

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, TUESDAY, FEBRUARY 21, 2012**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Tuesday, February 21, 2012. We have in attendance with us this evening: Mayor Catazaro-Perry, Safety Service Director Maier, Budget Director Koher, Engineer Dylewski, Pat Pentello from the Auditor's Office 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: Milan Chovan, Sarita Cunningham-Hedderly, Nancy Halter, Ed Lewis, Paul Manson, Donnie Peters, Andrea Scassa, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 9 present.

2. INVOCATION

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

COUNCILMAN TOWNSEND – Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN TOWNSEND – Chairman of the Streets, Highways, Traffic and Safety 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

JOHN KURTZMAN – I'm a resident in Massillon on 10th Street. I'm here to read two letters that two constituents have given me to present to council. The first one is from a mother of six who works in Canton and lives in Massillon. I'm going to read this letter:

I oppose the income tax reduction which is before council. Reducing the credit feels like double taxation. I work in Canton, and live in Massillon. Paying more taxes than my neighbor because I work ten miles away is unfair.

Jenny R. Paul
1007 11th Street NE
Massillon, Ohio 44646

JOHN KURTZMAN – The next one is commutative Mr. President, so I won't read it except for one sentence. I would like to submit these to the Clerk upon finishing be marked and...

COUNCIL PRESIDENT GAMBER – If you would please indicate who wrote the letter before you start reading it. Before you start reading it if you could read it.

JOHN KURTZMAN – The only part that I would like to read them it's a rather lengthy letter.

My name is Robert Mitchin and I live at 2325 Wilmington Avenue SE. I also believe that the increase in taxes for people that work outside the city will discourage any growth in real estate.

JOHN KURTZMAN – Lastly I would like council to consider the one part of a letter written by Mr. Craig Parr to the Independent. I think it was in yesterday or today I'm not sure.

Penalizing those who love this city but are forced to work elsewhere is not a good place to start. I submit to council remember that in their deliberations.

JOHN KURTZMAN – Lastly I would like to remind council that a lot of the people that are going to be charged this extra tax also file tax returns in Massillon based on their income in Massillon. Although they work out of Massillon and pay that city taxes. So if you're talking about double taxation you've got it there. Thank you very much.

DANIELLE GRIMM – I live at 1026 24th Street SW. I've actually prepared mine because I'm a little nervous. But I wanted to address the mayor and the city council members I'm here along with my family and friends to express my opposition to your proposal to raise taxes for citizens of Massillon that work outside of the city. Please be clear I'm not against raising taxes for everyone for the benefit of everyone. I am against targeting only us for the benefit of all and to help balance the budget. I understand the City of Massillon must balance its budget in fact I highly encourage and challenge you the council members and the mayor to do exactly that. In this terrible economy it is necessary for business and government alike to make hard decisions about personnel. Layoffs or cut backs could happen to anyone in this room on any day. Just ask around and I highly doubt you'll find anyone who is not personally themselves had a family member or knows someone that has been affected by cutbacks, no pay raises for years, layoffs, foreclosures, increased out of pocket expenses and financial hardships. It is unfortunate that these decisions must be made and we all have to share the burden. It is also unfortunate that city employees maybe faced with layoffs or cutbacks as the mayor has recently stated. But guess what I've been paying for a significant portion of my health insurance for the past nine years. Many in this room also pay for part more than half or all of their health insurance benefit. I have personally supported several council members here in this room tonight in their campaigns for office. Therefore I challenge the mayor of the City of Massillon and its city council to balance our city's budget but to do it fairly. I will be watching how this is handled and voted on by each of you and I will remember those votes for upcoming campaigns. To close I'd like to ask who wouldn't like to work in the city right here in Massillon. I certainly would but there are no jobs. I also challenge you to put your efforts into bringing jobs into the city. Thank you.

PAUL HARBAUGH – I'm a captain firefighter, paramedic for the City of Massillon. I was asked to come here tonight not as a fireman but to share with you my experience as a councilman for the City of Canal Fulton. Back in 1994 I was a councilman for the City of Canal Fulton. At the time I was elected we had a one half of one percent flat tax that everybody no matter where they worked paid. By '97 to '98 my memory kind of loses me there we increased the tax to three quarter of one percent. At that time we had purchased land to build a new fire station and police station and the needs the community called for it. Today Canal Fulton now has a 1.4% tax with a 50% credit to the people who work outside the community. I would like that to be an example of history and to have it maybe keep from repeating itself in Massillon. We went from a three quarter percent tax to a 1.4% tax and the people actually work in the community pay 1.4% and the people who work outside the community who share in the same services as the people who work in the community only pay .7%. So they all enjoy the services of that community but yet only a portion of which is a bedroom community which Massillon is

