

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, MARCH 19, 2012**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Monday, March 19, 2012. We have in attendance with us this evening: Mayor Catazaro-Perry, Safety Service Director Maier, Budget Director Koher, Engineer Dylewski, Auditor Ferrero, Pat Pentello from the Auditor's Office, Acting Police Chief Herrick 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, Ed Lewis, Paul Manson, Donnie Peters, Andrea Scassa, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 8 present.

COUNCIL PRESIDENT GAMBER – Mr. Peters, we need a motion for Mrs. Halter.

COUNCILMAN PETERS – I'd like to make a motion that we excuse Councilwoman Halter for tonight's meeting. Seconded by Councilman Slagle.

Roll call vote of 7 yes, 1 no to excuse Councilwoman Halter. Peters voted no.

2. INVOCATION

COUNCIL PRESIDENT GAMBER - I will recognize Councilwoman Cunningham-Hedderly for the invocation and the Pledge of Allegiance.

COUNCILWOMAN CUNNINGHAM-HEDDERLY - Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Chairperson of the Public Utilities Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT GAMBER - Madame Clerk, are the minutes of the previous meeting transcribed and open for public viewing? (Yes, they are) Are there any additions or corrections to the minutes? If not the minutes stand approved as written.

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

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 29 - 2012

BY: COMMUNITY DEVELOPMENT

COMMITTEE

Accepting an application for annexation for the Cincinnati Area Annexation to the City of Massillon, Ohio, and declaring an emergency.

COUNCILMAN MANSON – Yes, we discussed this at the committee meeting last week. This is a piece of property that was annexed to the city that's on the south side of Route 30 west of Richville Drive and Stump. There is a road there at present if what we read about Baker Hughes is interested there would be a road probably going right through this area. I'd like to move it along unless there's questions that anybody has they'd prefer to just have first reading I can do that too. But if there are no questions no problems with it I'm going to make a recommendation that we waive the rules.

COUNCILMAN MANSON moved for suspension of the rules and passage, seconded by Councilwoman Scassa.

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

ORDINANCE NO. 29 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8.

ORDINANCE NO. 30 - 2012 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Accepting an application for annexation for the Cincinnati Area Annexation to the City of Massillon, Ohio, and declaring an emergency.

COUNCILMAN MANSON – Yes, this property is north of Cherry Road on the northwest side of town. This actually started last year with Ordinance No. 106 – 2011 we approved the statement of services that we would supply. Same thing if there aren't any serious questions or doubts about this I intend to waive the rule.

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

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

ORDINANCE NO. 30 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8.

COUNCIL PRESIDENT GAMBER – May I ask I had been given an email that the developer of the housing units at Poets Glen may attend tonight. Is anyone here from the developer? I'm not asking you to speak but I'm just saying if you would like to you have an opportunity. I didn't want you to let it pass by if you though you had a chance to speak.

DAVID HAYES – I'm vice president of WTJ Inc which owns the property and I'm also co-owner. I'm the owner of Crocket Homes as well which is 5060 Navarre Rd SW, Canton, 44706. We're actually quite excited about this annexation. We appreciate the opportunity to build new residential homes these are single family homes inside the city. We're looking forward to starting this project immediately and moving forward. We are planning to develop 39 lots immediately as well. These 39 lots will consist of smaller homes that are a little bit closer to the market right now. So we're very excited about coming into the city.

COUNCIL PRESIDENT GAMBER – Thank you very much. Appreciate you being here.

ORDINANCE NO. 31 - 2012 **BY: ENVIRONMENTAL COMMITTEE**

Repealing Section 965.05(a) "Private Collection License" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.05(a) "Private Collection License" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

COUNCILMAN LEWIS – First reading.

ORDINANCE NO. 31 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 32 - 2012

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the 1207 NSP Fund, Local Law Enforcement Trust Fund, and the 2105 Stormwater Utility Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILMAN MANSON – Alright, we have I just had to get organized I didn't talk to Mrs. Halter until like 5:30 this afternoon about she was going to be sick and couldn't be here. So we have three sections here to deal with the first one is for \$25,261 at this time I'm requesting an appropriation from the unappropriated balance of the 1207 Neighborhood Stability and Planning Fund into an account entitled 1207.845 salaries \$25,261 and this is to pay an employee for sick time that was accumulated and vacation. I will be if any questions do you want me to handle it all first?

COUNCIL PRESIDENT GAMBER – Why don't you through all the sections.

COUNCILMAN MANSON – Okay, alright, section 2 is for \$8,888.89 that is please appropriate that amount from the Law Enforcement Trust Fund 1215 into an account 1215.305 for the Massillon Police Department Computer Technology Improvement. This money will be used to pay for \$8,000 worth of computer equipment that will be reimbursed from a grant #2011 and you see that JGLLE5901 and then an additional \$888.89 from this appropriation will be used as the city's match for this grant. Then section 3 is for \$3,500 this is for stormwater run off please prepare legislation to appropriate \$3,500 from the unappropriated balance of the 2105 Stormwater Utility Fund to pay a yearly fee to the Stark Soil and Water Conservation District. If there's any questions I'll try to answer them if not I will moving to act on these tonight.

COUNCIL PRESIDENT GAMBER – Are there questions on any of these parts? Mr. Manson?

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

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

ORDINANCE NO. 32 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8.

ORDINANCE NO. 33 - 2012

BY: FINANCE COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to accept a Computer Technology Improvement Grant for the Massillon Police Department, and declaring an emergency.

COUNCILMAN MANSON – This is the same \$8,888.89 this is just accepting the grant. So I'll be moving to waive the rule.

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

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

ORDINANCE NO. 33 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8.

ORDINANCE NO. 34 - 2012

BY: FINANCE COMMITTEE

Repealing Ordinance No. 32 – 2005 authorizing and directing the Auditor of the City of Massillon as of January 1, 2012 to deposit funds received from golfing fees at The Legends of Massillon Golf Course into the Legends Fund and the Bond Retirement – Legends Fund, and declaring an emergency.

COUNCILMAN MANSON – I'd like to ask the auditor if it would be okay if we give this first reading? (Sure) First reading.

ORDINANCE NO. 34 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 35 - 2012

BY: FINANCE COMMITTEE

An ordinance to confirm the retention of legal services of bond council in connection with the financial, financing and economic development matters, and declaring an emergency.

COUNCILMAN MANSON – I wish I would have known what you were talking about earlier Donnie because I had some questions on this myself.

COUNCILMAN PETERS – I didn't know Nancy wasn't going to be here so I mean I just know that it was...

COUNCIL PRESIDENT GAMBER – Mr. Manson has the floor.

COUNCILMAN MANSON – I was just asking him...is this really necessary for us to give this first reading?

COUNCIL PRESIDENT GAMBER – Mr. Manson, would you like to call someone forward?

COUNCILMAN MANSON – Yes, I'd like to call the Mayor forward please.

COUNCIL PRESIDENT GAMBER – Thank you.

COUNCILMAN MANSON – Could you share a little light on this ordinance for us please? I know myself I had some questions that I was hoping to ask on this by before the next meeting. Then I've just been told that we need to move on this. So if you'd just like to try to explain this to us why it's necessary for us to be moving immediately.

MAYOR CATAZARO-PERRY – Well as you all know we've been working on the project the Baker Hughes project and this has to do with the Baker Hughes Road. We are working to with Baker Hughes the Port Authority and we'd like to secure Squire Sanders Bond Counsel for this project and future projects within our city. The administration has a huge comfort level with Squire Sanders they have an excellent reputation many other cities use them as well. So the Port Authority works very closely with Squire Sanders and this is prudent that we pass this, this evening so that we can get moving on the TIF for this project. The TIF is going to pay for the roadways which would be Cincinnati as well as Millennium Blvd. That is very important that we can get moving on this we're at the last step to secure this project. We've been working on it for weeks.

COUNCIL PRESIDENT GAMBER – Mr. Chovan?

COUNCILMAN CHOVAN – Thank you. Will this company still be I mean will they be involved in things like the 59 Duncan Project other things that they might want to try to I mean any kind of refinance. Does this replace like Bricker and Eckler or what...

