

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, OCTOBER 7, 2013**

COUNCIL PRESIDENT TOWNSEND B I'd like to welcome all of you to Massillon City Council for Monday, October 7, 2013. We have in attendance this evening several city officials: Debbie Bonk from the auditor's office, Safety Service Director Al Hennon, Parks Director Doug Nist, Building Superintendent Bill Kraft, Budget Director Ken Koher, Bob Cyperski from the law department, Engineer Keith Dylewski, Community Development Director Ted Herculano. 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, Quenessa Hampton, Ed Lewis, Paul Manson, Donnie Peters, Andrea Scassa and Larry Slagle.

Thus giving a roll call vote of 9 present.

2. INVOCATION

COUNCILWOMAN HAMPTON B Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN HAMPTON – Chairperson of the Streets and Highways 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 – We are now at item #5 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 and give your name, address for the record and the topic you want to discuss at this time.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 116 - 2013
COMMITTEE

BY: COMMUNITY DEVELOPMENT

Authorizing the Mayor to enter into an agreement with Quest Automotive Products and JJ & W Limited Partnership, the Lessor, providing for the expansion of its existing facility located at 600 Nova Drive SE. The expansion will improve their facility and result in the creation of 25

new full time permanent jobs within the City of Massillon Enterprise Zone, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, thank you, Mr. President. I believe I'm going to ask that we did go through this at last week's committee session I'm going to ask that we bring up Mr. Herncane maybe to go through it again. Mr. Chovan wasn't here and it's for everybody to hear what the proposal is. I can tell you that I am intend to probably move this forward unless there's any questions we can't answer. But Ted can give us some more background on it again.

COMMUNITY DEVELOPMENT DIRECTOR HERNCANE – Mr. President, members of council, Mr. Manson, as we discussed last week the agreement in this ordinance is to enter into a ten year 50% tax abatement for real property improvements at what is the former US Chemicals facility on Nova Drive. Quest Specialty Chemical purchased US Chemical this past summer and they wish to relocate Quest Automotive Products which is a division of the parent company. They wish to move the headquarters from Michigan and consolidate them here in Massillon. They'll be bringing at least 25 of those jobs from Michigan to the facility here. This would consist of the first of a few phases I think there's further plans in the next couple of years to expand that facility even further. Like I said it is a ten year 50% tax abatement. The building expansion is a 23,000 square foot manufacturing addition. The estimated cost of that construction is a little over \$1.5 million. So their abated value would be 50% of whatever the county auditor then appraises that addition.

COUNCIL PRESIDENT TOWNSEND – Anymore questions for Mr. Herncane?

COUNCILMAN MANSON – I guess I'll just ask at this time if anybody else has any questions.

COUNCIL PRESIDENT TOWNSEND – Anyone else?

COUNCILMAN MANSON – Thank you, Ted. Just briefly I'd like to comment on it. I don't like have to have poached or poaching businesses from other communities even if it's another state. But they do want to consolidate here and that's a plus for Massillon. So I'm strongly recommending this.

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

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

ORDINANCE NO. 116 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, council clerk, Ordinance No. 116 has passed. Also would like to note that the mayor have arrived so it's noticed for the record.

ORDINANCE NO. 117 - 2013 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Repealing Ordinance No. 181 – 2001 and Ordinance No. 50 – 2005, and rescinding the Enterprise Zone Agreement with Cloverleaf Cold Storage, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Excuse me you said 181?

COUNCIL CLERK BAILEY – It's part of the title.

COUNCIL PRESIDENT TOWNSEND – Oh, okay. Councilman Manson.

COUNCILMAN MANSON – Yes, thank you, Mr. President. We discussed this again last Tuesday, Fresh Mark is in the process of purchasing this from Cloverleaf. There was some time to go on the abatement that Cloverleaf had. I think that's not part of Fresh Mark's business plan so this is kind of different. But they're asking to rescind the tax abatements. If there's any questions Mr. Herncane can answer them otherwise I will be moving to pass it tonight.