becoming only a portion of them citizens have the burden of the whole tax. It's been a concern that would happen here I mean we all pay taxes 28% federal tax most of us pay, 3 to 5% state tax. After all that when I get to take home a little bit of money I go buy fuel I pay 46.4 cents per gallon to the state and federal government for road tax which we see very little or nothing here. At the end of the day we pay 1.8% tax to the City of Massillon and the services you see out of 1.8% all of us can see it. The roads being cleared, the firemen, the policemen whereas what do I see from my federal government dollars or my state dollars or the fuel dollars or I'm going to have to say Medicare dollars. So the point I wanted to bring to you all was what has happened in Canal Fulton over the last few years. Where that community is at what I forgot to mention they do have levies now also in addition to the 1.4% they have levies for I believe it's for the buildings for the police and fire department. I'll remind you as a city all the residents have come together to pay for the services that they enjoy. For example I don't have the money to buy a \$700,000 tower or \$250,000 engine or \$100,000 ambulance or go on cruisers or what not. But as a city we all join together to pay for those items and if only a portion of the people burdened to share them items it makes it even harder for them to make their few dollars last at the end of the week. Thank you for your time. I've got to get back to work. Thank you.

PAT PENTELLO – I'm back again to ask for council's consideration of Ordinance No. 9 and 10. I think we all have to look at what's been done in the past and what you're thinking about doing this evening or next meeting possibly regarding the hospitalization and the step increases for the unclassified ACUE people. I think as a group no ones opposed to hospitalization cost. I think the step increases most of these the people in this group are employees that have been here a long time so their 1% step increases are intervals of 5 then to 10 then to 15. In the past many times when there were cuts made it was to this group shorter hours were made in 2004 and earlier. It was just a small group of people that also did that. This same group of people their last raise was in 2008. I think we would like to see everybody put under the same guidelines as for hospitalization, the step increases and so on. You'd be surprised at the numbers over the years of the loss of this group compared to what has been going on with the unions. I do realize that they do pay union dues we were fortunate and we are very happy that in the past we were considered an exempt group and treated pretty much the same way you know that the other groups without paying dues. We would just hope that we would get some consideration as a whole for some of these things and if not then I don't think its we've come all this way and not said a word with the last increase. If we could be just reviewed and possibly wait until some of these other contracts are open and see really what's going to happen with the others. So I would just ask that if there's any questions regarding any of the numbers you know that I work in the auditor's office I would be glad to get them as a public record request. But I for myself and for others I just think that we have to go about it fairly. Thank you.

GAIL DANZY – I'm going to try to keep three minutes. I wrote some notes so that I wouldn't ramble. First of all I want to say that I've been coming to council meetings for a while now and I'm sure you've seen me every week. I'm coming because I want to know what the legislation procedures are and how things are supposed to happen who's responsible for what. In the past I guess I can stand here and say I don't want to see any taxes increased I don't want to pay a dime out I hate Massillon. I still live in Massillon I worked in the City of Massillon for 14 years and some of you sitting here some of you and let me clarify that was instrumental in why I don't work in Massillon now. Because you got rid of my job after I had contributed greatly to the city as far as housing, taxes that you got from property taxes where there was vacant land. But I don't sour grapes there I still live here I don't work here so I can stand and say I don't want to pay another dime because I don't work here because I don't work here because some of you helped me not work here. So that point is clear. I'm not a politician but as I've come to the meetings these last two months whatever it's been there are so many hidden agendas among the council people I just have to say that. They are still in the dark ages of whoever they supported in the past. African Americans have a saying that we may have come over on different boats but we're all on the same ship now we may have come over on different ships but we're all in the same boat now. We are all in the city that is sinking because of financial devastation. We have elected each one of you whether it's at large or our local or ward councilperson to expeditiously take care of the situation to do whatever it is that you need to do to not be afraid to

do that because we have trusted you to do that. If you can't make the hard decisions who's actually running the city? Because I compare it to congress and the president the president really does not run the United States I think we all know that it's the congress. So it's the council that sits here that needs to be able to make a decision that benefits all not based on who you're loyal to who you don't like who you don't want to success because I've set here these last couple of months and watched those little agendas sitting right up here. So I'm first going to ask that you stop that and do what's best for the city. Again since I don't work in the City of Massillon and I would have to pay that extra tax for working somewhere else which I'm getting ready to do I'm not even going to worry about that I would be one of the people that should say don't do it. But do we want to see ourselves without police and fire protection? I also challenge the people that are here I come every week and very rarely do I see this room full. If you if we're so interested in the good of our city why aren't we coming talking to our councilmen why aren't we giving suggestions? Why isn't council coming up with ideas of how to raise the money, how to make the cuts instead of just bickering back and forth some of you with each other. So having said that I support paying the additional tax for not for working outside of Massillon when I work outside of Massillon. I don't have a problem with that because I do benefit from police and fire. I don't want to see any of that cut there are some staff people and I've said this one other time when I was up some people on this council have supported people for years that did absolutely nothing. You said absolutely nothing about that. We have a new administration now and I just want to believe that she's going to do the right thing with the money. Our previous administration would get the money and then put it where we don't know where it went. We know where they say it was going to go case in point we voted for the rec. tax that was never supposed to pay for the Legends next thing we know it's gone. So it was hard for the people to get behind an administration that we can not believe in. I want to believe in this administration but the only that I can believe in the administration is as I watch you make the right decisions for the good of the city not for your own little personal agendas. I'm going to say again who doesn't like who, who doesn't want to see who succeed we need to lose all that as council and do what's best for the city. So I support the income tax that will be going on the ballot I believe the people will support that tax because I believe that they believe that finally the money will go where we say it supposed to go. Not what was said by a mayor that the council did not hold accountable to do what he said he was going to do. My three minutes is up. Thank you.

