

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, FEBRUARY 4, 2013**

COUNCIL PRESIDENT TOWNSEND B I'd like to welcome all of you to Massillon City Council for Monday, February 4, 2013. We have in attendance tonight Mayor Kathy Catazaro-Perry, Safety Service Director George Maier, Law Director Perry Stergios, Engineer Keith Dylewski, Income Tax and Budget Director Ken Koher and Chief Building Official Bill Kraft. 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 down or on vibrate.

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 and Larry Slagle.

Thus giving a roll call vote of 8 present.

2. INVOCATION

COUNCILMAN MANSON B 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 TOWNSEND - 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 TOWNSEND – Anyone wishing to speak can approach the microphone give your name, address? Seeing none we'll move into Introduction of ordinances and resolutions.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 11 - 2013

BY: ENVIRONMENTAL COMMITTEE

Amending CHAPTER 1185 “FLOOD PLAIN AREAS” of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Section 1185.09(a) “Designation of the Floodplain Administrator” and enacting replacement Section 1185.09(a) “Designation of Floodplain Administrator”, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis?

COUNCILMAN LEWIS – Yes, at the last work session we discussed this briefly. This is simply taking the responsibilities and the title designation of floodplain administrator moving it from the building department to the city engineer which really does make a little more sense considering the background of our city engineer or any engineer that we'd put in place. So unless there are any questions I make a motion that we suspend the rules of having three readings and move this forward for passage or for vote.

COUNCILMAN LEWIS 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. 11 – 2013 WAS PASSED BY A ROLL CALL VOTE FOR 8 YES.

ORDINANCE NO. 12 - 2013 **BY: RULES, COURTS & CIVIL SERVICE COMMITTEE**

Amending Ordinance No. 3 – 2010 and all other ordinances inconsistent therewith by repealing Section 8, paragraphs (f)(1) and (f)(6), and enacting new Section 8, paragraphs (f)(1) and (f)(6), and declaring an emergency.

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COUNCIL PRESIDENT TOWNSEND – Councilwoman Scassa?

COUNCILMAN TOWNSEND – Thank you, Mr. President. First reading.

ORDINANCE NO. 12 – 2013 WAS GIVEN FIRST READING.

ORDINANCE NO. 13 - 2013 **BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the General Fund and the 1414 Collection System Improvement Fund, for the year ending December 31, 2013, and declaring an emergency.

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COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. This ordinance has two sections appropriate from the unappropriated balance of the General Fund for the year ending December 31, 2013 \$12,200.00 to an account entitled Unemployment Compensation – Fire, \$10,780 to an account entitled Unemployment Compensation – Police. Section 2, appropriate from the unappropriated balance of the 1414 Collection System Improvement Fund for the year ending December 31, 2013 the following: \$6,200.00 to an account entitled Sanitary Sewer Improvements.

COUNCIL PRESIDENT TOWNSEND – Are there any questions? Do we have a motion for suspension of the rule?

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. 13 – 2013 WAS PASSED BY A ROLL CALL VOTE FOR 8 YES.

ORDINANCE NO. 14 - 2013 **BY: FINANCE COMMITTEE**

Authorizing the Director of Law of the City of Massillon, to renew the one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services, and declaring an emergency.

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COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – As the clerk stated this is to authorize the law director of the City of Massillon to renew a one year contract with Canal Fulton for providing prosecutorial services and declaring an emergency. This is something we've done for the most part every year I've been on council. The law director is here if there's any questions I'm sure he'll be glad to come up and answer them. So we'll leave it at that for now.

COUNCIL PRESIDENT TOWNSEND – Thank you, Councilman Peters. Do we have any questions? Do we have a motion for suspension?

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. 14 – 2013 WAS PASSED BY A ROLL CALL VOTE FOR 8 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A). REPOSITORY - \$333.20

COUNCIL PRESIDENT TOWNSEND – Okay, can we get approval and a second to pay the bills?

COUNCILMAN PETERS – I'd like to make a motion that we pay the bill, seconded by Councilman Slagle.

Roll call vote of 8 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

A). AUDITOR SUBMITS MONTHLY REPORT FOR JANUARY 2013 B COPY FILE.
B. MAYOR APPOINTMENTS TO BOARDS AND COMMISSION – COPY FILE.

