

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, OCTOBER 15, 2012**

COUNCIL PRESIDENT GAMBER B Idd like to welcome all of you to Massillon City Council for Monday, October 15, 2012. We have a number of city officials with us this evening Mayor Catazaro-Perry, Safety Service Director Maier, Law Director Stergios, Engineer Dylewski, Street Superintendent Berens, Police Chief Moser, Fire Chief Burgasser, Auditor Ferrero, Debbie Bonk from the auditor's office, Income Tax Director Koher, Building Superintendant Kraft and Community Development Director Herncane. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or turn it very far down.

1. ROLL CALL

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

Thus giving a roll call vote of 9 present.

2. INVOCATION

COUNCILWOMAN SCASSA B Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN SCASSA – Chairperson of the Rules, Courts & Civil Service Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

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

STEVEN PICKARD – I live at 3325 Capricio Street, Canton, Ohio. I'm here to speak about Ordinance No. 105 – 2012. I'm currently a staff representative for the employees in the solid waste department. I'm here to make a comment to make sure that everybody here understands and the administration understands and the law director that current contract language prohibits the city from selling off any of the equipment in the solid waste. That's what we're here for is to make sure that you understand that. Thank you.

DAVID BORELL – 3005 Meadowcrest Street NW, Massillon. I'm also here to speak about the solid waste ordinance. First I'd like to thank Mr. Lewis and his committee for bringing this to council. I've thought about this long and hard and I know people's jobs are going to be affected. If anybody can relate to that its me I spent 24 years at Republic and lost my job,

another 10 at Hoovers and lost my job. It's rough and I know its rough but council has to look what is best for all the taxpayers in Massillon. I think this is a good deal I don't think the city should be in the position to subsidize jobs in Massillon. You know I keep hearing a lot of things in politics about it's almost like people that work in the public sector think they should be guaranteed a job because they can just go to the taxpayers and get more money. That's not what our tax money is for. My opinion for this city council is the safety and welfare of the city and its residents to come first and foremost before everything. We've got to get back to the point that we can fully fund our police and fire. This is one of the first steps to do that. Like I said I hate to see anybody lose their job but you can't keep subsidizing a business that you can not earn a profit off of. So to me that is a plus for the city, it's a plus for the taxpayer and it's a plus for everybody that uses the garbage service by the reduced rates. Thank you.

TOMEVANS – I'm a third ward resident live at 2534 Connecticut SE. I don't understand why you're wanting to get rid of the solid waste department when you've done nothing in the last administration or this administration to promote citywide garbage pickup or recycling. I don't remember anything being done to promote this. You could have twice as many customers as you've got now if you would of run your business like you're supposed to. But now you're wanting to sell it. Now apparently its already sold I see you've got the trash cans over here. But I don't understand why you can't run this like you're supposed to run it. You could have had the customers, you could have had the it could have been a profit making thing but apparently you can't do that. So that's my concern. Thank you.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 104 - 2012

BY: COMMUNITY DEVELOPMENT

COMMITTEE

Amending Ordinance No. 36 – 2012 the Community Development Block Grant Action Plan for the FY 2012 to include two additional activities to the program, and declaring an emergency.

COUNCILMAN MANSON – Yes, we had a public hearing prior to this meeting on this change in the CDBG budget. These were added to the original budget and there were some funds that became available because of the Hampton Inn had paid a larger portion this year. So we have one property that's on Cliff NW and we have another property that is on Forest SE. Unless there's any questions that need answered I intend to request waiving 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 9 yes.

ORDINANCE NO. 104 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 105 - 2012

BY: ENVIRONMENTAL COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Kimble Recycling & Disposal, Inc., upon the approval of the Board of Control, for the solid waste and recycling services within the City of Massillon Corporate Limits with the purchase of the solid waste vehicles and dumpsters, and declaring an emergency.

