

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, MAY 7, 2012**

**COUNCIL PRESIDENT GAMBER B** I'd like to welcome all of you to Massillon City Council for Monday, May 7, 2012. We have a number of city officials with us this evening Mayor Catazaro-Perry, Safety Service Director Maier, Auditor Ferrero, Parks & Recreation Director Straughn, Community Development Director Herncane, Engineer Dylewski, Chief Building Official Kraft and Law Director Stergios. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or turn it very far down.

**1. ROLL CALL**

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham-Hedderly, Nancy Halter, Ed Lewis, Paul Manson, Donnie Peters, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 8 present.

**COUNCIL PRESIDENT GAMBER** – Mr. Peters, we have one absent councilmember.

**COUNCILMAN PETERS** – Yes, I'd like to make a motion that we excuse Councilwoman Scassa from tonight's meeting. Seconded by Councilman Manson.

Roll call vote of 7 yes, 1 no. Peters voted no.

**2. INVOCATION**

**COUNCILMAN MANSON** Gave the invocation for tonight.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILMAN MANSON** – Chairman of the Community Development 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**

**COUNCIL PRESIDENT GAMBER** – We are at Item 5 where we invite the public to come forward and speak to a topic that is on the agenda. We don't have a set time limit but we do generally look for about a three minute period. If you start to run much past that I'll give you a subtle hint.

**JESSE TOLES JR.** – 1221 Walnut Rd SE, Massillon, Ohio. I want to discuss Ordinance No. 38; I think that it is too early in the administration to make such a drastic change in things. I

think the city workers do a good job they do a good thing for the community. As a self employed hauler even though they're in competition with us they do do an outstanding job. I think bidding it out would be a good thing for the city they had a committee look at this years ago with independent haulers and professionals which even they deemed it each city should provide a solid service. Thank you.

**COUNCIL PRESIDENT GAMBER** – Is there anyone else who like to address council.

## **6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 46 - 2012**

**BY: ENVIRONMENTAL COMMITTEE**

Amending CHAPTER 925 “SEWERS GENERALLY” of the Codified Ordinances of the City of Massillon, Ohio, by amending existing Section 325.12 “SEWERS CONNECTION PERMIT REQUIRED; FEE” and declaring an emergency.

**COUNCILMAN LEWIS** – First reading.

ORDINANCE NO. 46 – 2012 WAS GIVEN FIRST READING.

### **ORDINANCE NO. 47 - 2012**

**BY: ENVIRONMENTAL COMMITTEE**

Amending CHAPTER 937 “WASTEWATER TREATMENT REVENUE FUND” of the Codified Ordinance of the City of Massillon, Ohio, by repealing existing Section 937.05 PAYMENT DATES; PENALTY CHARGE; 937.08 “ADMINISTRATION AND DISTRUBUTION OF FUNDS; 937.09 “ANNUAL RATES FOR SEWER SERVICE AND ding agreement for the sale of the department shall be subject to the ultimate approval of City Council.

**COUNCILMAN LEWIS** – First reading.

ORDINANCE NO. 47 – 2012 WAS GIVEN FIRST READING.

### **ORDINANCE NO. 48 - 2012** **REGULATIONS**

**BY: HEALTH, WELFARE & BLDG**

Enacting a new CHAPTER 1331 “REGISTRATION OF VACANT BUILDINGS”, of the Codified Ordinances of t he City of Massillon, and declaring an emergency.

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**COUNCILWOMAN HALTER** – First reading.

ORDINANCE NO. 48 – 2012 WAS GIVEN FIRST READING.

### **ORDINANCE NO. 49 - 2012** **REGULATIONS**

**BY: HEALTH, WELFARE & BLDG**

Enacting a new CHAPTER 1330 “REGISTRATION OF NON-OWNER OCCUPIED”, of the Codified Ordinances of t he City of Massillon, and declaring an emergency.

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**COUNCILWOMAN HALTER** – First reading.

ORDINANCE NO. 49 – 2012 WAS GIVEN FIRST READING.

**ORDINANCE NO. 50 - 2012**  
**SAFETY**

**BY: STREETS, HIGHWAYS, TRAFFIC &**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Dalene M. Pride to perform the Motor Vehicle License Audits for the City of Massillon, and declaring an emergency.

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**COUNCILMAN TOWNSEND** – As stated at the last or well two weeks ago at our work session the passage of Ordinance No. 50 will allow the city to enter into an agreement to allow Dalene Pride to continue to perform the motor vehicle license audit for the City of Massillon. If there are no questions I will like to move this ordinance forward for its passage if there are some questions i can call up Mr. Dylewski.

