

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, APRIL 16, 2012**

COUNCIL PRESIDENT GAMBER - I'd like to welcome all of you to Massillon City Council for Monday, April 16, 2012. We have in attendance with us this evening: Mayor Catazaro-Perry, Safety Service Director Maier, Community Development Director Herncane, Engineer Dylewski, Auditor Ferrero, Parks & Recreation Director Straughn and Law Director Stergios. I don't see any agendas in the pocket on the wall I assume that meant everybody has one. Does anyone need an agenda that does not have one we'll make sure you get one? 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. We also have Moe Rickett, Mark Hickey and Jerome Hathaway members of the Park & Recreation Board.

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 Lewis the invocation and the Pledge of Allegiance.

COUNCILMAN LEWIS - Gave the invocation for the evening.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN LEWIS – Chairman of the Environmental 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. 42 - 2012
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Authorizing the Mayor of the City of Massillon, Ohio, to enter into a development agreement with Habitat for Humanity of Greater Stark & Carroll Counties to utilize Neighborhood Stabilization Program (NSP) funding to build four new single family homes in the City of

Massillon, and declaring an emergency.

COUNCILMAN MANSON – Yes, we went through this quite extensively at the committee meeting the other night. Habitat for Humanity wants to build four more single family homes on the southwest side I believe they're all in the southwest side or not. All but one okay on Beckman Southeast. I'm going to ask Mr. Herncane to come up please and give us a little insight into this. It's my understanding that we have to act on this before the middle of May so my intention is to just bring it forward this evening and allow for a little time to handle it. Go ahead, Ted.

COMMUNITY DEVELOPMENT DIRECTOR HERNCANE – Yes, the reason that I'd like this to pass tonight is that in order under the NSP Grant Agreement all homes that are built need to be occupied sold occupied by the end of January 31, 2013. In speaking at length with the folks at Habitat they said that if they can get started right around the middle of May they'll be able to have the four homes completed in that time. They have the lots owned they have families selected they have everybody that qualifies they just need passage of this. Then between now and the middle of May would give me time to get an agreement signed with them hopefully in the next couple of weeks so they can start that in the middle of May.

COUNCIL PRESIDENT GAMBER – Are there any questions? Thank you, Mr. Herncane. Mr. Manson?

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

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

ORDINANCE NO. 42 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9.

ORDINANCE NO. 43 - 2012 **BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the Indigent Drivers Interlock & Alcohol Monitoring Fund and the Veterans Park/Duncan Plaza Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILWOMAN HALTER – Yes, this is an ordinance that was brought forward by Judge Elum. He's asking that we appropriate \$40,000.00 from the Indigent Drivers Interlock & Alcohol Monitoring Fund and that will go into services, contracts line items. Then on the other one is \$35,000.00 from the same fund and then that would be going into equipment line item. The third part of that is \$10,000.00 unappropriated portion of Veterans Park/Duncan Plaza Fund and that also will go to services and contracts line item of the said fund to pay for maintenance and repair of Veterans Park. So all three of these are part this ordinance. Are there 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.

ORDINANCE NO. 43 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9.

ORDINANCE NO. 44 - 2012 **BY: FINANCE COMMITTEE**

Amending Ordinance No. 28 – 2012 by revising the 2012 budget, and declaring an emergency.

COUNCILWOMAN HALTER – Ms. Pentello from the auditor's office explained to us last Monday that these figures we are appropriating this money from the General Fund to these various other funds. \$596,914.00 to the Fire Pension Fund, \$513,808.00 from General Fund to Police Pension Fund, \$313,770.00 to Lincoln Center II Debt Fund, \$198,006.26 from the General Fund to Lincoln Center III Debt Fund, \$46,650.28 to the Senior Housing Debt,

\$24,631.46 to the OPWC Debt Fund and then we have \$10,271.00 from Unclaimed Fund to the General Fund. These were all in our budget that we passed Ordinance No. 28 – 2012 and we're not appropriating the money by revising this. So if there are no objections we'll go ahead and pass this tonight. Are there any questions?