COUNCILMAN LEWIS – Yes, this is the ordinance that obviously references the contract with Kimble as a result of the bid process that we put out in the summertime. We had three responses from one from Kimble, one from Republic and one from Rumke. Kimble was the one that was the most favorable. My intention tonight would be to ask for the suspension of the

rules so that we could move forward for the passage due to some concerns that was stated at the work session about having an agreement that the vehicles or other assets would be purchased but would be able to taken possession until later. So with that said I would like to make a motion that we suspend the rules requiring three readings and move Ordinance No. 105 – 2012 forward for a vote.

COUNCIL PRESIDENT GAMBER – Is there a second? Seconded by Councilwoman Cunningham-Hedderly. Is there any comment or discussion? Mr. Slagle?

COUNCILMAN SLAGLE – Well, I'd like to have further discussion on this I'm not I heard Mr. Lewis' defense of moving it forward but throughout the process we were advised we were going to be giving three direct readings on this to allow for the public input also to allow council to get a full understanding of the ramifications of what we're doing. I don't think that this is a prudent choice to pass such a piece of legislation with the very little amount of discussion we really had on it to date. Because this is an irreversible decision. Once we vote on this decision there's no turning back. Frankly I haven't heard enough discussion about whether other options were discussed just like Mr. Evans said about increasing the our own ability to increase our people carrying Massillon City waste collection. Or other options that maybe available I just don't understand the desire to rush this forward at this time. I think this has such long term implications I understand that it looks like to be a very favorable contract for the five year period but that's usually what occurs to entice the sale of public assets. While I may ultimately conclude that it's better to have our garbage outsourced I don't know that we've done enough information on that right now. I mean I can tell you I the Indiana Turnpike was privatized and I can tell you that it is by far the worse stretch of road I've ever seen since they've privatized it and the highest rates I've even seen. The same is true of the Pennsylvania Turnpike where the rates almost doubled within several years after they outsourced it or privatized it which ever way you want to go. We really haven't I haven't heard anything that considered the long term ramifications of this beyond this initial contract and the potential first renewal. Because once we give up that option we no longer of us having a counterbalance to the private entities we'll never get back in. So I'd like I mean I don't even know what the fair market value of our vehicles are. I know we bought that one 2 years ago. I was trying to find out what we paid for it but we haven't even had time to you know we have no appraisals on those vehicles. I just think this is rushing this through way too quick for this kind of monumental decision. I'd like to ask questions of the administration before we do so at least.

COUNCIL PRESIDENT GAMBER – Mrs. Halter?

COUNCILWOMAN HALTER – I just want to say a couple of things. When we raised the rates at the beginning of the year I remember recommending that we try to promote our city waste either going on Channel 10 or give people a deal where they can buy so many months and receive extra months. Nobody did that, nobody went into the because there's a lot of people out there. But nobody tried to promote it. As far as this particular ordinance goes we've been discussing this for over a month we had a special meeting a special meeting in the conference room we discussed it for an hour or so there. We've had people come and speak about it. We do know that Kimble is a good company they were the only ones willing to take the equipment and if I recall I think Mr. Maier told us that they had gotten some estimates or ideas of what the equipment was worth. Also if we keep this we have to buy new trucks probably in the next year or two and there's no money to do that. So I think its beyond this council I think this should have been taken care of couple of years ago. As far as putting money aside to buy new equipment there is no money aside to buy new equipment. Nobody's ever promoted the department so in that way I feel that its better to go with to be privatized rather than stay in the business of solid waste collection. That's my opinion.

COUNCIL PRESIDENT GAMBER – Are there any other comments? Mr. Lewis?

