

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, AUGUST 19, 2013**

COUNCIL PRESIDENT TOWNSEND B I'd like to welcome all of you to Massillon City Council for Monday, August 19, 2013. We have in attendance with us this evening the following city officials we have Auditor Ferrero, Interim Police Chief Bill Peel, Building Superintendent Bill Kraft, Parks and Rec. Director Doug Nist, Community Development Director Ted Herncane, Law Director Perry Stergios, Mayor Kathy Catazaro-Perry and Interim Safety Service Director Jim Johnson. 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 to vibrate.

1. ROLL CALL

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

Thus giving a roll call vote of 9 present.

2. INVOCATION

COUNCILMAN CHOVAN Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN CHOVAN – Chairman of the Police and Fire 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 finally done) 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 – This is the part of the agenda

where citizens may speak on a topic that appears on tonight's agenda. If you would like to speak on something please come to the microphone at this time state your name, address for the record the topic you want to discuss at this time. Okay, I see no one and I will keep moving right along. We will move into Introduction of ordinances...

COUNCILMAN MANSON – Point of order, Mr. President.

COUNCIL PRESIDENT TOWNSEND – Pardon?

COUNCILMAN MANSON – Point of order.

COUNCIL PRESIDENT TOWNSEND – Yes.

COUNCILMAN MANSON – I have something here I'd like to discuss I sent an email out it has to do with Ordinance No. 89 that we passed last week at the special council meeting. And there's some of us that maybe feel we got a little bit hasty and didn't give this consideration like we should. I'm not sure if we talked about it for a month that it would change but I know myself I felt a little uncomfortable with the decision that we were making. So I want to make a motion that we reconsider Ordinance No. 89 – 2013.

COUNCIL PRESIDENT TOWNSEND – Okay, do I have a second? Mr. Stergios, could you come up please? This is a first situation I've had to deal with I need a little clarity and some guidance here.

LAW DIRECTOR STERGIOS – Mr. President, ladies and gentlemen.

COUNCIL PRESIDENT TOWNSEND – As you heard Councilman Manson would like to bring Ordinance No. 89 back for reconsideration. What steps should be taken?

LAW DIRECTOR STERGIOS – We need a motion which we have.

COUNCIL PRESIDENT TOWNSEND – Right.

LAW DIRECTOR STERGIOS – And a second.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilman Slagle.

LAW DIRECTOR STERGIOS – Oh, I didn't notice that he seconded it. So we take a roll call vote if it passes then we vote on the regular ordinance again. First we have to pass reconsidering it.

COUNCIL PRESIDENT TOWNSEND – Okay.

LAW DIRECTOR STERGIOS – Then you can discuss it again and then we have to vote on passage again.

COUNCIL PRESIDENT TOWNSEND – Okay.

LAW DIRECTOR STERGIOS – It doesn't go back to first reading or any I mean its being reconsidered. Excuse me, so generally there'd be two votes,

one to reconsider it and then to vote on it again.

COUNCIL PRESIDENT TOWNSEND – To vote on it again.

LAW DIRECTOR STERGIOS – Does that sound right?

COUNCIL PRESIDENT TOWNSEND – Yep, Councilman Manson.

COUNCILMAN MANSON – If we did reconsider bring it back to the agenda for discussion could it also be tabled again?

LAW DIRECTOR STERGIOS – I do not believe because...

COUNCILMAN MANSON – Well, that could be our official action for table it for two weeks. We don't have to necessarily pass it or turn it down either one. We can table it...

LAW DIRECTOR STERGIOS – But its already been passed.

COUNCILMAN MANSON – Well we can table it while we're reconsidering it. If we reconsidering it then we're bringing it back out.

LAW DIRECTOR STERGIOS – You could I guess you if you vote to reconsider I guess you could table it the more I think about it. But...

COUNCILMAN MANSON – That's I...okay.

COUNCIL PRESIDENT TOWNSEND – Okay, now I have a question. Since its been a while since I sat over there. Now who are able which council members are able to do that? The people who voted no or the people that voted yes?

LAW DIRECTOR STERGIOS – The only the prevailing side can move to bring it forward and I'm not sure I know somebody missed last week. But I know that Mr. Slagle voted against it. So basically anyone can bring it forward. Anyone that was absent or prevailed can make the initial motion.

COUNCIL PRESIDENT TOWNSEND – Okay.

LAW DIRECTOR STERGIOS – After that its just any normal vote.

COUNCIL PRESIDENT TOWNSEND – Okay. Is there any discussion? Would you like to share with your fellow council members on why you made that decision?

COUNCILMAN MANSON – Well, first I think we have to decide on whether or not we're even going to bring it back and talk about it. So...

COUNCIL PRESIDENT TOWNSEND – Okay.

COUNCILMAN MANSON – I believe isn't that what you would say Mr. Stergios?

LAW DIRECTOR STERGIOS – Yes, yes, yes, I would.

COUNCILMAN MANSON – That we have to vote on...

LAW DIRECTOR STERGIOS – Vote on reconsidering it.

COUNCILMAN MANSON – Reconsidering it first.

LAW DIRECTOR STERGIOS – If you vote against reconsidering it no reason to discuss it. But that's up to you guys.

COUNCILMAN MANSON – I mean I gave the reason; I gave the reasons that I was that personally why I was bringing it up to reconsideration.

COUNCIL PRESIDENT TOWNSEND – Okay, you made the motion, he second. Madame Clerk, roll call please?

Roll call vote of 5 yes, 4 no to reconsider Ordinance No. 89 – 2013. Halter, Lewis, Peters and Scassa voted no.

COUNCIL PRESIDENT TOWNSEND – Okay. So now we're...

COUNCILMAN MANSON – Point of order.

COUNCIL PRESIDENT TOWNSEND – Yes, Councilman Manson?

COUNCILMAN MANSON – I don't think that we want to discuss either passing or defeating this thing tonight. I feel that we need some more discussion on this. My recommendation would be to table for two weeks and then have our discussion.

COUNCIL PRESIDENT TOWNSEND – So we had a vote to reconsider...

COUNCILMAN MANSON – I just made a motion to table for two weeks.

COUNCIL PRESIDENT TOWNSEND – Mr. Stergios, can you come up again?

LAW DIRECTOR STERGIOS – That's why I never left.

