

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, FEBRUARY 17, 2015**

COUNCIL PRESIDENT TOWNSEND – Welcome to the Massillon City Council Meeting for Monday, February 2, 2015. We have in attendance with us tonight the following city officials: Mayor Kathy Catazaro-Perry and Parks & Recreation Director, Doug Nist. On the wall to your left are agendas for anyone who wishes to follow tonight's meeting. Also if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. Please make a note that we also have Law Director, Perry Stergios. I want remind anyone with cell phones, please turn them down or set them to vibrate.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham-Hedderly, Michelle Del Rio-Keller, Nancy Halter, Ed Lewis, Paul Manson, Andrea Scassa, Megan Starrett and Shadrick Stinson.

Roll call of 9 present

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. I would like to recognize Councilwoman Sarita Cunningham-Hedderly for tonight's invocation and pledge of allegiance.

2. INVOCATION

COUNCILWOMAN SARITA CUNNINGHAM-HEDDERLY - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Chairperson of the Public Utilities Committee led those in attendance in the Pledge of Allegiance.

COUNCIL PRESIDENT TOWNSEND – I'd like to note that Police Chief Keith Moser has entered the meeting.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT TOWNSEND – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

COUNCIL PRESIDENT TOWNSEND – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT TOWNSEND – The minutes stand approved as written.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE

AGENDA

COUNCIL PRESIDENT TOWNSEND – We have arrived at #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 come forward to the microphone and comment, please come forward at this time. Give your name and address for the record and the topic you want to discuss. Seeing no one, will move into Introduction of ordinances and resolutions. Yes, Councilwoman Del Rio-Keller?

COUNCILWOMAN DEL RIO-KELLER – Thank you, Mr. President. On tonight's agenda, there's a Call of the Calendar for Ordinance No. 5. That's the ordinance that I tabled at the last Council meeting. That was in reference to leasing parts of the Sippo Valley Trail and the Towpath Trail to Stark Parks. Since then we had new development; we now have a new ordinance. Ordinance No. 22 that actually goes hand in hand with Ordinance No. 5. So, I would like to possibly move Ordinance No. 5 on the agenda to go between Ordinance No. 21 and 22 just so they are in conjunction and they're together.

COUNCIL PRESIDENT TOWNSEND – Alright, thank you. Councilwoman Del Rio-Keller would like to amend tonight's agenda and move Ordinance No. 5 immediately after Ordinance No. 21. I believe I have a second by Councilman Manson. Roll call to amend tonight's agenda.

9 yes to amend tonight's agenda

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. The agenda is amended.

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 15 – 2015 **SAFETY COMMITTEE**

BY: STREETS, HIGHWAYS, TRAFFIC &

AN ORDINANCE vacating a portion of Healthcare Way S.W. (formerly part of Cleveland St. S.W.), and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. This is a very short road that runs off of Oberlin Rd. Behind where the Republic Steel office building used to be. It's not a road that anyone uses and I think it's a dead end, actually. So, we want to vacate that and so I will be making a motion tonight to bring this forward for a vote unless there are some questions or objections?

COUNCIL PRESIDENT TOWNSEND – Are there any questions?

COUNCILWOMAN HALTER – I move to suspend the rules requiring three (3) separate readings and bring Ordinance No. 15 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Thank you. Seconded by Councilman Manson. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 15 has passed. Ordinance No. 16.

ORDINANCE NO. 16 – 2015

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1227 Forfeited Fund, for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Thank you, Councilman Lewis.

COUNCILMAN LEWIS – Yes, this particular legislation came to us. It has the funds for the forfeited fund; there's \$9,000 that they would like to have put into the Professional Dues, \$2,000 into the Travel/Seminar and \$6,000 into Supplies/Materials. We discussed what the forfeited funds were at the last Committee meeting and their limited use. There were not any questions at that time. Are there any questions this evening? Seeing none, I'd like to make a motion that we suspend the rules requiring three (3) readings and bring Ordinance No. 16 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Thank you. Seconded by Councilwoman Del Rio-Keller. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 16 has passed. Ordinance No. 17.

ORDINANCE NO. 17 – 2015 **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew the one (1) year contract with the City of Canal Fulton, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Thank you, Councilman Lewis.

COUNCILMAN LEWIS – Yes. Every year we sign a contract with the city of Canal Fulton so that our prosecutor's office can provide services. So, many of us are already familiar with this. There was not much discussion at the last Committee meeting. Are there any questions this evening? Seeing none, I make a motion that we suspend the rules requiring three (3) readings bringing Ordinance No. 17 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Thank you. Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 17 has passed. Ordinance No. 18.

ORDINANCE NO. 18 – 2015 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1205 Safety Forces Improvement Fund, for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Mr. Lewis.

COUNCILMAN LEWIS – This ordinance comes to us in part from the Courts. This is the funds or monies that are collected and can be used for anything within the Safety Forces Improvement and I believe this one is going towards the transport van that we use to transport prisoners. Are there any questions this evening? Seeing none, I make a motion that we suspend the rules requiring three (3) readings bringing Ordinance NO. 18 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Thank you. Seconded by Councilwoman Del Rio-Keller. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 18 has passed. Ordinance No. 19.

ORDINANCE NO. 19 – 2015 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2200 Insurance Fund, for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Thank you. Councilman Lewis.

COUNCILMAN LEWIS – Yes. As discussed at the last Committee meeting, this is the COBRA Fund that we simply act, essentially, as a pass through for these employees to receive insurance. Are there any questions this evening? Seeing none, I make a motion that we suspend the rules requiring three (3) readings and bring Ordinance No. 19 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Thank you. Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 19 has passed. Ordinance No. 20.