COUNCIL PRESIDENT TOWNSEND – Are there any questions?

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

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

ORDINANCE NO. 117 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 117 has passed.

ORDINANCE NO. 118 - 2013

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the General Fund, TIF Service Payment Fund, Parks and Recreation Fund, 1414 Collection System Improvement Fund, 2105 Stormwater Utility Fund, Income Tax Capital Improvement Fund, Tax Increment Fund and the Local Law Enforcement Trust Fund, for the year ending December 21, 2013, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. There are eight sections to this ordinance I'll get through them as timely as I can. First section hereby appropriate from the unappropriated balance of the General Fund, for the year ending December 31, 2013, and they all are December 31, 2013. So I won't say that part on all of these. \$124,000 to an account entitled Income Tax Refunds 1100.210.2720. Section 2, appropriate from the unappropriated balance of the TIF Service Payment Fund, \$57,183.12 to an account entitled School District TIFs 3109.905.2379. Section 3, appropriate from the unappropriated balance of the Parks and Recreation Fund, \$25,000 to an account entitled Services and Contracts, Legends 1234.920.2392 and \$25,000 to an account entitled Food Beverage Contracted Services 1234.920.2393. Section 4, appropriate from the unappropriated balance of the 1414 Collection System Improvement Fund, \$25,000 to an account entitled Sanitary Sewer Improvements 1414.610.2510. Section 5, appropriate from the unappropriated balance of the 2105 Stormwater Utility Fund, \$15,000 to an account entitled Services and Contracts 2105.435.2392. Section 6, appropriate from the unappropriated of the Income Tax Capital Improvement Fund, \$2,923.15 to an account entitled Services and Contracts 1401.305.2392. Section 7, appropriate from the unappropriated balance of the Tax Increment Fund, \$2,670.25 to an account entitled Fees 1340.905.2382. Section 8, appropriate from the unappropriated balance of the Local Law Enforcement Trust Fund, \$1,500 to an account entitled Services and Contracts 1215.305.2392. Are there any questions?

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

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

ORDINANCE NO. 118 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 119 - 2013

BY: FINANCE COMMITTEE

Making certain transfers in the 2013 appropriations from within the General Fund, for the year ending December 31, 2013, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President, could I have like 30 seconds to talk to the auditor?

COUNCIL PRESIDENT TOWNSEND – Sure.

COUNCILMAN PETERS – Okay. Mr. President, I might need some help with this I've only had eight years experience. But there's a mistake in section 3 of the last ordinance we just passed. So...

COUNCIL PRESIDENT TOWNSEND – What is the what is the mistake?

COUNCILMAN PETERS – Well, we already passed it so it's too late to correct that mistake we'll have to vote to bring it back up and turn this one down and amend it. Because it's not a typo.

COUNCIL PRESIDENT TOWNSEND – Do you want to share with your peers what is the mistake?

COUNCILMAN PETERS – Well, in section 3 of that ordinance it's supposed to this is supposed to be a reduction in the appropriations and it doesn't say that.

COUNCIL PRESIDENT TOWNSEND – Could we simply just make note of it and you put that on that separate just write that section just write it in?

COUNCILMAN PETERS – I, I we'll have to ask the law director but I don't think so. I think we'll probably have to amend it and then re-pass it. We can do all that but we have to get rid of we have to make I'll make a motion to reconsider Ordinance No. 118 – 2013.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilman Manson.

COUNCILMAN PETERS – We got to take a roll call for that.

COUNCIL PRESIDENT TOWNSEND – Yeah, still waiting just in case someone has any questions. But I see none. Roll call please.

Roll call vote of 9 yes to reconsider Ordinance No. 118 – 2013.

ORDINANCE NO. 118 – 2013 HAS BEEN RECONSIDERED.

