council on the 18th, the 24th we’ll skip because that’s the 4th of 5 Mondays. Then we’ll meet again on the 31st. Are there any other comments, requests or resolution from any committees or council member?

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 140 B 2010**  
**COMMITTEE**

**BY: RULES, COURTS AND CIVIL SERVICE**

Amending Chapter 121 “COUNCIL” of the Codified Ordinances of the City of Massillon by enacting a new Section 121.02(b) Rule 8.7 “Powers and Duties”, and declaring an emergency.

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**COUNCILWOMAN CATAZARO-PERRY** B We have given this three readings tonight will be the third and we’ve not received any concerns or comments from residents that we’re changing our committee meetings to 6:00pm instead of 5:30pm. So we’ll bring this forward for a vote this evening.

COUNCILWOMAN CATAZARO-PERRY moved to bring Ordinance No. 140 – 2010 forward

for a vote, seconded by Councilman Townsend.

ORDINANCE NO. 140 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. PETERS VOTED NO.

**ORDINANCE NO. 141 B 2010**  
**COMMITTEE**

**BY: RULES, COURTS AND CIVIL SERVICE**

Accepting the appointment of Mary Ann Coyne as the City Records Custodian as voted by the Massillon Records Commission, and declaring an emergency.

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**COUNCILWOMAN CATAZARO-PERRY** B This also has been given three readings and our audit stated that we needed to appoint a records custodian and the committee selected Mary Ann Coyne. So if there are no questions I'm going to bring this forward for a vote 141 – 2010, seconded by Councilman McCune.

**COUNCILMAN SLAGLE** B I gather this is a no cost to the city its just part of her regular duties?

**COUNCILWOMAN CATAZARO-PERRY** B The auditor is shaking her head yes no cost to the city.

COUNCILWOMAN CATAZARO-PERRY moved to bring Ordinance No. 140 – 2010 forward for a vote, seconded by Councilman Townsend.

ORDINANCE NO. 141 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

• **SECOND READING ORDINANCES AND RESOLUTIONS**

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**ORDINANCE NO. 155 B 2010**  
**CERVICE COMMITTEE**

**BY: RULES, COURTS AND CIVIL**

Authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants charged under City Ordinances, and declaring an emergency.

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**COUNCILWOMAN CATAZARO-PERRY** B The law director just gave me the nod that he would like this passed this evening. This is something that we do every year its pretty standard we pay private counsel \$195.00 per case for indigent defendants. So if there's no questions or if there are the law director's here this evening.

COUNCILWOMAN CATAZARO-PERRY moved for suspension of the rules and passage, seconded by Councilman Townsend.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 155 – 2010 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**16. NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT GAMBER** B Mr. Stergios, may I ask you a question, please. I noticed we were given the Mayor's appointments to committees. Is this something we need to act on tonight or can we hold off on this till the next meeting?

**LAW DIRECTOR STERGIOS** – I haven't seen the list but I know that Michelle Delrio-Keller was appointed to an unexpired term so she needs to be approved by council to sit on the parks and rec. board. I mean I don't know when their next meeting is off the top of my head

may Mr. Slagle knows.

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

**COUNCILMAN SLAGLE** B Yeah, I think it's the second Thursday whatever the second Thursday is.

**LAW DIRECTOR STERGIOS** – She can still go to the meeting but she really wouldn't I don't think she would be on the board until she's confirmed by council.

**COUNCIL PRESIDENT GAMBER** B Alright, as I understand that's the only name on this list that does have to be confirmed by a voted. Is that correct?

**LAW DIRECTOR STERGIOS** – I haven't seen the list I know of her is there any new appointments to the planning commission I think that's got to be approved by council.

**COUNCILMAN PETERS** – There's one on the planning commission.

**COUNCIL PRESIDENT GAMBER** B Then my follow up question is if council votes to accept this entire list is there any need to break out an individual unless it's requested?

