

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, DECEMBER 16, 2013**

COUNCIL PRESIDENT TOWNSEND - I'd like to welcome all of you to Massillon City Council for Monday, December 16, 2013. We have in attendance with us this evening the following city officials: Law Director Stergios, Auditor Ferrero, Debbie Bonk from the auditor's office, Engineer Dylewski, Mayor Catazaro-Perry, Street Superintendent Berens, Community Development Director Herncane, Safety Service Director Hennon and Budget Director Koher. 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 them off or down.

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 SLAGLE - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN SLAGLE – Chairman of the Parks and Recreation Committee led those in attendance in the Pledge of Allegiance.

COUNCILMAN PETERS – Mr. President, point of order, I'd like to move that council adjourns into executive session in that executive session I'd like all members of council, president of council and Mr. Ken Koher from the income tax.

COUNCIL PRESIDENT TOWNSEND – Okay, may I have a second to go into executive session. Second by Councilman Slagle.

COUNCILMAN PETERS – Well for the purpose of discussing personnel matters and I guess salary. So...

COUNCIL PRESIDENT TOWNSEND – Okay and we still have your second. Did you have a question?

LAW DIRECTOR STERGIOS - So I was going to say you needed a purpose.

COUNCIL PRESIDENT TOWNSEND – Okay, thank you.

LAW DIRECTOR STERGIOS - But you covered.

COUNCIL PRESIDENT TOWNSEND – Roll call for executive session.

Roll call vote of 9 yes to go into executive session to discuss personnel matters.

COUNCIL PRESIDENT TOWNSEND – We are out of executive session and we are going to start with the city council meeting.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT TOWNSEND - Madame Clerk, are the minutes of the previous meeting transcribed and open for public viewing? (No, not quite) Okay, so we wouldn't know if there are any additions or corrections to be made? (No) Alright, we'll move on.

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 and give your name, address for the record and the topic you want to discuss at this time.

RICK ANNAN - I have my business at 1310 South Erie. I'm talking on 134 the rehab unit for the Massillon Fire Department. Most of you know I retired from the fire department in June of 32 years. This is something that's been needed for a long time. Fires in this city don't occur in 60 degree comfortable cool days; they occur at 5 below 0 or 90 degrees. This is something these guys have needed for a long time. We rely on the Salvation Army or the local businesses to show up with something and that's a long time into it before it gets there. I don't know I remember some that Bonnie's Engravers Gallery fire I remember a nice little lady standing there with a cup of coffee and she offered a couple of us some so she went down and bought like 5 cups of coffee and brought it back up to us. But it was nice you know we'd been out there for quite a while. So I support you know scraping this truck yeah you'll get a few dollars but the service that this truck will provide for the fire department is invaluable. This group is willing to perform for you let them do it because these guys need it. We've had a lot of heart attacks over the years it's the only job that you go from 0 to full exertion and you stay that way for a long time. So at least try to help them out. Okay.

COUNCIL PRESIDENT TOWNSEND – Thank you.

RENEE BOGUE - 204 Willow Avenue NE. First some housekeeping things council I've given you the United States Geological Survey for the Tuscarawas River Basin, Massillon straddles this and I think that's of importance when we're looking at drilling and I'll let you look at that. Also I wanted to call your attention to the fact that Representative Oelslager and Kurt Schuring are pushing for a momentorum on new and expanded landfills. They are going to be doing these landfills sit over our water which again is the Tuscarawas River Basin and they are going to be looking at pollution including gas and oil drilling. When thinking about drilling as I was just talking to the mayor we have three areas of contamination for our water 1, being the well itself another being the injection well. We have 17 injection wells in Stark County, 2 in Perry Township and also sullifide waste in our landfills. When it rains that goes through the waste and (inaudible) if there's a rip in the line or aging lines that can potentially pollute ground water or our water as well. Please keep in mind that we put in our injection wells and in our landfills not only Ohio waste but out-of-state waste from West Virginia and Pennsylvania. Next I'd like to offer to council and especially council elect members the DVD Gasland. The DVD that was shown at Kent State University Triple Divide which Pennsylvania's warning to Ohio concerning drilling and also the DVD the Effects of Gas Shale Drilling with Dr Egrafia and also Health verves Wealth hidden cost of shale extraction and production. And please just return those to the council clerk when you're done and I can pick them up there's absolutely no rush on that. Now concerning Ordinance No. 163 with the TIF and Baker Hughes I learned some things about this at work session. When referring to Baker Hughes council discussed the putting in of a road from Millennium Blvd to Baker Hughes and the possibility of having Massillon and the state help with this. I would contend that Baker Hughes which has a total assets of \$24.8 billion dollars in fiscal year 2011 and a third quarter yield for this year \$5.8 billion put their own road in. Also by giving Baker Hughes a TIF it would decrease the amount of property taxes we receive and I feel that Baker Hughes can quite easily handle their own

needs and do not need the help of the taxpayers the Massillon who also takes state taxes. Concerning the leasing on our wells I just wanted to say today that I purchased my home in 1991 here in Massillon what attracted me to the city was the neighborhood the well built older homes and the tree lined sidewalks. My goal was to retire and stay and volunteer in the community. I never could have imagined at that time that someday council might make it easier for oil and gas companies to drill wells in our neighborhoods by leasing taxpayer owned land. If the council facilitates this drilling and if I had to do it over again knowing what I know now I would not have purchased a home in Massillon. Massillon has a \$1.5 million dollar debt plus \$12 million in debt that was recently added that I did not support I felt it would lead to bad ideas for finding money to pay off this now enormous debt and it has. I ask that council vote against all 4 ordinances we need to keep our current homeowners and attract new home buyers. Thank you.