COUNCILMAN PETERS – Now, I ask that we bring Ordinance No. 118 – 2013 forward for a vote and ask all council members to vote no at this time. Because we've got to rid of this and then we'll be amending it.

COUNCIL PRESIDENT TOWNSEND – But could we make amendments instead of voting it down? We can just vote to make amendment.

COUNCILMAN PETERS – I think you have to rescind what we just passed.

COUNCILMAN MANSON – Do you think we should ask the law department to comment on it?

COUNCIL PRESIDENT TOWNSEND – Yeah, could you come up Mr. Cyperski?

BOB CYPERSKI – I believe that you can make an amendment to this to this ordinance based

on that you don't have to rescind it at this point in time. So because it's just a it is a word that was taken...

COUNCILMAN PETERS – Okay, so we brought it up for reconsideration now I'll make the amendment and then pass it re-pass it?

BOB CYPERSKI – That's the way I would recommend at this point in time based on the situation that you have.

COUNCIL PRESIDENT TOWNSEND – Thank you.

COUNCILMAN PETERS – Okay, so I'm going to make a motion we amend Ordinance No. 118 – 2013 section 3 to please prepare legislation to reduce the appropriation in the Parks and Recreation Fund 1234 in the following accounts same accounts Services and Contracts Legends \$25,000 and Food and Beverage Contracted Services -\$25,000. Both of those are minus \$25,000. Because we reduced the appropriation. So the total to reduce is \$50,000.

COUNCIL PRESIDENT TOWNSEND – Okay, do you have that Mary Beth, okay.

COUNCILMAN PETERS – That's my motion.

COUNCIL PRESIDENT TOWNSEND – Your motion is to amend. Okay, roll call please.

COUNCILMAN PETERS – Did we get a second to amend?

COUNCIL PRESIDENT TOWNSEND – Sorry about that, Councilman Manson second for the amendment. Roll call please.

Roll call vote of 9 yes for amendment.

ORDINANCE NO. 118 – 2013 HAS BEEN AMENDED.

COUNCIL PRESIDENT TOWNSEND – 9 yes for the amendments, we've made the amendments. Now what is your motion.

COUNCILMAN PETERS – Well, that's it. We amended it.

COUNCIL PRESIDENT TOWNSEND – Now you have to pass it right?

COUNCILMAN PETERS – Okay, I make a motion that we waive the rule requiring three separate readings and bring Ordinance No. 118 – 2013 for a vote. Seconded by Councilman Manson.

COUNCILMAN CHOVAN – I have a question that's why my hand was up.

COUNCIL PRESIDENT TOWNSEND – Oh, okay, Councilman Chovan has a question.

COUNCILMAN CHOVAN – So if we're going to reduce the appropriations by \$50,000 I mean its staying parks and recreation it's just not coming to these two accounts? Is that what we're doing with it or...?

COUNCILMAN PETERS – Debbie?

DEBBIE BONK – Good evening, we're reducing the appropriation for the Legends Golf Course because we're also going to reduce their certificate due to the revenue has not met where it should be at this time?

COUNCILMAN PETERS – Okay, thank you very much that answered it.

COUNCIL PRESIDENT TOWNSEND – Okay, are there anymore questions? Councilman Peters?

COUNCILMAN PETERS – Well no the motion's been made and seconded been made. So now it's a vote for...

COUNCIL PRESIDENT TOWNSEND – Well you just had the look like you had another question.

COUNCILMAN PETERS – Oh, absolutely not.

COUNCIL PRESIDENT TOWNSEND – Okay, Madame Clerk, roll call please.

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

COUNCIL PRESIDENT TOWNSEND – And for passage.

ORDINANCE No. 118 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 118 – 2013 has passed.