COUNCILMAN LEWIS – The big push for me to bring this forward is because I believe that one of the fundamental purposes of government is to provide safety and well being for the citizens of this city. It's not to provide a service to the city that can otherwise be provided by a

private entity. I think sometimes we forget that that government is not in the position to provide services. We are here to provide a service that the private market place is unable such as on the federal level, national defense, the local level police and fire. Solid waste is obviously something that the private sector is able to provide and its able to provide at a cheaper rate. Sure we haven't promoted it as well as we could have but that's because none of us are businessmen. We're not people that may have made a life dedication to promoting businesses. We've dedicated our lives to good governorous or at a least a portion of our lives. So this is why we come into these issues. I'm looking your asking about rates Mr. Slagle just to clarify the contract that we're discussing tonight is a five year set rate with a five year option afterwards in which the rates can not increase more than 3% of CPI. That's a decade of guaranteed rates that are going to be what lower than what we currently offer for the next decade. At the current rate of improve of rate increases that this council or other councils have had would be well over \$20.00 a month in the next decade and this contract will still be cheaper. This is why it's prudent to move forward as far as why should we do it now and move forward some people are questioning my logic as to the condition of the vehicles over the winter. Well I can't speak for everybody here but I know I would not sign a deal for a car today and take delivery in February while the person I bought it off got to drive it for the last 90 days. If I buy a car I'm taking it today. So if we're going to do this we need to make sure we leave these assets available to Kimble as soon as possible. Or we risk losing some of the money that could be put on the table. So again I'm moving this forward or asking for this to moved forward and I feel it's the answer. It's something the city should never have been involved in if the city was going to be involved it then it should have had a monopoly and never allowed a private sector in but we allowed the private sector in. They provide the service cheaper they add recycling and they will add more revenue to the city eventually. It's just a good deal and we should definitely grab a hold of it. So I hope that you know I get the 7 votes tonight and we can move forward tonight.

COUNCIL PRESIDENT GAMBER – Is there anyone else? Mr. Manson?

COUNCILMAN MANSON – Yes, I'm still in the corner that believe that we are still rushing ahead on this. The bids the bid itself as compared to the other two companies did look very good. I'm the type of person that when something looks very really, really good maybe too good maybe it is too good. So I've been doing some research myself. I do think we're still rushing into this has anybody here looked at the facilities of Kimble yet?

COUNCILMAN CHOVAN – Yes.

COUNCILMAN MANSON – Anybody else? Well I have. So I think that's part of our job. You know by rushing this maybe we're not allowing people to go take a look at these other things. I think when you're making decisions this big Massillon's been probably collecting garbage for 75 years. Now I know what they did when I was a kid you know I don't know the exact beginning of this but it is a significant change right now. Some time to allow for people to ask questions I'm still getting questions from people out there and when we start sending out literature you're going to get more questions. We are going to start billing for another company we're going to take on another 1,000 of their customers that do billing we're going to get paid for it but those things take time to make happen. Now I personally just think that we are rushing a little bit too fast. I think myself I would like to have more time to just look into it. When all the questions are dead then it will be the time to move. I don't believe in just delaying it but I think there's been legitimate questions brought up. I never heard this before about supposedly that they can't sell that equipment. I don't know if that's something like that is true or not. But I would like to know about that before I make a decision to vote. I've been looking into the benefits and wages of these guys a little bit. I'm concerned about that. Also though I am not at all in favor of taking over the whole operation. The more I look into this the more I realize it is becoming more sophisticated. But I just believe that we are rushing to make this decision and we don't it just doesn't have to happen that fast. I will be voting against moving it forward to waive the rule but I may vote for it too if it does pass.

COUNCIL PRESIDENT GAMBER – Is there anyone else for the first round? Mrs.

Cunningham-Hedderly?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Ed, Mr. Lewis, can we have the law director comment on that gentleman's comment?

COUNCIL PRESIDENT GAMBER – If you'd like to call him you may call him. Is that what you're doing?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Yes. Can you speak to I didn't get his last name. (Mr. Pickard) Thank you, on his comment that we can't sell the equipment.