MAYOR CATAZARO-PERRY – Bricker and Eckler would complete the refinancing if we chose to go forward with that for the senior housing as well as park and rec. Yes.

COUNCILMAN CHOVAN – But we could use these folks for anything else that would come along?

MAYOR CATAZARO-PERRY – Correct.

COUNCILMAN CHOVAN – Okay, thanks.

COUNCIL PRESIDENT GAMBER – Are there any other questions for the Mayor? Mr. Slagle?

COUNCILMAN SLAGLE – Is there a written fee agreement with them in any way a letter of...

MAYOR CATAZARO-PERRY – I can get that for you Mr. Slagle. Currently they Bricker and Eckler charges about \$420.00 per hour and this company is comparable at about \$400.00 per hour. The Squire and Sanders typically bases their fees on projects but if we wanted to compare apples to apples that's what the numbers are.

COUNCIL PRESIDENT GAMBER – Mr. Slagle? (No, thank you) Is there anyone else. Thank you, Mayor. Mr. Manson?

COUNCILMAN MANSON – I guess and I'd like to ask a question about these fees again. Because I understood they were a little more expensive than that. Do we have any do we have this in writing...

COUNCIL PRESIDENT GAMBER – Mr. Manson, would you like to call the Mayor back?

COUNCILMAN MANSON – Yes, please. Do we have this in writing their fee structure?

MAYOR CATAZARO-PERRY – I don't have Bricker and Eckler's in writing as well. What I did do was I pulled Bricker and Eckler's fees which I brought this evening. I had to subtract and divide it out myself but I did speak with Bruce Gabrielle this evening about 5:00 to confirm the prices. This typically is an adequate amount of money that is charged these bonds counsels as Mr. Slagle and Ms. Scassa probably know as attorneys are relatively high. But is but this is an average figure that bond counsel uses.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Go ahead.

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – Were there any historical comparisons with other cities that use Squire Sanders in the past to know what...?

MAYOR CATAZARO-PERRY – I know North Canton has used them in the past as well as the City of Canton.

COUNCILMAN SLAGLE – Any complaints from them about...

MAYOR CATAZARO-PERRY – I talked with both of their mayors and they only gave high remarks for them.

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND – I have a question. So you highly recommend this agency to do some work for us? (Yes) So me personally I don't see a problem with it. I mean Bricker and Eckler did work for us and I don't think we knew much about them. This is the first time I found out that they actually charged \$420.00 an hour I always thought it was \$200 and some. So I'll vote yes to this I don't see the big deal.

COUNCIL PRESIDENT GAMBER – Mr. Manson back to you.

COUNCILMAN MANSON – Well I'm between a rock and a hard place because I did have a lot of questions about this. Myself I'm a little disappointed on this that we got this thing just last week and now we're being told its such as emergency.

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

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

ORDINANCE NO. 35 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8.

COUNCIL PRESIDENT GAMBER – Mr. Slagle, you had a comment?

COUNCILMAN SLAGLE – Well I just think this is one of those decisions the Mayor's office determines they want to change counsel that you know she has to live with her decision on it. So...

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Yeah, I don't disagree with what Mr. Slagle just said but also this is a very, very serious thing here that we're talking about. Myself I would hope that we get these things earlier than we have several meetings that we can discuss them and get to feel comfortable with them. I do think there are many things that we can move quicker that are routine. This one I intended to ask for Mrs. Halter to give this first reading. So I'd just like to have the information sooner so we can deal with in a I don't know what you want to say more orderly fashion than being under the gun like that.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

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

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

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – We will have committee sessions starting next Monday at 6:00pm. Are there any reports from a committee or any resolution or request from a council

member?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

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 – Yes, this is the ordinance that we’ve been discussing about the rates that we charge to commercial or commercial rates to the people in the city as far as the fees for the storm water run off into our system. We’ve discussed it for a few weeks now it is a progressive scale dependent upon the square footage of the property that has impervious, impervious meaning essentially concrete or a building structure not grassland or anything like that. So we’ve discussed it if there’s any questions I guess here’s your chance.

COUNCILMAN LEWIS moved to bring Ordinance No. 14 – 2012 forward for passage, seconded by Councilman Manson.

ORDINANCE NO. 14 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 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 – This ordinance here as we’ve discussed is essentially changing the amount of days that any new council has to elect their Council Clerk. The way the previous rule read or the existing rule reads is that in addition to President Pro-Tem, council must also elect their Council Clerk within that ten day period. Which if no special meetings are called essentially that electing the Council Clerk at that first meeting. So this ordinance changes that timeframe to thirty days which again if no special meetings are called will allow for two regular scheduled meetings to take place rather than just the one. After a lot of discussion it was determined to try to give this was developed to try and give new council members a little bit more time to maybe become familiar with the Clerk and try to make more informed decision on the employment of the one employee that council has. So as this is third reading I would make a motion to bring this forward for a vote.

COUNCILWOMAN SCASSA moved to bring Ordinance No. 17 – 2012 forward for passage, seconded by Councilman Chovan.

ORDINANCE NO. 17 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. PETERS VOTED NO.

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– Again this rule was developed with a lot of input from different people. We had a special meeting on it and again its goal was to try and clarify the duties and responsibilities of the Clerk. It’s also adopting an employee manual that again was expressed by some council members as something they felt our employee needed and some other matters. So again with it being third reading I would make a motion to bring this forward for its passage.

COUNCILWOMAN SCASSA moved to bring Ordinance No. 18 – 2012 forward for passage, seconded by Councilman Chovan.

COUNCIL PRESIDENT GAMBER– Are there any comments any discussions? Mr. Peters?

COUNCILMAN PETERS– Yes, I just want to clarify my no vote on Ordinance No. 17 before I vote on Ordinance No. 18 so you don’t think I’m wishy washy. I was against that from the start because I don’t like the thirty day timeframe that’s the only reason I voted no. I just think it complicates things and I’ve never seen a problem with this in the six years I’ve been on council so that’s reason I voted no. I completely support Ordinance No. 18 just for the simple fact that you know it’s just what everybody else does and I don’t have a problem with that. I think it also benefits the employee to a certain extent because you know when that employee does a good job this allows for her to be told she does a good job or he or whoever it may be. So I support Ordinance No. 18 but that’s why I voted no on 17.

ORDINANCE NO. 18 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 19 - 2012 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

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

COUNCILMAN TOWNSEND– As our council clerk stated its just vacating a portion of State Avenue. There’s an alley that is located off of State there are two homes that are adjoined to this alley. To my understanding after speaking with Councilwoman Halter that there were two applications I know this for a fact that requested the vacating of this alley. Those two home that adjoined to this alley are the applicants. I did walk through there I didn’t stop and talk with anyone but still haven’t heard anything from any residents and Councilwoman Halter hasn’t received any comments as well. This is third reading so I would ask that we move this forward for its passage.

COUNCILMAN TOWNSEND moved to bring Ordinance No. 19 – 2012 forward for passage, seconded by Councilman Peters.

ORDINANCE NO. 19 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

15. SECOND READING ORDINANCES AND RESOLUTIONS

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 is obviously the second reading but we have had this

issue before us since the very first day that this council convened. It is raising the residential rates by \$2.25 per month. It is also building in a capital fund of 96/4 split wise. I am going to motion that we suspend the rules requiring three readings to bring it forth for a vote tonight.

COUNCILMAN LEWIS made a motion for suspension of the rules and passage, seconded by Councilwoman Cunningham-Hedderly.

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

ORDINANCE NO. 140 – 2011 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO. PETERS VOTED NO.

ORDINANCE NO. 24 - 2012
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Amending CHAPTER 1188 “SIGNS” of the Codified Ordinances of the City of Massillon, by creating SubSection 1188.04 (e) “Vertical Neighborhood Association Banners Permitted”, and declaring an emergency.

COUNCILMAN MANSON – Yes this was given to me at the last committee meeting. You explained that it has to go to the Planning Commission for a recommendation. The Planning Commission meets the second Wednesday of April I believe that’s April 11. So I will be giving this second reading.