COUNCIL PRESIDENT TOWNSEND – Mr. Pro Tem.

COUNCILMAN PETERS – I make a motion that we accept the auditor's monthly report for January 2013, seconded by Councilman Manson.

Roll call vote of 8 yes to accept the auditor's report for January 2013.

COUNCIL PRESIDENT TOWNSEND – Mayor's appointment to Boards and Commissions. Mr. Peters?

COUNCILMAN PETERS – The following list of appointments that have been made by the mayor I'll read them real quickly.

Sylvia Seymour to the historical preservation commission for the term of 1/1/13 through 12/31/14.

Margy Vogt to the historical preservation commission for the term of 1/1/13 through 12/31/14

Rob Church to the Massillon licensing board for the term of 1/1/13 through 12/31/16
Joann Ryder to the health board for the term of 1/1/13 through 12/31/17
Rob Church to the health board for the term of 1/1/13 through 12/31/17

COUNCIL PRESIDENT TOWNSEND – Okay, do we have a motion to accept the mayor’s appointments? Councilman Chovan?

COUNCILMAN CHOVAN – I move that we accept the appointments.

COUNCIL PRESIDENT TOWNSEND – Do I get a second? Seconded by Councilman Slagle.

Roll call vote of 8 yes to accept the mayor’s appointments to the boards and commissions.

LAW DIRECTOR STERGIOS – For the record none of those appointments need council approval. I consider it a formality but the mayor has the authority to make those without council approval. Just for future since we get into this argument sometimes. I figured I’d let the vote go through because it’s a formality.

COUNCILMAN PETERS – Yeah, for the record the only one that has to have council’s approval is the rec. board.

LAW DIRECTOR STERGIOS – There maybe some other boards but I don’t think any of them are on that list tonight requires council approval.

COUNCIL PRESIDENT TOWNSEND – So noted.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT TOWNSEND – Are there any reports from committees? Yes, Mr. Slagle?

COUNCILMAN SLAGLE – I don’t have a report but a reminder that the Massillon recreation board will meet on Thursday, February 14th at 6:00pm down at the rec. center. I appreciate all those who do attend make it’s unlikely that I’ll be able to make it it’s a special day in my like. So... Also for the record Mr. President the treasurer of the City of Massillon is in attendance tonight too.

COUNCIL PRESIDENT TOWNSEND – Oh would she like to come up to the podium and say a word.

COUNCILMAN SLAGLE – I doubt that very much.

COUNCIL PRESIDENT TOWNSEND – Alright and our new treasurer is Mrs. Maude Slagle and she’s back there.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 3 - 2013

BY: FINANCE COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into contract with the Auditor of State for use of the Leverage for Efficiency, Accountability and Performance (LEAP) fund loan program for purpose of a performance audit of select areas of the City, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. This ordinance here 3 – 2013 we've been discussing for the last seem like forever but this is the third reading. We've discussed it at every work session we've had the judges here from the court, the mayor has spoken on it. Everybody I think has pretty much told us what they think. Of course, we'll open up for discussion tonight but I'm going to move that we bring it forward tonight for passage.

COUNCIL PRESIDENT TOWNSEND – Do we have any discussions or questions?
Councilman Slagle?

COUNCILMAN SLAGLE – Thank you, Mr. President. While I am satisfied with what has been given to us regarding some of the issues that we've raised on what can be audited and what can't. I do feel that two of the more important departments and issues to audit would be those under my the per view of the parks and rec. committee because I think there's issues there that need to be looked at. Because of the cancelation of the previous rec. board meeting in January I don't know that the rec. board has an opportunity to discuss what came forward on this. I think the mayor had indicated at a previous meeting that it was her anticipation that the cost of this audit would come from their budget or their share of it. I don't frankly know how much that share would be. But it strikes me that the rec. board should have in fact have the opportunity to have some input on that before we do it. Although I don't frankly think by passing this tonight that happens. Meaning that at some point you have to distribute the funds and we'll have to budget the money for this. But I just want to make it clear that I think the rec. board because if it in fact is going to come from their budget they need to know that because they're already very short on funds in accomplishing the goals that they have to accomplish it at the current time. So perhaps Madame Mayor can give us some enlightenment on that but about how what the process is about getting this out in to pay for it.