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

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

ORDINANCE NO. 50 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**ORDINANCE NO. 51 - 2012**

**BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the General Fund, 2105 Stormwater Utility Fund, Home Health Fund, Insurance Fund, Parks and Recreation fund, Local Law Enforcement Trust Fund and the Parking Enforcement Fund, for the year ending December 31, 2012, and declaring an emergency.

**COUNCILMAN PETERS** – Ordinance No. 51 I'm not going to read through every one of them. We discussed this at Monday night's work session. It's appropriate funds from unappropriated balance of the general fund for the year ending December 31, 2012. I'll just read through them real quick: \$60,501.00 account entitled street repair to health insurance, \$43,500.00 to an account entitled street repair to salaries, \$10,000.00 to an account entitled garage to supplies, materials and postage, \$7,500.00 to an account entitled police and safety equipment, \$7,000.00 entitled clerk of courts deputy clerk of courts salaries, \$6,090.00 to an account entitled street repairs to PERS, \$631.25 to an account entitled street repair to Medicare, \$500.00 to an account entitled health department contracts, \$125.00 to an account entitled health department for supplies. I'd like to...

**COUNCIL PRESIDENT GAMBER** – Are there any questions on any of those items? Mr. Peters?

COUNCILMAN PETERS moved for suspension of the rules and passage.

**COUNCIL PRESIDENT GAMBER** – I'll take that as a second Mr. Manson.

**COUNCILMAN MANSON** – No, no, no. I...

**COUNCIL PRESIDENT GAMBER** – We have a motion.

**COUNCILMAN MANSON** – Point of order that's only section 1.

**COUNCIL PRESIDENT GAMBER** – Alright, he said he was just going to read briefly. So you all have...

**COUNCILMAN PETERS** – Well, I can read section 2 and 3 real quick well there's like 7 sections. Its...do you want me to read Mr. Manson I will?

**COUNCILMAN MANSON** – Well, we may have questions about some of them.

**COUNCILMAN PETERS** – Okay, I'll go ahead and read through them real quick. Alright...

**COUNCIL PRESIDENT GAMBER** – Just to be formal how about withdrawing your motion Mr. Peters?

**COUNCILMAN PETERS** – Yeah, at this time until I finish reading. There's a lot of reading material here. Okay, section 2 \$20,000.00 to an account entitled storm sewer repairs, \$5,784.63 to an account entitled contracted services. Section 3. \$50,000.00 to an account entitled community health service for supplies, \$5,000.00 to an account entitled community health services for contracts. Section 4, \$8,354.00 to an account entitled employee insurance. Section 5, \$6,072.00 to an account entitled parks and rec. Section 6, \$2,500.00 to an account entitled supplies. Section 7, \$1,000.00 to an account entitled parking enforcement, \$625.00 to an account entitled parking enforcement, \$75.00 to an account entitled parking enforcement I'm sorry to utilities to administration fees and to uniform allowance. That's all the sections.

**COUNCIL PRESIDENT GAMBER** – Now are there any questions? Well, go with Mr. Manson first.

**COUNCILMAN MANSON** – Yeah, I just had two. One I would like to ask if the on section 2 on the storm sewer repairs if the catch basins at the corner of Lincoln Way and 29th Street are on the list to be repaired with this.

**COUNCIL PRESIDENT GAMBER** – Would you like to call the engineer forward? (Sure) Mr. Dylewski?

**COUNCILMAN MANSON** – Are they I wanted to know if those particular storm sewers are on the list to be repaired with these funds or even previously approved funds. (Yes) Okay, alright. So it shouldn't be too long then before they're done. (That's correct) They're creating a lot of problems with school buses out there.

**COUNCIL PRESIDENT GAMBER** – You still have the floor. Mr. Chovan, do you have a question for the engineer? Does anyone else have a question? Thank you, Mr. Dylewski. Mr. Manson back to you.

**COUNCILMAN MANSON** – Section 5, what's that mean SD share? I'm sorry all these things I'm school district share? Okay, that's it.

**COUNCILMAN PETERS** – For the record school district then.

**COUNCIL PRESIDENT GAMBER** – Thank you, Mr. Peters. Mr. Chovan?

**COUNCILMAN CHOVAN** – I just have a question for the mayor. Just very quickly. You put out some executive orders this week about limiting spending and overtime and things like this. Do these some of these expenditures like in section 1 \$7,500.00 for police and safety equipment things like that I mean do all of these still meet with your I guess meet with your approval. I mean these came out before you issued the executive order I just want to make sure that we're not doing something conflict with what you want for that.