ORDINANCE NO. 24 – 2012 WAS GIVEN SECOND READING.

ORDINANCE NO. 27 - 2012

BY: FINANCE COMMITTEE

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

COUNCILMAN MANSON – I’m going to give that second reading.

ORDINANCE NO. 27 – 2012 WAS GIVEN SECOND READING.

ORDINANCE NO. 28 – 2012

BY: FINANCE COMMITTEE

Appropriating money for the current expenses and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2012, and declaring an emergency.

COUNCILMAN MANSON – Yes, I believe everybody has a copy of the ordinance that Mrs. Halter talked about last week that would be coming forward from finance. This is Ordinance No. 28 the only changes on this from what was proposed are is if you go to page 3 and you go down to police salary there would be a minus \$400,000 there where it says \$1,370,698 and then you drop to the bottom line where it says disability and pension transfer where it says \$426,808 that will become \$840,717.00 If I make any mistakes somebody correct me. Then go to page 4 and go to the first line of the fire department where it says a \$1,632,310.00 that will be minus \$400,000 and then drop down to the second line from the bottom where it says \$489,914.00 that will become \$993,037.00. That brings us to a total that the auditor certified \$14,964,660.00. I will be making a motion that we amend Ordinance No. 28 and put this in its place.

COUNCILMAN MANSON moved to amend Ordinance No. 28 – 2012, seconded by Councilman Slagle.

COUNCIL PRESIDENT GAMBER – Are there any discussion on the changes? Mrs. Scassa?

COUNCILWOMAN SCASSA – I have a couple questions. I guess the first being about the math of taking \$400,000.00 from the salary and I am by no means a scholar at math but if we're only taking \$400,000.00 out for instance on fire department I mean we're taking \$400,000.00 out of the salary line to put it in the disability and pension fund correct? (Yes) But doesn't that just bring us to \$889,914.00 and we need to be at \$993,037.00 if that's what the goal is.

COUNCILMAN MANSON – Yes, I believe you're right now... Could we ask the auditor to please come up?

COUNCIL PRESIDENT GAMBER – Could we have come to a microphone please? Mr. Manson has requested the auditor to come forward.

COUNCILMAN MANSON – Yes, could you clear that up the question Ms. Scassa had?

AUDITOR FERRERO – There's it's approximately that was an approximate figure that \$400,000.00 that Mrs. Halter took. But the correct number for the police and fire pension is \$840,717.00 and for the fire department was \$993,037.00. Then the two salary line items would be adjusted accordingly.

COUNCILMAN MANSON – Could you give those two again please?

AUDITOR FERRERO – I'm so sorry.

COUNCILMAN MANSON – Give us those two numbers again.

COUNCIL PRESIDENT GAMBER – We're on page 3.

AUDITOR FERRERO – I'm sorry I thought you all had them I'm so sorry.

COUNCILMAN PETERS – They are they're written on our paper. That's not her question though.

COUNCILMAN MANSON – Well, no it didn't jive with the 993 I agree with what you're saying there.

COUNCIL PRESIDENT GAMBER – Let's take page 3 before we take page 4. What are the correct numbers for page 3? Police department salary?

COUNCILMAN MANSON – Just make that \$826,808.00 right if we're just taking a flat \$400,000.00 or not?

COUNCIL PRESIDENT GAMBER – I'm speaking to Mr. Manson.

AUDITOR FERRERO – A million dollars Mr. Manson.

COUNCIL PRESIDENT GAMBER – May I suggest a five minute recess while we get these numbers correct?

COUNCILWOMAN SCASSA – I have the numbers.

COUNCIL PRESIDENT GAMBER – Alright, lets listen to Ms. Scassa here.

COUNCILMAN MANSON – Lets still take the five minute recess and discuss it.

COUNCIL PRESIDENT GAMBER – Alright, well we'll hear from Ms. Scassa first.

COUNCILWOMAN SCASSA – If we're going on page 3 the disability and pension transfer that line item we were told we needed \$840,717.00 that's what we needed to reflect in there. That's a difference of \$413,909.00 so again we're shy if we're talking about just subtracting

\$400,000.00 from the police department salary that's what we're shy approximately \$13,909.00. If you switch to page 4 then we're being told that we need to adjust disability and pension transfer to \$993,037.00 if you subtract what's existing there we're talking about a difference of \$503,123.00.

COUNCIL PRESIDENT GAMBER – Alright, I'm not disputing those numbers at all. But I do think a five minute recess is in order so we verify these numbers. The auditor is comfortable now oddly we do have a motion on the floor to amend and we will hold that in advance until we return in five minutes. Please don't go wandering away. We'll be in a five minute recess. We are back in session we have a motion to amend. Mr. Manson would you please go over the correct numbers?

COUNCILMAN MANSON – Alright, go to the line that says \$1,370,688.00 that's page 3. The line for police that says \$1,370,698.00 okay we're taking \$413,909.00 out of there and it will make that \$956,789.00 in that line.

COUNCIL PRESIDENT GAMBER – Does everyone have that?

COUNCILMAN MANSON – Just scratch the \$1,370,000.00 and put that in.

COUNCIL PRESIDENT GAMBER – Alright, then...

COUNCILMAN MANSON – Now then you drop to the bottom the \$840,717.00 replaces the \$426,808.00 okay?

COUNCIL PRESIDENT GAMBER – Does everyone have that?

COUNCILMAN MANSON – Now we go to page 4 and we take \$503 go to the line fire department salary \$1,632,310.00 take \$503,123.00 out of that, that makes that \$1,129,187.00 drop down...

COUNCIL PRESIDENT GAMBER – Now hold on does everyone have that?

COUNCILMAN MANSON – Okay, \$1,129,187.00 then drop down to the next to the last line on fire disability and pension and that \$480,914.00 becomes \$993,037.00.

COUNCIL PRESIDENT GAMBER – And those are the four changes offered in your amendment.

COUNCILMAN MANSON – Right.

COUNCIL PRESIDENT GAMBER – We have a motion and a second is there any discussion on these changes. Mr. Chovan?

COUNCILMAN CHOVAN – Yeah, I mean I know I understand the math that was just done. But I mean what we're doing basically is we're cutting the salaries for police and fire to the point where if there's no other money certified there we're going to run out of money when June, July for salaries? Because we're already behind in it.

COUNCIL PRESIDENT GAMBER – Is that a rhetorical question or are you asking someone?

COUNCILMAN CHOVAN – Would I yeah, Mr. Koher come up please?

BUDGET DIRECTOR KOHER – I did some straight mathematics no calculations based on the budgeted amounts we have in the line items at the beginning of this process versus what we expected pay out by year end. What we had to begin with was roughly 6.6 months or 6 and half months worth which means we would run out of salary line item mid July. We get through six whole months and go through another half month with just the \$400,000.00 off both police and fire they're pretty close there. It takes down to the end of May maybe into the first pay of June.

So we would need more appropriations for both of those salary line items after June begins by these straight calculations.

COUNCILMAN CHOVAN – And do we need to set aside that entire amount for disability and pensions for police and fire?

BUDGET DIRECTOR KOHER – Well the legal Ohio Revised Code part of that you might want somebody else to address there but what we had in the budget the administration prepared was basically 100% more than what was budgeted last year at the beginning of the year. The city has paid little over \$126,000.00 so far this year to the pension board. There's another \$452,000.00 that's due April 1st they'll give us some extra time into April...

COUNCILMAN CHOVAN – Is that a combination police and fire right for the Ohio Police and Fire?

BUDGET DIRECTOR KOHER – Yeah, which would mean with that \$453,000.00 that's due in June which we'll pay or they'll take. I mean we're that far behind with them and its not it a good situation. But that's \$579,000.00 total then we would pay by the end of April in our budget that we presented to the finance committee. That total \$917,000.00 roughly appropriated towards those pensions and then we had monies that would carryover into next year. Which means after April 1st payment we would have about \$338,000.00 left in that appropriation and that might get us through another quarter you'd have to verify that with the auditor's office. But once we get 6 months behind there the state will step in and take that money at the county level before we even see it there. So it's not a good situation either we're going to run out of money in the payroll line items or in the pension line items. What it boils down to is we're revenue shy and the trains going to run off the track either in at the end of May or at the end of July. As far as cash is concerned so you know keep that in mind when we're talking about revenue ideas. There's some real deadlines coming up right around the corner here. In my opinion.