**LAW DIRECTOR STERGIOS** – If someone requests it you can break out an individual.

**COUNCIL PRESIDENT GAMBER** B Okay, Mr. Peters, your question?

**COUNCILMAN PETERS** – I disagree with the law director as usual. It says in the ordinance I'm certain that any new appointees must be approved by council. We already approved Michelle Delrio-Keller when she was appointed to fill the unexpired term. So I really don't agree that we need to re-vote on her again because she's just a reappointment she not a new appointment. It says in the ordinance I'm certain new appointees.

**COUNCIL PRESIDENT GAMBER** B This is exactly why attorneys are wealthy and we're not. These types of questions.

**COUNCILMAN PETERS** – Well, I just I mean if you don't agree with that Perry? After I argued.

**LAW DIRECTOR STERGIOS** – I don't have the ordinance in front of me but when in doubt just vote on it again. I don't think there's a dispute about reappointing her anyhow.

**COUNCILMAN PETERS** – No there's not but I'm saying why if you don't have to.

**COUNCIL PRESIDENT GAMBER** B I think too if we just accept the list as it was given whether it's tonight or at some other point that automatically will...

**COUNCILMAN PETERS** – Well we have to that particular one there is separate from the rest of the appointees. That was a whole separate ordinance to the parks and rec.

**COUNCIL PRESIDENT GAMBER** B Your comment just indicated that a vote was not required though because it's no longer a new appointment.

**COUNCILMAN PETERS** – I know that but I'm saying if it was a new appointment that has to be separated out from the other appointments because that's its own separate ordinance. Am I correct in that Mr. Stergios? That's the only thing that we have to approve. That's the only thing that there's an ordinance in that we have to approve.

**LAW DIRECTOR STERGIOS** – I think Planning Commission you have to approve also. Not to answer but I mean if...

**COUNCIL PRESIDENT GAMBER** B May I suggest we hold off on this until our next meeting. Ms. Delrio may attend the rec. board meeting but apparently can not vote unless until she's confirmed. Is that correct?

**LAW DIRECTOR STERGIOS** – I agree.

**COUNCIL PRESIDENT GAMBER B** So unless anyone has an objection that's the way we'll handle this list. We are under item 16 new and miscellaneous business is there anyone who would like to bring forward new or miscellaneous business? Mr. McCune, you had asked to make some comments.

At this time Councilman McCune read from a prepared statement which reads as follows:

**COUNCILMAN MCCUNE**— Yes, Due to the events that occurred at last weeks work session during my absence because of being ill, along with the subsequent newspaper article and then the recent editorial in regard to, coupled by my belief that no two people have been more misrepresented than my daughter and I have been by all of these events together, I feel compelled to touch upon the facts surrounding the parking fine extension issue rather than the allegations and innuendo that have surrounded this subject to date. And so I ask for a few minutes of everyone's time. First, I want to stress that it was never my intent to set Kathy up. I believe everyone realizes Kathy is a very busy person and because of that knowledge I know she has a lot more on her mind than short conversations like our initial conversation on this issue was, and that it is understandable that she may not recall the entire conversation, but I also want everyone to understand that when I initially approached Kathy about this subject many, many weeks ago that I did mention that it was due to an experience that my daughter had along with conversations with a friend who operated a business in the downtown area that I had had in regard to the issue of parking fines and the timeframe provided to make payment that I believed we should look into extending the timeframe for the payment of parking tickets, that I firmly believed the current amount of time provided to make payment is much too short. Subsequently several weeks later when Kathy was bringing me up to speed on her due diligence on the matter to date I mentioned to her again that I had a friend whose wife operated a business downtown who was constantly being ticketed for parking in front of her place of business, and that the short timeframe for payment of tickets received had caused her a hardship. I believe it was from that conversation that Kathy remembers me mentioning my friend and his wife's parking ticket issue and not our initially brief conversation. Regardless, why I suggested the change was not because of, but due to my daughters along with my friend's wife's experiences and the knowledge gained from that I came to believe a change in the timeframe for the payment of parking tickets is something that we as a council should consider undertaking. Had I known in advance that Kathy had planned to bring the issue of the extended timelines to pay parking tickets forward I would have requested that she hold off doing so until I was able to be in attendance so that I could have had the opportunity to explain my thought process behind the proposed change. And this brings me to the phone call from Mr. Rink that seems to have initiated this fiasco as it exists today. Tuesday afternoon I picked up the phone to find Mr. Rink on the other end. I was greeted by a hi Mr. McCune how are you today, to which I responded not very well Matt I'm still under the weather. Mr. Rink responded with; I apologize for piling on you while you are sick, but did you know that you were attacked during last nights work session? Immediately my blood pressure began to rise, and I responded NO, what happened. Mr. Rink then told me, and this is very near an exact if not an exact quote, that Kathy had brought up the parking fine extension last night and Donnie Peters immediately erupted out of his seat with an expletive shouting *McCune is out of order on this and I'm going to throw this out there and I don't care who knows it, the only reason McCune wants the parking fine extension is because he has a parking ticket he didn't pay and this change will benefit him personally.* It was to this statement that I responded with a saying that my kids use around the house when referring to people that don't know what they are talking about, which was the now infamous *"Peters must be smoking that funny stuff because I have never had a parking ticket let alone having a parking ticket that is unpaid."* I realize this wasn't the most professional statement I have ever made, but I was sick, not thinking clearly, and I admit to being incensed that Mr. Peters would once again take an opportunity to make a personal attack. It was after this initial conversation that I went on to tell Mr. Rink it was from my daughters experience, along with continually noticing on our monthly reports the exorbitant number of parking tickets that go unpaid that I believe the timeframe for payment should be extended, because I believe it is because people feel that if they are going to have their fine doubled for being late that they decide to roll the dice and not pay them at all that I approached Kathy about our altering the timeframe from the current forty-eight hours to the suggested five days excluding weekends, or seven days from the day of being ticketed. I explained to Mr. Rink that I believed the changing of the timeframe would be a simple change that might in fact lead to more people paying their parking fines if they know their fine isn't going to be doubled as part of a late charge rather than