**MAYOR CATAZARO-PERRY** – I don't believe so. Mrs. Ferrero?

**COUNCILMAN PETERS** – Well, for the record you signed all of them.

**COUNCILMAN CHOVAN** – Yeah, but that was before the executive order came out.

**MAYOR CATAZARO-PERRY** – Correct, no I did it was before the executive order. But I think these are all in line. So I think we're fine.

**COUNCIL PRESIDENT GAMBER** – Are there any other questions? Mrs. Halter?

**COUNCILWOMAN HALTER** – I think the auditor would like to say something.

**COUNCIL PRESIDENT GAMBER** – Madame Auditor, would you please get to a microphone?

**AUDITOR FERRERO** – Section 1 is what was omitted from the budget from temporary appropriations. We went over that last Monday and I know its everything is together so its confusing. But that's what section 1 we are not spending any additional money it was what was on the temporary budget.

**COUNCIL PRESIDENT GAMBER** – Thank you, Mrs. Ferrero. Mr. Peters, back to you for your motion.

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

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

ORDINANCE NO. 51 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

## **7. UNFINISHED BUSINESS**

## **8. PETITIONS AND GENERAL COMMUNICATIONS**

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM HAN 7 RYEE DBA VENTURA RESTAURANT 1ST LF & PATIO 45 1ST ST NW MASSILLON OHIO 44646 TO LOS CACHORROS INC DBA MARGARITAS MEXICAN GRILL & CATINA 1ST FL & PATIO 45 1ST FL ST NW MASSILLON 44647

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM MANTYLA LLC DBA MASSILLON MINI MART 2622 LINCOLN WAY W MASSILLON OHIO 44647 TO SHIV GAURI INC DBA MASSILLON MINI MART 2622 LINCOLN WAY W MASSILLON OHIO 44647

## **9. BILLS, ACCOUNTS AND CLAIMS**

## **10. REPORTS FROM CITY OFFICIALS**

- A). AUDITOR SUBMITS MONTHLY REPORT FOR APRIL 2012 B COPY FILE
- B). COUNCIL RECOMMENDATION TO THE HISTORICAL PRESERVATION COMMITTEE

**COUNCIL PRESIDENT GAMBER** – We have two items under 10 the first is the auditor's report. Mr. Peters we need a motion to accept that.

**COUNCILMAN PETERS** – I move that we accept the auditor's report for April 2012, seconded by Councilman Manson.

Roll call vote of 8 yes to accept the auditor's report for April 2012.

**COUNCIL PRESIDENT GAMBER** – Under Item B this was discussed at the last committee session. The historical preservation commission has one member from council who is an ex officio member that appears to be Councilwoman Scassa. So I will turn this over to Mr. Peters.

**COUNCILMAN PETERS** – Do you want me to make the recommendation? Alright I'd like to recommend that we appoint Councilwoman Andrea Scassa to the Historical Preservation Committee. Seconded by Councilman Manson.

Roll call vote of 8 yes for the appointment of Councilwoman Andrea Scassa to the Historical Preservation Committee.

**COUNCIL PRESIDENT GAMBER** – Thank you. When the mayor finishes with that entire list that comes back to council then for approval.

#### **11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT GAMBER** – We have committee work sessions next Monday the 14th beginning at 6:00pm.

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

**COUNCIL PRESIDENT GAMBER** – Any requests or resolutions from anyone? Mr. Slagle?

**COUNCILMAN SLAGLE** – Just a reminder that the Rec. Board at this Thursday at 3:00pm. Everybody should attend.

**COUNCIL PRESIDENT GAMBER** – is there something in particular that they're going to be discussion?

**COUNCILMAN SLAGLE** – I haven't seen the agenda yet so I don't know. Also at some point I would like to respond that something that came out to the media. Whether now is a right right or later.

**COUNCIL PRESIDENT GAMBER** – Alright, lets wait till the end of the meeting.

**COUNCILMAN SLAGLE** – Okay. Thank you.

#### **13. CALL OF THE CALENDAR**

#### **14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 36 - 2012**  
**COMMITTEE**

**BY: COMMUNITY DEVELOPMENT**

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, we've been through this now for about six or eight weeks. We had a public hearing on this is the CDBG budget. We had a public hearing on it the night of the second reading. I have heard no serious questions or anything have come up. So I will be moving to pass this.