COUNCILMAN CHOVAN – Okay, thank you.

COUNCIL PRESIDENT GAMBER – Are there any other questions for Mr. Koher? Thank you. Mr. Manson, may I ask a question? (Sure) Have two or three members of the budget or of the finance committee signed off on these four changes? I know you all met several times? (Yes) All three on the finance committee has signed off on these changes? (Yes) Alright.

COUNCILMAN MANSON – I'd like to have both auditor the auditor and the deputy auditor come up please. Okay, I would like you to explain why we need to have these numbers in there and get into a little bit as to what Mr. Koher talked about as far as the county just taking that money and sending it to the state and please clear that up for us.

AUDITOR FERRERO – Part of the reason that number is so large is because we weren't able to pay that police and fire pension last year. So when Mr. Koher referred to the \$425,000.00 that we have due that we need to pay by April that takes in September 30th of 2011 that quarter that ends that date. So you see we're still paying in 2011 that's the reason that number is so inflated. Then what we have to do is we have to continue to make some payments to them so that we don't get into the rear situation where we're getting fees and things like that. What I'd like to see and if we do something that increases revenue you know what we would like to do is catch up with these things. You know that's our goal is to get caught up really between there's a few utilities but besides utilities police and fire pension is the only thing that we're really in the rears for 2011. There maybe a couple stragglng bills but nothing that's of any significance. So our goal is to every month pay something towards this and continue like in July of 2012 our plan is then to have that third quarter which would be due 12-31-2011 paid. So what means is that at the end of July we would have last year's police and fire pensions for the whole year paid. So of course now we're still looking at January, February and March of this year that's due already too. So that's why I wanted to make sure that we put that in the budget because we owe the money. It is the debt that we owe and we need to try to get that paid this year. Now saying that something is going to be underfunded in our budget we know that. We have always known that we have always an underfunded budget. Last week Mrs. Halter and Mr. Manson

both eluted to an ordinance that said that it's okay to pass an underfunded budget. It's just so much easier to take it from two line items rather than try to take it from six or seven, nine or ten, five or six or four. So that's my suggestion that you put the full amount in that we owe then we know what we have. Then throughout the year we have to and what we've done in the past is the previous council knows it comes to council and if you have to transfer up from that appropriation from the police and fire pension we appropriate up into police and fire salaries. So we always try to get you know that's the problem that we had last year as well is that we paid our police and firemen through the end of the year as you all know. So something had to give and what gave was that particular bill. So I mean I'm not saying it couldn't happen this year but I'm asking you to put it on the paper the correct way to show the complete debt that we owe. Then we'll as the year goes on you know that anytime I see any extra revenue or I can certify any additional money from income tax any additional money that comes in I always put it straight to police and fire payroll. People who sat on council prior knew would see that all the time whenever we had extra money it always went to police and fire to their salary line item.

COUNCILMAN MANSON – Could you clear up what would happen okay it started this year we asked to get an advance on our property taxes okay, could you clear up what would happen in September if the state comes in and takes the money for the pension? If they certify it to the county and the county and if they do they the county will pay it?

AUDITOR FERRERO – Yes, it's an obligation just like the what we pay over for the jail over the sheriff department you know the money we owed them? Some of you may remember that as well. They take that right out of our tax money. Then we wouldn't get that money that's why we need to make every concentrated effort to keep up on this still and keep it so that we're not in the rears because we don't want them to go and be able to attach our property tax money. We need that to operate.

COUNCILMAN CHOVAN – Is six months the time period you think it sounds like we're in the rears by six months or stay that way?

AUDITOR FERRERO – Yes, six months. Then of course there's penalties that gets charged.

COUNCIL PRESIDENT GAMBER – Mr. Manson, are you finished for now?

COUNCILMAN MANSON – I would like the deputy auditor to expand a little bit on this and give a little bit the plan that what you intend to do with these pensions so that we don't the state doesn't take that money from us in September. Explain why you know what we are going to try to do?

DEPUTY AUDITOR PENTELLO – Well, I think that the auditor has explained it. I put together a six month program where April 1st is our first six months to be able to send something before April 1st so that we stop that process to go to the Stark County Auditor. The next time period would be July 30th and at that time we would owe a combination between police and fire of almost \$331,000.00. So we're going at six months intervals to stop any process to the county. The next six months of course is going to run to October 31st and again we're at another \$300,000.00. So what happens is six months from the date the due date of the pension contribution that should have been sent in. So what we can do is at the end of the year the police and fire both have an inside millage that they get for police and fire levy money and each collects a \$160,000.00. So at the end of the year we would be able to take those funds and they wouldn't be out of the general fund and pay that last portion that would be for second quarter of 2012. Now we are going to carry this is probably a 12 to 18 month process unless of course you know the city is going to realize some amended certificates and maybe we'll be able to catch up a little faster. But we didn't get here over night and its going to take a while to get the plan working till we get it to the point where they fall off. So its going to be this year and probably part of next year to be able to do this. But we do have a plan and I think its in the best interest of the city to take care of its own problems and that's why we ask that the budget be fully funded at least through this year for these quarters so that we're able to stop the certification to the county. We will have to fund the police and fire like Jayne said we've done

it in the past but we have a revenue problem and until we can see some more of that we're going to have these types of problems. Is there any other questions?

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND - I have a question for the auditor.

COUNCIL PRESIDENT GAMBER – Are there any other questions for Ms. Pentello right now? Mr. Slagle is your question for her? (No) Alright, we'll go to Mr. Townsend then.

COUNCILMAN TOWNSEND - My question is you had stated that if we didn't fully fund the pension disability and pension that the state will take it in September. Is that...

AUDITOR FERRERO – No, that isn't what we said. We said that we have to as long as we don't get more than that six months in the rear that's what we're trying to keep on top on so that we're never more than six months in the rear with the pension. We're hoping that we get enough revenue in this year that we can get caught up. What we're trying to do by paying on April 1st what we'll do is we will be paid through the second quarter of last year which takes in 930 of 2011.

COUNCILMAN TOWNSEND - So are we able to work with the people in Columbus maybe make a smaller payments or whatever then the money that we're anticipating throughout the year we can use that money.

AUDITOR FERRERO – No, we don't meet the criteria to have a payment plan.

COUNCILMAN TOWNSEND - So what happened in the past? How we were able to get by?

AUDITOR FERRERO – We didn't we didn't pay it and that's what happened and now we're six months behind. Now we are kind of behind the eight ball because we have to pay it or they'll attach our property taxes.

COUNCILMAN TOWNSEND - So we're only six months behind not because I've been on council six, seven years and we have always been current with it?

AUDITOR FERRERO – We've always probably the most we've ever been behind is probably for one quarter.

COUNCILMAN TOWNSEND - So if we do what you're doing there's a possibility we can run out of money in salaries what May, June possibly?

AUDITOR FERRERO – Okay, again as I said to you I'm sure that property taxes are going to be up. I'm going to be able to certify some more money. When that happens I mean we always work on the come as you know as history shows you it's always we're working on the money that's coming in. You know we can't we work on estimated figures we don't work on factual figures because we're not certain. What we do know is that Fresh Mark, Shearer's all of these newer companies that have come in are going to bring us some additional dollars. So that isn't factored into the budget because we don't know exactly what that's going to be. Next year we probably will have a better idea and so our budgeting process will be a little bit higher because we know from history its based on historical figures. So we know that we're going to be able to certify some more money. Am I going to able to certify that completely? Probably not we'll probably have to take some money from other line items you know how you see us strip accounts and things and transfer that money up into the salary line items. We may have to take money from police and fire pension to do that. So you know that we will be in the rear. We may have to do that. That's what we did last year so that we were able to pay all of our people. All of that comes through council. Council votes on all of that that isn't something that we just do. All of that comes before all of you and you vote on it.