COUNCIL PRESIDENT TOWNSEND – Thank you. Is there anyone else? Okay, we'll begin our introduction of ordinances and resolutions.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 156 - 2013 **COMMITTEE**

BY: RULES, COURTS AND CIVIL SERVICE

Authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants charged under City Ordinances, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Scassa?

COUNCILWOMAN SCASSA – Thank you, Mr. President. As we discussed at last week's work session this is the contract that we annually have with the public defender's office to represent indigent defendants. When they are charged under city ordinances we have to pay them for that out of city funds. This contract allows to pay them on a per case bases rather than appointing private counsel which could charge per hour. So as I asked the law director and reported at last week's work session this contract is exactly the same the amount of the per case charge has not gone up. This contract is set to start January 1, so as I indicated last week I would like to make a motion to suspend the rules and move this forward for passage tonight as long as there are no questions.

COUNCIL PRESIDENT TOWNSEND – Okay, are there any questions for Councilwoman Scassa?

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

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

ORDINANCE NO. 156 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 156 has passed.

ORDINANCE NO. 157 - 2013 **COMMITTEE**

BY: RULES, COURTS AND CIVIL SERVICE

Amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(b) Rule 8.1 "Powers and Duties", and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Scassa?

COUNCILWOMAN SCASSA – Thank you, Mr. President. This is what we talked about again at last week's work session concerning changing how we handle the work sessions with the committees. The changes that you will see in here reflect what we believe was discussed last week about not actually naming the committees in each group but rather keeping the groups to three committees but not actually designating them within this ordinance or within our Rule 8.1. In light of timing I know we discussed about moving this so that at the beginning of next year with our new council we can try to start with this new process. I guess in light of the fact that the changes are now before you I don't know if there's any questions I know we had lively debate about it. I mean if there's no questions and everyone is on board with starting the new year with the new members and existing members with type of new process.

COUNCIL PRESIDENT TOWNSEND – Do you have a question Councilman Lewis?

COUNCILMAN LEWIS – Comment or question. I just wanted to simply state that I know not everybody may be in agreement or you know with this or what not but I would ask that we do suspend tonight and let it stand on its own merit pass or fail with who we have here. If we do not vote on this tonight because we can not have it suspended then what this will effectively do will push this into January which will mean that the new council will not be able to really decide on their committees until after its voted on because this definitely impacts the way you would form committees. So by refusing to suspend tonight we're essentially delaying what's going to occur at the beginning of the new council. So I would just ask that we go ahead and suspend it let it stand or let it fall on its merits tonight and see what happens.

COUNCIL PRESIDENT TOWNSEND – Are there any more questions or comments? Okay, Councilwoman Scassa your motion?

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

The rules were not suspended by a roll call vote of 5 yes. 4 no. Hampton, Manson, Peters and Slagle

ORDINANCE NO. 157 – 2013 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 157 has received first reading.

ORDINANCE NO. 158 - 2013

BY: STREETS, HIGHWAYS, TRAFFIC AND

SAFETY

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Hampton?

COUNCILWOMAN HAMPTON – Thank you, Mr. President, first reading on this particular one.

ORDINANCE NO. 158 - 2013 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 158 has received first reading.

ORDINANCE NO. 159 - 2013

BY: STREETS, HIGHWAYS, TRAFFIC AND

SAFETY

Authorizing the Mayor of the City of Massillon, Ohio, to submit an application for 2014

Municipal Road Funds for the Hankins Road Improvement Project, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Hampton?

COUNCILWOMAN HAMPTON – Thank you, Mr. President, first reading on this one as well.

ORDINANCE NO. 159 - 2013 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 159 has received first reading.

ORDINANCE NO. 160 - 2013 **BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the General Fund, Police Pension Fund and the Fire Pension Fund, for the year ending December 31, 2013, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. Sorry Mr. President, I had to consult with the Mayor for a second. Alright we'll go with this then we'll bring it up on first reading. This ordinance to make certain appropriations from the unappropriated balance of the General Fund, for the year ending December 31, 2013, Section 1, appropriate from the unappropriated balance of the and that will be the last time I say that part of it \$394,336.22 to an account entitled Disability and Pension Transfer Police, \$493,426.41 to an account entitled Disability and Pension Transfer Fire. Section 2, hereby appropriate from the inappropriate balance of the Police Pension Fund, for the year ending December 31, 2013, \$394,336.22 to an account entitled Police Pension Fund. Section 3, appropriate from the inappropriated balance of the Fire Pension Fund, \$493,426.41 to an account entitled Fire Pension Fund. Any questions?

COUNCIL PRESIDENT TOWNSEND – Are there any questions for Councilman Peters? There are no questions what is your motion councilman?

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. 160 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 160 has passed.

ORDINANCE NO. 161 - 2013 **BY: FINANCE COMMITTEE**

Adopting temporary appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for fiscal year 2014, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCIL CLERK BAILEY – We have that on twice.

COUNCILMAN PETERS – Yeah and we're missing an ordinance. That's what I'm rambling

around about. We're missing one for...

COUNCIL PRESIDENT TOWNSEND – Could we take a two minute break so you can straighten it out a little bit?

COUNCILMAN PETERS – Yeah lets yeah, lets I move that we adjourn for two minutes or three minutes till I talk to...

COUNCIL PRESIDENT TOWNSEND – Okay, we'll adjourn for two minutes. We're back into session here. Okay, Councilman Peters?

COUNCILMAN PETERS – Yes.

COUNCIL PRESIDENT TOWNSEND – We're on Ordinance No. 161 what are our do we have any corrections do we need make?