COUNCILMAN MANSON moved to bring Ordinance NO. 36 – 2012 forward for passage, seconded by Councilman Townsend.

**COUNCIL PRESIDENT GAMBER** – Are there any questions? Mr. Townsend?

**COUNCILMAN TOWNSEND** – I have a question for Mr. Herculane. Mr. Herculane, could you just give city council an update on the sidewalk and curb program? I know we discussed it a few weeks ago.

**COMMUNITY DEVELOPMENT DIRECTOR HERNCANE** – Yeah, we get several calls a week and I talked to several people who are interested in the sidewalk program. There is funding from 2010 and then this current year which is available for the sidewalk replacement program. I am currently creating an application out of couple of prototypes that were left before. So those will be here this week and will be getting some applications out to the parties interested. Once those applications will be received we will make sure that they are eligible

under the criteria set in the ordinance then we'll go further from there.

ORDINANCE NO. 36 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

**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** – Yes, this is third reading. I think we're all pretty familiar with this piece of legislation. Like I said in the past its simply just allows the administration to receive bids and to see what kind of value is out there and what kind of interest is out there for our department as we begin to investigate what the department will look as we move forward.

COUNCILMAN LEWIS moved to bring Ordinance NO. 38 – 2012 forward for a vote, seconded by Councilman Peters.

**COUNCIL PRESIDENT GAMBER** – Are there any discussion or comments? Mr. Slagle?

**COUNCILMAN SLAGLE** – Yeah, I just don't think that this is an appropriate ordinance. #1, if the administration hadn't done their job and you had requested this then perhaps I could see the need. #2, I particularly don't like looking at issues when they appear to be an attack on our public sector workers. I'll vote no.

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

**COUNCILMAN MANSON** – Yes, I'm kind of in the same coming from the same place in this I don't think it's appropriate for council to be trying to administrate from out here in these chairs. So that's my first complaint or disagreement with it. The other is I'm perfectly happy with what the system we have here. We have a public and private system here I think is I appreciate the city's service that they give us. Sometimes they help us out with things that come into play through the health department. I have some problems where you know our people picked up trash and stuff like that that I complained to the health department about. You know I'm not sure that we're going to have that type of service if we contract with one person. I'm also for small business people and you know we did something in this city a long time ago about starting to whittle down the number of operators. I just think leaving that in place is a the way to go with this. I'd just myself I just have to disagree with this I think our system is working responsibly well and then back to the political end I don't think this is something that we need to be chewing on right now. That when we get a handle on some of our other problems down the road this is either paying for itself or its very close. It's got a history of over 20 years of paying for itself. It may not be now because we're tapping into to take for salaries but I believe in the rates increase that we put in place this year that this will be running in the black next year. If it's not already it may be already. I hear some complaints about loss of customers. I can tell you that most services with cities that have a lot of vacant real estate that there have been a lot of these services where the participation in the city has gone down. I think it's because people just can't afford some of these things so they are looking for other ways. Maybe they're carrying it to work and putting it in trash at work or whatever. But I don't think it's a reflection on our people. So I will be voting no on this.

ORDINANCE NO. 38 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 2 NO.  
MANSON AND SLAGLE VOTED NO.

**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.

**COUNCILMAN PETERS** – Like Mary Beth said this is an ordinance authorizing the auditor to deposit three-tenths percent city income tax for the parks and recreation system into the parks and recreation operating fund, the parks and recreation debt retirement fund and the park and recreation operation capital improvement fund. If there’s any questions we can bring the auditor up to answer them.

**COUNCIL PRESIDENT GAMBER** – Are there any questions? Mr. Slagle?

**COUNCILMAN SLAGLE** – I would ask that Mr. Straughn be brought up. Will this effect the department over which you are head so what are your thoughts on it and have those thoughts been shared with the rec. board?

**PARKS AND RECREATION DIRECTOR STRAUGHN** – The rec. board had a special meeting last week to discuss some personnel issues and actually voted in 4-0 to support this. They had an opportunity to go and get educated on the process and why it needed to have the split with the auditor. I think everybody got a comfort level of why it had to be. Like I said the board as a whole voted unanimously to support the split at this point in time after they had an understanding.

**COUNCILMAN SLAGLE** – Alright. Thank you.

**COUNCIL PRESIDENT GAMBER** – Mr. Chovan?

**COUNCILMAN CHOVAN** – When did they vote to approve it because the last we head they voted against it?

**PARKS AND RECREATION DIRECTOR STRAUGHN** – No, they voted against it then we had a special meeting here at the end of last week like around Thursday. There were some personnel issues and they wanted to go ahead and vote on the split because they had an opportunity to actually meet with the auditor during that week to get educate themselves on why the split what was the you know current cash situation with the department, what expenditures are going out what did our end of the year look like and it gave me a comfort level of where we stood on the split and why the split had to be.