COUNCIL PRESIDENT TOWNSEND – Right. Exactly, so, we had a vote to reconsider discussing Ordinance No. 89. He doesn't want to discuss it.

LAW DIRECTOR STERGIOS – We're reconsidering passage technically. So it's back on the agenda to pass or vote down. I believe that it's proper to table it for two weeks if that's what council chooses to do or force it to a vote right.

COUNCIL PRESIDENT TOWNSEND – Okay and 89 came out of finance.

COUNCILMAN PETERS – Yep.

COUNCIL PRESIDENT TOWNSEND – Do you have any comments, Mr.

Peters?

COUNCILMAN PETERS – Only that I'm against tabling it. I'll bring to mind the minutes from the last meeting where we passed this ordinance and I specifically asked the members of council if we were prepared to bring it forward tonight or do we want to just give it second reading. Councilman Chovan said bring it forward, Councilman Slagle said second reading and I had no other objections from anyone else. You asked if there was any discussion on it and no one said anything. So I'm against, I'm against tabling it, I'm against reconsidering it. That's where I'm at.

COUNCIL PRESIDENT TOWNSEND – Okay, Councilman Manson.

COUNCILMAN MANSON – Well, the reason I said that is because I think some people were unprepared because the week before is you know you said what you said in the last meeting. But the meeting before that you did indicate that you intended to have a special meeting for second reading. That's all you said and I think a lot of people believed that we were going to be acting on second reading and then we were going to be acting on it tonight. I just think there were some people caught a little unprepared to make the decision. They did not want to say just vote it down but that's why I wanted to reconsider it. My proposal is to table it for two weeks and discuss it some more.

COUNCIL PRESIDENT TOWNSEND – Could we have some type of discussion on Ordinance No. 89. It appears to me that there are some questions out there and I think this is possibly the proper time to ask those questions and possibly get the answers. Councilman Lewis?

COUNCILMAN LEWIS – I guess I'm looking for a little bit of clarification as to what the setting is that we're currently sitting in. According to the Robert's Rules of Order it says any reconsideration motion that is taken the discussion has to be completed within the current session. So are we in a session now that ends or is the entire two year body a session?

COUNCIL PRESIDENT TOWNSEND – I think we are currently in session right now.

COUNCILMAN LEWIS – If this is a current session that will be completed at the conclusion of tonight then we have to conclude the matter for reconsideration by the end of the evening.

COUNCIL PRESIDENT TOWNSEND – I totally agree. Mayor, would you like to come up?

MAYOR CATAZARO-PERRY – I'd love to. Good evening, council and Mr. President. I wanted to let you know that a very points that Mr. Slagle said last week were not true. You may have received a correspondence today from Attorney Craig Conley. But I want you to know that our law department has been in contact with Mr. Conley's department multiple times. So that comment that our law director was never in contact with Mr. Conley they've had numerous conversations as well as I've had conversations. So that

comment that was made last week is unfounded. We have worked diligently with Mr. Genshaft. We are on a timeline and we need to get that closed this week at the end of the week. That park will be closed and they'll start renovations right away. Now I do not want Mr. Genshaft to walk away from this. This is a wonderful gift he's given to the city. This is a chance that you all can make this right. Because years ago it was portrayed to us that the Genshaft family was behind this when they were not. They don't want any publicity, they don't want to get out in front of this so I'm sharing this with you. This is a wonderful gift to our city and there's another place if there's a Kohl's that wants to come. There's another place for a Kohl's there's other areas that we can grow economically. So I will assure you of that but I would ask that you support this tonight. Again, Mr. Genshaft is doing this for his father, it's a wonderful gift and he'd like to see this stay. And you may change it. It doesn't always have to be a softball field, it has to stay for recreation. So if something should happen and softball is gone in the future you could turn it into a soccer field. It just has to stay for recreational purposes. So with that I just plead with you to please do not change your mind on this. I don't know what kind of political games are going on but there's some political gamesmanship going on. It's a wonderful gift from Mr. Genshaft and we need to accept that wholeheartedly. I appreciate your time.

COUNCIL PRESIDENT TOWNSEND – Councilman Slagle?

COUNCILMAN SLAGLE – Absolutely untrue. There was no political gamesmanship in this. I never suggested that this administration did not contact the law department. But we are an independent thinking body. We should have had the opportunity to discuss with the law department and we had the member of the law department here. Number one, I didn't bring this to us three weeks ago and try to rush it through. To suggest for one minute that I played any political games on this particular issue just shows how low this current administration can go. There's nothing political about this we're making a decision regarding giving up any future rights to deal with a piece of the city property in perpetuity if we don't comply with this agreement. I think that's something that we should discuss more than one meeting. Now I wasn't involved in the decision making on this at all. I don't know who was involved, I don't know how it came about but I think we as a deliberative body a separate body from the administration should take a decision making process that considers all the ramifications of what we did. That's my only complaint. And Mr. Peters can say all he wants that he brought it up and there was nothing there. But I literally almost walked out of this meeting because he said he'd give it three readings that the only reason he was bringing it to two was because there was an issue about time. And I would of I agreed with that we're going to discuss it at that meeting. But he didn't even give the courtesy of a member of his committee pre-notice of that occurring. So for one minute this is not political I do not know what the mayor is on tonight to even suggest that I'm making this a political issue.

COUNCIL PRESIDENT TOWNSEND – Councilman Slagle lets debate the motion and the character of individuals. I mean we have to debate the motion. I want to reference Robert's Rules of Order as Councilman Lewis has...

COUNCILMAN SLAGLE – Then perhaps you should have disciplined the mayor when she attacked me for that reason. Two reasons, political, not and I never suggested she didn't contact the law director its us, us that had a right to discuss this with the law director and bring them up and ask them the ramifications of this. And we were not giving that opportunity.

COUNCIL PRESIDENT TOWNSEND – All though Ordinance No. 89 is not on the agenda but since we are discussing it Mr. Conley would you like to come up and say something?