COUNCILMAN PETERS – Well, we're going to make not really any corrections to the ordinance just to the agenda.

COUNCIL PRESIDENT TOWNSEND – Okay.

COUNCILMAN PETERS – The agenda states adopting temporary appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for fiscal year 2014, and declaring an emergency. And what it is it should be an ordinance amending Ordinance No. 143 – 2013 and revising the 2013 budget, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – That's it, okay. Well, Mr. Stergios, we don't have to make a motion to amend the agenda it could be even as a typo couldn't we did we take that route?

LAW DIRECTOR STERGIOS – That is correct, Mr. President, yes.

COUNCIL PRESIDENT TOWNSEND – Okay, Councilman Peters you still have the floor.

COUNCILMAN PETERS – Okay, this ordinance this Ordinance No. 143 – 2013 to amend provisions are hereby inserted into Ordinance No. 143 – 2013. These amounts and I'll read them \$1,130,110.68 from the General Fund to Fire Pension Fund, \$812,987.15 from the General Fund to Police Pension Fund, \$318,410.00 from the General Fund to Lincoln Centre II Debt Fund, \$198,506.26 from the General Fund to the Lincoln Centre III Debt Fund, \$6,175.00 from the General Fund to Senior Housing, \$24,631.46 from the General Fund to OPWC Loan, \$1,671.64 from Unclaimed Fund to General Fund, \$190,000.00 from Solid Waste Fund to General Fund, \$39,546.88 from Solid Waste Capital Improvement Fund to General Fund.

COUNCIL PRESIDENT TOWNSEND – Do we have any questions for Councilman Peters? No questions, what is your motion Councilman Peters?

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

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

ORDINANCE NO. 161 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 161 has passed.

ORDINANCE NO. 162 - 2013 **BY: FINANCE COMMITTEE**

To approve current replacement pages to the Massillon Codified Ordinances, and declaring an

emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. Like the council clerk read it is to approve current replacement pages for the Massillon Codified Ordinances we do this every year. This is to make the changes and so forth in the codified ordinances.

COUNCIL PRESIDENT TOWNSEND – Okay, are there any questions? 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. 162 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 162 has passed.

ORDINANCE NO. 163 - 2013 **BY: FINANCE COMMITTEE**

Declaring improvements to certain real property located within the City of Massillon, Ohio, to be a public purpose, describing the public infrastructure improvements to be made to directly benefit that real property, requiring the owner of the improvements on that real property to make service payments in lieu of taxes, and establishing a municipal public improvement tax increment equivalent fund for the deposit of such service payments, all pursuant to Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN MANSON – Point of order.

COUNCIL PRESIDENT TOWNSEND – Oh, Councilman Manson?

COUNCILMAN MANSON – Yes, Mr. President, I went back and looked at past TIF ordinances and in the past all of them have come through community development. To my knowledge every single one in the past and I don't believe this should be going through finance. I believe it should be going through community development.

COUNCIL PRESIDENT TOWNSEND – I agree with you in the past they have come through community development but isn't this the ordinance that was scheduled to be held on December 26th?

COUNCILMAN PETERS – Yes, this this we have to do it this way.

COUNCIL PRESIDENT TOWNSEND – Okay.

COUNCILMAN PETERS – We're giving it first reading tonight and it was scheduled for a special meeting on the 26th.

COUNCIL PRESIDENT TOWNSEND – Okay.

COUNCILMAN PETERS – Okay, so that...

COUNCIL PRESIDENT TOWNSEND – Okay, we're going to vote on it or possibly suspend or possibly give it second reading and then we're going to meet again on the 26th?

COUNCILMAN PETERS – Okay, this is up for first reading tonight. We can not pass it tonight because of different legal reasons we can't pass it we can't bring it forward for a vote tonight because there's a time there's a notification period of time and so we can't do it before a certain amount of days. But I think what Mr. Manson is alluding to is he wants to change this to community development. So I think we need to decide that.

COUNCILMAN MANSON – We can still give it first reading.

COUNCIL PRESIDENT TOWNSEND – Well, lets do this go ahead I have a suggestion.

COUNCILMAN MANSON – We can do that we can change it and we still can give it first reading and move ahead just...

COUNCIL PRESIDENT TOWNSEND – I say lets give it first reading and then at the next work session we work it out. Because I would agree in the past they have been in community development...

COUNCILMAN CHOVAN – You can't do that we don't have another work session before we have to vote on this.

COUNCILMAN PETERS – We don't have one on the 23rd?

COUNCILMAN CHOVAN – The special meeting is on the 26th to vote on it.

COUNCIL PRESIDENT TOWNSEND – Well,,,

COUNCILMAN CHOVAN – Why don't you sorry.

COUNCILMAN MANSON – Raise your hand.

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan?

COUNCILMAN CHOVAN – Thank you. Why don't we just amend it as far as which committee it's going through and then give it first reading tonight after the amendment.

COUNCILMAN PETERS – We really don't even have to amend that I don't think we'll have to ask the law director.

COUNCIL PRESIDENT TOWNSEND – How did it get in finance? Because on the special meeting there's...

COUNCIL CLERK BAILEY – That's how the legislation request came through.

COUNCIL PRESIDENT TOWNSEND – Okay, alright, okay, we can just go ahead and just move it to community development give it first reading.

COUNCILMAN PETERS – Alright, so...

COUNCILMAN MANSON – Could I comment on it?

COUNCIL PRESIDENT TOWNSEND – Yes, sure.

COUNCILMAN MANSON – Yeah, it came at the last committee meeting none of us got it in the in our emails you know in advance or anything we probably would have caught that.

COUNCIL PRESIDENT TOWNSEND – Right.