COUNCIL PRESIDENT GAMBER – Mrs. Halter, I see the Auditor would like to make a comment.

COUNCILWOMAN HALTER – Okay, Mrs. Ferrero, I didn't see you I'm sorry.

AUDITOR FERRERO – Thank you. This was not in the budget it was inadvertently omitted from the budget. These figures are the ones that are usually at the bottom of the budget page every year and they were just they were inadvertently omitted.

COUNCILWOMAN HALTER – Oh, they were on the front part of the budget but not in the back.

AUDITOR FERRERO – They weren't any part of the budget they were just missed. It was just an omission. So now what we're doing is we're inserting it into the ordinance. Then every year you know at the end of the year we always go and we make sure that all of these figures match what the amount that we spend. Like for debt and everything.

COUNCILWOMAN HALTER – So the fact that it was on here on this part of the budget then that because they are on these.

AUDITOR FERRERO – It's usually at the bottom of the budget and it's in a group part of it. It was just inadvertently omitted.

COUNCILWOMAN HALTER – Okay.

COUNCIL PRESIDENT GAMBER – You still have the floor, Mrs. Halter.

COUNCILWOMAN HALTER – No, that's alright. I'll let...

COUNCIL PRESIDENT GAMBER – Are there questions for the auditor while she's up? Mr. Manson?

COUNCILMAN MANSON – Just a question. We are not appropriating anything these were omitted from the budget that we passed. They should have been in there should have been on that.

AUDITOR FERRERO – That's correct.

COUNCILMAN MANSON – Okay, we're not appropriating anything on this. Alright.

AUDITOR FERRERO – It's for the debt and the pension is what it is so that we can pay them. It just has to be part of the budget.

COUNCIL PRESIDENT GAMBER – Mr. Chovan?

COUNCILMAN CHOVAN – Yes, so I think Mr. Manson pretty much answered what I wanted. So we discussed that but it's not changing the amount that we appropriated. It was just not listed in there? (That's correct) Okay, thank you.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – I don't have any question for the auditor. I have some for the Mayor. I'm confused as usual. You know I need some clarification on this.

MAYOR CATAZARO-PERRY – I would like to ask you to table this until the auditor and I can meet and we can review this. Because these two of these items I know were in the general

fund list. So I'd like to speak to her if we could have two weeks to do this that would be great.

COUNCILWOMAN HALTER – That would be great. I look too and I see it here.

MAYOR CATAZARO-PERRY – Yes, I just would like to have some time with the auditor if I could please.

COUNCILMAN PETERS – We don't have to table we can just give it first reading.

MAYOR CATAZARO-PERRY – Thank you, I appreciate that.

COUNCIL PRESIDENT GAMBER – That was going to be my suggestion. Are there any other questions? Mrs. Halter?

COUNCILWOMAN HALTER – First reading.

ORDINANCE NO. 44 – 2012 WAS GIVEN FIRST READING.

ORDINANCE NO. 45 - 2012

BY: FINANCE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and received sealed bids, and enter into contract upon the award and approval of the Board of Control, with the lowest and best bidder for various items needed for the use in various departments of the city, and declaring an emergency.

COUNCILWOMAN HALTER – This is an ordinance regarding the Street Department, Wastewater Treatment, Parks Department for things that they need in their departments. You have the list in front of you that was attached to your ordinance. If there are no problems with this I would like to bring it forward for passage tonight.

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. 45 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). TREASURER SUBMITS MONTHLY REPORT FOR MARCH 2012 B COPY FILE
- B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2012
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2012
- D). INCOME TAX DEPT SUBMITS MONTHLY REPORT FOR MARCH 2012
- E). WASTE DEPT SUBMITS MONTHLY REPORT FOR MARCH 2012
- F). MAYOR SUBMITS MONTHLY REPORT FOR MARCH 2012
- G). LIST OF COUNCIL COMMITTEE ASSIGNMENTS B COPY FILE

COUNCIL PRESIDENT GAMBER – We have a number of reports from city officials A thru F. Rather than try to explain it myself Madame Mayor could you come forward. Which of these do we have and don't we have?