CRAIG CONLEY – Thank you, Mr. President, Madame Mayor, council. I represent Fresh Mark Inc. I believe you've all received all my correspondence. Mr. Slagle in his email does say quote "our law department was not consulted" I'm not sure what he thinks that means. But I agree with the mayor I took it to mean the law department was kept in the dark. I was here for the first reading Mr. Stergios actually went up there next to the president and commented about the agreement. So council had opportunity to question him at that time. At the last meeting I believe Mr. Stergios was on vacation Mr. Cyperski an assistant law director was here. In fact a good looking white haired guy he was here nobody asked. When the ordinance was called for a vote Mr. Slagle didn't jump up and say wait a minute point of order I'd like to discuss it. He didn't say anything except no. But and then Mr. Slagle indicates that I somehow misled council. Certainly did not. This property is already under this forever perpetuity requirement under federal law. Judge Haas did not address federal law he addressed the Ohio Revised Code and said the city had a right to do this and to do that. The federal law in the grant restriction was not before Judge Haas. He didn't mention it. When I told council in my memo that its very difficult if not impossible to get around that grant restriction. That's true. It is a real tough thing to do. And I even provided council copies of the emails that were exchanged between the National Park Service and ODNR. I didn't make up those emails. I got those on a public records request. ODNR behalf of Mayor Cicchinelli asked National Park Service can we do this, this and this. National Park Service response no and the problem is of course this property is worth a pile of money to a potential developer. Of course it is and why is that? Location, location, location, location but that location is also what makes it attractive for a public outdoor recreation facility. You can find the darn thing. You can park. You can go across the street and shop, buy a soda pop, go to a hotel, buy gasoline, buy food. Of course it's a great location. But that's what makes it a good facility for its current use or as the mayor said you're just restricted from changing it to something besides outdoor recreation use. You're not restricted to maintain it as a softball field if forever. Fat old guys like me don't play softball I probably should. But it is a very popular sport and it is a very wholesome thing. It's a good thing for the community. And when you look at I did not provide council a copy of the complete National Park Service manual. Because only one volume is like 20, 30 pages long. But I referred to it in the memo I delivered to council tonight. If you decide to convert Genshaft Park or any park for which you've received grant money from the federal government you must replace it with equivalent property. Property of equivalent or greater value so if you think well I'm going to sell Genshaft Park and get two million dollars. Well if two million dollars is the fair market

value you have to turn around and spend that two million dollars to replace the property. As I would understand the law reading this federal financial assistant manual which is almost written so almost anybody can understand it. It doesn't have a lot of legal bologna in it. You're not allowed to lessen the total amount of park land when you convert a park. So you're not allowed to move Genshaft Park to an existing park but you've got to get new land that's not presently used for park land. So you get two million dollars from Kohl's you've got to turn around and replace that property with something of equal value of not it doesn't have to be same location or even adjacent location but its got to be nearby. It's got to have a similar value to the public and a similar market value. So when you sell the property down the road you're robbing Peter to pay Paul. You're going to have to spend that money to replace that land. If you have a 100 acres of park land you're not allowed to get rid of 10 acres and end up with 90. You have to end up with at least 100. And that means if you and Genshaft Park I don't know the acreage I think 17 acres but if you get rid of 17 acres of park land you got to replace it with a new 17 acres of park land. Mayor Cicchinelli's whole game plan was to plug a hole in the budget. But it wouldn't of worked. And don't take my word for it read the emails that were exchanged between the National Park Service and ODNR. I'd respectfully suggest I don't what's bad about maintaining land in perpetuity for the public's use for outdoor recreation. I don't know how that's a bad thing. I gave you all the example of Manhattan Central Park. Maybe there's more expensive real estate in the United States than Central Park but I'm not sure what it would be. Not an inch of that park has been depleted in 150 years in fact they've added to it. They've used eminent domain to add to it. That's a pretty darn good example of a government that had the sense to know that recreational use for the people is more important than putting a Wall Street building there. It's more important. If its more important in New York City I'd say it sure should be here in Massillon, Ohio. I would close and thank you kindly Mr. President for letting me ramble on I would close with here's the scoop my client is willing to this but only if its maintained in perpetuity as an outdoor recreation facility. It there's any delays if there's any battles I've been instructed to tell you my client will walk away. Don't want any newspaper articles, not going to sue Mr. Slagle for defamation like I should. But we're just going to walk away and so take it or leave it. It is a good deal it's a gift from God so to speak and it's a head scratcher to me why its being brought up again. But we don't question city council's wisdom, city council wants to do this I'm not going to research as Mr. Stergios was advising you can you do this way, can you do it that way. If council votes to delay this council votes to rescind it we're done. We walk away. We're already looking at a project in Canton, we'll give them the money or maybe we'll just keep the money. But we're not going to do this again. I'm not going to fight with Mr. Slagle, I'm not going to file suit, I'm not going to debate it. My instructions are walk away and that's what we'll do. That would be a tragedy. But if it is, it is. Thank you, Mr. President.

COUNCIL PRESIDENT TOWNSEND – Thank you. Councilman Manson?

COUNCILMAN MANSON – As I said at the start I may talk about this for

another month and still vote exactly the same as I did. But the problem was I don't believe we had adequate discussion and I think part of the reason we didn't is we weren't prepared to discuss it and pass it last Monday night. We thought it was going to get second reading. I still want to make my motion to table for two weeks. Roberts Rules what it says deal with it tonight well part of dealing with this we could either turn it down, we could approve it or we could table it. That's part of our normal procedure right here and I think that's still a legal or a proper alternative for us. That's you still have my motion to table. And on top of it just this decision we've had here right now tells me that you know it needs to be discussed. We should of taken more time to discuss this. You know and I feel bad you know there are there is a lot of times spent on something. But when you come in and hit us with it there are a lot of questions that we need to ask too and people have to realize it takes time. Sometimes it takes three readings for a person to just get comfortable with the decision they're making especially one this big. And its anyway you look at it it's a \$1,200,000.00 or \$1,400,000.00 and we already had a \$3,400,000.00 offer for it. So this is a serious decision. And I'm not saying vote against it but what I'm saying is I would like to table it and I think that's proper motion.

COUNCIL PRESIDENT TOWNSEND – Okay, anymore questions?
Councilman Slagle?

COUNCILMAN SLAGLE – Well, I'd like Mr. Stergios to be called up please.

COUNCIL PRESIDENT TOWNSEND – Mr. Stergios?

LAW DIRECTOR STERGIOS – Mr. President, ladies and gentlemen, Mr. Slagle.