BRIAN HOLLINGER – Tanglewood Drive NE. Let me be clear I'm not against reducing the tax credit completely. I understand the need for maybe some reduction even though both my wife and I work outside the city. But in the February 13th Independent in an article about the tax credit and her budget the mayor was quoted as saying everyone needs to share in the pain. If everyone must share in the pain then I'd ask that the entire population be asked to pay more taxes and that that be put forward as a ballot initiative. If everyone is to share in the pain I'm curious why the mayor and the safety service director when two administrative assistances left why they didn't make the decision that they could share one administrative assistant the way Fortune 500 companies have been doing for the last 15 years that I've been working at three different Fortune 500 companies. Why they wouldn't they why would they seem to not want to work with the city auditor and instead wanted to create a new position to cost the taxpayers additional expense. The garbage fee with an increase for only those using the city I'd ask you to look at the companies that are coming into the city and poaching the citizens who as far as I'm concerned garbage collection that should be a profit making endeavor for the city. Any data in my neighborhood suggests Republic is a large player in our city garbage collection. In their latest 10K filing Republic reported that they made 589.2 million dollars in net income last year. So there's money in garbage so I'd ask you to look at maybe some issues like that. I did some quick math at \$16.00 a month if a company has 6,000 customers and they're collecting their garbage that's \$1.1 million over \$1.1 million in revenue. I think there's a missed opportunity there. I respectfully ask that you consider scaling back the 50% credit reduction request to maybe 25% or 30% like I said I'm willing to pay more. But I'd also ask that the mayor and safety service director also make some sacrifice that the numerous garbage haulers coming into the city also be asked to pay more. A company like Republic \$589 million dollars last year and we're going to ask them to pay \$200. That seems very low when they made \$589 in net

income. Finally I would like to again make the point that I think it's fair that everyone in the city be asked to pay some additional income tax not just those of us who are not fortunate enough to live in and work in the City of Massillon. Thank you very much.

SUZIE JACKSON - I live on Main Avenue W and I'm a resident of Massillon. I've listened to the comments tonight and I believe that if everyone has police protection if everyone has fire protection if everyone enjoys the services of this city they have to pay for it. It can not be 100% and then nothing just because of where you work. You have an option with that. I do understand that can raise \$600,000 that's a lot that is a lot of money to go towards help solving the unpaid bills this city has. It's council's decision to do so. Everything that I've looked on here I keep seeing and declaring it's an emergency I don't know what you define as an emergency but the situation this city is in is definitely an emergency. It's a crisis. Now no one ever wants pay more taxes but we're in a situation where we have to. It's not just paying more taxes I'm getting cut I haven't step increases I haven't had pay increases for years. I know I won't for a couple more years at least. I'll be lucky if it's just two more years it could be three or four. I have to work longer because I can't afford to retire even though I have the time. But things like this have to be done the free ride is over and everyone had to realize that. There will be cuts but I think one of the things that everyone has to understand we have to take action now. This is not something that you can just keep pumping down the road. Oh I don't want to do this or this is going to hurt here. Well of course it will. But this is a crisis situation. I certainly hope council will wake up. This is a combination of a lot of things being done. Yes the people who work here are going to have to pay their health insurance we knew that. I know I'm not going to get any pay raises I'm going to have money taken away from me. I'm not going to get any stipends I'm losing \$2,400 a years. But it's for the good of this city it is the good for everyone. We need that 50% tax credit we need the other cuts that are being proposed. We need the other sources of revenue that have been put before you to vote on. There will be other things that come up you know that. This is a two year program to try and get just to balance even. I don't know how you do your finances but I pay my bills in full every single month. That's the responsible thing to do. There is certain things as debt scheduling where you can make agreements with people that you owe money to put a payment program in has that really been investigated. Yes, there's a lot of things that can be done but #1 we need cooperation we need to give our mayor her chance. Thank you.

COUNCIL PRESIDENT GAMBER – Is there anyone else who would like to speak to council on a topic on the agenda this evening?

JEFF REPP – I've lived in the city for 50 some years. My wife and I both work outside the city and we're going to pay a lot more. I just feel its right I feel that everybody should be a part of it and not just individuals certain individuals. You know I didn't buy a golf course I didn't buy a hotel I didn't buy a senior citizen place I spent my money correctly. So why should I have to pay for you people's mistakes? Thanks.

COUNCIL PRESIDENT GAMBER - Is there anyone else? We appreciate everyone that showed up this evening we especially appreciate those who gave their opinions we appreciate that very much.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT GAMBER - We'll move into the introduction of ordinances and resolutions Mrs. Halter?

COUNCILWOMAN HALTER - I would like to request that we bring Ordinance No. 13 to the first item tonight.