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND - My next question is for the mayor. I'll wait.

COUNCIL PRESIDENT GAMBER – Alright, Ms. Scassa?

COUNCILWOMAN SCASSA - Madame Auditor, I guess what I'm trying to grasp and we're in the rears for 2011 you mentioned September. I guess what is the turning point that the state or the pension board is going to go the county and take our money? I mean I understand that if we don't pay it you said if we don't pay it so I guess that's...

AUDITOR FERRERO – If we don't pay by April 1st that is our drop dead date he...

COUNCILWOMAN SCASSA - So I'm sorry to interrupt you. Go ahead

AUDITOR FERRERO – I'm so sorry.

COUNCILWOMAN SCASSA - No, I guess my question is regardless of what figures we have in this line item it sounds like we have to pay it within the six month period or they're going to take our money.

AUDITOR FERRERO – Yes, you're right.

COUNCILWOMAN SCASSA – Okay, so, I mean...

AUDITOR FERRERO – So but we really need to do is keep up on it until September because that's when our last property tax money comes in.

COUNCILWOMAN SCASSA – Okay, and I don't agree with you that yes it would be nice to have all of our debt down on paper but I guess that's what I'm trying to grasp. Regardless what the number is on this line item if we're passed that six month period they can and most likely will go to the county and take our money.

AUDITOR FERRERO – Well we're hoping that never happens that's something that we constantly try to watch and bring to you and avoid. That's never happened.

COUNCILWOMAN SCASSA – Okay, but again...

AUDITOR FERRERO – Could it happen sure. It could happen.

COUNCIL PRESIDENT GAMBER – Back to Mr. Manson.

COUNCILMAN MANSON – Okay, that's what their plan is. If you listen to what the deputy auditor said they're trying to stay within that six month window so there isn't a risk of us getting behind and the state going after the money through the county and taking it away from us. That's why they will make some partial payments. We're still going to be behind but they want to stay within that six month window so they don't come and take it off us. If they do then we're going to run out again anyhow after September.

AUDITOR FERRERO – April 1st is our cut off date with them before they will go to the county. If I write them a letter and tell them that we'll pay it by April 1st then they will not go to the county.

COUNCILMAN MANSON – But that's what the key here is the six month window. We don't want to go beyond that six months we want to stay under that so we don't risk them going over and just the state certifying and taking that money. Because then there won't be any there for us in September then.

COUNCIL PRESIDENT GAMBER – Mr. Peters, you have a question?

COUNCILMAN PETERS – My point is if we don't have the money how are we going to pay it?

COUNCILMAN MANSON – We're paying partial payments. Didn't you hear what she said? Partial payments.

COUNCILMAN PETERS – What happens when we run out of money how do we make a partial payment. You can't make payroll and the partial payment. That's what I'm saying.

AUDITOR FERRERO – Well, again and I don't mean to keep repeating myself and I hope I'm not offending you by doing that. But I am going my hope is that I'm going to be able to certify more money. Don't forget our income tax comes through in April so we will have the money to pay it in April because that is our biggest money that comes in the collection. So we'll have the money to pay the \$425,000.00 and we're going to pay that. Then every month and part of our property taxes too Mr. Peters some of the money is designated for police and fire pension fund. That money always absolutely goes to police and fire pension fund some of the millage money. Did I answer your question?

COUNCIL PRESIDENT GAMBER – Do you have any more Mr. Peters? Mr. Slagle?

COUNCILMAN SLAGLE – Madame Auditor, Mr. Koher had indicated there might be a problem either in May or July concerning covering salaries. Because of the revenue and the bills being paid do you agree with that?

AUDITOR FERRERO – I don't think May is going to be a problem. But as we get into the summer months we could have some problems as we always do because that's when our collections are the lowest. That's when you'll see us do some transfers. So that's why I would urge council to think about any revenue streams we can because we really need to have money come in. You know everything has gone up that we pay all of our bills have gone up you know all of your household bills have gone up as well. Everything that we do has gone up and so has everything for our city. We have never done anything to raise the revenue to meet that demand. I urge you all to think about that and to go home tonight and really give that a huge amount of thought. Because we really need to think about revenue. I would ask you if you're going to put a increase in tax on the ballot it's a thought. You know you could do something like that.

COUNCILMAN MANSON – Lets stick with this problem please.

AUDITOR FERRERO – Okay, sure, I'm sorry.

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

COUNCILMAN SLAGLE – I am. Thank you.

COUNCIL PRESIDENT GAMBER – Is there anyone besides Mr. Manson? Mr. Townsend?

COUNCILMAN TOWNSEND – Now you said there maybe some problems in June. Not May but possibly June. (July) July, what can we do today or what can we do as far as relative to the police and fire pension to at least soften that those problems or to kind of minimize those problems in July?

AUDITOR FERRERO – Well the one thing we have to do is we need to pass a budget. We need to get a budget in place we're having problems because there's bills that we can't pay that come in because the money wasn't allotted in the temporary budget. So you see everything that we do when you pass the temporary budget and not enough money has gone in to pay bills that people have ordered things for. So when you don't pass a permanent budget we always run into problems around this time of the year. Because everything starts to catch up and then people are holding bills to and wait for the permanent budget to come through. We need to pass a budget it might be perfect on paper I'm not saying it's a perfect budget. But everything is filled in the budget except for police and fire salaries. That's the only thing I'm saying what has been changed on the budget is police and fire salaries have been underfunded. It's the only two things that have been underfunded. Other things that have been cut by the mayor have all agreed to and everybody's doing. Like my department for example was cut over \$50,000.00

some dollars the law director's salary was cut even more than that. We're living within those means. So you see we've all made sacrifices my people are all paying 15% towards their health care everyone all of those things make a difference. All of that is going to change the financial picture of the whole city. When Mr. Maier goes and he takes care of the contracts then we're going to know what kind of money we're going to realize from that as well. So everything happens in kind of in the future. Do you know what I mean? It's on the come. We're looking for this money to be coming in. So I hate to say these words but you can do anything you want you're the city council. You can do anything you want if you want to change that figure change it. But I'm going to tell you we owe the money. I strongly believe we need to keep it in the budget because we owe it. We owe last year's figures and we owe this year's figures. We need to pay police and fire pension. It's important and we have police and firemen that are retiring and this could affect what's going on down there in Columbus.

COUNCIL PRESIDENT GAMBER – Mr. Townsend?

COUNCILMAN TOWNSEND – No, that's it.

COUNCIL PRESIDENT GAMBER – We'll go to Ms. Scassa and then back to Mr. Manson.

COUNCILWOMAN SCASSA – My question isn't with the auditor but with the mayor.

COUNCIL PRESIDENT GAMBER – Alright, Mr. Manson, do you have a question for the auditor or do you have comments?

COUNCILMAN MANSON – I have comments but I can wait.

COUNCIL PRESIDENT GAMBER – Are there any other questions for either the auditor or the deputy auditor. Call the mayor forward please.

COUNCILWOMAN SCASSA – We've heard the difference of opinion I guess again we have something I'm looking for is a bottom line answer. I don't know if I was very articulate when I asked Madame Auditor my question but I guess again you've spent as you told us hours working on the budget. Again can you just tell us the administrations position on why you funded it this much.