COUNCILMAN SLAGLE – Is the National Park Service and the Federal Land and Water Conservation Fund Act is as clear as its been portrayed to us that's exactly what has to happen or not?

LAW DIRECTOR STERGIOS – Here's a 25 page memo of what you have to do to convert land. It is very convoluted, complex, it wasn't granted before no one knew the ramifications of what happens if we sell it with this restriction in place. But you know the things that Mr. Conley gave you and the things that I've been oh geez this one's only six years to the day since I had to last go through this "shall not be converted to other than public outdoor recreation use but shall be maintained in public outdoor recreation in perpetuity. The secretary shall approve conversions only if found to be in accord with existing blah, blah, blah." So it's very hard to get a conversion approval and what we were trying to do six years ago to my recollection was to get them to let use part of Community Park as the conversion land. But the problem was that we already owned Community Park. You're supposed to take the money that you get from selling something with this restriction on it and use it buy comparable land. You got I mean we paid for appraisals, we paid who knows what in attorney fees to try to do all this and then the whole thing fell apart. But initially the Department of the Interior and the Federal

Land and Water Conservancy people and the Ohio Department of Natural Resources didn't grant the plan or didn't grant the request. But then the whole market went under and Kohl's walked away anyhow. So it never...just ended. But yes the restrictions there what can do they do to us if we violate it is another question. They only gave us \$82,000 at the time but that was 1981 thereabouts.

COUNCILMAN SLAGLE – So what is the ramification to the city if in the event that something like that were to occur and were to be transferred? Or don't we know that answer?

LAW DIRECTOR STERGIOS – I don't know if we know that answer. What I do know is that the people with Visconsi and Kohl's were not willing to pay the money and take a deed with this thing hanging out there. Even though it's not of record and the only reason anyone even knew about it is because Aane Aaby said "hey by the way we got a grant" not to buy the land but to building some of the ball fields some of the infrastructure. If he hadn't said that it probably would have gone through and no one would have ever thought about it. But I don't know how they keep track I mean that's you know I was in college then. I don't know how the feds keep track of it to be quite honest. But you know they count on ODNR the money comes from the Department of the Interior to ODNR and I believe they count on ODNR to monitor these things. But I don't know if they really do or not. I probably answered a different question but...

COUNCILMAN SLAGLE – Well I don't think you answered the question that we don't know. We don't have a concrete answer though.

LAW DIRECTOR STERGIOS – Not to what would happen if we sold it to somebody, no.

COUNCILMAN SLAGLE – Because it's not on record. (Right) So the question is what can the government do about enforcing something that went into effect against this in the event that we were to do it.

LAW DIRECTOR STERGIOS – They might withhold future grant money, they might demand that they get the sale proceeds; they might only demand that they get their \$82,000 back. I mean that was the question that never was completely answered because we never got to that point. It was decided at the time by council and the administration and the park department and the park and rec. board and everyone that lets try to get this conversion done. Right or wrong.

COUNCIL PRESIDENT TOWNSEND – Okay, thank you.

LAW DIRECTOR STERGIOS – Well, I think there's more questions I'm not leaving yet.

COUNCIL PRESIDENT TOWNSEND – Okay, yeah. Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. Its I want to bring Attorney Mr. Conley back up for a question.

COUNCIL PRESIDENT TOWNSEND – Sure. Attorney Conley, would you come up please?

COUNCILMAN PETERS – Before I ask you the question and I've got to say something first. I was under the understanding also that we had a special meeting last Monday night it was called by the mayor because we were under a time constraint and we had to act that's why we wanted to give it second reading so that tonight it could be given third reading and put it up for a vote. Point blank question if council tables this are you and Genshaft walking away from the deal?

CRAIG CONLEY – My instructions is that yes now whether or not he would change his mind and relent for a couple of weeks. I think that the problem is trying to get this done beginning immediately or very shortly after the end of the ball season so it can be completed and the grass can be rooted so that when you get around to spring it's ready to roll.

COUNCILMAN PETERS – Yeah, not to interrupt you Mr. Conley not to be rude alright I just want a simple yes or no. If we table this are you walking away?

CRAIG CONLEY – That is my current instruction that's what it says in my memo. The answer would be yes.

COUNCILMAN PETERS – Thank you.

CRAIG CONLEY – Anything else Mr. President?

COUNCIL PRESIDENT TOWNSEND – No, that's it. Councilman Chovan?

COUNCILMAN CHOVAN – This actually there would be one if you don't mind. This has nothing to do with selling the park this has more to do with paragraph 5 where it talks about once the renovation is done the city agrees to forever maintain Genshaft Park in its immediate post renovation condition. I have a real question now that I've read this again this is why I want to reconsider this of whether we're going to be able to do that as a city. I mean look at the condition it's in now. What makes us think we're going to spend all this money and make this thing gorgeous and then be able to keep it there as stated in this agreement? And if we don't what happens to it?

CRAIG CONLEY – Well, Mr. Stergios and I actually discussed that paragraph and he had posed a substantially similar question to yours. First of all it's written in a rather loosey goosey fashion intentionally so. It uses the phrase commercially reasonable manner and substantially and that was done intentionally to give the city some running room so to speak. Those are pretty broadly based terms as a matter of law and I did that on purpose. Because I knew Perry would bring up the question and he did. And If that language will not be in the deed restriction, the deed restriction will use the National Park Grant lingo of perpetual outdoor recreation use I think is the term. The city as I understand I wasn't here but I think a month or two ago a presentation was made to council probably with bells and whistles and slides I don't know

showing what the project would look like. My understanding is its not going to be maintenance free but it's brand new. It's like a brand new car you ought not have to do too much for it to for quite a while and here there aren't a lot of structures to maintain. There's fences and back stops and I don't remember but it's basically and it will be re-grated so you won't have the ponding and the flooding and the wash out problems you currently have. I can't say it would be maintenance free because that's not true about anything really but it should not require very much maintenance for years and years and years. Basically cut the grass and rake the dirt. So it's not like a building that you have to maintain it's built to be weather proof so to speak because it's outside. Plus you have a park levy funds are supposed to be dedicated for parks and I realize that the golf course continues to be a burden. But God willing you can get that fixed or get rid of it. And I'm not expert and I don't know if anybody asked the architects and the engineers and contractors that were here before but it would seem to me maintenance will be minimal for a long time. So I don't see that the city's going to have to reach in its pocket and pull out a big pile of money. If it does its got a little bit of an escape valve with this commercially reasonable substantial Perry's beat me in court before and I've beat him in court before but those words give him the leg up on me. That they're broad enough to give the city a lot of wiggle room. I wouldn't anticipate to begin with that there's much maintenance anyhow and particularly on a new facility. But you'll be pleased to know that your law director did think about that and we did talk about and he was satisfied and I'm hoping city council is satisfied. Any other questions from council or Mr. President I don't mean to be out of order?