ORDINANCE NO. 119 - 2013 **BY: FINANCE COMMITTEE**

Making certain transfers in the 2013 appropriations from within the General Fund, for the year ending December 31, 2013, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. There's two sections to this ordinance. This is to make certain transfers from the within the General Fund for the year ending December 31, 2013. Section 1 there be and hereby is transferred from the 2013 appropriation from within the General Fund for the year ending December 31, 2013. From Travel, Seminar and Schooling \$340.00, from Supplies, Materials and Postage \$1,322.03, from Workers Compensation \$1,360.04, from Insurance \$9,116.57. To Energy Savings Lease \$7,675.85, to Services and Contracts \$1,360.04, to Services and Contracts \$1,636.06, to Supplies, Materials, Postage \$1,466.69. Section 2, transfer from the 2013 appropriations from within the General Fund from Workers Compensation \$57,500.63 to Disability and Pension Transfer Police Pension Fund \$27,064.71, to Disability and Pension Transfer Fire Pension Fund \$30,435.92.

COUNCIL PRESIDENT TOWNSEND – Okay, are there any questions to Ordinance No. 119? I see none what is your motion 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. 119 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 119 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM THE OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR 705 WALES ROAD INC DBA KENDALL TAVERN & PATIO 705 WALES RD NE 1ST FL MASSILLON OHIO 44646

COUNCIL PRESIDENT TOWNSEND – Okay, and that councilperson has a copy of that?

(Yes) Okay.

9. BILLS, ACCOUNTS AND CLAIMS

A). REPOSITORY - \$1,050.60

COUNCIL PRESIDENT TOWNSEND – Okay, Mr. Peters?

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

Roll call vote of 9 yes to pay the bills.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk.

10. REPORTS FROM CITY OFFICIALS

A). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2013 B COPY FILE.

B). MAYOR SUBMITS MONTHLY REPORT FOR AUGUST 2013 – COPY FILE.

C). TREASURER SUBMITS MONTHLY REPORT FOR SEPTEMBER 2013 – COPY FILE

D). MAYOR'S APPOINTMENT TO BOARDS AND COMMISSIONS – COPY FILE

COUNCIL PRESIDENT TOWNSEND – Okay, I need a motion to accept the auditor's report?

COUNCILMAN PETERS – I'd like to make a motion that we accept the auditor's report, seconded by Councilman Manson.

Roll call vote of 9 yes to accept the auditor's report.

COUNCIL PRESIDENT TOWNSEND – I believe we need a motion to accept the appointments to the boards and commissions that the mayor has sent us.

COUNCILMAN PETERS – No we don't.

COUNCIL PRESIDENT TOWNSEND – It's in all the minutes from two years ago.

COUNCILMAN PETERS – Point of order. I disagree the only one that we have to approve is the parks and rec. board pick. Other than that we don't have to accept it.

COUNCIL PRESIDENT TOWNSEND – Well we can let that ride tonight but I went over the minutes last night and Mr. Gamber always got votes to accept the boards and commissions from the mayor. And that goes back I think our minutes goes back 2011 or 2010. And it has always been that way under his presidential seat. So we'll let it go at this time and I'll talk with Mary Beth after the meeting if that's not an issue if it was a mistake then, then we will just forget about it.

COUNCILMAN PETERS – Yeah, because I mean I still have the floor but I mean because if we voted not to accept it that means that person wouldn't get the appointment and we don't have that choice. That's strictly up to the mayor of those kinds of appointments. So I don't see any purpose in ever voting for them.

COUNCIL PRESIDENT TOWNSEND – I agree with you 100% but I'm just pretty much carrying on what was left carrying on what we have always done. So maybe because we always did it doesn't make it right. So you're correct so we'll pass that we'll let it go and we'll move forward. I just want to note that the auditor's report and the mayor's monthly report will be filed and that's it. Let's move on to reports and committees.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT TOWNSEND – Any reports of committees? Councilman Slagle?

COUNCILMAN SLAGLE – I just want to mention that the rec. board does meet this Thursday at 6:00pm.

COUNCIL PRESIDENT TOWNSEND – Okay, is that it? (Yep) Councilman Peters?