**COUNCILMAN CHOVAN** – So the vote changed after meeting with the auditor?

**PARKS AND RECREATION DIRECTOR STRAUGHN** – Yes.

**COUNCILMAN CHOVAN** – Okay, thank you.

**COUNCIL PRESIDENT GAMBER** – Are there any other questions? May I ask a question? This special meeting was for what purpose?

**PARKS AND RECREATION DIRECTOR STRAUGHN** – Well, the special meeting was about personnel issues but there were other items on the agenda as well. They brought it up to support at that time to support the passage of the split.

**COUNCIL PRESIDENT GAMBER** – Mr. Chovan?

**COUNCILMAN CHOVAN** – Was that a public meeting?

**PARKS AND RECREATION DIRECTOR STRAUGHN** – Yes it was, it was publicized.

**COUNCILMAN CHOVAN** – Okay.

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

**COUNCILMAN MANSON** – I just wondered if Mr. Slagle was aware of that meeting.

**COUNCILMAN SLAGLE** – I was not.

**COUNCILMAN CHOVAN** – I'll just tell you when I spoke to some of the board members earlier in the week they were still not in favor of this. I knew there were some scheduling things because of your interviews but they could not meet with the auditor. They told me that they I believe it was 2:00pm I don't know if it was last Wednesday or Thursday they were going to come in and meet with you. I have not spoken to them afterwards I was just kind of curious as to why nobody showed up tonight. So you guys must be in agreement then.

**PARKS AND RECREATION DIRECTOR STRAUGHN** – Well they are I mean Mr. Slagle was invited to that meeting with the auditor and like I said it was a meeting that educated two board members that are representing the board Mr. Hickey and Mr. Rickett and questions and concerns around the split and why it had to be. I think the auditor did an excellent job at educating them why it needed to be. Then the meeting the next day they actually voted on to support it 4-0 with Mr. Hathaway not present.

**COUNCILMAN CHOVAN** – Yeah, I guess that was my point if there were some dissention there would have been somebody here to speak on the other side of this. So I guess I have to assume that...

**PARKS AND RECREATION DIRECTOR STRAUGHN** – Chairman Rickett actually reached out to some people here on the council he mentioned to me. He might have talked to Mrs. Halter and said that they supported it then.

**COUNCILMAN CHOVAN** – Thank you.

**COUNCIL PRESIDENT GAMBER** – Mrs. Halter?

**COUNCILWOMAN HALTER** – That's what I was going to say. Mr. Rickett called me and told me about the meeting with the auditor and also with the special meeting and the results was what Mr. Straughn just said.

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

**COUNCILMAN MANSON** – Yes, Mr. Straughn did I just you say that the meeting was attended by Mr. Hickey and Mr. Rickett? (Yes) Anybody else?

**PARKS AND RECREATION DIRECTOR STRAUGHN** – Mr. Koher, Ken Koher was there.

**COUNCILMAN MANSON** – No, I'm talking about on the parks board.

**PARKS AND RECREATION DIRECTOR STRAUGHN** – No, just those two. Just those two they were from the rec. board to meet with the auditor to get an understanding and educate the rest of the board on why the split had to occur. If there would have been three of them at that meeting then it would have been a public meeting to meet with the auditor.

**COUNCIL PRESIDENT GAMBER** – You still have the floor, Mr. Manson?

**COUNCILMAN MANSON** – You said it would had meet a public meeting to meet with the auditor. I'm a little confused was it a public meeting or was it not a public meeting?

**PARKS AND RECREATION DIRECTOR STRAUGHN** – Well, the rec. board meeting that was advertised in the newspaper for Thursday was a public meeting. But this was just a meeting

of a committee from the rec. board to get an understanding of why this split was required.

**COUNCILMAN MANSON** – Okay, and they took some official action there then and voted?  
(No) No?

**PARKS AND RECREATION DIRECTOR STRAUGHN** – No, it was more of an education session really with the auditor so they understood where the money came in where it went out.

**COUNCILMAN MANSON** – So then there wasn't a vote then? There was a vote last week but there wasn't a vote there was a vote two weeks ago but there wasn't a vote last week then?