COUNCIL PRESIDENT TOWNSEND – Councilwoman Cunningham-Hedderly?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – We seem to be under this time constraint. My question is why wasn't this brought to us a little sooner? You said two months and I know it was not two months ago when we had this presentation.

CRAIG CONLEY – Well, I don't know why it wasn't brought to you sooner. I know that and the mayor can correct me it's my understanding that the city administration I believe somebody from the parks department and the mayor approached my client a few months ago. My client didn't come to the city and say "can I write you a big check." It was the other way around. I believe those discussions had been going on for months and it takes some considerable time to put together the architectural rendering and the schematic and all the pieces and parts for the contractor. Could it have been done a year ago? I don't know. But you know that's just the way that the cards laid on the table. I don't why it didn't start sooner. But I believe it was just a matter of a few months after the mayor and the parks department approached Fresh Mark they moved rather expeditiously in an attempt to get this done in time for the ball season next year. But I guess I really don't know why wasn't it done in March instead of June or whenever. I don't know.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – When we acted on that last Monday we'd had it for three weeks. That's part of the problem. Like I said before if I sit and talked about it for another month I may just vote for but still the problem was the rush and the lack of discussion on it and it is a serious subject. It's quite an expensive piece of property and I just feel that we needed adequate time like I said some of these big decisions you need adequate to get comfortable with them. That's where I'm not faulting the administration in this but I realize when you work on something for a long time when you finally do get a project done naturally you want to get it going and move it forward. You're sure you have a great project and that's what you want to do. But still its our job like Mr. Slagle said we're we're a deliberative body we are a separate branch of the government. We need to sit down and do our job. That's why I said that. And that's you know I wouldn't want if this was tabled I wouldn't want this reflect on the decision to eventually pass or not. But I do think there was time we needed time to discuss it. And it already shows how long have we spent here half an hour discussing it now. Maybe a little longer than a half hour meeting started at 7:30 and its 8:15 so we've spent most of 45 minutes discussing this subject.

COUNCIL PRESIDENT TOWNSEND – Okay, we have Councilman Chovan and then Slagle, then Halter. Chovan?

COUNCILMAN CHOVAN – Thank you, Mr. President.

CRAIG CONLEY – Anything else for me Mr. President?

COUNCIL PRESIDENT TOWNSEND – No.

COUNCILMAN CHOVAN – You know I just want to make a statement. You know I can appreciate the amount of time it takes to put something like this together. The fact that it comes down to this discussion now after all the hours from the administration, Mr. Conley, Fresh Mark its seems to me we could have saved a lot of time had we had this discussion first. Like what if I were able to do this, what if we were given a grant like this, what you guys think about it? And once again this is what happens when something gets brought to us and we're put on the spot to either pass it or not pass it. I just think a lot of leg work up front could have saved us a lot of time now. A lot of meeting together up front could have saved us time now. Thank you.

COUNCIL PRESIDENT TOWNSEND – Councilman Slagle?

COUNCILMAN SLAGLE – Yeah, I don't, I don't know if it's a good or a bad thing it looks like a good thing in many ways but my job isn't to make a debt decision on whether its good or bad. My job is to look at everything from the get go, see what we got and then decide whether based on every piece of information we have its something that we should vote on. I'm concerned that this clause in #5 that if we don't Mr. Stergios if we don't maintain Genshaft Park in substantially its immediate post-renovation condition then it reverts back. Is that correct that's a potential possibility? (Yes) At which point it triggers the same problem we have about transferring the real estate that the government can come in and say "you owe us a bucket

load of money”.

LAW DIRECTOR STERGIOS – It’s a conundrum. You’re right I mean I brought that up with Mr. Conley and we both basically agreed that its about you know it’s a very hard thing to define as to whether we done it in a commercially reasonable manner. But also someone would have to push the issue but its an issue. You know well I won’t say what I think.

COUNCILMAN SLAGLE – But in the future 20 years down the road if something happens and there maybe a very good commercial reason to push the issue would that be a fair statement?

LAW DIRECTOR STERGIOS – If that would happen in the future? (Yeah) That they would have a right of a reverter and either the family or the heirs or Fresh Mark because I think will have the right to enforce that against us or would have to waive it. I mean...

COUNCILMAN SLAGLE – So we’re wedded to the future heirs of Fresh Mark and/or the Genshaft family and the current Genshaft family and for anyone to interrupt me as saying anything other than I think this is a very generous gesture is just misreading everything and hasn’t listened to a word I’ve said. But then its like I tell my clients when you do this then you’re wedded to the future to the people that you have no control over. Is that a fair statement?

LAW DIRECTOR STERGIOS – That’s a fair statement, yes.

COUNCILMAN SLAGLE – And Genshaft I’m done with you, thank you, Perry.

LAW DIRECTOR STERGIOS – You’re welcome.

COUNCILMAN SLAGLE – Genshaft Park when we put it in was a state of art facility that was beautiful it was great ball field that everyone loved. And the reason we’re doing this now is because it hasn’t been maintained and they don’t like the way it looks and we think it can be better. That’s what my concern is I just think with these kinds of decisions we need more deliberative time. And Mr. Conley I appreciate that he gave this stuff to us but as I recall I think I looked at them when I was here although it might have been in my mail the one of them in my mail. But unfortunately I didn’t look at until I got to council because I don’t always look at everything that’s sent out on Friday. Because this isn’t a full time for me as you might expect. This is just a complex issue you know I you can do what you want but I appreciate the fact that we’re at least discussing it now.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter?