MAYOR CATAZARO-PERRY – Okay, the reports that the administration is responsible for I'd just like to share this with council members. When we arrived in January on the January agenda I believe it said Mayor's report however I wasn't the Mayor in December so I had not submitted a report for January. So then we started to collect the reports and in February before I

had all the reports from January to turn in again on the agenda it said February reports. I hadn't turned any in. So tried to communicate with the Council Clerk that we had not turned any in and in the process we met with all of our department heads because we wanted to make sure that they hadn't turned them in which they had not. So you had received from me at this point a January and a February report. Our department heads it takes time for them to calculate all their information that they need to get to us and send it in. They are allowed to have until the 15th of the month to do that. At times the fire department may need more time than that. So as soon as I get the reports and review them and approve them I will forward them onto the Council Clerk for your approval. They are used to just automatically putting them on the agenda which I have a concern with because if a resident sees that that's there and they want to pull that and then they try to pull it and its not there that's a concern for the administration. So as soon as I get all the reports turned in I will review them put my seal of approval on get them to you as soon as possible. So I just wanted to clear up that and for tonight I have zero reports that you have. In fact all of the departments are turning those in now.

COUNCIL PRESIDENT GAMBER – So the items that are listed individually here...

MAYOR CATAZARO-PERRY – Any thing that has to deal with the administration is not there. (Okay) The treasurer I don't have anything to do with the treasurer or the auditor so those reports I don't have any comment on.

COUNCIL PRESIDENT GAMBER – There you have it.

COUNCILMAN CHOVAN – So we should have a treasurer's report is that the one that we get with the punched?

COUNCIL CLERK BAILEY – You have a copy of it.

COUNCILMAN CHOVAN – I mean is that the treasurer's report that shows the receipts and expenditures? (Yes) Okay, thank you.

COUNCIL PRESIDENT GAMBER – We also have an item under (g) reassigning the committee assignments this came at the request of President Pro Tem Mr. Peters. You all have a proposed list with the revised committee assignments at the bottom left it indicates revised on April 16th. So I will turn this over to Mr. Peters for any discussion. We do need to vote on it to accept it it's not an ordinance but we do need to vote on it. Mr. Peters?

COUNCILMAN PETERS – I was absent from the work session on Monday. But I know that it was discussed we're going to make two changes the first to the Health and Welfare and Building Regulations. That committee chair is going to go from Councilman Donnie Peters to Councilwoman Nancy Halter. The Finance Committee is going to be chaired by Councilman Donnie Peters instead of Councilwoman Nancy Halter. The other change is in the Public Utilities Donnie Peters and Nancy Halter are switching again. Nancy Halter will serve on Parks and Rec. and Donnie Peters will go to Public Utilities. Those are the changes and I don't know what other discussion happened on Monday. But if there are any questions we can answer them if not we'll put it forward for a vote.

COUNCIL PRESIDENT GAMBER – Are there any questions. Mr. Peters, your motion please?

COUNCILMAN PETERS moved to amend the Massillon City Council committees to the changes mentioned, seconded by Councilman Chovan.

COUNCIL PRESIDENT GAMBER – Now this is strictly a procedural item I'm perfectly happy if you as a group raise your hands. This is not an ordinance and it's not an official action, is there any problem with a hand vote? Those in favor please raise your hand. There are no votes in opposition so the changes are accepted. Aren't you going to miss this Mrs. Halter, the Finance? The hard part's over now.

COUNCILWOMAN HALTER – I'll be very happy on Health and Welfare.

COUNCILMAN PETERS – The auditor's real excited she's got me now.