COUNCIL PRESIDENT GAMBER - This is the ordinance that has been the topic of the discussion tonight. Is there any objection to bringing that forward as the first item? Thank you Madame Clerk please read the title to Ordinance No. 13 – 2012

ORDINANCE NO. 13 - 2012

BY: FINANCE COMMITTEE

Amending Section 181.15 “CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY” of CHAPTER 181 “INCOME TAX” of the Codified Ordinances of the City of Massillon, by enacting a new Section 181.15 “CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY” of said CHAPTER 181 “INCOME TAX”, and declaring an emergency.

COUNCILWOMAN HALTER – Second reading.

ORDINANCE NO. 13 – 2012 WAS GIVEN SECOND READING.

COUNCIL PRESIDENT GAMBER - We have second reading for Ordinance No. 13 what that means is that there’s no further action on that tonight. This will be discussed Monday at the committee meetings and then on March 5th it will come up for a third and final reading. So if you would like to exit we’ll give you a moment or two to do that. If not we’ll move forward with our agenda.

ORDINANCE NO. 14 - 2012

BY: ENVIRONMENTAL COMMITTEE

Amending CHAPTER 943 “STORMWATER UTILITY” of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Section 943.04 “Stormwater Fee” and enacting replacement Section 943.04 “Stormwater Fee”, and declaring an emergency.

COUNCILMAN LEWIS – First reading.

ORDINANCE NO. 14 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 15 - 2012

BY: POLICE AND FIRE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a two year contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing, and declaring an emergency.

COUNCILMAN CHOVAN – Yes, this is as we discussed previously this is to allow Jackson Township to continue to do the billing for our medical transport. They are looking at a two year agreement at \$15.00 per run per billing. I’d like to move to bring this forward for a vote tonight.

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

COUNCILMAN MANSON – Just a question.

COUNCIL PRESIDENT GAMBER - Mr. Manson?

COUNCILMAN MANSON – This is the same fee right that we’re paying already?

COUNCILMAN CHOVAN – Yes.

COUNCILMAN MANSON – Okay.

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

ORDINANCE NO. 15 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 16 - 2012

BY: POLICE AND FIRE COMMITTEE

Allowing the Massillon Fire Department to charge a medic assist fee to EMS Agencies requesting medic assist.

COUNCILMAN CHOVAN – Yes, this ordinance is something requested by the fire chief. As it is now we have advanced life support systems and some of our surrounding municipalities do not. We are asked to assist and we do that at no charge at this point plus we are also asked to go to it could be Aultman it could be Mercy Hospital. What this ordinance proposes is to charge surrounding communities \$125.00 every time we assist. Also to only assist on those runs that are going to Affinity.

COUNCIL PRESIDENT GAMBER - Are there any comments or questions any discussion on the ordinance? Mr. Chovan, your motion please.

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

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

ORDINANCE NO. 16 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 17 - 2012
COMMITTEE

BY: RULES, COURTS & CIVIL SERVICE

Amending CHAPTER 121 “COUNCIL” of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(a) Rule 1 “Organization”, and declaring an emergency.

COUNCILWOMAN SCASSA – First reading.

ORDINANCE NO. 17 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 18 - 2012
COMMITTEE

BY: RULES, COURTS & CIVIL SERVICE

Amending CHAPTER 121 “COUNCIL” of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(r) Rule 71 “Unclassified Rules”, and declaring an emergency.

COUNCILWOMAN SCASSA – First reading.

ORDINANCE NO. 18 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 19 - 2012
SAFETY COMMITTEE

BY: STREETS, HIGHWAYS, TRAFFIC &

Vacating a portion of State Avenue NW, and declaring an emergency.

COUNCILMAN TOWNSEND – First reading.

ORDINANCE NO. 19 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 20 - 2012

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the indigent Drivers Interlock and Alcohol Monitoring Fund, and the General Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILWOMAN HALTER – This is to appropriate from the unappropriated balance of the Indigent Drivers Interlock and Alcohol Monitoring Fund, \$40,000 to an account entitled services and contracts. And then appropriate from the unappropriated balance of the General Fund for the year \$1,585.00 to an account entitled services and contracts. If there's any questions we'll try to get them answered otherwise we'll bring this forward for a vote.

COUNCILWOMAN HALTER moved for suspension of the rules and passage, seconded by Councilman Manson.

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

ORDINANCE NO. 20 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9.

ORDINANCE NO. 21 - 2012

BY: FINANCE COMMITTEE

Reducing the appropriations of the General Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILWOMAN HALTER – This is an ordinance to appropriate money into we're reducing the General Fund for the year from \$20,000 from account entitled deputy clerk salary. If there's any questions we'll try to those answered otherwise we'll bring this forward for a vote tonight. Any questions?

COUNCILWOMAN HALTER 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. 21 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 22 - 2012

BY: FINANCE COMMITTEE

Authorizing the Auditor to pay various 2011 bills that have been received and that will be received by her office between January 1, 2012 and March 31, 2012, out of the 2012 appropriations within the various departments of the City of Massillon, and declaring an emergency.