COUNCILWOMAN HALTER – Thank you, Mr. President. I don’t think that I was on council when the Kohl’s deal was involved with this property. But I remember that I kept very close tabs on that. I don’t know why I already knew what we discussed tonight. So I just figured we didn’t discuss it because everybody knew that we had to buy property equal to Genshaft and

that it had it could not be part of Community Park it had to be another property and so forth. I just I just thought there was no reason to discuss all that because that had been in the paper and everybody knew it. At least I thought everybody knew it. I understand how Mr. Genshaft must feel I think we need the ballpark I'd like to see it go there. We have a lot of room for development of other commercial of other retail we've got plenty of plenty of room down in the southern part where we've annexed. I think that's a great place for the ball field with all the bright lights and the noise and everything you don't want to put it in the neighborhood. As far as my concern was the maintenance the same thing that Mr. Slagle said I was very concerned about that. But that could be part of council's problems in the future is that we have to stay on the administration to stay on the park department to take care of it. That's something we can do park and rec. committee of council can do that. So I'm going to vote to not table.

COUNCIL PRESIDENT TOWNSEND – Okay, Councilman Lewis?

COUNCILMAN LEWIS – I just want to make one point before we move forward. Two weeks ago an Ordinance No. 87 it was an ordinance that switched the split of the city to what 99.75% and .25%. That's our split now that was up for first reading we had a little bit of debate and it got the readings were suspended and we ended passing it on a tie vote broken by the president. That legislation right there essentially sends the message out for me of forget about capital improvement projects, forget about your roads for the rest of year cause we're only saving about .25% who cares we're not doing it this year. Then comes along someone who wants to give the city a million dollars and we're like hold up we can't do this quickly we better think about. So turning off capital improvements can be quickly but receiving a gift of a million dollars needs a month or more to think about. That to me doesn't seem very logical. We're receiving an excellent opportunity, excellent gift and I think we need to take advantage of it and do something good for the community and repair a park that for whatever reason is horrible. I have a person in my ward who uses that park regularly and he tells me about softball skipping off of boulders in the in field about all kinds of safety hazards that these people are playing on. Its time that we did what that park deserves and that's having it improved and thank the Genshaft family for their generosity.

COUNCIL PRESIDENT TOWNSEND – Are there anymore questions? Okay, we have a motion on the floor to bring Ordinance No. 89 forward to discuss it we've done that. Councilman Manson brought another motion to the floor to table Ordinance No. 89 and we must address that. Roll call...

COUNCILMAN PETERS – Needs a second.

COUNCIL PRESIDENT TOWNSEND – I think Councilman Slagle second that.

COUNCILMAN PETERS – I didn't know that.

COUNCIL PRESIDENT TOWNSEND – Madame Clerk, roll call please.

Ordinance No. 89 – 2013 was not tabled roll call vote of 7 no, 2 yes. Manson

and Slagle voted yes.

COUNCIL PRESIDENT TOWNSEND – And where is my buddy the law director? Okay, to table it indefinitely has been defeated. The ordinance has passed initially passed remain that way?

LAW DIRECTOR STERGIOS – We vote one more time. It's up its on its been being reconsidered so you vote to either pass it again or turn it down. I think is the easiest way to does that make sense?

COUNCIL PRESIDENT TOWNSEND – Okay, I guess.

LAW DIRECTOR STERGIOS – Yeah, its up for another vote.

COUNCIL PRESIDENT TOWNSEND – Okay, its from the words of the law director. Okay, we need a motion to pass it. Councilman Peters?

COUNCILMAN PETERS moved to bring Ordinance No. 89 – 2013 forward for a vote

COUNCILMAN MANSON – I don't think we need a motion to pass.

COUNCILMAN PETERS – Yeah, its third reading actually.

COUNCILMAN MANSON – Well it was brought back out we didn't table it so now we have to vote either pass it or not pass it.

LAW DIRECTOR STERGIOS – It's just up.

COUNCIL PRESIDENT TOWNSEND – So its just up. Roll call please Madame Clerk.

ORDINANCE NO. 89 – 2013 WAS PASSED BY ROLL CALL VOTE OF 9 YES.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 90 - 2013
DEVELOPMENT COMMITTEE

BY: COMMUNITY

Authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Block Grant Programs for the fiscal year 2013 which the City has provided through the CDBG Program funding, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, I intend to give this first reading because we do not know that the funds have been released. So first reading.

COUNCIL PRESIDENT TOWNSEND – Thank you, Ordinance No. 90 – 2013 has received first reading.

ORDINANCE NO. 90 – 2013 WAS GIVEN FIRST READING.

ORDINANCE NO. 91 - 2013 **BY: COMMUNITY**
DEVELOPMENT COMMITTEE

Authorizing the resale and conveyance of property Parcels #06-11422 and #06-11423 pursuant to the City's Vacant Land Reutilization Program, establishing the fair market value of said properties, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Because of the discussion I had the other night and wanting to look at these things as far as what happens if somebody's trying to develop something commercially or whether or not we're allowed to whether or not they're allowed to build on them I intend to give this first reading so we can have further discussion.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 91 – 2013 has received first reading.

ORDINANCE NO. 91 – 2013 WAS GIVEN FIRST READING.

ORDINANCE NO. 92 - 2013 **BY: COMMUNITY**
DEVELOPMENT COMMITTEE

Authorizing the resale and conveyance of property Parcels #06-11422 and #06-11423 pursuant to the City's Vacant Land Reutilization Program, establishing the fair market value of said properties, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Same thing first reading.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 92 – 2013 has received first reading.

ORDINANCE NO. 92 – 2013 WAS GIVEN FIRST READING.

ORDINANCE NO. 93 - 2013 **BY: COMMUNITY**
DEVELOPMENT COMMITTEE

Authorizing the resale and conveyance of property Parcels #06-11422 and #06-11423 pursuant to the City's Vacant Land Reutilization Program, establishing the fair market value of said properties, and declaring an

emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – First reading.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 93 – 2013 has received first reading.

ORDINANCE NO. 93 – 2013 WAS GIVEN FIRST READING.

ORDINANCE NO. 94 - 2013 **BY: COMMUNITY**
DEVELOPMENT COMMITTEE

Authorizing the resale and conveyance of property Parcels #06-11422 and #06-11423 pursuant to the City's Vacant Land Reutilization Program, establishing the fair market value of said properties, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – That's 94 right?

COUNCIL PRESIDENT TOWNSEND – Yes, sir.

COUNCILMAN MANSON - First reading.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 94 – 2013 has received first reading.