COUNCIL PRESIDENT TOWNSEND – Would you like to call the mayor up?

COUNCILMAN SLAGLE – Yes, I could I would. You understand my concern mayor and if I understand this correctly we're voting to go forward with the audit but we're not voting to go forward for payment of the audit yet are we?

MAYOR CATAZARO-PERRY – No, that payment will come 12 months after we receive the savings. So their savings should be able to make up for the payment and that pretty much should be a 0 just a wash. So then we have other ideas for our future as to how we can pay for that and it may not have to come out of anyone's budget or a very minimum amount. But I can't speak to that yet because we've not crossed that bridge yet. So we do have other ideas.

COUNCILMAN SLAGLE – So your expectation would be this audit would have very little economic impact on our park department at this time.

MAYOR CATAZARO-PERRY – Correct, yes.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter?

COUNCILWOMAN HALTER – Thank you, Mr. President. Mayor, we are actually entering into a contract as part of the loan program is that correct? So we are going to request a loan from the state?

MAYOR CATAZARO-PERRY – What they they do not charge you so they allow you to wait for the savings until you have to pay that back. So in essence in 12 months we'll be charged and we will owe them but you gain the dollars from your savings to pay that back. So yes.

COUNCILWOMAN HALTER – So we're not actually borrowing was it \$60,000 or \$70,000 we were not actually borrowing that money now?

MAYOR CATAZARO-PERRY – I don't believe so. Mr. Koher, he's been my right hand

man on this I just want to make sure I'm telling you the absolute...

BUDGET DIRECTOR KOHER – We will enter into a legal contract with the state auditor's office obligating us for the rounded to \$60,000. I'm not sure how they will handle that on their end that's probably a different areas of the state auditor's officer there. But it's a loan it's not a grant.

MAYOR CATAZARO-PERRY – We do have to pay it back. But in saying that we pay that back with our savings. So there should be money there to do that and as I said earlier we have some other ideas that we could possibly tap into in a year's time that I have a pretty good feeling that we would be able to cover almost the entire cost of this.

COUNCILWOMAN HALTER – Thank you.

MAYOR CATAZARO-PERRY – You're welcome.

COUNCIL PRESIDENT TOWNSEND – Okay. Councilman Manson?

COUNCILMAN MANSON – Yes, thank you, Mr. President. I just wanted to repeat what I've been saying for the last several weeks that I don't support this audit. Right now we're audited every year and as long as I've been on council now I think our audits have been pretty good. There's always couple of little things that are pointed out every year but they've done we've done pretty well we've had no major problems as far as the audits and how the city is operated. Also and this cost us probably \$60,000 every year maybe even a little more sometimes. Also last year we added a budget director that's salary of over \$60,000 with his combined duties. Going on line and looking at performance audits and stuff like that I just don't feel that this is worth the dollars that are to be spent. We have studied the parks and the golf course two times I believe in the last four, five years. I think most of the problems that are out there in the city are we've pretty much aware of. We have reduced our shortfalls considerably over the last year. So I won't be supporting a performance audit. That's all.

COUNCIL PRESIDENT TOWNSEND – Are there anymore questions? Councilman Peters.

COUNCILMAN PETERS – Just for the record Mr. President, I have in front of me the repayment terms. The cost of the audit funded by the LEAP fund plus accumulated interest must be reimbursed within one year from the day of the completion of the performance audit. The interest due will be equivalent to the average of the monthly yields for the state treasury asset reserve fund and shall be calculated for the time period during which the interest is accruing.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis?

COUNCILMAN LEWIS – The only thing I want to add to this is it must be paid within the 12 months or the one year? (Yes) So it's not like the payment plan or program starts in a year its saying that it ends in a year and we're going to have to come out of the \$60,000 approximately at that time. Also we will be able to pay that off with the savings if we so chose to follow through with whatever they suggest. If they come through and say well you need to lay off 20 employees and we say we're not doing that then we don't have the savings and we're still paying \$60,000.