COUNCILMAN PETERS – Monday night at the work session finance committee will go first because we have somebody coming. Mr. Koher told me and I forgot who it was.

COUNCIL PRESIDENT TOWNSEND – Mr. Max Uhl from the auditor's the state auditor's office?

COUNCILMAN PETERS – Yeah, so somebody from that state auditor or whoever's going to be here take up a half hour of our time. So...

COUNCIL PRESIDENT TOWNSEND – So they will be at 6:00pm? (Yeah) They will go first so the work session will start at what 6:30pm?

COUNCILMAN PETERS – Yeah, per say it will yeah.

COUNCIL PRESIDENT TOWNSEND – Okay, okay.

COUNCILMAN PETERS – If somebody don't want to have to come sit through that they don't. It's just finance committee should be here.

COUNCIL PRESIDENT TOWNSEND – Okay. Our next work session will be October the 14th that is Columbus Day we will be open that day. Okay at 6:30pm the work session but Mr. Uhl from the auditor's office the state auditor's office will be here at 6:00pm.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR - TABLED FROM AUGUST 19, 2013

ORDINANCE NO. 73 - 2013 **COMMITTEE**

BY: PARKS AND RECREATION

Amending CHAPTER 163 "RECREATION BOARD" of the Codified Ordinances of the City of Massillon, by repealing existing Subsection 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 – Councilman Slagle?

COUNCILMAN SLAGLE – Thank you, Mr. President. At the last work session Mr. Peters raised a question regarding the actual selection of the members #1 whether it needed to include the board of education. Also whether or not there can be a term limit exception on it. And I forget there was a third one I've requested from Mr. Stergios that information for the next work session. And based upon that I agreed to table this particular ordinance for another two weeks until October 21st. So I'd make a motion that I again to table this until October 21st. And I again ask anyone that has any suggestions or changes to this ordinance to please bring them forth at the next work session.

COUNCIL PRESIDENT TOWNSEND – Your motion is to table it until October 21st 2013. Councilman Peters?

COUNCILMAN PETERS – I'm seconding it.

COUNCIL PRESIDENT TOWNSEND – Oh, seconded by Councilwoman Halter. I think we

will need to do a roll call vote to table that. Roll call please.

ORDINANCE NO. 73 – 2013 WAS TABLED UNTIL OCTOBER 21, 2013 BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Ordinance No. 73 has been tabled until October 21, 2013.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 80 - 2013

BY: ENVIRONMENTAL COMMITTEE

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.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis?

COUNCILMAN LEWIS – Yes, this is the obviously the Wastewater Treatment Plant project that we've been talking about for probably a couple of months now. There was some emails sent out by the city engineer that had some information on it that I hope you guys all had a chance to look at. But right now I guess is there any discussion or questions anybody you guys want me to bring up so that we can look at this further?

COUNCILMAN CHOVAN – I just want to let you know that how I feel about it. I'm going to vote no on this ordinance and I want you to know why. From the very beginning I have not felt comfortable with the process by which this whole thing started. I mean when you're looking at spending this much money I think that we should of gotten the opinions of at least a second and maybe a third engineering firm. Just because by law we aren't required to do this I think to be prudent we should have. From day one I said that and I still feel that way. I also don't really feel that we as I understand it 47 – 48% of the cost of this project is for expansion purposes to be able to handle greater daily through put. You know I know that most people here think now's the time to this rather than wait until later. I just can't see spending that much money right now for something that we don't know is an eminent thing. I read those charts, I read the charts that were sent. I don't know where those numbers came from. I don't know how they were derived. And maybe you guys discussed this last week while I was gone you may have done that and if you did then I apologize for that. But I just want you to know those are the two main reasons why I just don't feel I can support this.

COUNCILMAN LEWIS – Mrs. Cunningham-Hedderly?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – From the beginning I've been against this as well. I just truly believe that its premature. And I just don't think this is the time right now to do this to go that much more into debt. That's my feeling.