MAYOR CATAZARO-PERRY - Well let me go back to February 15th when we passed out our letter its really our kind of a business plan letter that went along with our budget. In the 4th sentence it says my administration is assuming a 2.4% rate of growth for 2012 and believe the general fund would generate about \$17,600,000.00. When we say that and we took many, many hours with the auditor's office and we'd like to thank them for all of their assistance with this as well as you know trying to work through this budget. It's not an easy thing to do when there isn't any money it gets a little rough. When there's money everybody is happy. So we have to get through these next two years. What we're saying is is that you know we already talked about the tax credit we already talked about how many positions that would be which is around 30 if we have to go back and take out another say \$900,000.00 and put it into police and fire pension which last year I can tell you we only put in about \$229,000.00 if I'm correct in each line item for the pension and we didn't even pay that amount. But now this year we want to put in almost 180% more than what we put last year. That's really hard on the budget. We're not saying that we don't owe the money we completely agree that we do owe the money we just want to stay ahead of the game six months. I want to share with you that I spoke with Scott Miller from the police and fire pension and I did talk with him because I wanted him to understand that the city is being proactive in our stance on trying to increase revenue and decrease expenses. I think that's really important for council to know that we're not sitting back and being reactive we're being proactive and letting them know that we do know that we owe them the money and that we want to get it to them. But you know there's certain things we have to take time you know you can't have this huge \$6.5 million dollar hole and expect to fill it in one year. You can't expect that. So we're just asking for you to put in the amounts that we put in originally because that is going to keep us ahead of the game. We do agree with the auditor and the deputy auditor that we do owe this money and we will get it paid. It's just going to take

more time, We always what we plan on our plan is to stay ahead of the game so that the county doesn't they don't go to the county to assess the money and take it. So we agree with the auditor's office in that respect is that we need to stay ahead of it. But putting that money in there we've already allocated for the rest of the recertification that's coming that the auditor is talking about. We've reallocated that in our budget already. So you can't reallocate it twice you get to spend one dollar one time. Just like our fire chief says same here. If you're going to reallocate that money back for salaries we've already accounted for that in our budget. You can't do it twice. Okay, that's what I want you to completely understand and that's why I said you know this is about 100 hours of group time on this including the auditor's office. It's tough to do I mean we have squeaked through this budget for this year just to make it. We really needed that tax credit that we didn't get and I know Mr. Peters I'm sorry I repeated it again but you know I'd like to talk to you a little bit further if someone will bring me back up at the end, I want to let you know about our Moody's call. It's very important that I share this information with you.

COUNCIL PRESIDENT GAMBER – Hold off just a moment Ms. Scassa are you finished?

COUNCILWOMAN SCASSA – I just had another question. You mentioned you talked to someone from the actual pension board. (Yes) Did you discuss the issue of the line items or our figures in the budget was that ever discussed or?

MAYOR CATAZARO-PERRY – What I can tell you that I did discuss with him is that were we there were certain criteria that you can fall in to be on a payment plan. We may fall into one of those because of our small amount of carryover. We were going to work with the auditor's office to explore that a little bit more and he said we could send him an email that we may fall into that. When you fall into that what's nice is that they stop the penalties. So that would be prudent for us to at least try to get to that point. So there's a small window that we maybe able to open for that area. Says that as long as we're ahead six months and pay them that we will stay they will not go in and just take our money from the county auditor. So and that we were told by him that you know we are staying ahead on our employee portion. So that is being paid its just our city portion that is not.

COUNCIL PRESIDENT GAMBER – You finished. There was a hand over here.

COUNCILMAN TOWNSEND – I was the first one to ask if she could come up.

COUNCIL PRESIDENT GAMBER – Well, hold on just a second here. Mr. Peters, you have spoken yet we'll recognize you.

COUNCILMAN PETERS – Okay, I'm going to put the mayor on the spot and I'm sorry. But it's a tough question you wanted to be the mayor so have at it. What if we pass this budget with these changes honestly what do you think your course of action is going to have to be?

MAYOR CATAZARO-PERRY – Well, I can tell you you know we're all afraid of the word layoffs its just about inevitable that we're going to have to have layoffs. You know nobody wants to do it we want to keep our city operating well but if that money is allocated into police and fire pension you know you all can change it and put it back into salaries. But it also can be paid. Once you appropriate that it can be paid. You know that. If that happens you know we already know we're going to have layoff some people that number just increases.

COUNCIL PRESIDENT GAMBER – Are you finished?

COUNCILMAN PETERS – I had another but I forgot what it was. I'll come back.

COUNCIL PRESIDENT GAMBER – Mr. Townsend.

COUNCILMAN TOWNSEND – What would you like for this council to do? You're the mayor of the city in my opinion you know you're talking with people in Columbus. I'm going to assume you know what's best. So what you like this council to do regarding the police and

fire pension?

MAYOR CATAZARO-PERRY – I'd like you to pass the budget as presented from the administration.

COUNCIL PRESIDENT GAMBER – Mr. Manson.

COUNCILMAN MANSON – Yes, I have a comment not questions.

COUNCIL PRESIDENT GAMBER – Are there any other questions for the mayor? Alright, thank you very much.

COUNCILMAN MANSON – Okay, now we're back to talking about what I keep trying to bring up. We want to stay within that six month window so we do not the state does not go to the county and take that money away from us. We are still we are not going to pay all of that up payment plan is partial payments along the way to keep us within that six month window. The mayor reference Scott Miller from Columbus okay, this is what he said I have researched the payment plan request with our legal department the administration rule I sent you last week has specific criteria that allows and I don't know what OP&F (Ohio Police and Fire). Okay, I'm sorry to offer a payment plan the City of Massillon does not meet any of the criteria. The current balance the city owes for police and fire is approximately \$1.25 million. The certification process with the county auditor is the only action we can take. They are able to certify amounts due to the police and fire pension that are six months past due. This amount is \$412,114.00 as of April 1st 2012. We will present this option to our Board of Trustees this month the letter to the county auditor will be sent after the beginning of April the certified amount is not received before the end of the month. If you have specific questions about your account or the certification process you can LJ Adkins. That's back to where we are not going to catch up this year but we want to stay in that six month window so they do not come and take that away. We are going to make partial payments to keep us within that six month window.

COUNCIL PRESIDENT GAMBER – Mr. Manson, may I ask the date of the letter and who its addressed to?

COUNCILMAN MANSON – That letter was dated Tuesday, March 13th addressed to Ms. Pentello. So...

COUNCIL PRESIDENT GAMBER – Mr. Lewis?

COUNCILMAN LEWIS – I wish I had a chance to speak before we started having everybody come up here and speak to us. But in my opinion I can not vote for this amendment for one reason and that's purely because the chair of this committee is not even here to speak to the issue. I don't feel comfortable voting for such drastic measure without the chair's input. So I'll have to vote no just so we have time to speak with her and see what she thinks of this issue and then if we decide we want to amend it we can amend at our next meeting.

COUNCILMAN PETERS – Point of order.

COUNCIL PRESIDENT GAMBER – What's your point of order?

COUNCILMAN PETERS – Well we're not the motion is not there to vote on this.

COUNCIL PRESIDENT GAMBER – The motion is for the amendment.

COUNCILMAN PETERS – Oh,

COUNCILMAN LEWIS – I don't even feel comfortable voting in favor of the amendment.

COUNCILMAN PETERS – Okay, I just wanted to clear that up.

COUNCIL PRESIDENT GAMBER – I'm not talking for Mrs. Halter but I did verify that all

three members have been meeting frequently and they have signed off on this. So take that for what you want to from Mrs. Halter.

COUNCILMAN LEWIS – I understand that also Mr. Gamber, I guess my point of contention with that is I don't see how three members can sign off on something that we just figured out the numbers on at a five minute recess about thirty minutes ago.

COUNCIL PRESIDENT GAMBER – Well, that's what their job as the committee to present it to you and you all may do what you want then. But it is their job to sign that they've come to an agreement as the finance committee you all have an option to accept it or not accept it. Mr. Slagle?

COUNCILMAN SLAGLE – Yeah, I know the Chairman Halter was aware of the numbers that were critical in going into the police and fire past debt. I think her only error was for some reason she had rounded off on the dollar above. I frankly can't explain that but I thought it would have been corrected but we corrected that. But I mean the numbers are right its just she just had a straight forward \$400,000.00 up above and we had to correct that. We had to figure what it was really going to be because if once you subtract one from the other it wasn't \$400,000.00. So we know the chairman is in agreement on that particular amendment. I would suspect although she's not here that she would have no disagreement on actually making the reduction on the salary line items to balance out what you actually added to that line item as opposed to that \$400,000.00 rough figure she put in. So...