COUNCIL PRESIDENT GAMBER – She told me exactly that.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – We will have committee sessions Monday, April 23rd at 6:00pm. Are there any reports from a committee or any resolution or request from a council member? Mrs. Cunningham-Hedderly?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Yes, I believe everybody received a copy of the business card from Dave Hall that you should have in front of you. He will be he is the state representative from the 97th House District representing the portions of Ashland, Medina and all of Holmes Counties. He's going to be here to speak to council on Monday, May 7th about fracking.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – I'm sorry Sarita is that 7th is that a work session or a meeting?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – No, it's a council meeting.

COUNCILMAN PETERS – It's a council meeting, okay. Thank you.

COUNCIL PRESIDENT GAMBER – Mr. Lewis?

COUNCILMAN LEWIS – Mr. Gamber, I just wanted to take a moment I'm sorry to put you on the spot correct you. I don't believe we meet on the 23rd due to the five Mondays this month we would meet on the 30th for our next work session.

COUNCIL PRESIDENT GAMBER – You're exactly right. Take next Monday off and come back on the 30th. Anything else.

13. CALL OF THE CALENDAR - TABLED FROM APRIL 2, 2012

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, we have been discussion this there was a meeting I believe last Wednesday Ms. Scassa attended it. So I'm going to allow her to explain anything she wants about it.

COUNCILWOMAN SCASSA – The Planning Commission did hear this last week and they unanimously voted in favor of this ordinance or the change to the sign ordinance. They also agreed that they thought it would be a good thing for the community one of the members of the Planning Commission is in the audience so. He also can tell you that they all voted in favor of it and the president of the Wellman Association was there and was very appreciative of the support that we've given her neighborhood association. But again thinking in the whole my hope is that maybe some of the other neighborhood associations once the Wellman's go up see it and maybe next year decide to use their grant money for this for the other associations so we can get that designation out there. So with that being said I would appreciate the support of council as well since the Planning Commission has given it their stamp of approval.

COUNCILMAN MANSON moved to bring Ordinance No. 24 – 2012 forward for passage, seconded by Councilwoman Scassa.

ORDINANCE NO. 24 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

14. THIRD READING ORDINANCES AND RESOLUTIONS

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.

COUNCILWOMAN HALTER – At our last meeting you'll recall that we had a citizen that informed us that this ordinance had errors in it so we gave it second reading. Law Director Perry Stergios gave us the corrections you all should have gotten a new ordinance tonight. It said repealing Ordinance No. 32 it should have read repealing Ordinance No. 134 – 2005 and he added any other ordinances inconsistent with this ordinance. This is in regard to the golfing fees at the Legends and the split to put 96.75% of the monies received from the golfing fees into the operating fund and 3.25% of the monies received into the bond retirement fund. The first thing I'm going to do tonight is ask to amend this ordinance to show these corrections. Then after that I will be asking to give it first reading because it has not been brought up to the park board yet they have no knowledge of this.

COUNCILWOMAN HALTER moved to amend Ordinance No. 34 – 2012 to show the corrections made by the law director. Seconded by Councilman Manson.

COUNCIL PRESIDENT GAMBER – Is there any discussion or any questions? Mr. Slagle?

COUNCILMAN SLAGLE – Perhaps since we have three of the Rec. Board members here and the auditor is here she can explain the reasoning for this. Madame Auditor?

COUNCIL PRESIDENT GAMBER – Mr. Slagle, if I could suggest this is strictly amending the ordinance.

COUNCILMAN SLAGLE – Oh, I'm sorry we haven't voted on the amendment. We can discuss it sorry.

COUNCIL PRESIDENT GAMBER – I would say that would be time to bring them up. If that's alright with you.

COUNCILMAN SLAGLE – That's fine.

COUNCIL PRESIDENT GAMBER – Are there any other questions? Alright, we need a roll call to amend Ordinance No. 34 – 2012.

Roll call vote of 9 yes to amend Ordinance No. 34 – 2012.

ORDINANCE NO. 34 – 2012 WAS AMENDED BY A ROLL VOTE OF 9 YES.