COUNCILMAN MANSON – And I caught it I told Mr. Peters about it the other day. So...

COUNCIL PRESIDENT TOWNSEND – Okay, alright, we give it first reading next council meeting it will be in community development.

COUNCILMAN MANSON – I'll say first reading.

COUNCIL PRESIDENT TOWNSEND – First reading, right.

ORDINANCE NO. 163 – 2013 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT TOWNSEND – First reading, Ordinance No. 163 has received first reading.

ORDINANCE NO. 164 - 2013

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. Like the clerk said these are making certain appropriations from the unappropriated balance its got one section. Hereby appropriate from the unappropriated balance of the Income Tax Capital Improvement Fund, for the year ending December 31, 2013 the following: \$15,890.00 to an account entitled Income Tax Capital Improvement Fund – Computers Account. I will go to say that I don't know if every member of council is familiar with this so what I'm going to do is I'm going to ask that the mayor come forward because we never had an opportunity to talk about this it is this is one of these ordinances where it truly is an emergency. We're going to definitely discuss it tonight and give it first reading it is also on the agenda for the December 26th meeting.

MAYOR CATAZARO-PERRY – Good evening, council. This ordinance is very much needed in this city the software is not going to be supported in the new year for the auditor's office. And their computers are archaic as well as Mr. Slagle's wife in the treasurer's office and our income tax department. So this is something that we need to do this year the money is there in the capital improvement account. Next year the money is going to be tighter because we have to balance the budget as best we can and so there is not going to be any extra dollars in 2014 to purchase this. So we need to just take this at this time you could vote on it tonight if you like if you want to wait till the 26th you're welcome to. But Ken Koher can tell you that this is very needed in his area as well as the auditor's office and the treasurer's office. They have not been updated in years and so this is something that it's kind of like a police cruiser we bought the two this year because we absolutely had to. This is an absolute have to. So I appreciate your support on this.

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan?

COUNCILMAN CHOVAN – Thank you. Once this passes how long will it take to get everything I mean let me back up if I understand you correctly this won't be supported after the end of the year?

MAYOR CATAZARO-PERRY – The software.

COUNCILMAN CHOVAN – So but can we still get it in and get it up and running in time?

MAYOR CATAZARO-PERRY – We believe we can.

COUNCILMAN CHOVAN – Before the support runs out?

MAYOR CATAZARO-PERRY – So it will be expedited but the auditor had it in her budget two years ago she didn't spend the funds. This past year we did not have it in the budget you know we tried to squeak by we've done the best we can with not making unneeded expenditures but this is needed for them to function.

COUNCIL PRESIDENT TOWNSEND – Alright, I think you have one more question Councilwoman Halter?

COUNCILWOMAN HALTER – I was just wondering if anybody has any updates about our computer system that was down since Friday. I mean has anybody called anybody to fix it or what's going on with that. Are we under the same problem?

COUNCIL PRESIDENT TOWNSEND – Well, lets we can discuss that down the road I mean at item 17 because we're talking about the computers for the auditor and the treasurer.

COUNCILWOMAN HALTER – I know I just wondered if we should be included in that.

MAYOR CATAZARO-PERRY – We have an IT team and so if that's an area of concern for council I don't know if all of your emails were down but we do have an IT team.

COUNCILWOMAN HALTER – We were unable to get our packets that's why we're so confused tonight because we just got them tonight and didn't have time over the weekend to look at them.

MAYOR CATAZARO-PERRY – Tony can work with our IT team and Ken is in charge of that and we can help you with that.

COUNCILWOMAN HALTER – Okay, thank you.

COUNCIL PRESIDENT TOWNSEND – And I'll speak with them tomorrow morning. Councilman Manson?

COUNCILMAN MANSON – Yes, we have those questions like that why don't we just give it first reading and handle it...

COUNCIL PRESIDENT TOWNSEND – Well, I mean I think that they're separate. I mean we have a concern...

COUNCILMAN MANSON – No, I'm talking about this ordinance...

COUNCILMAN PETERS – Yeah, that's all I'm talking about is this ordinance.

COUNCIL PRESIDENT TOWNSEND – Right, right, right, right, okay, that's good.

COUNCILMAN PETERS – The reason I brought the mayor up here is because we didn't we're not going to have a work session to discuss this and its going to be up on the 26th on the agenda and I thought if there was any questions that needed to be asked of the mayor we could do it now that way we you've got time to you know let it sink in a little bit before the 26th meeting. So that's why I brought the mayor up that's why we're doing what we're doing right now.

COUNCIL PRESIDENT TOWNSEND – Okay, I understood that Ordinance No. 163 but this particular one could that be voted could this be voted on tonight?

MAYOR CATAZARO-PERRY – If you like it wasn't my intention to have it voted on tonight.

COUNCILMAN PETERS – But it's already on the agenda for the 26th does that matter Mr. Law Director?

LAW DIRECTOR STERGIOS – I think you can vote on it tonight to be honest.

MAYOR CATAZARO-PERRY – It's up to council.

LAW DIRECTOR STERGIOS – Then it won't be on the agenda.

MAYOR CATAZARO-PERRY – If you vote on it tonight it will help us get this started. If you want to wait until the 26th that's okay as well.

COUNCILMAN PETERS – The only reason I asked that it be put on the 26th thing is a courtesy to the other members of council. I spent all day what day was it Thursday, Wednesday on the telephone with Mr. Manson, the mayor and Mary Beth with trying to get this done. And so I didn't know how informed the rest of council were. So that's why I brought it opened it up for discussion tonight. Its not that I don't want to pass it tonight but if there's if council is comfortable with it we can bring it forward for a vote if they're not we'll do it at the special meeting and its already on that agenda so we're covered.