COUNCILWOMAN HALTER – This is self explanatory the auditor is asking that we appropriate money for her to or authorize her to pay the bills from 2011 out of the 2012 money. Are there any questions?

COUNCIL PRESIDENT GAMBER – Are there questions? Mr. Chovan?

COUNCILMAN CHOVAN – I was under the impression that we were going to get a what do you want to call it an aging of these bills that were due and so we know exactly what they are the total amounts.

COUNCIL PRESIDENT GAMBER – Are you asking me?

COUNCILMAN CHOVAN – No, I mean didn't we discuss that previously? Did any of you receive it? Okay, thank you.

COUNCIL PRESIDENT GAMBER – Mrs. Halter, your motion?

COUNCILWOMAN HALTER – May I ask Mr. Chovan a question?

COUNCIL PRESIDENT GAMBER – You may.

COUNCILWOMAN HALTER – Did you want to wait until we get that? These are I talked to the auditor today and we've got several bills that really need to be paid quickly.

COUNCILMAN CHOVAN – I mean I just like the fact that we're being asked to vote to pay various bills without knowing what they are, how much they are you know I mean I thought that's what I thought we discussed at our last meeting.

COUNCILWOMAN HALTER – May I ask Mrs. Pentello to come forward?

COUNCIL PRESIDENT GAMBER – You certainly may. Mrs. Pentello you may go to that mic or come forward you would like.

COUNCILWOMAN HALTER – Mrs. Pentello, can you answer that question for Mr. Chovan?

PAT PENTELLO – I was unaware that was requested. We do have an accounts payable spreadsheet with aging information on it you would have been more than welcome to have that. We update it weekly this is update February 13th we pay bills every Friday and after Friday the following week we update this spreadsheet. So it is available you're welcome to have this one if I'd known I'd made copies for everybody I was not aware that was requested.

COUNCILMAN CHOVAN – May I just ask what's the longest aging on some of those bills?

PAT PENTELLO – We're probably into late Summer July, August...

COUNCILMAN CHOVAN – What is the total amount of the bills that we're talking about?

PAT PENTELLO – \$1.4 million 21 thousand.

COUNCILMAN CHOVAN – Thank you.

PAT PENTELLO – Are there any other questions?

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – Not of Pat.

COUNCIL PRESIDENT GAMBER – Alright, are there any questions for the deputy auditor? Thank you, Ms. Pentello. Mr. Slagle?

COUNCILMAN SLAGLE – Yeah, this is the request that was signed by the auditor but not the mayor could we have the mayor forward?

COUNCILWOMAN HALTER – The mayor did sign it today no, she did sign it.

COUNCILMAN SLAGLE – Oh you did sign it? Oh so has the mayor withdrawn her original opposition to it then as I gather?

COUNCIL PRESIDENT GAMBER – If you'd like to call the mayor please do.

MAYOR CATAZARO-PERRY – I wanted you to have the budget before I signed off on that.

So you all have the budget now so I signed it.

COUNCIL PRESIDENT GAMBER – Are there any other questions for the mayor? Well, Mr. Peters?

COUNCILMAN PETERS – Well, I was under the impression that the mayor's office didn't want this passed for the simply reason that we were going to negotiate with some of these people to pay over time and spread it out a little bit. Am I still correct in that assumption or not?

MAYOR CATAZARO-PERRY – We would like to do that. However the auditor came to the office and said that she would recertify the \$1.6 million but only if we promised to pay the bills. We need that \$1.6 million in the budget.

COUNCIL PRESIDENT GAMBER – One moment are there any other questions for the mayor? We'll get to you in a moment. Are there any other questions in general? Ms. Pentello has raised her hand again if you please get to a microphone.

PAT PENTELLO – I'd just like to say for the auditor's office that the mayor is correct in what she had said. The point of recertifying the \$1.6 was to allow us if that was put in the budget to make payment plans. If that is to be passed then we can go forward with a payment plan to some of the larger people that we owe such as the pension board. But if that didn't happen then we wouldn't have any way to make those types of long term plans for that debt. So just so that you know that was the reason for that.

COUNCIL PRESIDENT GAMBER – Any questions for Ms. Pentello? Thank you. Mr. Lewis?

COUNCILMAN LEWIS – With that said can I ask for the mayor to please come back up? Just want to make sure you get your exercise mayor. Does this mean if we were to pass this there would be obvious adjustments in the budget and if so nothing would change?

MAYOR CATAZARO-PERRY – Nothing will change in the budget. The budget was prepared with the \$1.6 - \$1.7 million dollars of debt.

COUNCILMAN LEWIS – Okay, so if we if she certified \$1.6 it essentially will be a wash?

MAYOR CATAZARO-PERRY – Yes.

COUNCILMAN LEWIS – Okay. Thank you.

COUNCIL PRESIDENT GAMBER – Mrs. Halter?

COUNCILWOMAN HALTER moved for suspension of the rules and passage, seconded by Councilman Slagle.

The rules were not suspended by a roll call vote of 4 yes, 5 no. Chovan, Lewis, Peters, Scassa and Townsend voted no.