COUNCIL PRESIDENT TOWNSEND – Are there anymore questions? Councilman Peters.

COUNCILMAN PETERS moved to bring Ordinance No. 3 – 2013 forward for a vote, seconded by Councilman Manson.

ORDINANCE NO. 3 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 1 NO.
MANSON VOTED NO.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 7 - 2013
COMMITTEE

BY: RULES, COURTS AND CIVIL SERVICE

Amending Section 2(D) OCCUPATION LIST OF CLASS TITLES- ENGINEER DEPARTMENT, BUILDING DEPARTMENT, STREET DEPARTMENT, PARK DEPARTMENT, SOLID WASTE DEPARTMENT and the WASTEWATER TREATMENT DEPARTMENT of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – ENGINEER DEPARTMENT, BUILDING DEPARTMENT, STREET DEPARTMENT, PARK DEPARTMENT, SOLID WASTE DEPARTMENT and the WASTEWATER TREATMENT DEPARTMENT, and enacting a new Section 2 (D) OCCUPATION LIST OF CLASS TITLES – ENGINEER DEPARTMENT, BUILDING DEPARTMENT, PUBLIC WORKS DEPARTMENT and the WASTEWATER TREATMENT DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

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COUNCIL PRESIDENT TOWNSEND – Councilwoman Scassa?

COUNCILWOMAN SCASSA – Thank you, Mr. President. This is the ordinance pertaining to the list of classifications we've gone over it. I don't believe anyone had any questions at the last work session pertaining to the positions that were deleted and those that were rearranged according to the contract negotiations that are currently going on. If anyone has any other questions tonight I can call the safety service director up but again nobody indicated they had any questions. With that being said I would like to make a motion to suspend the rules and bring this forward for its passage.

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

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

ORDINANCE NO. 7 – 2013 WAS PASSED BY A ROLL CALL VOTE FOR 8 YES.

16. NEW AND MISCELLANEOUS BUSINESS

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

SCOTT GRABER – Mr. President and city council members. 1218 Tremont Avenue SW, Massillon, Ohio. It's my understanding that you had an ordinance read given first reading tonight No. 12 – 2013. In section 1 the City of Massillon shall provide health care insurance to eligible city employees who elect to participate in the health care insurance as outlined in the health care committee by-laws per Ordinance No. 151 – 2012. I have the minutes from of the last meeting of city council for the year 2012 and the last ordinance that was passed in 2012 was No. 150 – 2012. I've looked at the minutes of the meetings in January and no Ordinance 151 – 2012 was introduced or passed. As far as I can find. If somebody could perhaps find that in the minutes of the last two meetings of city council last year which its not there and it's not in the minutes of this year any of this year's meetings. So then that would indicate that it wasn't passed here or considered by city council. I guess there's conflicts about this conflicting opinions but I would just like to know at which meeting 151 – 2012 was passed if it was not passed in the last meeting of the year the last ordinance was 150 – 2012.

COUNCIL PRESIDENT TOWNSEND – Mr. Graber what I will do I will ask the council clerk to research that issue and get back with on it.

SCOTT GRABER – Well, would believe that the people that signed the request for legislation should know that by now. I mean already before they signed off on it that 151 – 2012 was passed. I wonder how somebody could sign off on legislation not knowing whether this that it depends on was actually adopted. We had city council members in the committee meetings last

week stating that they don't remember seeing it and it doesn't appear that it was actually passed. So this would not be on the agenda properly then this 12 – 2013 but it is. I don't understand that that's...

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter?

COUNCILWOMAN HALTER – I believe that was the special meeting. That was passed at a special meeting.

COUNCIL PRESIDENT TOWNSEND – Alright, that was a special meeting. Alright, thank you. But as I stated before I will have the council clerk to look into it and she will get back with you on that. There's something I would like to just add of course this is my first day as council president and what I would like to do and I've spoke with the council clerk is beginning February the 11th our work sessions will be transcribed and posted on our website. In the past they were pretty much recorded and constituents would have to come in and purchase a tape. That is no more they can just go on Massillonohio.com to the city council's website and begin to review our work sessions. The format however will consist of statements made by the committee chairperson and committee members. We all know sometimes work sessions gets a little unorganized so that way our council clerk will not spend a whole lot of time trying to capture every statement that was made at the work session. Once again the committee chairperson, committee members, remarks made by department heads and administration will be documented and placed on our website. Our mayor has committed to transparency and I think that city council can follow suit in that particular area. That's all I have to say any questions about that?