COUNCIL PRESIDENT TOWNSEND – Okay, Councilman Slagle, you have a question?

COUNCILMAN SLAGLE – These are capital improvement funds through the tax department I gather from what you're saying.

MAYOR CATAZARO-PERRY – Capital Improvement, yes.

COUNCILMAN SLAGLE – The money's there.

MAYOR CATAZARO-PERRY – Yes.

COUNCILMAN SLAGLE – And that's the purpose of that is to so...

MAYOR CATAZARO-PERRY – Small amount left.

COUNCIL PRESIDENT TOWNSEND – Okay, alright, thank you. Mr. Peters?

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

The rules were suspended by a roll call vote of 8 yes, 1 no. Cunningham-Hedderly voted no.

ORDINANCE NO. 164 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 7 YES, 2 NO. CUNNINGHAM-HEDDERLY & HALTER VOTED NO.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 164 has passed.

ORDINANCE NO. 165 - 2013

BY: FINANCE COMMITTEE

Adopting temporary appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2014, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, this ordinance has two parts okay. The first part is a transfer of various appropriated certain funds provisions as follow oh never mind this is the temporary budget okay, for 2014 that will be the year beginning January 1, 2014 and ending March 31, 2014 until council comes up with a...

COUNCIL PRESIDENT TOWNSEND – Alright should we take another two minute recess?

COUNCIL CLERK BAILEY – I did not receive a revised temporary budget.

COUNCIL PRESIDENT TOWNSEND – Okay, Councilman Peters?

COUNCILMAN PETERS – It's on those pages that Mr. Koher's got. Mr. Koher, you want to come up?

COUNCIL PRESIDENT TOWNSEND – Lets take two minutes.

COUNCILMAN PETERS – We don't have to.

COUNCIL PRESIDENT TOWNSEND – Are you sure?

COUNCILMAN PETERS – Yeah, I'm positive.

COUNCIL PRESIDENT TOWNSEND – Okay, alright.

COUNCILMAN PETERS – Alright, Mr. Koher.

BUDGET DIRECTOR KOHER – Yes, sir.

COUNCILMAN PETERS – Ordinance No. 165 – 2013.

BUDGET DIRECTOR KOHER – Alright what we have before us here the pages that are stapled together are the mayor's proposed temporary budget for the city. The three loose pages are what council has discussed about certain matters and these are the council's amendments to what the mayor has proposed in the temporary budget.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, on the line under the mayor's office the mayor's administrative assistant's salary that \$37,808.68 that reflects 5...

BUDGET DIRECTOR KOHER – 5 furlough days which is approximately 1.92% of their annual.

COUNCILMAN MANSON – Okay and we're doing the same thing with the clerk's salary that reflects 5 furlough days?

BUDGET DIRECTOR KOHER – Correct.

COUNCILMAN MANSON – Okay.

BUDGET DIRECTOR KOHER – That's in with your amendment. (Yes) And as I understand those were the same holiday days.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis?

COUNCILMAN LEWIS – Alright, couple of things. First off I guess section 3 that is the section stating specifically of the temporary budget am I reading this correctly? Because it can't be section 4 oh its in section 5 I'm sorry on the second page. Which leads to my second point I don't know if we can as a council make it a habit in the future but I would think that we should always have our appropriations legislation standing on its own two legs instead of being grouped together with other things such as transfers. Given how serious the budget is it should be its own separate piece of legislation moving forward but given tonight you whatever.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Well you must have been asleep at the work session because I specifically asked that question at the work session if anybody had a problem with me putting that budget on this ordinance for the appropriations. And no one had any objections.

COUNCILMAN LEWIS – Well I apologize that I did not pick that up but I'm stating now...

COUNCILMAN PETERS – Cause I totally agree that's why I wanted it on two different ordinances.

BUDGET DIRECTOR KOHER – What section are you talking about?

COUNCILMAN LEWIS – I'm just stating in general that in the future because we're going to have another budget here soon by March 31 that it should be its own separate ordinance instead of being put on with transfers and other things. Let it stand on its own.

BUDGET DIRECTOR KOHER – Well yeah the language in that mirrors what was last year mirrors the year before. We've always done it that way.

COUNCIL PRESIDENT TOWNSEND – Okay are there anymore questions for Mr. Koher? Alright, thank you.

COUNCILMAN PETERS – Well my I do. Okay, so the temporary budget that we're voting on tonight is that going to be the three changes that council requested?

BUDGET DIRECTOR KOHER – It's going to be the mayor's budget plus your amended amount.

COUNCILMAN PETERS – Got it. Okay.

COUNCILMAN MANSON – Doesn't have to be amended?

COUNCILMAN PETERS – Anybody else have any questions?

COUNCIL PRESIDENT TOWNSEND – Thank you. 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. 165 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 165 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM B & L TREVOR LLC DBA MICHELLES MAIN MART 2304 MAIN AVE W MASSILLON OHIO 44647 TO AYALA ENTERPRISES LLC DBA JOES MAIN MART 2304 MAIN AVE W MASSILLON OHIO 44647

COUNCIL PRESIDENT TOWNSEND – Thank you and did the council person of that area receive a copy?

COUNCIL CLERK BAILEY – Yes.

COUNCIL PRESIDENT TOWNSEND – Alright, thank you

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Pardon me?

COUNCIL PRESIDENT TOWNSEND – Any reports from city officials.

COUNCILMAN PETERS – Oh is that when I'm supposed to do this?

COUNCIL PRESIDENT TOWNSEND – Yeah.

COUNCILMAN PETERS – Oh.