COUNCIL PRESIDENT GAMBER – Mr. Manson, lets make you the final.

COUNCILMAN MANSON – Okay, well you heard what Mrs. Halter said at the last meeting we had. She made it clear that she was in support of doing that that she intended to put those numbers in there. I'm back again saying that the idea that you know I appreciate what the administration says about they put a lot of hours in on this. Okay, I know they did I'm sure they did anybody that would be in their position would put a lot of time in on it. But the auditor's office does it everyday year round. Okay, and they're the one that's working on this plan to try to keep us within that six month window. Now I think that is enough justification for us to support putting those in there adjusting that budget that was presented by the administration. Keep in mind the auditor is the one that keeps track of the numbers on a daily basis. Like I said they put all the hours the administration says they put in the auditor puts that many in and more into this keeping this right the auditor is on the line for this. They are the ones that are working on that plan you heard what Mr. Scott Miller sent them in a letter. He referenced those things he said we can't there's no you know they won't look at a plan but they are saying that if we don't stay within that window that they will notify the county and they will take that money. The other thing is we're not talking about passing this tonight we are going to have to have at least one more meeting or two more meetings on this. So its my recommendation that we put that in there with those adjustments into that budget and continue to work on it next Monday. Also you have the recommendation of the chairman of the committee that's responsible for that. If you look at the paper I mean that's the way the budget process is supposed to be. It's not supposed to be just the mayor setting over there in the office with the safety service director and whoever works with them on it. Its supposed to be done with the auditor and then when they agree then its supposed to be brought to the chairman of the finance committee and then they're supposed to present it to us. That's exactly what Mrs. Halter is doing. She's ill she has 101 degree temperature she went to the doctor today.

COUNCIL PRESIDENT GAMBER – We have a motion and a second for the amendment you all have the four numbers that have been amended. Roll call vote please.

The rules were suspended for the amendment by a roll call vote of 5 no, 3 yes. Manson, Slagle, Cunningham-Hedderly voted yes.

COUNCIL PRESIDENT GAMBER – The amendment was not approved Mr. Manson, the Ordinance No. 28 as it sits what would you like to do?

COUNCILMAN MANSON – I'm going on the agenda 16...

COUNCIL PRESIDENT GAMBER – I'm sorry?

COUNCILMAN MANSON – I'm going to 16 on the agenda that's it. We'll leave it there as it is.

COUNCIL PRESIDENT GAMBER – Well are you giving it second reading?

COUNCILMAN MANSON – Second reading.

COUNCIL PRESIDENT GAMBER – Alright, now this is the final scheduled council meeting until April. So there will necessarily have to be at least one special meeting between now and the end of the month. So just keep that in mind. I would imagine the finance committee will call it but the mayor might call it also. So, Mr. Manson, am I right in guessing that you might have a special meeting next Monday or is that incorrect?

COUNCILMAN MANSON – I know the chairman has talked about that. She'll have to clear that up herself but she has talked about that.

ORDINANCE NO. 28 – 2012 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT GAMBER – Is there any new or miscellaneous business? Mr. Manson?

COUNCILMAN MANSON – Yes, I'd like to make a motion that we adjourn to executive session to discuss a real estate proposal.

COUNCIL PRESIDENT GAMBER – And who would you like in the meeting.

COUNCILMAN MANSON – All of Council, the Auditor, the Deputy Auditor, the Mayor, the Safety Service Director and Mr. Koher and the President of Council and the Clerk and the Law Director..

COUNCIL PRESIDENT GAMBER – Seconded by Councilman Peters. We need a roll call vote for executive session.

Roll call vote of 8 yes to go into executive session.

COUNCIL PRESIDENT GAMBER – Alright, to let the audience know we are permitted to go to an executive session for certain prescribed reasons. This is to discuss the possible real estate sale so who knows if we'll be in there for two minutes or fifteen but we'll be back shortly. Council is back in session. We were on new and miscellaneous business is there any other new or miscellaneous business to bring forward?

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

COUNCIL PRESIDENT GAMBER – We appreciate you sticking around if anyone would like to speak to council on a matter not on the agenda we invite you forward to the microphone give your name and address. As I said keep about a three minute window in mind. As one person finishes the next one please just get right up.

PAM BAST - I live at 6833 Cincinnati I'm a Perry Township person. The thing that I wanted to ask was in regards to the TIF we had a meeting probably a month ago. It was not an official meeting it was at Perry Township and the mayor and some of the people had come. We had a lot discussions and come to find it wasn't official so therefore there was no records. You have my letter there were some questions I'm hoping you that you can take the time and answer

back. But the one thing that I did want to have record and this was the TIF. Wherever that money that doesn't go to Massillon my concern is the area of Baker Hughes that's being developed is Perry Local Schools and that I ask that and we had discussed that TIF does not affect the schools. That money will still go to them that was my thing that I wanted to make sure was on record. That was it thank you.

JIM HUBNER – 55 6th Street SE Massillon, 44646. Wanted to talk a little bit about this gas and oil thing you've heard most of you except for some of the new people hear me go into before. I won't go into that again I heard Mayor Healy over in Canton say how much he trusted all these companies to do the right thing and keep the best interest of our community in mind. I wanted to address that a little bit I spent 20 years working for the National Park Service. During that time I lived in eight different states I was very fortunate to work in some the country's most beautiful and spectacular places. But when I was there I saw other things too. For example in the Pacific Northwest you know the clear cutting that went on when the spotted oak controversy came out and they went crazy and they clear cut all of these cedar and Doug Fur Forest right up to the boundary of Mount Rainier where I worked for four years. In Utah, southeast Utah where I worked at Canyon Lake it was the uranium boom of the 1950's and '60's that created a lot of wealth and a lot of money for people in those areas. Everybody was real happy until the price of domestic uranium crashed and so did some of the nuclear industry. What those people left behind should have been a crime. What they left behind was paid to clean up through super funds and taxpayers dollars. This included the old mines which were left open which had a lot of tailing radio active tailings in them which had a lot of old explosives volatile explosives left in them. Had dead air spaces in them and they were completed left open in towns like Moab and Monticello, Utah where they had uranium mills. The companies went belly up and march out they left behind tailings ponds, they left contaminated soils. But what hurt the most in towns like Moab was when the mining industry went bust it created situation for the residents of those towns where they were begging for people to come and take their homes and just take over the payments. I went into Moab and I called up the real estate agents and I said I'm looking for a place to rent and said you can't you have to buy. You know I looked at houses that were \$15,000 for a decent house and you walked in and looked like somebody still lived there. There were still clothing folded up on the washer and dryer all the furniture was there, there was still food in the cupboards. There was still toys all around and I said what's with this and the realtor said well these people just packed up as much as they could put it in their cars and headed to West Virginia to try to find work in the mines there because there's none here anymore. So you buy the house you buy everything. Then I went down into the four corners area worked at Hogan National Monument and down in there in that part of the country where the Ante Oil Fields on the Navajo Reservation. That was they had a pretty good co-existence where they had Mobile Oil then when Exxon bought Mobile out all of that stopped. All of the things that Mobile had built for the people like bus stands for their kids the school kids and stuff that all ended. Now its just a huge wasteland. So I don't agree with the Mayor of Canton because I don't think you can trust these people I've seen it all over the country. We read about it all the time but we just kind of turn a blind eye to it. But what I'm afraid of is what this community is getting itself into with a lot of this drilling is they're going to leave a whole big mess behind and we're going to be the ones that end up paying to clean it up. Thank you.