their rolling the dice to see if they would be caught and forced to pay their fines at all. It was to that statement Mr. Rink informed me that Councilman Manson was also opposed to the idea of change, that he had stated "that he felt it had been this way this long why change it now." It was then that I stated to Mr. Rink that I believe that if we as a council can alter something in order to benefit our constituents while also possibly benefiting the city as a whole why shouldn't we do it. I do not know why Mr. Rink chose not to write his story as the events between us unfolded, I suppose because sensationalism sells papers, but the truth of the matter is that had I not been presented the story as I was I would not have responded in the manner that I did. And now I want to touch on my request of having my daughter's fine waived why and how, which is something that to date has not been done. At least not properly. First, I want everyone to know that my Mother is handicapped and that my entire family knows and understands the importance the benefit that a handicapped parking zone provides, and that it was for this reason that I believed my daughter when she stated that she did not realize where she had parked was a handicapped zone. At any rate you now know my daughter was ticketed on a Friday afternoon for parking in a handicapped zone. The handicapped zone in question is located at the Chase / old First National Bank building. The area my daughter parked was not in front of the entrance of the building, but back beyond the tree down from the entrance into the building. She told me that in her haste to park the tree located next to the sidewalk had obstructed her view of the handicapped sign when she parked, and that even if she had seen the sign do to a lack of proper markings she would not have realized the handicapped zone extended all the way past the tree. She told me that she parked there just long enough to go into the lobby to meet my sister so that my sister could provide my niece money to go shopping with my daughter, and that when the three of them came out of the building the parking enforcement officer was still in the process of writing the ticket in question. When my daughter asked the parking enforcement officer what she was receiving a ticket for she was informed she was being ticketed for parking in a handicapped zone. My daughter then attempted to explain to the officer that she did not realize that she was in a handicapped parking zone, that she had a grandmother who was handicapped and that had she known she was in a handicapped zone she would not have parked there. To this the parking enforcement officer told her that she couldn't help it that she was ignorant. At this point my sister stepped in and told the parking enforcement officer that she worked in the building and did not know that the handicapped zone extended that far, that if in fact it did there should be blue paint on the road or curb to mark it as such. The enforcement officer then asked my sister if these girls were hers, to which she responded yes, one is my daughter and one my niece. The officer then told my sister in a very unprofessional manner that among other things she couldn't help it if she were ignorant too, that the handicapped zone extended all the way down the front of the building. It was after being informed of these turn of events that I then contacted the Mayor, and yes, I was furious by the treatment my family members had received at the hands of the parking enforcement officer. I then requested that the Mayor take a look at the handicapped zone in question and that if he agreed that the area in question was not properly marked that the fine be waived. I would have made this same request if I were a private citizen; my being an elected official had no bearing on my thought process. I felt that a wrong should be righted. That the handicapped zone in question was not properly marked, and that the treatment received during the ticketing process was unprofessional to say the very least. It was also at this time that I instructed my daughter to go back down and take pictures of the area she had parked because if the mayor didn't agree that the handicapped parking zone wasn't properly marked I was going to request that a meeting be held not only because of the disagreement over the parking area in question being properly marked, but also because of the unprofessional treatment they had received from the parking enforcement officer at the time of the ticketing. When the Mayor got back in touch with me to inform me that he and Mr. Loudiana believed the parking zone was adequately marked I then requested that a meeting be arranged in order to provide my daughter, sister, and niece the time to make their case on why my daughter parked where she did, along with the unprofessional treatment received at the time of being ticketed. The Mayor agreed that a meeting may be beneficial, however he said that along with the parking enforcement officer that he wanted me to be in attendance at the meeting. It was because of my position as an elected official, along with the fact that I was not personally involved in the events in question, that I informed the Mayor that I would not be there, that I didn't believe that I had been at my new job long enough to request time off to attend a meeting of this type, and that because I was working ten to twelve hour days and more I could not be there before the close of the business day. This was the extent of my involvement. At this point, because of not being personally involved in the issue I felt that I had done all that I could and that my daughter, niece, sister, and wife, because of the problems she had when attempting to pay the fine, would