COUNCIL PRESIDENT TOWNSEND – And then you you wanted to say something as well.

COUNCILMAN PETERS – Well, I was thinking maybe new and miscellaneous business.

COUNCIL PRESIDENT TOWNSEND – Okay, we can wait until then. Okay.

COUNCILMAN PETERS – Yeah.

COUNCIL PRESIDENT TOWNSEND – Okay.

COUNCILMAN PETERS – I'm sorry.

COUNCIL PRESIDENT TOWNSEND – That's okay.

COUNCILMAN PETERS – I did tell you that but I think the way this is going tonight we better wait.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT TOWNSEND – Do we have any reports of committees?
Councilman Slagle?

COUNCILMAN SLAGLE – If I remember correctly the park and rec. board meeting is now this Thursday at 5:30pm. Thank you. At the recreation center.

COUNCIL PRESIDENT TOWNSEND – Okay, are there any questions for Mr. Slagle pertaining to the meeting.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 132 - 2013 **COMMITTEE**

BY: COMMUNITY DEVELOPMENT

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement between the City of Massillon and the Community Improvement Corporation of Massillon, Inc, for the sale of real estate located on the southeast corner of the intersection of Tremont Avenue SE and Hess Blvd SE, upon approval of the Board of Control.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, thank you, Mr. President. We had some questions about this in committee the other night. I talked to the law director and asked him to clear them up for me. So he has given me some revised language I guess I would ask could we bring Mr. Stergios up just for a moment please?

COUNCIL PRESIDENT TOWNSEND – Sure, Mr. Stergios, could you come to the podium?

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

COUNCILMAN MANSON – Yes, and I just if you'd point out the areas we talked and my concern was on the one map we had they talked about Out Lot 338 and it was 4.4 acres and I wanted to make sure we were not selling part of the park along with this section of land.

LAW DIRECTOR STERGIOS – First page of that purchase agreement with the sticky note that you have in your hand to say we're selling part of Out Lot 338, approximately .47 acres and then that is correctly indicated by the cross hatch portion on the original map which only is really part of 338. So between the engineer and I we clarified that because there is land on the other side of the road that we are not selling. There will have to be a survey done but in general everybody knows that describes sufficiently what we need to do what we have to do. In my opinion.

COUNCIL PRESIDENT TOWNSEND – Are there anymore questions for Mr. Stergios? Okay, thank you.

LAW DIRECTOR STERGIOS – Thank you.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, having heard the explanation from the law director and having gone and looked at that again I believe that we have an area there that really can't be very well utilized its kind of small and it is adjacent to an existing business that Mr. Holderbaum has and I intend to recommend passage on this. Is there any questions?

COUNCIL PRESIDENT TOWNSEND – Is there any questions for Mr. Manson? Okay.

COUNCILMAN MANSON moved to bring Ordinance No. 132 – 2013 forward for passage, seconded by Councilwoman Scassa.

ORDINANCE NO. 132 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 134 - 2013 **BY: POLICE AND FIRE COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell the 1989 Ford F350 Ambulance to the Fire Department Rehab Unit (FDRU) which is no longer needed for any municipal purposes, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan?

COUNCILMAN CHOVAN – Thank you, Mr. President. This is the ordinance that Capitan Annan referred to when he got up and spoke to us earlier. We've talked about it and as he said you know we might get a better scrap value for this thing but as far as the value to as far as a mutual aid or a support type unit for our public safety forces I think its probably better that we go ahead and approve this ordinance. So I'm going to recommend that we do that tonight.

COUNCIL PRESIDENT TOWNSEND – Are there any questions for Councilman Chovan? No questions, Councilman Chovan?

COUNCILMAN CHOVAN moved to bring Ordinance No. 134 – 2013 forward for passage, seconded by Councilwoman Halter.

ORDINANCE NO. 134 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Ordinance No. 134 has passed.

ORDINANCE NO. 136 - 2013 **BY: PUBLIC UTILITIES COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 8.10 acres of real estate owned by the City of Massillon, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Cunningham-Hedderly?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Thank you, Mr. President, I wish to table this ordinance until after the public meeting in January that’s hopefully scheduled for the 21st.

COUNCIL PRESIDENT TOWNSEND – Okay, are there any questions Councilwoman Cunningham-Hedderly? Councilman Lewis?

COUNCILMAN LEWIS – I believe we need to table to a date don’t we? We can’t just open end table so…

COUNCIL PRESIDENT TOWNSEND – Yeah, right, I was going to bring that back up that’s I made a motion to well I asked for any questions for Cunningham-Hedderly. Are there any questions for Councilwoman Cunningham-Hedderly? There are no questions well, he said it we need a date.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Okay, February 3rd.

COUNCIL PRESIDENT TOWNSEND – February 3rd?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Yes.

COUNCIL PRESIDENT TOWNSEND – Okay, you’re tabling this till February 3rd; may I have a second to table Ordinance No. 136 to the 3rd? Seconded by Councilman Peters.

ORDINANCE NO. 136 – 2013 WAS TABLED UNTIL FEBRUARY 3, 2014 BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 137 - 2013 **BY: PUBLIC UTILITIES COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 10.65 acres of real estate owned by the City of Massillon, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Cunningham-Hedderly?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Thank you, Mr. President, tabled until February 3rd.

COUNCIL PRESIDENT TOWNSEND – Thank you, she’s tabling Ordinance No. 137 to February 3rd; may I have a second. Seconded by Councilman Peters.

ORDINANCE NO. 137 – 2013 WAS TABLED UNTIL FEBRUARY 3, 2014 BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 139 - 2013 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

Vacating a portion of an unnamed, unimproved 10 foot wide alley located between Cherry Road NE and Andrew Avenue NE, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Hampton?