**PARKS AND RECREATION DIRECTOR STRAUGHN** – No, there was a vote two weeks ago to keep it the same the split the same. Then they met with the auditor on Wednesday and they just to educate themselves on why the split was needed. Which was my recommendation I said you've got to meet with the auditor educate yourself on where the money goes, how its spent, why we need the split. So they went through that process and then on Thursday there was a special meeting around personnel issues and it was at that time they went ahead and voted on the split to approve it knowing that there was going to be a council meeting on Monday so that you could move forward and pass it.

**COUNCIL PRESIDENT GAMBER** – Are there any other questions? My only comment I asked about the special meeting because for council once you set an agenda for a special meeting that's the only items you can consider. You can't add things into it I don't know if the rec. board is the same.

**PARKS AND RECREATION DIRECTOR STRAUGHN** – They made a motion to bring it up and vote on it that night.

**COUNCIL PRESIDENT GAMBER** – Any other questions for Mr. Straughn? Mr. Townsend?

**COUNCILMAN TOWNSEND** – I just have a statement. I believe the auditor either at the last work session or the last council meeting stated that she was going to have that meeting and actually invited all of us to come along with the members of the park board. So I do recall that. That's it.

**COUNCIL PRESIDENT GAMBER** – I thank you Mr. Straughn.

**COUNCILMAN MANSON** – I have another question.

**COUNCIL PRESIDENT GAMBER** – For Mr. Straughn?

**COUNCILMAN MANSON** – Well, just a general question whoever needs to answer it can answer it.

**COUNCIL PRESIDENT GAMBER** – What's your question?

**COUNCILMAN MANSON** – Well, I thought when we were here at the committee meeting the other night that the auditor said that she had volunteered to meet with them and nobody had agreed to have a meeting at that point in time last Monday. Unless everything transpired after that but I was not notified of the meeting. I would like to see those things and see what's going on.

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

**COUNCILMAN SLAGLE** – Yeah, just so there's no confusion I was aware of the meeting with the auditor I could not attend that meeting due to my business commitments because it came upon without any notice. I can't always reschedule my meetings I was not ever aware of the special meeting of the board the following day.

**COUNCIL PRESIDENT GAMBER** – That seems to be all the questions. Thank you, Mr. Straughn. Mr. Peters, we're back to you.

**COUNCILMAN PETERS** – I haven't made a motion yet. I'm going to make a motion that we table this for one meeting. Because that would be the 21st because there's just too many questions here from members of council and I think they have the right to get some of the answered.

COUNCILMAN PETERS moved to table Ordinance No. 41 - 2012 until May 21, 2012, seconded by Councilman Manson.

Roll call vote of 6 yes, 2 no to table until May 21, 2012. Halter and Townsend voted no.

ORDINANCE NO. 41 – 2012 HAS BEEN TABLED UNTIL MAY 21, 2012.

**COUNCIL PRESIDENT GAMBER** – The motion is tabled. Just to mention when I asked a discussion I shouldn't have a motion to table you go immediately to a vote without a discussion. So next time it comes up I'll remember that.

### **15. SECOND 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.

**COUNCILMAN PETERS** – Due to the fact that I tabled Ordinance No. 41 I'm going to give this second reading.

ORDINANCE NO. 34 – 2012 WAS GIVEN SECOND READING.

#### **ORDINANCE NO. 44 - 2012**

#### **BY: FINANCE COMMITTEE**

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

**COUNCILMAN PETERS** – This is just what it says we're amending Ordinance No. 28 – 2012 by revising the 2012 budget and declaring an emergency. These are for I'm going to bring the auditor up because she does a pretty good explaining this. But I mean I understand what we're doing but I'm going to bring her up.

**AUDITOR FERRERO** – All this is is this is just amending the budget the last page of the budget always has three sections, section 2, section 3, section 4. Section 2 allows us to paper transfers, section 3 allows us that we can draw, write checks, pay bills and section 4 is where we allow to transfer and to pay debt and pension. It was just omitted from the budget when it was submitted to you.

**COUNCIL PRESIDENT GAMBER** – Are there any questions for the auditor? Mr. Chovan?

**COUNCILMAN CHOVAN** – Not a question just for clarification to people who may be listening it doesn't change the budget it was just left off of being printed on the last page.

**AUDITOR FERRERO** – You're absolutely right.

**COUNCILMAN CHOVAN** – It was included in the total.

**AUDITOR FERRERO** – It doesn't change anything in the budget.

**COUNCILMAN CHOYAN** – Okay, thank you.

**COUNCIL PRESIDENT GAMBER** – Mr. Peters?

**COUNCILMAN PETERS** – I'd also like to mention that we also did change one of the numbers the number of the ordinance was 32 – 2005 we changed that to 134 – 2005 we did change that also that's what brought this back to first reading when we originally did it.