have to make their case, and hope that by doing so they could attain the goal of having the ticket in question waived and the enforcement officer reprimanded for her less than professional representation of the city. Again, I would have made these same requests if I were a private citizen as I was acting as a father, brother, uncle, family member, and not as an elected official. Right or wrong my being an elected official did not enter into my thought process. Obviously the meeting did not go as was hoped as the fine had to be paid even though yet today we do not believe the area my daughter parked is clearly marked as part of the handicapped parking zone in question. It was from this experience that I found that the timeframe associated with the payment of the ticket did not provide my daughter the time necessary to receive a pay from her employer, and that for her to pay her fine she would have to borrow the money in order to avoid being late on her payment and having the fine doubled. Again, I do not know, nor do I understand why Mr. Rink chose not to write his story as the events between us unfolded. I do believe a better job of reporting could have avoided this entire fiasco as never once did I speak to the enforcement officer as reported, not to mention that neither I nor my daughter were ever contacted over this subject after the initial call, other than a brief call to me from Mr. Rink Wednesday evening verifying the amount of the fine, which at that time if he had further questions of me or my daughter he could have pursued those questions at that time. But he did not, and because of those questions and / or calls not being made two people have been Grossly Misrepresented by The Independent Newspaper and the involved staff of. The truth is that whenever we take my handicapped Mother to Church, a doctor appointment, to lunch, or dinner, no matter where we take her we get as close to the door as we can, get her out of the car and inside, and then, even though we have a handicapped parking pass with us due to my Mothers condition, we park someplace other than in the handicapped zone as we want to leave those parking spaces for the people that they are designated for because we are very aware of what those handicapped parking zones represent to those who need them. But even though we as a family fully understand the importance of handicapped parking areas, and do our very best to leave them for those that need them, The Independent in its rush to crucify my daughter and I for our perceived sins, we have been misrepresented as a self serving, unethical, overprotective father, and an ignorant, selfish, and overprotected daughter. But folks, the fact of the matter remains that had I not been presented the story in the manner that I was I would not have responded in the manner that I did, and we probably would not be sitting here discussing any of this this evening, especially when the truth of the matter is that all I was trying to do was utilize my daughters, along with my friends wife's experience's as a means of improving a process that causes financial hardship and mental stress to our constituents, along with I believe a loss of income by our city. How wanting to improve what I came to firmly believe is a flawed process can be misconstrued as a self serving, conflict of interest, unethical act is beyond me. But that is what has been done by The Independent and that is why I have felt compelled to ask you for this time tonight. I apologize for having to ask you to sit here tonight and listen to the explanation of what took place more than six months ago, I guess before close I would ask that everyone stop by and take a look at the area my daughter parked and see if you find it as a clearly marked part of the handicapped parking zone in question, and that if not, that you ask yourself what you as a parent would have done if it had been your child ticketed along with being mistreated by a representative of this city during the ticketing process. In closing, I want to Thank-You for Your Time and Patience. I can only Hope that everyone now has a Better Understanding of the Entire Issue and why I came to believe that we as a council should extend the timeframe associated with the payment of parking tickets and the fines associated with. Thank-You Again for Time, Patience, and Understanding.