COUNCILWOMAN HAMPTON – Thank you, Mr. President. Well as the clerk actually read there’s nothing no one contacted me or anything saying that there was anything special with

this. So I would like actually its on for third reading so if I can make a motion.

COUNCILWOMAN HAMPTON moved to bring Ordinance No. 139 – 2013 forward for passage, seconded by Councilman Peters.

ORDINANCE NO. 139 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 139 has passed.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 148 - 2013

BY: PUBLIC UTILITIES COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an amendment and extension of an existing Oil and Gas Lease. The well lease area includes part of The Legends Golf Course property with a requested lease area from the City of Massillon of 9.77 acres, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Cunningham-Hedderly?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Thank you, Mr. President, tabled until February 3rd.

COUNCIL PRESIDENT TOWNSEND – Okay, do we have a second? Seconded by Councilman Peters.

ORDINANCE NO. 148 – 2013 WAS TABLED UNTIL FEBRUARY 3, 2014 BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 149 - 2013

BY: PUBLIC UTILITIES COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an amendment and extension of an existing Oil and Gas Lease. The well lease area includes the property known as Shriver Park, with a requested lease area from the City of Massillon of 5.40 acres, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Cunningham-Hedderly?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Thank you, Mr. President, tabled until February 3rd.

COUNCIL PRESIDENT TOWNSEND – Okay, do we have a second? Seconded by Councilman Peters.

ORDINANCE NO. 149 – 2013 WAS TABLED UNTIL FEBRUARY 3, 2014 BY A ROLL CALL VOTE OF 9 YES.

RESOLUTION NO. 16 - 2013

BY: FINANCE COMMITTEE

Requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of real estate taxes for the 2014 fiscal year.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President, like the clerk read its requesting Stark County Auditor and Stark County Treasurer to pay the City’s share of real estate taxes for the year ending 2014 or for the 2014 fiscal year I’m sorry.

COUNCIL PRESIDENT TOWNSEND – Are there any questions for Mr. Peters? Your motion?

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

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

RESOLUTION NO. 16 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, Resolution No. 16 has passed.

RESOLUTION NO. 17 - 2013 **BY: FINANCE COMMITTEE**

Requesting the Stark County Auditor and Stark County Treasurer to pay the City’s share of 75% of the estate and inheritance taxes for the 2014 fiscal year.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. This is a resolution requesting the Stark County Auditor and the Stark County Treasurer to pay the City’s share of the 75% of the estate and inheritances taxes for the 2014 fiscal year.

COUNCIL PRESIDENT TOWNSEND – Are there any questions for Mr. 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.

RESOLUTION NO. 17 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Resolution No. 17 has passed.

RESOLUTION NO. 18 - 2013 **BY: FINANCE COMMITTEE**

Authorizing the Auditor to convert a prior period advance outstanding from 2008 for \$105,000.00 from the Income Tax Capital Improvement Fund (1401) to the Parks and Recreation Fund (1204) to a transfer.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. This is what the clerk has stated the resolution authorizing the auditor to convert a prior period advanced outstanding from 2008 for \$105,000.00 from the Income Tax Capital Improvement Fund (1401) to the Parks and Rec. Fund (1204) to a transfer.

COUNCIL PRESIDENT TOWNSEND – Are there any questions for Mr. Peters? Councilman Chovan?

COUNCILMAN CHOVAN – Yes, thank you, just one and this is more for Mr. Stergios I

think. Would you come up please?

LAW DIRECTOR STERGIOS – I never should of opened my mouth, Mr. President, ladies and gentlemen, Mr. Chovan.

COUNCILMAN CHOVAN – Thank you, the reason that we're this resolution came about if just so everybody can recall is when we got our audit results for last year the state auditor recommended that in order to close our books properly that we not have this \$105,000.00 extending as a loan. That if it were a transfer we could then forgive that debt and take this off of the books to allow the auditor's office to close the books. My question is from an accounting standpoint this makes perfect sense. My question is is it from a legal standpoint can we do it in your opinion.

LAW DIRECTOR STERGIOS – I believe that you have the authority to do that...

COUNCILMAN CHOVAN – I mean does it is it in violation of anything in the revised code at all?

LAW DIRECTOR STERGIOS – I don't think so. It morally is violating because the intention at the time it was done was it was supposed to be repaid within a certain time period and considering the amount of time and energy I've had to spend with the park and rec. department it offends me that you forgive a debt. I'll put that aside. But I don't see you're council you choose to change it to a transfer as opposed to an advance I think that's within your prerogative.

COUNCILMAN CHOVAN – Okay, thank you.

LAW DIRECTOR STERGIOS – You're welcome.

COUNCIL PRESIDENT TOWNSEND – Thank you. Are there anymore questions for Councilman Peters or Mr. Stergios? Councilman Peters?

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

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

RESOLUTION NO. 18 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, Resolution No. 18 has passed.

16. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT TOWNSEND – Okay, do we have any new or miscellaneous business? Mr. Peters?

COUNCILMAN PETERS – Thank you, Mr. President. I have a lot of new and miscellaneous business so we'll probably going to be here awhile. No, first of all, I want to come up there and present the clerk with a card from a Christmas card from the members of council. I've been asked to do so, so I'm going to do that. Okay, now the second half I'm coming up to that microphone can I do that?

COUNCIL PRESIDENT TOWNSEND – Oh boy, come on up. I've got to watch him.