COUNCIL PRESIDENT TOWNSEND – Okay, Councilwoman Halter?

COUNCILWOMAN HALTER – Thank you, Mr. President. And I'm against it also for many reasons. One of which is the state that we're in right now the financial state that we're in right now I'm not comfortable with going into debt. Nobody can really explain how we're going to pay for this. When I was on council before we had this many times where the city would want us to go into debt and I would ask the former mayor where are we going to get the money to pay this and he would say the money will be there. Well here we are and its not there. Many projects that we took on when I was on council before we're still paying for because either it didn't happen for instance the extra nine holes at the Legends Golf Course. I was on that council we were given all kinds of reports and charts and pi carts and this and that and we voted

for it because we were told that this would bring in a lot of money. We obviously know that didn't happen. So I'm sorry but I just I'm going to vote no.

COUNCILMAN LEWIS – And the only comments that I really want to make and when its coming to this decision making process is that a portion of this was stated and I've looked at the permit that we operate under at the Wastewater Treatment Plant that states that there is a timeframe in which we are to address the phosphorous issues down there. And I know that there have been some people that have said that the phosphorous isn't necessary and that's a recommendation. But I have to believe the permit that our plant operates under. I have to believe that when I read that that is the authority that I have to make sure that we stay in compliance of. So to me that is that is a major reason for why we need to we need to bring this forward and vote on it tonight. As far as the expansion goes I can see the point on some ways but I can also understand that while you're already doing changes while you already have the engineers, while you already have the equipment down there it makes more sense to just go ahead and do any potential expansion now. So if nobody else has any questions. Alright I'm move that we bring this forward for a vote for passage.

COUNCILMAN LEWIS moved to bring Ordinance No. 80 – 2013 forward for passage, seconded by Councilman Manson.

ORDINANCE NO. 80 – 2013 PASSED BY A ROLL CALL VOTE OF 5 YES, 4 NO.
CHOVAN, CUNNINGHMA-HEDDERLY, HALTER AND HAMPTON VOTED NO.

ORDINANCE NO. 81 - 2013 **BY: ENVIRONMENTAL COMMITTEE**

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.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis?

COUNCILMAN LEWIS – This is the second part of the same thing that we just discussed. It's the inclusion of the county's aspect of it. Are there any questions or concerns we do have the city engineer still here to address any concerns. Seeing none I move that we bring Ordinance No. 81 – 2013 forward for a vote for passage.

COUNCILMAN LEWIS moved to bring Ordinance No. 80 – 2013 forward for passage, seconded by Councilman Manson.

ORDINANCE NO. 81 – 2013 PASSED BY A ROLL CALL VOTE OF 5 YES, 4 NO.
CHOVAN, CUNNINGHMA-HEDDERLY, HALTER AND HAMPTON VOTED NO.

ORDINANCE NO. 101 - 2013 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to RM-1 Multiple Family Residential.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, we've been talking about this for over six weeks. We had a public hearing on September 16th. Just see what we're doing is its 1.26 acres located on the north side of Inn at the University Village and we're changing the zoning. The proposed change is from R-3 Single Family Residential to RM-1 Multiple Family Residential and the applicant was Tobin Enterprises as agent for Roger Perkins. This area is to construct proposed

townhouses. We had the public hearing and there was nobody here objecting to it. So I intend to move it forward if there are any Mr. Tobin is here in attendance tonight. If somebody would like to have a comment or ask a question otherwise we'll just move this forward. No questions?

COUNCIL PRESIDENT TOWNSEND – Are there any questions for Mr. Manson or Mr. Tobin. Okay, your motion.

COUNCILMAN MANSON moved to bring Ordinance No. 101 – 201 forward for passage, seconded by Councilman Lewis.

ORDINANCE NO. 101 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

COUNCILWOMAN HALTER – Mr. President?

COUNCIL PRESIDENT TOWNSEND – Yes?