COUNCILMAN PETERS – Run that by me one more time.

COUNCIL PRESIDENT TOWNSEND – Okay, our work sessions, the information what we talk about at our work sessions are usually taped and if somebody wants that information I believe there's a fee to it. They come in and want to know what we discuss at our last work session they would have to purchase either the tape or whatever our council clerk type up. Now they don't have to what they can do they can go on line and view what we discussed at the work session as you know the same way they do the council minutes. So...

COUNCILMAN PETERS – Okay, I got the rest of it. I just didn't catch the first part, okay.

COUNCIL PRESIDENT TOWNSEND – Okay, so did I answer your question? Yes, Councilman Lewis?

COUNCILMAN LEWIS – You know I'm not opposed but I think it's a good idea but is it a policy or a rule that we currently have in place that's only transcribed and if so do you have the unilateral ability to make that adjustment without us making some kind of adjustment to council rules?

COUNCIL PRESIDENT TOWNSEND – I don't believe there was a rule in place. Really a lot of other cities do post their work session minutes unfortunately we don't and we never have. I think you know I think we should start doing that.

COUNCILMAN LEWIS – And I guess as a follow up maybe Andrea that would probably fall under our committee we should probably formalize this procedure instead of leaving it you know out in the open.

COUNCIL PRESIDENT TOWNSEND – We can call up the law director maybe he could shed some light on that.

LAW DIRECTOR STERGIOS – Mr. President and ladies and gentlemen of council I believe we have a rule that the minutes of the regular meetings are to be transcribed before the next meeting. The rule does not specify committee meetings Mr. Lewis might have put it perfectly he's not opposed to it but the question is do we need to amend the rules to require transcription

of committee meetings. I think it would be a good idea to memorialize it even if we don't amend the rules to have a memo. But it might be better to just amend the rules and then in ten years when someone wonders where the heck this came from they can look. But I mean and I see a lot of cities post the audio which maybe less I don't know what's involved for us to do that but it maybe less labor intensive to put a link to the audio file as opposed to Mary Beth transcribing them. Because I think like he said sometimes the committee meetings you can have a lot of people talking at once and you have to determine what you want her to transcribe I guess. So....

COUNCIL PRESIDENT TOWNSEND – Okay.

LAW DIRECTOR STERGIOS – Either way would be sufficient.

COUNCIL PRESIDENT TOWNSEND – Well, thank you.

LAW DIRECTOR STERGIOS – You're welcome.

COUNCIL PRESIDENT TOWNSEND – What I will, what I will do is contact the gentleman that operates our website and I will look into the possibility of audio. If he's able to do that I will send an email out to everyone and ask if they prefer transcribed or audio. If it's easier for the council clerk to just present a tape so it's audio on the website then we will do that. But I think many of our constituents have complained over the years that you know they didn't know what was going on here nothing secretive is happening but at least we can have that you know so they are aware of what we're doing and saying. So that's it for me. Are there any remarks that...?

COUNCILMAN PETERS – No, we're past that section.

COUNCIL PRESIDENT TOWNSEND – No we haven't. Step up...

MARC KOLEK – I'm a property owner at 1331 Walnut Rd. I wanted to speak tonight about a sewer bill that is I guess is going to be assessed to me. The week of December 3rd Aqua Ohio was installing a new main water line on Walnut Rd. On Saturday night of that weekend December 8th we noticed six inches of sewer back up in our basement. After paying for a sewer company to come out and snake the drains they told us that the lines were clear except for a blockage of dirt and clay. They advised us that the line was collapsed somewhere roughly 75 feet away from the drain. The soonest anyone from the city could be out at the property was Monday. I worked directly with Jeff King of the engineering department, Jon Samsa from the wastewater department was also present. After making another payment to a sewer company to locate the line it was determined that our wastewater lateral was illegally run to the storm sewer drain. The property sits on the corner of 14th Street and Walnut. The wastewater line runs on 14th Street and dead ends.