COUNCIL PRESIDENT GAMBER – It is now back at first reading. Mrs. Halter?

COUNCILWOMAN HALTER – I'd like to give this first reading.

COUNCIL PRESIDENT GAMBER – Alright, would you like to have any questions or discussion prior to that?

COUNCILWOMAN HALTER – Yes, we'd like to call as Mr. Slagle requested we'll call Mrs. Ferrero to explain to the Park Board members.

AUDITOR FERRERO – What this is is that in the past we have always taken the Legends

debt out of general fund \$350,000.00 of it came out of general fund. This year the administration has chosen not to do that and so in order for us to get the money to the Legend's debt we have to change the split in both the Legends account and the recreation account. So there's two separate pieces of legislation so this particular piece of legislation what it is it used to be 100% operating and that's going to 96.75 and the debt will be 3.25%. Then that's going to generate about \$24,375.00 from the Legends.

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – Madame Auditor, the Rec. Board indicated a concern that the funds that come into the general fund from what was gained whether it be in the Legends or the Rec. Dept. or the Rec. Center are not being used for their expenses. Can you explain that process a bit and how that would be accounted to them for instance if they take in a dollar in revenue then that dollar obviously has been appropriated for various funding correct?

AUDITOR FERRERO – Everything for the Parks and Rec. is all under one account the 1234 account. However, every account the Park part of it the Legends part of it is all separated out into separate line items. You know everything is under that one umbrella is that your question? I'm sorry and so everything on the report for the boards satisfaction if they look at their reports they're going to see everything that the Legends every expense and every piece of revenue.

COUNCILMAN SLAGLE – I think their concern is that there's not a separate identity in terms of a checkbook account as a normal business would run if they had income coming in it would go to that...

AUDITOR FERRERO – But there is if you look at your report it is it's under separated under the two separate accounts.

COUNCILMAN SLAGLE – You mean the 1234 and the other?

AUDITOR FERRERO – What was it about 720 and I'm sorry I know...

COUNCILMAN SLAGLE – Just explain the process of because we take when the monies deposited it goes into the city's general fund isn't that correct?

AUDITOR FERRERO – No, it goes into the Parks and Rec.

COUNCILMAN SLAGLE – Alright, so explain that to them because they're concerned that's not what happens.

AUDITOR FERRERO – Well, excuse me...

COUNCIL PRESIDENT GAMBER – Let's not have side discussions please.

AUDITOR FERRERO – Okay, what the Park Board is asking me for is a special meeting with the Park members and I have agreed to do that so that we can explain all of that to them. So if you want to give this first reading or what is this first reading and I'll be happy to sit with all of the board members and we said we would explain it all. But I know Mr. Straughn was in my office today and we went through it and he totally understood it all and saw how everything is all broken out. I think once they come in and in this small amount of time I've had to talk to Mr. Rickett I've shown him how those things are split out. So they're saying they're not getting the reports but under your leadership Bob I'm sure that you'll make sure that they get all that.

COUNCILMAN SLAGLE – When is that meeting?

AUDITOR FERRERO – Some time this week I said any day I'm available I've got a couple of meetings going on but other than that I'm here all week.

COUNCILMAN SLAGLE – Thank you.

AUDITOR FERRERO – And if you'd like to join us you're more than welcome to join us.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Yes, just to touch on that one more time. None of this goes to the General Fund. It all either goes into Parks and Rec. or lines for the golf course itself. None of it goes to the General Fund.

AUDITOR FERRERO – That's correct.

COUNCIL PRESIDENT GAMBER – Mrs. Halter, first reading for this ordinance?

COUNCILWOMAN HALTER – First reading.

COUNCIL PRESIDENT GAMBER – First reading for amended Ordinance No. 34 – 2012.

ORDINANCE NO. 34 – 2012 WAS GIVEN FIRST READING.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 36 - 2012 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan, authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

COUNCILMAN MANSON – Yes, this is the CDBG budget we had CDBG and we had the community meeting tonight the public meeting and this is second reading. It will be up for third reading at our next regular council meeting. So second reading.