LAW DIRECTOR STERGIOS – That would be the first that I've ever heard of that but I honestly haven't had a chance to look at anything but I know of nothing that would prohibit us from the city owns the equipment not the refuse department and we can sell it like another with proper action we can do what council decides to do. What happens to the employees is a little different of an issue because of bumping rights under the AFSCME contract and so forth. But that isn't what you're asking me so I that's the first I've ever heard of that and I don't know of any reason why we can't. But I'd be willing to look further if somebody told me other than a needle in a haystack type of thing where they claimed we're prohibited from selling it. So...

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Thank you.

LAW DIRECTOR STERGIOS – You're welcome.

COUNCIL PRESIDENT GAMBER – Are there any other questions for the law director? Thank you, Mr. Stergios. Are you finished Mrs. Cunningham?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Yes, thank you.

COUNCIL PRESIDENT GAMBER – Ms. Scassa?

COUNCILWOMAN SCASSA – I'd like to call up the safety service director, please.

COUNCIL PRESIDENT GAMBER – Mr. Maier?

COUNCILWOMAN SCASSA – Mr. Maier, do you have anymore information I guess on this particular question?

SAFETY SERVICE DIRECTOR MAIER – We worked very closely with our labor attorney per the contract on this issue. There maybe an issue related to transferring of funds for sale of equipment there and I think the auditor maybe aware of that. There's a process that has to be followed but there's nothing that prohibits us from selling the equipment. We've sold the equipment in the past.

COUNCIL PRESIDENT GAMBER – May I ask a question? What do you think he would be referring to since you've looked into this? What...

SAFETY SERVICE DIRECTOR MAIER – I think it would be there's because of the fund that that's funded out of that has to go through a process to put it back into the general fund. It's a process that has to be followed.

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

COUNCILMAN SLAGLE – It was suggested that we did have a fair market value of all of our equipment do you remember what we paid for that truck in 2010 and the next newer one?

SAFETY SERVICE DIRECTOR MAIER – I do not I wasn't here in 2010 so I don't know what the price was paid for that truck. I know that of our bids two of the bidders told us that they wouldn't even be interested in bidding on our trucks because of the value, low value.

COUNCILMAN SLAGLE – Was there anyone else could bid on them though? I mean just

because those three entities were (inaudible)...

SAFETY SERVICE DIRECTOR MAIER – Absolutely it was an open bid and anybody could have bid on any segment of the proposal. So somebody could have bid just on those or just on something else.

COUNCILMAN SLAGLE – Do we know what the fair market value was of those vehicles?

SAFETY SERVICE DIRECTOR MAIER – I'm not sure.

COUNCILMAN SLAGLE – Do you have any idea what have you done any studies for the cost exposure 10 years down the road after this contract ends?

SAFETY SERVICE DIRECTOR MAIER – Have not.

COUNCILMAN SLAGLE – Can you tell me whether or not the Kimble drivers are unionized?

SAFETY SERVICE DIRECTOR MAIER – They are not.

COUNCILMAN SLAGLE – Were any of the other bids unionized? Did any of the other drivers of any of the other contractors were they unionized?

SAFETY SERVICE DIRECTOR MAIER – I believe one was but I can't say for sure.

COUNCILMAN SLAGLE – Was there any offer from any of other companies that is part of the deal purchasing the bid that they put in that they give our drivers a job with them?

SAFETY SERVICE DIRECTOR MAIER – Was there an offer I'm sorry I didn't understand.

COUNCILMAN SLAGLE – Of employment for the drivers that will no longer be driving city trucks because they won't be on the road? Will they be driving for any of the other...?

SAFETY SERVICE DIRECTOR MAIER – That was not part of the bid and nobody made that offer.

COUNCILMAN SLAGLE – Do you know how much of this is being driven by the fact that we will get paid and have a direct influx of cash to come in to help us with our budget problems?

SAFETY SERVICE DIRECTOR MAIER – I don't think that was ever the driving factor in this.

COUNCILMAN SLAGLE – Did you consider any alternatives to this increasing the as Ms. Councilwoman Halter suggested increasing the numbers of the city pick ups to help there? Maybe collectivizing with some of the other cities that maybe in the same problem?