ORDINANCE NO. 22 – 2012 WAS GIVEN FIRST READING.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A). KELLER OFFICE - \$40.00

COUNCIL PRESIDENT GAMBER – Mrs. Halter, we need a motion to pay the bill.

COUNCILWOMAN HALTER – I move that we pay the bill, seconded by Councilman

Manson.

Roll call vote of 9 yes to pay the bill.

10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JANUARY 2012 B COPY FILE
- B). TREASURER SUBMITS MONTHLY REPORT FOR JANUARY 2012 B COPY FILE
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JANUARY 2012 – COPY FILE
- D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR JANUARY 2012 – COPY FILE
- E). WASTE DEPT SUBMITS MONTHLY REPORT FOR JANUARY 2012 – COPY FILE
- F). MAYOR SUBMITS MONTHLY REPORT FOR JANUARY 2012 – COPY FILE

COUNCIL PRESIDENT GAMBER – We have numerous reports from city officials all of which we will put on file. For the new members I'll urge you again go through the mayor's report there are a lot of information in there from the various departments from income tax to engineering right on through. So take a look through there every time you get that report.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – Do we have any reports of committees or resolutions or requests by anyone. Mrs. Halter?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCILWOMAN HALTER – The finance committee is going to have a special meeting on Friday at 2:00pm in the Council Conference Room regarding the budget.

COUNCIL PRESIDENT GAMBER – Alright and I generally do we will ask the press representative does that qualify in your opinion as notification or do we need to actually send you an email. (Matt Rink from the Independent acknowledged the meeting) Thank you, common sense says so but a lot of people nit pick you know. Alright there will be a finance meeting at 2:00pm are there any specific city officials that you're inviting to be there?

COUNCILWOMAN HALTER – It's an open meeting.

COUNCIL PRESIDENT GAMBER – What I'm saying is there anyone from the administration that you want to be there that you need to ask?

COUNCILWOMAN HALTER – Mr. Koher if the mayor wants to be there that's fine if the auditor's office would like to be there that's fine.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Yeah, I request that the auditor's office has somebody present.

COUNCIL PRESIDENT GAMBER – Is there any other requests?

13. CALL OF THE CALENDAR – TABLED FROM JANUARY 3, 2012

ORDINANCE NO. 140 - 2011

BY: ENVIRONMENTAL COMMITTEE

Repealing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 95.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" and declaring an emergency.

COUNCILMAN LEWIS – Yes, this was obviously from the first meeting of this session of council. We asked the mayor and her administration to look over the department and make recommendation in reference to only the rate not necessarily future plans. They came back that they felt that it would be much more stable if there was a \$2.25 increase and then an increase to the licensing fees to the private haulers in the city. With that said I'd like to move that we amend this ordinance to reflect the \$2.25 increase to the monthly cost. Which essentially would make it \$18.75 per month. Does this include the change to the licensing fee or did we only include the \$2.25?

COUNCIL PRESIDENT GAMBER – I don't know you're making the motion.

COUNCILMAN LEWIS – No, I'm sorry I was I'm sorry...

COUNCIL PRESIDENT GAMBER – That's alright you're in the middle of your motion. Right now...

COUNCILMAN LEWIS – I would like to include the licensing fee increase from \$100.00 to \$200.00 as stated by the mayor in one of her presentations.

COUNCIL PRESIDENT GAMBER – Lets first of all this is a motion to amend can I ask you to withdraw that for just a moment?

COUNCILMAN LEWIS – Yes, I withdraw that motion.

COUNCIL PRESIDENT GAMBER – Let's be specific on what you're asking to do. My amended ordinance for example has \$18.75 highlighted in yellow. Is that what everyone else has?

COUNCILMAN LEWIS – That is the amendment according to the monthly charge...

COUNCIL PRESIDENT GAMBER – Alright, what's the other item that you're talking about? We need where is it in this ordinance?

COUNCILMAN LEWIS – It is not in this particular ordinance what I had sent Mary Beth I believe only reflected the \$2.25 per month. But it was also mentioned that part of the plan one point to increase the licensing fee. So if I could...

COUNCIL PRESIDENT GAMBER – Alright, was the licensing fee mentioned in the original Ordinance No. 140?

COUNCILMAN LEWIS – No it would not have been.

COUNCIL PRESIDENT GAMBER – And you would like it to be mentioned in this Ordinance No. 140 but it's not at this?

COUNCILMAN LEWIS – That is correct.

COUNCIL PRESIDENT GAMBER – Alright. Well we're back at the point of having a committee meeting what would you like to do? Do you want to add another amendment do you want to give the law director a chance to look through here and have him and the...

COUNCILMAN LEWIS – Why don't we amend it as is and give it first reading and we can discuss it at committee meeting.

COUNCIL PRESIDENT GAMBER – There's a good idea.

COUNCILMAN LEWIS – There we go. So let's amend it to \$18.75 per month.

COUNCIL PRESIDENT GAMBER – Now we need that in the form of a motion.

COUNCILMAN LEWIS moved to amend Ordinance No. 140 – 2011 to reflect the change of

\$18.75 per month for each single family residents or unit for weekly service.