ORDINANCE NO. 94 – 2013 WAS GIVEN FIRST READING.

ORDINANCE NO. 95 - 2013 **BY: COMMUNITY**
DEVELOPMENT COMMITTEE

Authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into negotiations and convey certain land that is presently owned by the City of Massillon to the Massillon Community Improvement Corporation in accordance with Section 1724.10 of the Ohio Revised Code, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – First reading.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 95 – 2013 has received first reading.

ORDINANCE NO. 95 – 2013 WAS GIVEN FIRST READING.

ORDINANCE NO. 96 - 2013
DEVELOPMENT COMMITTEE

BY: COMMUNITY

Amending the Community Reinvestment Area Agreement between the City of Massillon and Midwest Health Services for the construction of a new office being within the City of Massillon, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, thank you, Mr. President. We've had considerable discussion about this. The reason for this coming back we had approved it before was the completion date and there were some questions about the ingress, egress and these problems have been solved with after discussing between the department and lets see the eagles property and stuff down there. So if no one has any questions I intend to move for passage on this.

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

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

ORDINANCE NO. 96 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 97 - 2013
COMMITTEE

BY: FINANCE

Making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, for the year ending December 31, 2013, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – First reading.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 97 – 2013 has received first reading.

ORDINANCE NO. 97 – 2013 WAS GIVEN FIRST READING.

ORDINANCE NO. 98 - 2013
COMMITTEE

BY: FINANCE

Making certain appropriations from the unappropriated balance of the VeteransPark/Duncan Plaza Fund and the Safety Forces Fund, for the year ending December 31, 2013, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. This ordinance is to appropriate from the unappropriated balance of the Veterans Park/Duncan Plaza Fund, for the year ending December 31, 2013 \$23,000 to an account entitled Services and Contracts and \$5,000 to an account entitled Supplies, Materials and Postage. There was some discussion at the work session as to a couple council members including myself wanted this clarified. I did get it clarified I sent an email to Judge Elum, he answered me with a very good email and a very good explanation. But I have to apologize because as council president knows I didn't I left it laying on my desk and I didn't have enough time to go back and get it tonight to bring it back. The safety service director can vouch for the email and what and why what we're doing with this money. But it is important that we pass it because they want to pay the bills that they owe for the plaques and so forth that were you know were purchased. So if there are questions we can bring Mr. Johnson up. I will gladly forward each and every member of council the email I got from Judge Elum explaining why this thing was brought forward. I'm not trying to hide anything so I would have brought it tonight and read it in it's the whole thing but I just forgot it. So...

COUNCIL PRESIDENT TOWNSEND – You have question? Okay, Councilman Lewis?

COUNCILMAN LEWIS – These two funds both of them are aligned within the court's budget that we approve every year?

COUNCILMAN PETERS – Well, yeah, it is but these a lot of this money that we're appropriating was already donated and so another words we can't they can't just take the money from a donation as we know and then pay it without council appropriating the funds. That's basically what its asking for.

COUNCIL PRESIDENT TOWNSEND – Are there anymore question? Councilman Peters?

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. 98 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 98 – 2013 has passed.

ORDINANCE NO. 99 - 2013
COMMITTEE

BY: FINANCE

Authorizing the Director of Public Service and Safety of the City of Massillon to accept the Wal-Mart Company Grant for the Massillon Police Department, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. Like the clerk has stated this is authorizing the Director of Public Service and Safety to accept a grant from Wal-Mart Company for the Massillon Police Department in the amount of \$2,000. We discussed this Monday night there weren't any questions then. If there are any we'll get them answered right now.

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. 98 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 99 – 2013 has passed.

ORDINANCE NO. 100 - 2013 **BY: FINANCE**
COMMITTEE

Amending Ordinance No. 85 – 2013 by deleting Sections 3, 4 and 5, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. This ordinance is Ordinance No. 85 – 2013 we're amending and deleting sections 3, 4 and 5. We also talked about this last Monday but this is due to an error in submitting a non-permissible transaction. The auditor has asked us to and the law department has asked us to get rid of it because we can't do what we wanted to and transfer out of an account and pay another account legally. So they're working with the county auditor am I correct to rectify the situation but meanwhile we need to amend that ordinance.

COUNCIL PRESIDENT TOWNSEND – Are there any questions? 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 9 yes.

ORDINANCE NO. 100 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 100 – 2013 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

COUNCIL PRESIDENT TOWNSEND – Are there any reports from city officials?

COUNCIL CLERK BAILEY – We did receive the treasurer’s monthly report today for July 2013.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT TOWNSEND – Any reports from committees?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT TOWNSEND – Any resolutions or requests of council members? We have none.

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 73 - 2013
RECREATION COMMITTEE

BY: PARKS AND

Amend CHAPTER 163 “RECREATION BOARD” of the Codified Ordinances of the City of Massillon, by repealing existing Subsections 163.03 “POWERS AND DUTIES”, 163.04 “PARKS AND RECREATION DEPARTMENT” and creating a new Subsection 163.06 “GOLF ADVISORY COMMITTEE OF THE LEGENDS OF MASSILLON GOLF CLUB, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Okay, before I call on Councilman Slagle I just want to add we’ve spent a great deal of time on Ordinance No. 89 and I know this is a big topic Ordinance No. 73 so I will result back to Robert’s Rules of Order and each council member will receive two opportunities to speak on this topic.

COUNCILMAN PETERS – Well, we already tabled this Mr. President.

COUNCIL PRESIDENT TOWNSEND – No, he didn't table it.

COUNCILMAN PETERS – Oh, okay. I thought we already did it I apologize. I know he said it.

COUNCIL PRESIDENT TOWNSEND – Councilman Slagle?

COUNCILMAN SLAGLE – Yeah, this is an ordinance that we need to have a considerable amount of discussion for. Because whatever we pass should withstand the test of time. So I make a motion we can table it until the second meeting in September 23, 2013.

COUNCIL PRESIDENT TOWNSEND – Okay, you have a question or is that your second? Seconded by Councilman Lewis. Any discussions or any questions for Councilman Slagle? Okay, Madame Clerk, roll call please.

COUNCIL CLERK BAILEY – September 23 we are off that's our free week September 16?

COUNCILMAN SLAGLE – Oh is the 23rd our free week?