SAFETY SERVICE DIRECTOR MAIER – We had talked about that early on prior to the bid when we were talking about the rate increase it seemed to the consensus that we were supposed to look in this direction from the administrative standpoint. Look in the direction of going out to bid to privatize the service that the city currently is involved in. There was some discussion related to expanding and what we the minimum research that we did in that we found that over the last five years we've lost customers not held onto customers. There was a huge issue with the service model that we provide, our service model is a little antiquated in that we do rear load and to upgrade the equipment was not going to be cost effective. Nor did we have the resources to even attempt to upgrade the equipment.

COUNCILMAN SLAGLE – Thank you.

COUNCIL PRESIDENT GAMBER – Are there any other questions for the safety service director? Thank you, Mr. Maier. Is there anyone else who would like to go around a second time if not Mr. Lewis had his hand up. Mr. Chovan?

COUNCILMAN CHOVAN – Yes, I just want to make one statement that you know at the end of the day I think I feel that my job and probably ours on council is to find out if we've made an improvement for the taxpayers for the people in the city. By accepting this contract we're providing a higher level of service at a much better rate. You know I don't see how anything that we could have done within the city we could have been able to do that. We could have provided the same services we never would have touched the same rates. So I and we've been discussing this now since about the beginning of September so you know it's my position I'm going to vote to move ahead with the suspension of the rules for this.

COUNCIL PRESIDENT GAMBER – Mr. Lewis, you had your hand up earlier?

COUNCILMAN LEWIS – I guess the only thing I want to make very clear is that for me this was not about trying to generate massive amounts of revenue or anything because \$200,000 is not massive amounts of revenue right now. In city I mean if it was at my house yeah, but in the city no. It was I campaigned last year saying that I thought that we needed to address some of the different departments and I had mentioned on the campaign trail some of the solid waste department being something that we either need to take it all over and be the only game in town. But when I mentioned that in early sessions just in passing or what not it was made very clear to me that many of us were not desiring to be in the business of providing that. So that leaves one left if you're not going to take it all over then in my opinion lets get out of the game. That's where this came from. Is there going to be a slight financial surge? Yeah, sure. But that wasn't my main focus of bringing this forward. It was addressing an issue that I saw. When I speak to friends and family and communities around us that are paying only \$11.00 to \$12.00 a month and I'm paying now \$19.00 a month almost to me that's not fair. I want to be able to have the opportunity to have those some low rates for not only for my family but for my neighbors and other the citizens of this town. That's what brought this forth was trying to bring an initiative forward that saves the citizens money for once instead of constantly trying to reach into the pocketbooks and make them spend more money or give more money to the city. That's what the basis for all this was for.

COUNCIL PRESIDENT GAMBER – Before we move to a vote I have a question Mr. Lewis. You also wanted to talk about the administrative fee?

COUNCILMAN LEWIS – Yes, in the legislative request we had the \$1.00 legislative or administrative fee placed in that that did not make it to the ordinance. That's going to be a separate ordinance because Ordinance 105 is directly involving the relationship between the city and Kimble if it should pass. Then we'll have a separate ordinance in relation to the \$1.00 charge because that is between the city and the citizens of Massillon. So to clean it up its separate now as two separate as two different entities.

COUNCIL PRESIDENT GAMBER – Mr. Manson?

COUNCILMAN MANSON – Well, I guess we're back to the same thing. There's nobody saying that this is a terrible thing. But I still feel that we're moving fast and we need to because some of these questions haven't been addressed. I think what you see here is some people that are somewhat familiar with it. We've had it since like you said what early September something like that? That's still not a long time that's a six week period we don't even go through three readings in six weeks. That's my problem with this because of these questions that have come up. I just think we need to take our time making a decision of this magnitude. The other part on the equipment I still I don't want to get into something about you know we're going to lose money on it or whatever it's older and that kind of stuff. It's not going to go from just like I told Mr. Lewis its not going to from \$236,000 to 0 in value in a month's time. I think maybe that's what we should of seen on this bid when it said that they wanted this thing it passed soon when we first saw it. Because they wanted it before the end of the year because

quite honestly I thought I figured a decision of this magnitude we would take three readings to go through this. If nothing more than just satisfy everybody.