COUNCILMAN PETERS – This won't take long. I have like a 14 page speech prepared for tonight. Those of you that missed my TV show on Sunday night you could have watched it and seen it all there. But I just want to say thank you to the citizens of Massillon, the people in ward 5 and the members of this council for putting up with me for 8 years. You guys only had to do it for two but I feel honored that I was able to serve and I'm very proud that I served a city that I love. The other thing is I want to tell this council and I've said this publicly this has been the

best council that I have served on in my 8 years. I think you've all done a fabulous job each and every one of you. I know that I, I spout off and I get mad at certain things but I really truly mean that. I ask that you those of you that are remaining continue to do what you're doing right now don't change a thing. Because I think you're making all the right decisions and you're putting it forward. That being said I'm going to correct a few problems for you before I go. Councilwoman Halter is concerned about the sound system in the council chambers and I know that council doesn't have the money to replenish or to get a new system so I'm going to help you out and so what I've done is I've got you all megaphones okay, so the people in the audience can hear you. So if anybody has any trouble hearing just use your megaphone and then when the city gets some money finally we can produce speaker system in council chambers. The other thing is you know I've grown fond of not fond but grown to know a few people very good, very well and the years I've been on council and one gentleman of course he's been around when I got on council and he's still hanging around when I got off of council so I thought it would only be appropriate that we make him comfortable. I don't know how many more terms he's going to serve but I thought that you guys might it might be easier on you if we make him comfortable in that time. So I got something for Mr. Manson this is probably more than what you're worth but that's alright. It even matches the décor of council chambers. That being said you know I make light of things I know sometimes that that I shouldn't but this is a very serious job and I've always taken it serious. But you have to have a little humor in it and if you don't it will drive you crazy. I'm going to toot my own horn for a second when I first took office the auditor well she was a councilwoman at that time was Jayne Ferrero and she when I got elected she came up to me on election shortly after the election and said "you know nobody cares what you're going to do on council but the one thing they will care about is you show up to council meetings". And I can honestly say this and I have the proof I've served eight years on this council and I have never missed a regular council meeting or a special council meeting. I'm proud of that and that's why I always vote no to excuse when someone is gone that is my only reason. I figure if I can be committed you can be committed. I know there are circumstances that you can't control I've been fortunate enough not to have those on the council night. I've had a lot of them on other nights but on Monday nights I always I just put council first and I ask that you do the same. And it is a serious job and the people know when you're here representing them and when you're not. With that being said thank you for letting me serve and Merry Christmas.

COUNCIL PRESIDENT TOWNSEND – Okay, do we have any Councilman Manson?

COUNCILMAN MANSON – We're still on...

COUNCIL PRESIDENT TOWNSEND – New and Miscellaneous business.

COUNCILMAN MANSON – Yes, I'd just like to comment, couple of comments, I'd like to thank Donnie for what he said and I want to thank Donnie, Mr. Slagle and Quenessa for your service and I want to reiterate what Mr. Peters said I believe this is the best council that I've been on and I've been here ten years now. There were five councils so I just wanted to make that comment. I have another one that I want to make if somebody else doesn't have anything. We had more confusion tonight than really I'd like to see in a council meeting. I think we had a couple reasons for it Mrs. Halter alluded to the problem with the computers so we didn't have the stuff sooner. I think that's a problem I think if we are really looking at computers then we should be looking at this office too and take care of that. Also though you know we do have council rules on when proposed legislation should be coming to us in committees so we can discuss them. I think that when we do not have it that adds to the confusion and I really believe we did have more confusion than we needed tonight. I think there's two reasons here but both of those I think are valid points. That's all.

COUNCIL PRESIDENT TOWNSEND – Is there anyone else? I just want to wish Councilman Slagle and Councilman Peters and Councilwoman Halter you know the best of luck. What did I say well you guys look so much alike Councilwoman Hampton, you know I represented the 4th ward for 7 and half years and it's a very tough place, it's a very tough place. So the months that you were on I know that you were earning your pay. So I wish you guys the

best of luck. I sat next to Donnie for a long time and I'll tell you what like I said when I was elected in 2006 I had an afro sitting next to him all those years you can see what happened over the years here. But I enjoyed sitting next to Donnie times when things were rough for me I mean he made me laugh. Inside here and times when I stopped by his shop or just talking in the parking lot there he you know there were times he said some things to me that actually uplifted me and you know made me feel a whole lot better. So I have a feeling that he's not gone forever. But I'm going to miss him the time that he is gone. But I know where his shop is and you know I know where he lives I'll stop by and go pick on him sometimes like I used to. But I want to thank you guys for serving its not an easy job, it's a thankless job. But you have to love the city in order to do it and I thank you guys for that. Are there any oh I want to recognize the ward 4 council elect Shaddrick Stinson, also ward 5 council elect woman or however it goes Megan Starrett and Councilwoman at large Michelle Del Rio. So could you guys stand up and just waive to everyone so these are the new members in council and we will prayer for you three tonight. That's all I have are there any other new or miscellaneous business? Okay, there's nothing there.

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

COUNCIL PRESIDENT TOWNSEND – Okay, we have arrived at #17 this is the section where anyone who would like to speak on a topic which did not appear on the agenda this is your opportunity to do so at this time. Okay, please give your name, address and the topic you wish to discuss.

BOB RICHARDS – 1375 Benson St SW. First thing I want to do is thank Donnie he's done ward 5 very good and I've enjoyed having him here. Larry and the other ones I didn't know that well Donnie I did. #2 is I'd like to thank the street department that they did a fine job this weekend clearing the snow I think they'd done a good job. Thank you.

COUNCIL PRESIDENT TOWNSEND – Councilman Slagle we need a motion to adjourn.

18. ADJOURNMENT

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

MARY BETH BAILEY, CLERK,

TONY M. TOWNSEND, PRESIDENT