ORDINANCE NO. 36 – 2013 WAS GIVEN SECOND READING.

ORDINANCE NO. 38 - 2012 **BY: ENVIRONMENTAL COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and proposals for the sale of the Solid Waste services (customer base) and all applicable equipment used in the provision of said services for the City of Massillon. Any final binding agreement for the sale of the department shall be subject to the ultimate approval of City Council.

COUNCILMAN LEWIS – Second reading.

ORDINANCE NO. 38 – 2012 WAS GIVEN SECOND READING.

ORDINANCE NO. 41 - 2012 **BY: FINANCE COMMITTEE**

Authorizing the Auditor of the City of Massillon to deposit the three-tenths percent (.3%) City Income Tax for the Parks and Recreation System into the Parks and Recreation Operations Fund, Parks and Recreation Debt Retirement Fund” and the Park and recreation Capital Improvement fund”, and declaring an emergency.

COUNCILWOMAN HALTER – This was brought up at the Park Board meeting and that's I think one of the reasons that the members are here this evening. The Park Board actually voted not to go with this split I'd like to ask Mr. Slagle his opinion. Would you like us to give this second reading tonight?

COUNCILMAN SLAGLE – I think we should give it second reading until they have the meeting again. Because it will be discussed at the same time and I think a lot of the concerns that were raised will hopefully be clarified by the meeting with the auditor's office.

COUNCILWOMAN HALTER – Okay, any other comments or questions? Second reading, Mr. Gamber.

ORDINANCE NO. 41 – 2012 WAS GIVEN SECOND READING.

16. NEW AND MISCELLANEOUS BUSINESS

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

CINDY BRATTON – 927 3rd Street NE in Massillon. I just wanted to alert everyone and remind you that this is the Kendal weekend the celebration. I wish that council would have been able to authorize the historic significance of the park areas that we wanted. But I understand the diligence and I appreciate all the hard work that everyone's done. Hopefully we'll see you there and everyone enjoy and have a nice time. Its 200 years that's a long time longer than I'll be around. Thank you that's all I wanted to say thanks.

BETH ODELL – I'm actually a resident of Perry Township but I'm employed by the Massillon Public Library and I do pay my taxes to the city. So any ways I just have a few words for just a moment imagine if you will a cool spring day in a Midwestern town 100s of citizens have gathered to celebrate the 200th anniversary of the town's founding. The celebration has been organized by the local library and two of its museums. Young and old alike are partaking of celebrations mired free events, exhibits and activities. It is a joyful day a day of storytelling, merrymaking, commemoration and discovery of a remarkable and historic town. At noon the mayor gathers the crowd together for a proclamation she speaks of the town's history and lasting legacy. She announces that three of its parks have been declared historic properties a symbolic recognition of the roll heritage plays in the hearts and souls of a community. Just such an event will take place this Saturday exactly 200 years after Thomas Rotch recorded the plat for the town's Kendal origin of Massillon. The mayor will speak but she won't be able to announce that Kendal's town squares or its burying ground are historic properties as defined by the Codified Ordinances of Massillon specifically Chapter 1349. Among the purposes of that chapter are to safe guard the heritage of the city by preserving areas, places, sites, buildings, structures, objects and works of art which reflect elements of the city's cultural, social, economic, political and architectural heritage. Protecting and enhancing the city's attractions to prospective residents, tourists and visitors. Fostering civic pride in the beauty and notable accomplishments of the past and promoting the use and preservation of historic sites and structures for the education and general welfare of the people of Massillon. Thomas Rotch named Kendal Squares after civic values he hoped his new settlement would embody Union and Charity. That those Squares exit intact 200 years later for the enjoyment of all citizens is a wonderful and remarkable thing. Union and Charity Squares anchor the town of Kendal to the unsettled landscape 200 years ago and they anchor us to our heritage today. They are historic properties in all but the formal declaration thereof. For many weeks now resolutions have been circulating among you and throughout many branches of city government that would establish Union Square, Charity Square and Memorial Park as listed historical properties within the City of Massillon. Despite this widespread awareness no one has seen fit to make such designations a reality. I am here tonight to urge you to rectify this oversight. There has never been a better time. Thank you.