DARLA BRUNO – 6519 Pebblecreek Avenue NW. I thought maybe I would just give you some things to consider maybe some things that you didn't already know on this same topic. Know the Oceanic and Atmospheric Administration completed an air emission report just outside of Denver in that region they were having big smog issue. This report concluded that the region's gas and oil wells help explain the region's smog problem. Airborne emissions by these wells have been under estimated by half. The chemicals didn't just cause smog and they were just and they weren't just smog forming they also contained carcinogens like Benzene. The smog was so bad over Salt Lake that flights had to be diverted from the Salt Lake City, Utah Airport. So my concern is you know maybe this is one well because you guys are in a financial fix but maybe you get another fix and its another well, another well, another well, more and more smog. You know Stark County is always is already in a bad air quality situation. The more and more wells that we have its just going to get worse. I'm concerned

about the kids that have asthma and the elderly that have breathing problems. You know there's so much with this drilling just not you know water contamination which we all hear about. There's also air to consider you know road destruction and like Jim said I'm afraid a lot of this is going to fall on the taxpayers of Massillon and Stark County as a whole. A lot of times you have to watch when you're dealing with these companies they set up shell corporations and they do damage and you try to collect and even if you win in court you know good luck collecting that money. You can't and then the taxpayers are going to be left holding the bag. I'm also concerned you know if Massillon enters into this lease and there's a problem a contamination or what have you they're in fact partners with the driller they're going to be liable too. If the driller goes belly up or whatever you know who's going to be left holding the bag it's something to consider. The other thing too is that these wells you know they typically only produce for three to eight years these unconventional wells. Not the old style conventional wells that we're used to. They'll stand up there in these meetings and they'll say oh yeah they'll produce 20, 20, 40, 50 years. No, they when the wells have already been drilled they've been seeing three to eight years with the mode being core. Four years is the typical amount that they produce 80% of what they produce is produced in the first year and then it starts tapering off from there. So if you're counting on money for a long period of time coming off of these royalties I don't know if I would count on that. Keep that in mind and do more research on this. You know the TASK OHIO.org on the resources page has lots of links to lots of articles, scientific studies. You know ever single topic about this check it out make sure you guys make an educated decision. One last thing because of the production tapering off I would not accept if you're going to do it anyway despite what we say I would not accept less than \$5,500 an acre up front and \$1,500 is doing a disservice to this city.

JONATHAN MORELLO – I live at 622 Shadyside right across the border from you guys over in Canton. I wanted to let you all know first I'm kind of embarrassed by the fact that we're now the Utica capital. But the reason I was coming up is that where you guys are going to be at is right near where my kids hang out where my kids play where my kids are going to be having their friends over. Everything I've been seeing nothing I have seen out of Chesapeake anywhere else that they been at has been positive. Everyone and just so you know it doesn't matter who you sign your contract with they're going to be the ones who end up buying it from whoever you get it from. One way or the other somebody's buying it t sell it to them. Should be really clear here the other thing you need to remember okay they've already got people in the Canton Repository putting out articles yesterday about how they found gas in our water. Now they didn't say that as a warning for you not to go do the wells. The reason why they did that was so that five years from now when half of these people are suing you and suing them they're going to go oh no look there was a gas in the water already. Sorry Mr. and Mrs. Cancer Patients. So I want you to realize that its not a joke its not worth it. We'll find another way we'll pull up you know what lets tighten the belt we'll figure something else out. But this is not the way to solve the problem. Alright that's all I have to say.

RENEE BOGUE – 204 Willow Avenue. A poll on the front page of Saturday's Massillon Independent illustrates that the clear majority of readers polled believe that there is evidence that fracking can contaminate ground water. They are correct in this view an example of a direct link to fracking contaminating aquifer have occurred in the Pavilion Wyoming. Faulty cementing of a well casing in Dominic, Pennsylvania contaminated their nine mile wide aquifer. That was three years ago water is still being delivered to residents. Today the Repository contains a letter to the editor from a well established Jackson Township Endocrinologist Dr. James Rudick. He expresses the same concern this contamination of drinking water has also prompted a study that is currently being done by the United States Environmental Protection Agency. This study has not been completed Dr. Sandra Steingraber Oncologist and author discussed at Kent State University, Stark Campus last week the correlation to asthma, heart disease, stroke, dementia, cancer and other serious diseases to fracking. That is why 83 towns in Upstate New York have been fracking. Mayor Calvin Tillman who spoke this year in Plain Township was forced to move from his city because of his son's severe nose bleeds which were correlated to air emissions from the fracking process. Please remember that this is a boom and bust industry that will last five to ten years. The job

numbers will be over inflated as many jobs will go to out of state workers. Workers will move in and they will move away. When the well plays out how will Massillon pay to monitor this well. How will Massillon fix this well when methane starts to leak into the ground water. Please remember all gas wells rust and as the wells age cement shrinks. Methane will fall in the well bore and contaminate our ground water. Massillon taxpayers have been forced to pay for the Legends Golf Course for years. Now to add insult to injury Massillon taxpayers striped of their civil rights by our state government will be exposed to cancer causing pollution from this well. This land will become devalued Massillon will be known as the fracking city. Massillon will not be an attractive choice for families looking for a healthy city in which to raise their children or for visitors to the city. Tourism to the city will decrease, college graduates, retirees and those with portable skills are in the position to opt out of settling here. Massillon does need money could the golf course be sold for real estate development or could a city sales tax be levied or could the city borrow the money. Council has to be diligent that the information that they are receiving from gas and oil companies are correct. One company suggested that household products are added to the millions of gallons of water used in the fracking process. I do not consider 1,000's of pounds of chemicals like lead, diesel fuel and hydro chloric acid household products. Incomplete or incorrect information should make council suspect a neighbor from down my street a mother of several small children told me that she was scared. You as parents and grandparents should be extremely concerned as well. Council holds the power and you will be responsible and accountable for your vote. Please do the right thing use common sense leadership and protect and serve Massillon families and keep our city healthy and safe. Thank you.

MARK SPITLER - I live in University Village 2485 Xavier Drive SE. I have no connection with this group that speaking tonight. I have more concern about living over in University and I've heard what might happen with the Legends Golf Course. My way I got through college I worked four years actually five years for Canton Oil Well and Gas. I know the damage that vertical wells do because I was part of it. I worked mostly down in Magnolia and over in PA. I am concerned I know nothing about the new type of fracking that they will probably use here. But I am concerned about my home value I am concerned about the regulations they have I know how regulations were back in the '70s. I just hope as a council and I hope this doesn't become a party issue because its that's something you see in our country a lot today. I hope you look for you know the concern of the citizens and what we're really worried about here. The fact that I'm a retired school teacher the investment I made in University I hope that investment is a good investment. But with what I'm hearing I'm very, very concerned. I'm very concerned and I think you need to look into this closely. I think you need to really look at the regulations because as I'm well aware of back when I worked on the oil rigs there were no regulations. They used to take the water from the creeks that were close by they used to dump the slug right there and cover it up in plastic in fact over the old Republic Steel I was part of a strip job over there where we took out the casing took out the rods and they just covered it up. I don't know the number the wells that were located over there but there were a lot of storage tanks that they used after the wells were not producing any longer. So its something you need to look into. I think its something you need to hold off on and I'm concerned especially today or tonight listening to the budget woes of the city and I can see how you would look for other revenue and this is a good way of getting that revenue. But please just make a wise choice. Thank you.

CHRISTINE VAUGHN - 1443 Saratoga Avenue SW I live in Perry Township. I live approximately three and half miles from the Legends Golf Course. My daughter plays in the backyard and is going to have to breathe all the wonderful air that fracking is going to distribute. So my question to you all is this are you willing to look at your children and your grandchildren in the eye and tell them that you sold them out. That you sold out your children's health to get the city out of debt? Really? Thank you.

COUNCIL PRESIDENT GAMBER – Is there anyone else who would like to speak for the first time before Mrs. Bast comes back?

PAM BAST – I just want to say real quick. My son goes to school at Lohr and there's a new fracking on Fohl Road. He can hear it in his school I mean he can hear the noise so that's

something else to consider as well were ever we're putting this at. You know go there sit at Lohr parking lot I intend to because I want to hear what it is he's talking about. He can hear it and he can hear it inside the classroom as well. So those things that you need to think about its not just pollution, its not just the look of it, we're going to hear it. There's a whole bunch of things we have to consider.

18. ADJOURNMENT

COUNCILWOMAN CUNNINGHAM-HEDDERLY - I move that we adjourn, seconded by all.

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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