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

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

ORDINANCE NO. 44 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

## **16. NEW AND MISCELLANEOUS BUSINESS**

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

**COUNCILMAN SLAGLE** – Yes, recently I and several other councilmen and city officials have been told that we should be shamed because we have not given back our pay raises. First of all, I'm not shamed by that at all I am kind of shamed that my local newspaper would bring that up as a statement of some sort of leadership ability. Because if they did then I should get double smiley faces for the fact that over the past years that we've been on council including this particular pay increase the total increases that I've been on council amounted to \$718.00. During that time I gave back more than \$2,000.00 of my salary not counting this year. I also contributed to the concert fund which I probably would not have done. Now did I expect smiley faces for that or to be patted on the back for being a leader no. Leadership is more than just giving in on one issue and this amounts to \$20.00 a month to us. To suggest that even the other elected officials for not giving it back should be shamed is also unfair. We have no idea what they're particular circumstances were at that time. I believe this also goes back to the fact that original ordinance has not been revoked. Now I'm tired of listening to that too if somebody actually wants to bring it up let them do so. I looked into it we are dramatically underpaid as council people in the City of Massillon. Dramatically, not just marginally but dramatically. When you compare us to any other city in this state of the same population we are either paid half as much or we may be paid more in salary but we are not getting health insurance benefits. So we are not getting as much because health insurance as we know in the City of Massillon for a family plan amounts to \$13,000.00 a year. Frankly, any of us would take that \$13,000.00 a year plus a reduction in our salary. So and that's true across the board in the City of Massillon whether it be the law director, whether it be the mayor, whether it be the auditor, whether it be the treasurer. Every one of them is dramatically underpaid in the State of Ohio for a community of our size with the amount of funds that are being handled. So I don't understand why this keeps being brought up as a political football. If somebody wants to do it then do it. Do the studies, do the studies and show that there's a reason to do it that is justified based upon facts. I was further more offended by the fact that the clerk of courts in this city put out that same letter a couple of weeks ago. Frankly, up until then I was considering still giving back the \$271.00 that we gained this year probably more but I was offended by that. I am not sure what the clerk of courts in the City of Massillon who gets paid a very handsome sum and during that same period of time the health insurance benefits from 2008 to 2012 for a family plan in the City of Massillon went up \$7,247.00 a year not a month I mean \$7,247.00 a year. So to make a political football out about us not giving back \$20.00 a month when health insurance which is a benefit has increased by \$6,000.00 and just this year alone its gone up \$6,000.00 a year, \$516.00 a month for the high class plan is just an abomination to me. These political shenanigans go far too often in our society. Rather than dealing with real issues we find little whipping posts that we can beat them with. Whether it be the muttonheads that blog in this community that refuse to put their names on it or the aspiring muttonheads who write editorials that don't have the

factual basis for it. Someone explain to me why any rational human being would want to be and sit on this on this council or even have thoughts to move up when all they're going to do is get attacked for expressing their ideas for doing what they feel is right even if they may be the lone vote in that. Because that's what our society wants a free exchange of ideas without fear of ridicule without fear of being blasted in the newspaper your hometown newspaper for years I have contributed to this community at a huge sacrifice to my profession I sit on this council. Every one of us is underpaid, every elected official if you do the studies is underpaid in this city. So I'm not shamed by not giving back my \$20.00 a month. Nor do I think I should get double smiley faces for giving back much more than that since I've been on council. But I think this sniping has got to end in our society whether it be the negative ads that are going to surface in the next presidential election against congressional candidates, against state representatives that have no bearing on facts. There's no hope for our democracy if we permit this to continue. Because rational people will do the rational thing and that's not put themselves into the fray. So I think we should all consider that for future and we should consider in the next months when these ads come out if they really have any bearing on rationality or whether its just another muttonhead with a lot more money that refuses to put their name and acknowledge who are putting these ads out they are doing it for one purpose and one purpose only and that's political power. So I am not shamed by it I still may give it back I don't know but I certainly am not going to be shamed by it and I don't think anyone else should be either.

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

**COUNCILMAN MANSON** – I'm not shamed. That's all.

**COUNCIL PRESIDENT GAMBER** – Mrs. Cunningham-Hedderly?

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – I'm sorry you felt that way Mr. Slagle. Coming on to council I knew how sad the finances for the city were. Speaking for myself sure I could have used the raise as well but with what we saw coming I felt it was the only decision I could make for the support of the city.