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

**COUNCILWOMAN CATAZARO-PERRY B** I just wanted to let everyone know and Mr. McCune knows this above anyone else. We this was not anything I've done by me to hurt Mr. McCune my husband and I have helped him immensely. But I did get to read his presentation ahead of time and I sent him an email asking him to take out the part that he shared with me about his daughter. Because I have gone over every email and every bit of that conversation and I do not recall him ever saying that it was his daughter. I don't want to cause him anymore hardship because the editorial was very harsh on him and his family. I don't want to create any more of a fiasco for him, but just so everyone knows that I personally have never understood the conversation to be that it was about his daughter. Otherwise I would not have brought it forward to even talk about because I would have thought it was a conflict of interest. Thank you.

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

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**COUNCIL PRESIDENT GAMBER** B This is when we invite anyone forward to speak a topic even if it does not appear on the agenda. Is there anyone who would like to come forward and address council this evening? I see no one coming forward so at this time I'll call Mayor Cicchinelli forward for his state of the city comments.

**MAYOR CICCHINELLI** – As is required by statutes I have to address council at least beginning of each year at the first regularly scheduled meeting. As all of you know this is a requirement by law which of course we always want to follow later this month the Massillon Area Chamber of Commerce sponsors a breakfast where I basically give this State of the City out for observation then I'm questioned by a panel of reporters, news folks and sometime high school students. So it's actually it ends up being like a question and answer type of forum. So if you're interested in that tickets are available call the chamber. But I would like to just make a couple brief comments on just a few of the main points of the state of our fine city. I do believe that there are some positive signs economically that are occurring here in Massillon. One of these if you look at our building permit valuations it approached \$40 million dollars and that's a lot of money and that's the first time that has occurred since 2003. So it's the highest building permit valuations total since 2003. So I think that's a very positive aspect of our economy when you consider that those permits were written across the board industrial, retail, residential areas of building permitting. So we are experiencing sort of an economic recovery but in a slow pattern. We have to of course always remain focused and determined to track new companies and expand existing companies. I want to bring up the Shearers Foods first phase. I think as the years go on we're going to look back to the attraction of Shearers Foods to Massillon as one of the best decisions in our industrial sector. The first phase was opened this year the second phase is a near completion and will be open sometime first second quarter. The Millennium Drive Southeast facility if you haven't been down there lately it seems to be growing at a fast pace and proof of that of these two phases that are ready to open. Employment should exceed 200 people in that facility in a short period time. One of the things that we are going to do and I call this a special phase as you know one of the future phases is the establishment of Shearers Foods Corporate Offices and I think we are going to be working very diligently. Now they'd had announced that that's what their plans they would like to relocate all their offices to Massillon. I think that does a couple of things first thing however there's already some offices located in Massillon at the Prophecy Massillon facility on 21 South that's the old Fleming facility. So some offices are there but they're talking about putting all their corporate offices together in one building. We are making that a priority that we'll do everything in our power to make sure that occurs at some place in Massillon that new facility can be built. I think knowing that Shearers is one of the finest snack food manufactures in the entire country that would be great in the future to buy one of their products and before you discard the bag turn it around and it will say Shearers Foods Inc., Massillon, Ohio. You see those bags then are distributed throughout the whole country so the community that the industry is located also gets additional publicity. So I'm looking forward to that day and see that occurrence. Should also mention the Freshmark facility you haven't been out there lately it's just unbelievable the expansions that have that are going on now the new parking lot, the building expansions. I think you're going to see certainly additional employment in 2011 from those recently completed buildings. I would like to publicly thank Mr. Genshaft for his faith in our community in bringing back that location back to life. At one time there were maybe 30 people employed there it wasn't too long ago. Now there's over 300 and you could see a couple 100 additional people there within foreseeable future. So I think that again goes well for our city and that whole Freshmark facility is coming back to life. I mention those two companies because they do represent a new company in town and an older company in town that has revitalized itself at that location. But I mention that we see a pattern here developing for Massillon and this is something that I think we need to publicly acknowledge and then go out and excuse this. What I mean by that is aggressively go out and seek additional types of industries that are similar to what we already have here. If you look at companies like Heinz Frozen Foods, Shearers Foods, Freshmark, Pepsi, the Nickles Bakery Distribution Center, Americold Distribution Center, Cloverleaf Distribution Center, Prophecy Massillon Distribution Center, MDS Foods, Drummond Chocolates, Specialty Food Services and Brothers Sausage. They all have basically one thing in common they're food or