COUNCIL PRESIDENT TOWNSEND – Excuse me is this southeast, northeast, southwest?

MARC KOLEK – Southwest, I'm sorry. The wastewater line runs on 14th Street and that's where my hook up was supposed to be and the storm sewer line runs down Walnut Rd. I witnessed the water company dig a hole where they said that the line was and located the collapse (inaudible) line. This is all information that I do not dispute at all. I was told by Jeff King that this needed to be handled right away he advised to call the housing department and safety services to see if there was any assistance for me. I called both the same day and I never received a call back from either. Then the next morning Jeff advised me that the city was going to take care of this and get it fixed because it was an emergency case. He said the city would pay for it up front and would make arrangements with me afterwards. At this point I was told nothing other than to have the door open the next morning for the sewer company or for the company to start the work in my basement. I was not consulted nor informed of any of the work being done. I contacted Jeff by email on January 3rd to request a bill and ask who I would contact for payment information. On January 11th eight days later Jeff sent me a copy of the invoice and asked me if I would be making a payment upfront. I informed him that I would not

be making any payment until I could speak to someone about the repayment process. This was the last communication that I received from the city I was never informed about a council meeting or this being brought up at all. Someone outside of the city actually contacted me and gave me a heads up on this. I then called Mr. Peters who is my councilman and he invited me to speak tonight. I'm here tonight to raise questions about how the city missed a line being illegally connected. The purpose of a city department is to protect homeowners I feel in situations just like this. I'd like to read some verbiage that is taken directly from the City of Massillon's website: The building and zoning department is responsible for residential, commercial and industrial code enforcement. This includes building and housing inspections, electrical, plumbing and hvac inspections, plan review, zoning and contractor licensing. The department will also issue certificates of occupancy and board of building and zoning appeals applications. I'm here tonight to ask how the city could miss someone digging a six foot approximately six foot deep hole all the way across a major residential road in the City of Massillon? Did no one notice the new payment or the removal of existing pavement? Is there a permit I ask that the city issued to let this happen in the first place? These are questions that I don't have and I would like to know the answers to them. I'm faced with a situation where I have \$6,200 bill being presented to me. I also have \$475.00 of plumbing fees on two different occasions and \$300.00 of clean up in damages to my basement. I'm asking that the city pays for this bill of \$6,200 and reimburses me for the damages to my basement. Not only do I feel the city was negligent in allowing for the installation in the first place I also feel that I was slighted in trying to someone trying to get this bill slid into my name without giving me a chance to speak on it. Thank you.

COUNCIL PRESIDENT TOWNSEND – Thank you. Councilman Peters the gentleman said that you spoke to him? Have you met with him and possibly along with the engineer's department?

COUNCILMAN PETERS – Well, this ordinance isn't on the agenda for that reason am I correct?

COUNCIL CLERK BAILEY – The financing portion was.

COUNCILMAN PETERS – Oh it was? Oh, that's the one...right okay that's section 2 of Ordinance No. 13 – 2013. Right and I informed him that he could come to council and state what was going on but that's all the communications I've had. But I asked we asked the city engineer at the work session you know and he had a little bit different view of it. But this was strictly for the finance part that's all we you know that we did. We have no control over all the other things that are going on I mean its just we're just appropriating the money to an account to take care of what we were doing. Because it was and the engineer can come up and speak it had to be done right away because it was in violation of one of our codes. I don't have that code in front of us but it's illegal to discharge waste into the storm water sewer. Am I correct Keith in saying that? Yes, so that's all I have on it. And I told Mr. Kolek that that's all I had but I invited him to council you know to speak to that.

COUNCIL PRESIDENT TOWNSEND – Okay. Councilman Manson?

COUNCILMAN MANSON – Does anybody have any idea how long this has been like that without any problems or anything or when the house was built or...?

MARC KOLEK – The house was built in 1927 there's never been a problem with (inaudible).

COUNCILMAN MANSON – Okay.

COUNCIL PRESIDENT TOWNSEND – Okay, are there anymore questions? Okay, Councilman Manson make a motion to adjourn.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

TONY M. TOWNSEND, PRESIDENT



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