RENEE BOGUE – 204 Willow Avenue. President Gamber, may I ask for a point of clarification from Councilwoman Sarita Cunningham-Hedderly for one second that will not deduct from...

COUNCIL PRESIDENT GAMBER – Direct your question to me.

RENEE BOGUE – Okay, the next council meeting will be on the 30th there will be a public...

COUNCIL PRESIDENT GAMBER – The next work session will be on the 30th not the council meeting.

RENEE BOGUE – Okay, and the fracking will dialogue or fracking who’s coming to speak on fracking?

COUNCIL PRESIDENT GAMBER – I’ll allow Mrs. Cunningham-Hedderly to respond.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – State Representative Dave Hall.

RENEE BOGUE – And when will that be? When will Dave Hall be here?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – May 7th.

RENEE BOGUE – May 7th okay. Thank you, President Gamber. Forgive me I must have pressed something wrong. I have a few items that I would like council to consider tonight. I was hopefully that with the new administration that there would be that there would not be a business as usual agenda. Fracking on the taxpayer owned golf course would be comparable to several other projects that we have seen in the past including a sports complex, the Hampton Inn and the Duncan Apartments. On the surface it looks good but down the road it becomes a budget draining boondoggle. After the driller leaves who will monitor the air and who will monitor the water at that well? It will be left to the city to pay for that. Migration and water contamination will continue well after the driller leaves. Remember that the well will leak in time, steel will rust and cement will shrink. Will the city financially be able to remediate this well? If there is an accident during drilling who will cover the cost? Keep in mind the company’s financial liability is limited. I would like to iterate that I like other taxpayers have been paying taxes for years of which part goes to the golf course. I understand that I can not walk on the course unless I pay a fee. Now council is considering allowing fracking which will pollute my community with carcinogen and ozone destroying VOCs. This is not ethical I urge council that if they sell the golf course that they sell surface rights only not the mineral rights. The buyer would then not be able to frack thus insuring the health and safety of Legends residents. If the council does sign a lease our residences are at the mercy of the driller and the gas and oil company. Leases must include the minuet as to what can and can not be done. Financial compensation for violations should be set before signing the lease the city would need to hire an experienced attorney specializing in fracking leases who does not work for the industry and who will not benefit from the signing of the lease. If the lease is violated the city would have to again hire legal representation to enforce the lease. Council should expect a strong vocal backlash like we currently saw at last Meyers at the last Meyers Village Meeting where residents only recently learned that the President of the Trustees signed a lease in 2010. Council could experience litigation resulting from water contamination, property damage and health related illnesses. All members of council must complete due diligence in researching this new technology. Please research fracking and health affects. Information can easily be found at TaskOhio.org just look under resources links of interest. Please google and read the written testimony of Dr. Theo Colburn who has degrees in pharmacy, epidemiology and toxicology. Please do not rely on another councilperson’s opinion after all you alone will be responsible for your vote. For complete transparency are there any council members or members of council member’s families indirectly or directly receiving any monetary or non-monetary compensation from any gas and oil company driller or business supporting the drilling and/or fracking process of the golf course? If so that member or members should recues themselves from any vote on this issue as there would be conflict of interest. Recently I drove through the Legends development on a warm sunny day...

COUNCIL PRESIDENT GAMBER – Ms. Bogue, you’re coming up on five minutes.

RENEE BOGUE – I can do it. Children were playing in the front yards as I drove past two young girls one of them gave me sweet innocent smile and waved. It broke my heart if you were to look into this child’s eyes what would you tell her? Would you tell her that she will be exposed to hazardous air pollution because the city needs the money that the drilling could bring. Could you tell her that this money matters more than she does? Thank you.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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