beverage related. So there's a pattern here and on top of that if you see that on the east side of town and the west side of town and on the south side of town we have three major distribution food distribution centers. Then I think what we should do is make and we have been doing this but I mean make an additional effort to locate to Massillon food related industries. For the most part and I repeat for the most part they are some what recession proof. But it seems that the niche that we're finding with the aforementioned companies those kinds of facilities are already here have expanded or have relocated here. I'm happy to say that there are a couple other food related companies that are on a nationwide search Massillon is certainly in that mix. I think one of the reasons we're in the mix certainly we have the available land at the south end of town and with utilities already there. But I think the words getting out that Massillon is becoming a food related industrial community. Now that's not to say that we're not going to go out and get additional diversified companies. Because that trend is going to continue and I do mention that in some time in probably second, third quarter a new company to Stark County, Pinwall Cycle Parts which is located in the old Conley's store building on 21 South which is actually in Perry Township. They will relocate their entire facility to the old Canton Elevator building and that will fill that facility but bring additional jobs to the community. Again, that's a growing company because its relatively new company and that diversification will continue. One other type of economic barometer that we need to emphasize is we always look at is the housing market in Massillon. Our goal is always to get about 100 new housing units in the city each year as you well know with the nationwide foreclosure problem in some of the major housing issues across the country Massillon is affected by that. We haven't accomplished that goal the last couple of years. In fact we were well off our goal of a 100 in 2010 we didn't accomplish it but we got very close with 91 new housing units. That's when some of these issues have not all been resolved as far as the housing problem. We're proud of that our single families seem to be increasing so we will see what happens in 2011 and some are saying you're not going to be totally out of the housing crisis until 2013, 2014, who knows. But it's not something specific to Massillon its nationwide and I think this is a good thing to point out. In closing you know if you read some of the economic pun dents they tell you that people in the United States can't manufacture anymore well I beg the differ with those pun dents. I do think that this community as well as this country at large can produce in fact our people produce the best products in the world. We can argue the issues of NAFTA and all the other federal and international laws and programs that were passed to put some of our companies at a disadvantage. But the point is our markets still are strong, companies have to sell their products in the United States in order to survive and that's worldwide. I think you're going to see hopefully pushes to change certain things so manufacturing can return to this country. The manufacturing base of Massillon is changing; manufacturing still represents about 22 – 23% of the city's work force. We are proud of the fact that we have diversified and brought additional companies into town in the last 20 years. Yes, we have lost some but the fact is the newer ones are still here and I think with additional development and the land available especially in the south end of town you're going to see that trend continue. So manufacturing certainly isn't dead in Massillon and I think you're going to see that down the road with an emphasis in food related industries. However, we're willing to look at any companies and that trend is going to continue as all of you know we're extremely aggressive at attracting companies to Massillon. Thank you and God bless all of you.

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

## **18. ADJOURNMENT**

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

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MARY BETH BAILEY, CLERK,

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GLENN E. GAMBER, PRESIDENT



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