COUNCIL PRESIDENT GAMBER – Mr. Slagle?

COUNCILMAN SLAGLE – Yeah, I'll just repeat that just because we're questioning the speed of the decision doesn't mean the ultimate decision that we're going to make is going to be different from what you suggested. Because it does look really like a good deal for the citizens of Massillon. The problem is you always represented that this was going to take three readings cause it was only at the last work session that you suggested you were going to ask to waive the readings at which point that leaves at least me insufficient time to clarify the questions that I had to make sure that I'm doing my job to make sure that the decision we're making today will have the same benefit today the same benefits that we see today will be there 10 years down the road or 15 years down the road or 20 years down the road. Because we've all seen those decisions that this decision has passed not this present council but the people sitting in this chamber in which they didn't look at all the ramifications of what was going to occur not in the near future but in the far future. That's all my concern is I just like to look at the various aspects and weigh these things out before I was asked to commit to something that there is no turning back. Once we vote on this if we vote on this today and we vote to suspend the City of Massillon's garbage collection ability it will not come back. It just won't happen because we'll never have the funds there again to purchase these vehicles to again accomplish trash pick up. That maybe a good thing I don't know that but I just think we've had enough time to look at it and analyze it. That's all.

COUNCIL PRESIDENT GAMBER – Alright, we have a motion and a second to suspend the rules everyone's had ample opportunity to speak. Madame Clerk, would you please call the roll for suspension.

The rules were suspended by a roll call vote of 7 yes, 2 no. Manson and Slagle voted no.

ORDINANCE NO. 105 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 106 - 2012 **BY: ENVIRONMENTAL COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to send a letter of support to Stark County for a proposed 208 Clean Water Plan Amendment for the Canton-Nimishillen basin and Massillon Facilities Planning Area, and declaring an emergency.

COUNCILMAN LEWIS – Yes, I'd like the city engineer forward please.

COUNCIL PRESIDENT GAMBER – Mr. Dylewski?

COUNCILMAN LEWIS – Yes, for the sake of the record would you please just give a little bit of a description of what this ordinance is referencing and how it came about?

ENGINEER DYLEWSKI – Sure, as we discussed at the work session the county sent this to us a week ago with this request. What this is is you know the treatment plant has a facility planning area the City of Massillon its all the areas that flow to our plant which obviously encompasses areas outside of city limits, townships. The request is there's a portion of about 120 acres in the Hills and Dales area that are ready flows to our plant and but its not in this part of our area. So this is just basically cleaning up that map. They have to submit it through NEFCO and this is one thing that they request is just a letter of support from Massillon on this.

COUNCILMAN LEWIS – And I believe was time sensitive correct?

ENGINEER DYLEWSKI – That's correct. In their request they asked if we could have it back to them by the 25th so that obviously didn't give us a lot time since we just got the letter

from them.

COUNCILMAN LEWIS – Alright, thank you. That’s all I have.

ENGINEER DYLEWSKI – Sure.

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

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

ORDINANCE NO. 106 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 107 - 2012