**COUNCIL PRESIDENT GAMBER** – Is there any other new or miscellaneous business?

**COUNCILMAN MANSON** – Could I make one more comment?

**COUNCIL PRESIDENT GAMBER** – Sure

**COUNCILMAN MANSON** – But you didn't shame him...

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

**COUNCILMAN MANSON** – You just did what you wanted.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Right.

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

**COUNCIL PRESIDENT GAMBER** – Is there anyone in the audience who like to speak to council on any topic at all whether it was on the agenda or not? If so please come to the microphone at this time.

**SUZIE JACKSON** – I'm a citizen of Massillon I live on West Main. I'm probably one of those muttonheads but I do feel strongly in that I don't think when there is a wage freeze anyone should be getting a pay raise. I don't think elected officials should be and I don't think anyone should be. If you want to talk about being underpaid I think all of the workers in this city are underpaid. You can go all the way across the board and it doesn't match up. But you knew what the pay was when you ran for this position. I don't think you ran for the position because of the pay you ran for the position to try and help the city. Now you can look at this as to well I'll do it when everybody else does it. That's the rationalization. I don't have a choice you do

have a choice. I wish the Independent would have asked those 27 people that lost their jobs how they feel about the pay raises. This is something that's been going on for 14 years there is no accountability to it at all. It is automatic that's not right you're public officials you should have accountability. You could use the rationalization well in the whole scheme of it its only \$9,000.00 its not really going to make any difference. It will make a difference the people of this community look at you, look at all the elected officials hear this information and then say well why should I pay more these people are getting raises? They think everybody's getting a raise you keep trying to say no not everybody gets the raise. Not everybody is enjoying 3.5% pay increase I don't care whether its \$20.00 or its \$2,000.00. You ask those 27 people how they feel about it. I don't mean to shame anyone but I will say this it is not right. There has to be accountability it can't just be straight across the board. I think its kind of ironic this was passed during a wage freeze back in 1995. It's been in effect since 1997 that's 14 years caching, caching, caching. It's time for it to be repealed I mean just outright repealed. When the city is in debt when you have layoffs, you have cutbacks, you have furlough days no one should be getting a raise no matter what you're position.

**COUNCIL PRESIDENT GAMBER** – Is there anyone else?

**MEAGAN KIRCHNER** – 1025 Oxford Avenue NE. I just want to challenge this council to do their own research regarding those 27 layoffs. Because I promise you when you add up the numbers and then subtract the cost that not only is this not saving us a million dollars those 27 cuts its specially the 19 police and fire will be costing us several hundred thousand dollars a year. So do your own public records request contact fire, contact police, contact Auditor Ferrero that should disturb you. That we have 27 layoffs in this city starting May 20th that will not save a penny they'll actually cost this city money and put our families at risk when it comes to dealing with police and fire. Thank you.

**COUNCIL PRESIDENT GAMBER** – Thank you all for speaking. Mr. Manson?

**COUNCILMAN MANSON** – Yes, I would like to make a motion that we adjourn to executive session to discuss pending litigation or possible litigation.

**COUNCIL PRESIDENT GAMBER** – And who are you including in your motion?

**COUNCILMAN MANSON** – I want to include all of council, council president and the council clerk that's all.

**COUNCIL PRESIDENT GAMBER** – Law director or anybody else?

**COUNCILMAN MANSON** – Law director, yes. Thank you.

**COUNCIL PRESIDENT GAMBER** – Its seconded by Councilwoman Cunningham-Hedderly. We have a motion to adjourn to executive session.

**COUNCILMAN PETERS** – What about the administration.

**COUNCILMAN MANSON** – No, they're part of it why would you want to have them there?

**COUNCILMAN PETERS** – I won't go into then.

**COUNCILMAN MANSON** – Well, don't go you don't have to.

**COUNCIL PRESIDENT GAMBER** – We have a motion to go to executive session. Roll call vote please.

Roll call vote of 6 yes, 2 no to go into executive session. Peters and Townsend voted no.

**COUNCIL PRESIDENT GAMBER** – For the benefit of our audience we'll be adjourning to the council chamber to the conference room there is nothing left on the agenda for tonight when we come back we will adjourn. There will be no formal action taken by council after this point.

Council reconvened from executive session.

**COUNCIL PRESIDENT GAMBER** – Is there any other business to discuss?

**18. ADJOURNMENT**

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

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MARY BETH BAILEY, CLERK,

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GLENN E. GAMBER, PRESIDENT



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