COUNCIL PRESIDENT GAMBER – To be specific section 2 paragraph (a) item (1), we need a second. Seconded by Councilman Manson.

Roll call vote of 9 yes for the amendments as stated in Ordinance No. 140 – 2011

COUNCIL PRESIDENT GAMBER – Alright, Ordinance No. 140 – 2011 has been amended it is not at first reading Mr. Lewis.

COUNCILMAN LEWIS – Thank you. I would like to give it first reading.

ORDINANCE NO. 140 – 2011 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT GAMBER – And just as a question you anticipate adding something more to this? (Yes, I do). Very good.

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 7 - 2012

BY: ENVIRONMENTAL COMMITTEE

Amending CHAPTER 920 “EROSION SEDIMENT CONTROL” of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Section 920.08(a) “Monitoring the Permit for Compliance” and enacting replacement Section 920.08(a) “Monitoring the Permit for Compliance” and declaring an emergency.

COUNCILMAN LEWIS – Second reading.

ORDINANCE No. 7 – 2012 WAS GIVEN SECOND READING.

ORDINANCE NO. 9 - 2012 **COMMITTEE**

BY: RULES, COURTS & CIVIL SERVICE

Amending Ordinance No. 185 – 2006 by creating SubSection (F) of Article XVII Section 1 on the attachment hereto, and declaring an emergency.

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COUNCILWOMAN SCASSA – Again, this is the ordinance pertaining to the 15% contribution to insurance by employees. I’ve made my feelings known on this and as I’ve said at last weeks work session again move to suspend the rules tonight and bring this forward for passage.

COUNCIL PRESIDENT GAMBER – Seconded by Mr. Peters. Do we have any comment or discussion? Mr. Manson?

COUNCILMAN MANSON – Yes, we discussed this last week and I know Mr. Slagle over here he brought up that he thought that this was something that maybe deserved more time to be looked at. Somebody brought up in the audience about we move a lot of things emergency and we do move a lot of things as emergency. In those cases they are very routine business that we just we’ve called housekeeping over the years just to get them out of the way. My experience has been with council when we have ordinances of this gravity that quite often we say from the very beginning that we will be giving these three readings so there can be appropriate discussion on them. I still see no reason to change that I know I had another question somebody asked me if this is going to be considered a qualifying event or something. Well I don’t honestly know. So I think that the difference between taking four weeks to decide something like this that’s

going to maybe cost its going to cost some people probably \$1,800.00 a year. I don't see anything wrong with taking another two weeks. So I will be voting to not waive the rules on this.

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – Yeah, I'd agree this strikes me that this is all part of a master plan of trying to figure out the city's finances. We should be taking our deliberate time on each and every step of it and see how each of the steps fit in that process. Now that we have the mayor's amended budget we'll have the meeting on Friday perhaps we can get a better concept on what the 15% is going to save with the budgets cutting from and where. And whether the 15% is needed maybe a different percentage might be needed for all we know once we look at that budget in depth. But I agree with Paul that this isn't something that's you know that this is a significant decision to at least 80 of our employees. Certainly it's going to have an impact on our union members at a later date too. So I don't think we should suspend either at this point.

COUNCIL PRESIDENT GAMBER – We have a motion and a second. Roll call please to suspend.

The rules were not suspended by a roll call vote of 5 yes, 4 no. Halter, Lewis, Manson and Slagle voted no.

ORDINANCE NO. 9 – 2012 WAS GIVEN SECOND READING.

ORDINANCE NO. 10 - 2012
COMMITTEE

BY: RULES, COURTS & CIVIL SERVICE

Amending Ordinance No. 185 – 2006 by suspending any and all step increases in pay based upon years of service with the City as contained in the schedules attached thereto, and declaring an emergency.

-

COUNCILWOMAN SCASSA – Again I move to suspend the rules and bring forward Ordinance No. 10 – 2012 for its passage.

COUNCILWOMAN SCASSA moved for suspension of the rules and passage, seconded by Councilman Peters.

COUNCIL PRESIDENT GAMBER – Comments or discussions? Mr. Manson?

COUNCILMAN MANSON – Same thing. I don't feel either one of these ordinances shouldn't be moving along any faster than three readings. They are serious and they need to be dealt with I still have a bit of a problem with the way they first came to council. But I do know that we have to act on them eventually. I will be voting no to suspend.

COUNCIL PRESIDENT GAMBER – Mr. Lewis?

COUNCILMAN LEWIS – I'd just like to say that I appreciate that we have seen you know I believe all of us have received a letter from the clerk of courts that stating that they understand what we're going through and that they will be agreeing to these items and following through. I appreciate from the clerk of court that this recognition and I hope that if this were to not get completed tonight as in the previous legislation that we see the other department heads stepping forward and making that same kind of recognition just for the good conscious of this council knowing that everybody is on the same page. But I will also be opposing the second reading tonight because I think we need a little bit more time.

COUNCIL PRESIDENT GAMBER – Roll call for suspension please.

The rules were not suspended by a roll call vote of 5 yes, 4 no. Halter, Lewis, Manson and

Slagle voted no.

ORDINANCE NO. 10 – 2012 WAS GIVEN SECOND READING.