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the General Fund, 1206 Municipal Motor Vehicle License Plate Fund, Community Development Block Grant Program Fund and the 1208 Parking Enforcement Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILMAN PETERS – There are four sections to this ordinance. Section 1, I’m going to read the amounts and the name of the account I’m not going to into all the numbers because they are available for public viewing if they need to be. First one, hereby appropriate from the unappropriated balance of the general fund for the year ending December 31, 2012 the following: \$119,734.73 to an account entitled hospital, eye, dental, life. \$102,084.57 to an account entitled hospital, eye, dental, life. \$7,666.52 to an account entitled hospital, eye, dental, life. \$3,239.83 to an account entitled hospital, eye and dental, life. \$2,176.89 to an account entitled PERS – Clerk of Court. \$1,696.46 to an account entitled hospital, eye, dental, life. \$373.78 to an account entitled hospital, eye, dental, life. Section 2 there be and hereby appointed appropriated from the unappropriated balance of the 1206 Municipal Motor Vehicle License Plate Fund for the year ending December 31, 2012 the following: \$21,000 to an account entitled equipment, \$4,500 to an account entitled services and contracts. Section 3, appropriate from the unappropriated balance of the Community Development Block Grant Program Fund for the year ending December 31, 2012 the following: \$12,000 to an account entitled demolition \$3,000 to an account entitled Habitat for Humanity. From Section 4, appropriate from the unappropriated balance of the 1208 Parking Enforcement Fund for the year ending December 31, 2012 the following: \$1,271 to an account entitled services and contracts. Are there any questions?

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

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

ORDINANCE NO. 107 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

RESOLUTION NO. 18 - 2012

BY: FINANCE COMMITTEE

Accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor by November 1, 2012, and declaring an emergency.

COUNCILMAN PETERS – We discussed this at the work session. This is something that we do every year but the reason we’re doing now is because of the mainly because of the property reevaluations that the auditor sent out. So we need to pass this resolution to send over to the

auditor. Do I have to waive the rule on the resolution?

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

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

RESOLUTION NO. 18 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM SERVISHARP INC DBA CAPT DICKS DRIVE THRU #2 1005 1ST ST MASSILLON OHIO 44646 TO ELUM MUSIC CO DBA ELUM MUSIC CO 280 FEDERAL AVE NW MASSILLON OHIO 44647

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM SERVISHAPR INC DBA CAPT DICKS DRIVE THRU #2 1005 1ST ST MASSILLON OHIO 44646 TO ELUM MUSIC CO DBA ELUM MUSIC CO 1005 1ST ST MASSILLON OHIO 44646

COUNCIL PRESIDENT GAMBER – We have two items from the Division of Liquor Control regarding a transfer of licenses.

9. BILLS, ACCOUNTS AND CLAIMS

- A). NORLSON - \$38.51
- B). REPOSITORY - \$338.33

COUNCILMAN PETERS – I make a motion that we pay the bills, seconded by Councilman Manson.

Roll call vote of 9 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

- A). TREASURER SUBMITS MONTHLY REPORT FOR SEPTEMBER 2012 B COPY FILE
- B). MAYOR SUBMITS MONTHLY REPORT FOR AUGUST 2012 – COPY FILE
- C). MAYOR’S APPOINTMENTS TO THE FAIR HOUSING BOARD

COUNCIL PRESIDENT GAMBER – We have a report from the treasurer which we will file. A report from the mayor which we will file hope all will read. We also have several appointments to the fair housing board that require council approval. Everyone received a copy of this Mr. Peters, like a motion to accept these appointments.

COUNCILMAN PETERS – I don’t have a copy of that.

COUNCIL PRESIDENT GAMBER – Everyone received these several weeks ago.

COUNCIL MAN PETERS – I might have I just don’t have a copy of it.

COUNCIL PRESIDENT GAMBER – Alright, Madame Clerk, can you please get a copy and make sure everyone gets one.

COUNCIL CLERK BAILEY – Okay.

COUNCIL PRESIDENT GAMBER – We’ll wait. Tell you what in the interest of saving some time I’ll have the clerk read the names and then she can copy them and distribute them after the meeting. If that’s alright. Madame Clerk.

COUNCIL CLERK BAILEY – Perry Stergios and Kathleen Spencer.

COUNCIL PRESIDENT GAMBER – Read the letter.

COUNCIL CLERK BAILEY – It says: I hereby appoint Pericles Stergios of 1241 Burd Avenue NE, Massillon, Ohio, 44646 to the fair housing board for a three year term commencing January 1st 2012.