COUNCIL PRESIDENT TOWNSEND – Yes it is.

COUNCILMAN SLAGLE – It's a five week month?

COUNCIL CLERK BAILEY – Yes.

COUNCIL PRESIDENT TOWNSEND – Yeah, you can either do it Tuesday the 3rd or the 16th.

COUNCILMAN SLAGLE – Oh, make it the first one in October. I amend my motion to table it until the first meeting in October. I didn't look at my calendar very well. October 7th?

COUNCIL PRESIDENT TOWNSEND – Your second still stands?

COUNCILMAN LEWIS – Yes.

COUNCIL PRESIDENT TOWNSEND – Okay, seconded by Councilman Lewis. Roll call please.

ORDINANCE NO. 73 – 2013 HAS BEEN TABLED UNTIL OCTOBER 7, 2013 BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 74 - 2013
COMMITTEE

BY: POLICE AND FIRE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Waikem Ford Inc., for the purchase of two (2) police cruisers for the Massillon Police Department, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan?

COUNCILMAN CHOVAN – Thank you, Mr. President. Well we're finally going to visit this for the last time I hope. We well we don't have any demo models available as of today?

INTERIM SAFETY SERVICE DIRECTOR JOHNSON – No, they offered one more to us it was a black and white when I compared the cost of getting it to a white cruiser it was not worth it at this point in time.

COUNCILMAN CHOVAN – Okay, that's why...

INTERIM SAFETY SERVICE DIRECTOR JOHNSON – They did their due diligent the dealership did try to find us one they worked very hard but it was just worth...

COUNCILMAN CHOVAN – Yeah, so that's what we've been holding off on trying to see if we could get a demo model and save some money but there's nothing there that is available so I'm going to move this yes, Mr. Slagle?

COUNCILMAN SLAGLE – Well, I thought the other issue was whether or not we were duplicating the cost between the purchase...

COUNCILMAN CHOVAN – That's the next one.

COUNCILMAN SLAGLE – Okay, so you're going to discuss that there?

COUNCILMAN CHOVAN – Well, I can discuss them both together. Yeah, I mean according to Mr. Johnson he did check with Ford Motor or Waikem Ford and showed them the list of what we needed for equipment and compared it to the ready for the road package. And according to what he's telling me there is no duplication there. So that is we'll have to take that at face value and you know at his word there that Waikem knows what they're talking about. So that's why we're going to do both of these.

COUNCILMAN SLAGLE – Okay, thank you.

COUNCILMAN CHOVAN – So I move that we bring this forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Alright, thank you, Councilman Chovan. Roll call please. Oh, you have a question Councilwoman Halter?

COUNCILWOMAN HALTER – Oh, I don't have to second, never mind.

COUNCIL PRESIDENT TOWNSEND – Roll call please.

ORDINANCE NO. 74 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 74 has passed.

ORDINANCE NO. 75 - 2013
COMMITTEE

BY: POLICE AND FIRE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with J.D. Freidrich dba J.D. Freidrich Limited for the purchase and installation of vehicle equipment for the two (2) police cruisers for the Massillon Police Department, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan?

COUNCILMAN CHOVAN – Thank you once again. This is the other part of that this is for the equipment that goes into the cruisers. There are Director Johnson had put this out for bid to and there were two different bids that came in two people bid on it. This is the most attractive bid for the city so I'd like to recommend that we approve this.

COUNCIL PRESIDENT TOWNSEND – Any discussion? No, discussion, okay, roll call please.

ORDINANCE NO. 75 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 80 - 2013
COMMITTEE

BY: ENVIRONMENTAL

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a joint venture agreement with CTI Engineers, Inc, and O'Brien & Gere for professional services for the Wastewater Treatment Plant Improvement Project at the Wastewater Treatment Plant, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis?

COUNCILMAN LEWIS – Yes, next week at the work session we will be having CTI here. I have requested that they be able to speak first to answer any questions any of us may have to the contracts. With that being said I give that second reading.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 80 has received second reading.

ORDINANCE NO. 80 – 2013 WAS GIVEN SECOND READING.

ORDINANCE NO. 81 - 2013
COMMITTEE

BY: ENVIRONMENTAL

Authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Massillon-Stark County Sewer Service Agreement Supplemental #2 for the Wastewater Treatment Plant Improvement Project at the Wastewater Treatment Plant, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis?

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 81 has received second reading.

ORDINANCE NO. 81 – 2013 WAS GIVEN SECOND READING.

ORDINANCE NO. 88 - 2013
COMMITTEE

BY: FINANCE

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

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COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Ordinance No. 88 – 2013 without this ordinance Councilman Chovan's ordinance 74 and 75 will not be any good. This is to appropriate from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2013; \$19,054.03 to an account entitled Lease Purchase Police Cruisers, \$15,918.03 to an account entitled Lease Purchase Police Cruisers, \$10,953.17 to an account entitled Lease Purchase Police Cruisers.

COUNCIL PRESIDENT TOWNSEND – You have a question Councilman Lewis?

COUNCILMAN LEWIS – Yes, I just want to make a point I guess this would be a point of order. On the agenda we have Ordinance No. 97 I believe that was provided to us and we're speaking to Ordinance No. 88. I just want to clarify that we are speaking to Ordinance No. 88 and that's what we are looking at possible passage.

COUNCIL CLERK BAILEY – It was caught today so its 88.

COUNCIL PRESIDENT TOWNSEND – Did you make 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 9 yes.

ORDINANCE NO. 88 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 88 – 2013 has passed.

16. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT TOWNSEND – Do we have any new, miscellaneous business?

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

COUNCIL PRESIDENT TOWNSEND – Okay, we are now at #17 this is the section where anyone can speak on a topic that did not appear on the agenda. If you would like to speak on a topic that did not appear on the agenda please approach the microphone and give your name and address and the topic you want to discuss.

BOB RICHARDS – 1375 Benson Street SW. A few years ago I stood before you people and complained about the way the Genshaft Park had been created and run. It must have been run down in the hole. But now I can stand here and proud that the mayor worked doing it and Perry worked on it and I am proud. Thank you.

COUNCIL PRESIDENT TOWNSEND – Okay, that's it. Need a motion to adjourn from Councilman Chovan.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

TONY M. TOWNSEND, PRESIDENT