COUNCILWOMAN HALTER – I wanted to bring up tonight that at the next work session I would like us to start looking at the council rules. There are some rules that I think we need to take a look at and make a few changes. I've discussed it with Ms. Scassa its her committee. So I wanted you to kind of look over the rules and maybe in the next week and look some over I think there's some things we need to change. Or at least update. Thanks all. Thank you.

COUNCIL PRESIDENT TOWNSEND – Alright, thank you. Is there any Councilman Lewis?

COUNCILMAN LEWIS – Just real quick and I don't mean to open a can of worms but can I have Mr. Koher come forward please?

COUNCIL PRESIDENT TOWNSEND – Mr. Koher, would you come up please?

BUDGET DIRECTOR KOHER – Mr. President, council.

COUNCILMAN LEWIS – This is real innocent I promise. We had asked I think we asked the mayor we asked at the last work session about the budget. I believe it was stated October 15th I wanted to clarify was that under the assumption that the work session would be on the 15th and since we're meeting on the 14th we might be able to get the budget on the 14th of October?

BUDGET DIRECTOR KOHER – It will be ready for you on or before the 15th. So...

COUNCILMAN LEWIS – If at all possible I think we would appreciate to take our first look at it the next work session if at all possible. Which would be the 14th which is only one day earlier than previously stated to us on the last work session.

BUDGET DIRECTOR KOHER – Well I would anticipate the finance committee calling special meetings to or hearings for the budget. So...

COUNCILMAN LEWIS – That's all.

COUNCIL PRESIDENT TOWNSEND – Are there anymore questions for anyone? Okay.

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

COUNCIL PRESIDENT TOWNSEND – Is there anyone present that would like to speak on a topic which did not appear on tonight's agenda. If so please approach the microphone and give your name and address and the topic you want to discuss. Councilman Slagle?

COUNCILMAN SLAGLE – Thank you. I am a citizen.

COUNCIL PRESIDENT TOWNSEND – Yes, you are.

COUNCILMAN SLAGLE – Alright, unfortunately in the past week I was advised of the fact that the troll site that has attacked me in the past is back up there doing it again. I want to address that tonight. Because I think the cowards that run this site should come forth say who they are and quit hiding behind the anonymity that they get by not putting their names on this site. First of all, as a public official I'm fair game about things that are relevant to what's occurring here. But we are all not professional politicians we all have our jobs and our outside life and our daily source of income. The problem with the internet today is that when someone googles your name this shows up. Now these folks won't come forward to tell me these things to my face I suspect I know who some of them are. Because they are just cowards. It's easier to attack me that way. But I'm telling the public today I'm telling every client I've ever represented in the past and I'll represent in the future there is nothing true about that website. It is nothing more than an attack site used by political gain and I take offense at anything that's brought up on it. If that term was used by against other people in this chamber there'd be outrage. For some reason though they're permitted to say that about me. There's no outrage. And I have taken on and the reason I say that is because my professional reputation is at stake. And when I'm called a boy or a boy wonder that affects my professional status in this community. My professional status in this community is very valuable to me. For 35 years I've represented individuals never a company well rarely a company and I do it without being paid unless I am successful for them. Because without me they could not stand up to either the insurance industry or in law firms of hundreds of lawyers. So to suggest for one minute that I do not have the gumption to stand up is an untruth and is not fair nor is it warranted. So I want these cowards to come forth. And if they won't come forth on their own then I am today saying that I will donate \$250.00 to a charity of the person's choice who outs these trolls. Because this kind of politics has to stop. It is not American, its not democratic and its not right. And those people that go to that site some of whom I respect I would ask that they quit looking at it and quite using it. So that's all I have to say. Thanks.

COUNCIL PRESIDENT TOWNSEND – Thank you, Councilman Slagle. Are there any questions or any comments. Okay, I see none. Okay, Councilwoman Hampton it is time to adjourn what is your motion?

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

TONY M. TOWNSEND, PRESIDENT