I hereby appoint Kathleen Spencer of 1334 3rd Street SE, Massillon, Ohio, 44646 to the fair housing board for a three year term commencing January 1st 2012.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – I make a motion that we accept the mayor’s appointments to the fair housing board. Seconded by Councilman Slagle.

Mayor’s appointments to the Fair Housing Board were accepted by a roll call vote of 9 yes.

COUNCIL PRESIDENT GAMBER – There are a large number of boards and appointments to help the city get through its business. Most of them do not require council approval the law director indicated that these two did require approval.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – We will have five Mondays this month so we skip next Monday the 22nd and come back for committee meetings on the 29th.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT GAMBER – Are there any report, request or resolution? Mr. Manson?

COUNCILMAN MANSON – Just that at the meeting on the 29th there will be people here from Visconci to discuss their proposed Walgreens in the City of Massillon in the historical district. So Mr. Pro Tem please make sure if there’s anything you need to know get in contact with me. If there’s anything that comes up that I think you should know I will get a hold of you.

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 100 - 2012

BY: FINANCE COMMITTEE

Amending Section 181.18 “Tenant Reports” of Chapter 181 “INCOME TAX,” of the Codified Ordinances of the City of Massillon, by enacting a new Section 181.18 “Tenant Reports”, and declaring an emergency.

COUNCILMAN PETERS – Ordinance No. 100 and 101 were both were made at the request of our income tax direction several weeks ago. I let them go three readings because he told me there wasn’t really any rush and if there were any questions we could get them all answered and we had plenty of time to do that. There were none on Monday so...

COUNCILMAN PETERS moved to bring Ordinance No. 100 – 2012 forward for a vote. Seconded by Councilman Manson.

ORDINANCE NO. 100 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 101 - 2012

BY: FINANCE COMMITTEE

Amending Section 181.02 “Definitions” of Chapter 181 “INCOME TAX,” of the Codified Ordinances of the City of Massillon, by enacting two new definitions within Section 181.02 “Definitions”, and declaring an emergency.

COUNCILMAN PETERS – Repeating just what I said for Ordinance No. 100 same deal.

COUNCILMAN PETERS moved to bring Ordinance No. 100 – 2012 forward for a vote. Seconded by Councilman Manson.

ORDINANCE NO. 101 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

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

DAVID BORELL – 3005 Meadowcrest Avenue NW, Massillon. I just wanted to publicly thank the fire chief for the grant that he got and getting our firemen back to work. I was very glad to hear that and hopefully we can find something in the near future to get our police force back up. Thank you very much.

CHIEF BURGASSER – Massillon Fire Department. With respect to the SAFER Act Grant I want to thank each of you for your support. I very much appreciate that our firefighters are going to return to work starting next week. They’ll be paid from the federal government in the period of performance will be for 24 months or two years. At the end of that period of performance I would caution you that we need to find ways to generate new revenue in order to keep these firefighters employed after that. I want you to know that I am committed and we’re all obligated to try to find those additional sources of revenue. Thank you again.

KEN KOHER – I’m the budget director for the City of Massillon. Just wanted to comment that we did deliver tonight the administration’s proposed budget for the city for 2013 and looking forward to some meetings and meaningful discussion on the budget. Thank you.

COUNCIL PRESIDENT GAMBER – Is there anyone else who would like to address council? Mr. Chovan?

COUNCILMAN CHOVAN – I don’t want to address I just want to make a statement. I hope you find humor in this but I have a very good friend that’s a Canton City Councilman Thomas West and I accepted a wager from him for the Massillon/McKinley game. If we lose I have to wear a McKinley jersey to the city council meeting. So hopefully I’ll end up buying a jersey and giving it to him instead. Now that this is on TV I just want people to understand if I’m wearing one.

COUNCIL PRESIDENT GAMBER – I’m afraid Council Rule 26.1(a) would not allow that I’m sorry.

18. ADJOURNMENT

COUNCILWOMAN SCASSA – I move that we adjourn, seconded by all.

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT



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