COUNCIL PRESIDENT GAMBER – I'd like to mention just as a reminder again when the chairman of a committee makes a motion I generally look to the other two members of the committee for the second. Sometimes you may just forget sometimes you may not want to second but the other council members notice that reticence. So please be ready if your committee is up and you chose to second please jump right in.

16. NEW AND MISCELLANEOUS BUSINESS

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

GAIL DANZY – 1400 Gibson Avenue, Massillon. I'm putting this out here because I really don't know who to go to. You know some years ago our company built Sinclair Village and for whatever reason the company was closed and Dave Dougherty actually bought the land and is building housing on the land. Every time there's a house sold I've had to go talk to the people who are buying the home because the police department is giving a report that it's a terrible crime neighborhood and actually telling people not to move there which is absolutely not true. So I don't know if council has anything to do with that or where I should go to find out how that can be stopped. What bothers me the most is that the city did not put one dime into that project which wasn't really the best thing to do at the time since they supported projects that have failed horribly. But who should I go to or can you answer me...

COUNCIL PRESIDENT GAMBER – Generally the chain of command moves upward from Mr. Chovan whose chairman of the police and fire committee. He generally passes that along to the safety service director which you just delivered your message. So Mr. Maier please raise your hand that's the safety service director I would suggest you talk directly with him and include Mr. Chovan in your discussion.

GAIL DANZY – Thank you.

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND – No, no, I wanted to call Perry up to something but they can go ahead.

COUNCIL PRESIDENT GAMBER – Come forward please.

LOIS MCHUGH – I live at 523 3rd St NE. I'm here this evening to bring your attention to a threat to one of Massillon's most popular recreational resources the Sippo Valley Trail. As you know, the trail follows the bed of the Wheeling and Lake Erie railroad from Bottoms Park to Dalton. Its used by many people its very popular trail. The trail is in danger because of the actions of an individual who owns property adjacent to the trail between Bison Ave and Deermont Rd. He appears to have deliberately cut the bank which protects the trail from flooding and erosion to drain water from his property. He has created a holding pond right next to the trail which together with the cut in the protective bank drains water onto the trail continuously. As a result, the asphalt coating of the trail is being undermined and seriously damaged. Moreover, in the wintertime this water on the tail creates a serious black ice problem which endangers trail users. The Massillon City Recreation Department is responsible for the maintenance of the trail and generally does a very good job. This problem seems to be beyond them. I've brought it to their attention several times, but the problem only seems to be getting worse. I do know through Ernie Lehman of MAGI, that Stark County has taken a property owner to court in a similar case on the Ohio and Erie Canal near Navarre. I am asking you to look into this threat and direct city officials to stop it. I'd be happy to show them to where the problem is and if you got a copy of this you probably have a picture of the damage.

COUNCIL PRESIDENT GAMBER – I appreciate you bringing that forward I just handed my copy to our city engineer and you may want to speak with the engineer and the safety service director after council. Mr. Manson, your hand is up?

COUNCILMAN MANSON – Yes, I think I'm familiar with this area but Mrs. McHough would you give me your phone number then I can contact you.

LOIS MCHUGH – Sure. There's actually a couple other guys who are doing the same thing its not just one but that's the worse and he's been doing it for years.

COUNCILMAN MANSON – Yes, I know I've seen them there's one between there I believe 17th Street and Bison that's doing this also.

LOIS MCHUGH – Thank you.

COUNCIL PRESIDENT GAMBER – Thank you very much. Is there anyone else who would like to speak with council? Mr. Townsend, you had your hand up?

COUNCILMAN TOWNSEND – Yes, I would like to call the law director up Perry Stergios I have a question regarding tax credit ordinance pertaining to my situation working out of town. Mr. Stergios, I have a question I received an email from an anonymous person who stated to me and I believe I asked you this question last week. But this individual stated that because I work in Cleveland that possibly that I was that I should not vote or wasn't allowed to vote on this ordinance. So I didn't have the answers for you know to provide this anonymous person. So that's why I'm calling you up to get the legal opinion from you.

LAW DIRECTOR STERGIOS – Immediately after the meeting I will give you and all council the ethics commission opinion that says that is not a conflict. If somebody thinks that it is then I would also tell you its incumbent upon you to contact the ethic commission and ask them for a formal opinion. But this opinion was it's in the office and I didn't print it out and bring it out here with me. But it's from '86 or '88 I think and I think it clearly answers the question it sort of an opposite scenario it was they had a I think it was a 50% credit and they were going to increase it to 100 sort of the opposite of ours. They said certain council members did not work in the city and their opinion basically said even though they may personally benefit from that it's for the general community as a whole and it affects a large portion and that's not to be smart about it but that's the job of being a councilman. I mean you might be raising your garbage rates too and you have to vote on that. So anyhow I will certainly make a copy of that give it to you when we're done and anyone else that wants it let Mary Beth make copies.

COUNCILMAN TOWNSEND – Thank you.

LAW DIRECTOR STERGIOS – You're welcome.

COUNCIL PRESIDENT GAMBER – Is there anyone else?

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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