ORDINANCE NO. 20 – 2015 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund, for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This, as you may recall, was an ordinance that we're bringing up because last year we approved \$6,000 for the repair or improvement of a door, a garage door with the Police Dept. That was never actually receiving a work order last year, so, this year they need to it and all we're doing is taking what we did last year and moving it into the 2015 year. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three (3) readings bringing Ordinance No. 20 -2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Thank you. Seconded by Councilwoman Del Rio-Keller. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 20 has passed. Ordinance No. 21.

ORDINANCE NO. 21 – 2015

BY: FINANCE COMMITTEE

AN ORDINANCE appropriating money for current expenses and other expenses of the City of Massillon, Ohio, for fiscal period ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the budget ordinance. I did speak with Mr. Koher this afternoon. He had agreed with me that neither one of us had received any communication yet as to any questions or concerns that we have with the budget and that's not a problem. We still have another Work Session to go into more length with. But I do want to encourage everyone that if you do have a question or concern, please feel free to e-mail Mr. Koher; please "cc" myself on that e-mail. That way maybe we can have a more lively discussion at the next Work Session with some answers to questions that you may have. With all that said, I give this first reading.

COUNCIL PRESIDENT TOWNSEND – Thank you, Councilman Lewis. Ordinance No. 21 has received first reading. Ordinance No. 22

ORDINANCE NO. 5 – 2015

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a Trailway Easement Agreement on behalf of the City of Massillon, as Grantor, with the Stark County Park District, an Ohio Political Subdivision, in Canton, Ohio, as Grantee, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Thank you. Before I recognize Councilwoman Del Rio-Keller, I just want to make note that it was tabled to a certain date, there's no vote required to untable it and Councilwoman Del Rio-Keller.

COUNCILWOMAN DEL RIO-KELLER – Thank you, Mr. President. Ordinance No. 5, this will be week eight (8) that we've had this on the agenda. This ordinance is to allow us to lease easements to Stark Parks for the Wheeling Lake Erie Railway, the Sippo Valley Trail and the Towpath Trail. As you know, it was tabled two (2) weeks ago because there was a new development which we'll get into in Ordinance No. 22. Does anyone have any questions? Our Law Director is here as well as Mr. Nist if we need to call them up for questions.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Sarita Cunningham-Hedderly.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Thank you. Michelle, last week when we were discussing this, wasn't it brought up that we still own the land, but we're leasing just the easements, correct?

COUNCILWOMAN DEL RIO-KELLER – Right. We still own it. We're only giving them access to be able to maintain the trails, make improvements to the trails, but it's still the City's land.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Correct. Alright, thank you.

COUNCIL PRESIDENT TOWNSEND – Are there any questions or any additional questions? You still have the floor, Councilwoman Del Rio-Keller.

COUNCILWOMAN DEL RIO-KELLER – Thank you. Seeing none, I would like to move Ordinance No. 5 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilman Lewis. It's at third reading, she should have made note of that, but, thank you. Roll call to vote on Ordinance No.

5.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you. Ordinance No. 5 has passed. Ordinance No. 22.

ORDINANCE NO. 22 – 2015 **BY: PARKS AND RECREATION COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a Partnership Agreement, with the Stark County Park District, an Ohio Political Subdivision, in Canton, Ohio, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Thank you. Councilwoman Del Rio-Keller.

COUNCILWOMAN DEL RIO-KELLER – Thank you, Mr. President. Ordinance No. 22 is the piece that goes with Ordinance No. 5. It actually involves the Parks and Recreation Dept. to pay Stark Parks a one (1) time dollar amount of \$50,000. Originally when this was first discussed back in 2014, ideally, we were going to pay \$25,000 in 2014 and \$25,000 in 2015. Seeing how this just came to Council now in 2015, there would be one (1) payment for \$50,000 total and that's, again, just a one (1) time thing. That will assist Stark Parks with trail maintenance and things they need to do just to get the trail where they want it to be. Parks and Recreation does have the money to pay this. It will not be coming out of the General Fund at all. This will be 100% out of their funds.

COUNCIL PRESIDENT TOWNSEND – Thank you. Are there any... Councilwoman Starrett.

COUNCILWOMAN STARRETT – Just for clarification, this \$50,000 will be going towards things that were, that are needing repaired that either the City of Massillon does or Stark Parks does? There was a walk-through, correct with Mr. Nist and the Parks that they determined things that needed fixed?

COUNCILWOMAN DEL RIO-KELLER – Correct.

COUNCILWOMAN STARRETT – Okay.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Scassa.

COUNCILWOMAN SCASSA – I guess just to reiterate, the Park and Rec Board approved spending this measure of those funds.

COUNCILWOMAN DEL RIO-KELLER – Yes. You will, we don't have it in front of us tonight because it just happened Thursday, but at the Park and Rec Board meeting Thursday, they did vote 4 – 0 to appropriate money spending for this year and when that comes to Council at the Work Session, you'll see the \$50,000 line item in that appropriation.

COUNCILWOMAN SCASSA – Okay.

COUNCIL PRESIDENT TOWNSEND – Law Director Perry Stergios.

PERRY STERGIOS – I'll have to ask Mr. Nist, but I think the number is \$54,000, not \$50,000 because the agreement that I had said \$25,000 and \$29,000 and that's how I wrote the ordinance or the asking for the ordinance. So, I, maybe Doug can...we need the correct number in there.

COUNCIL PRESIDENT TOWNSEND – Would you like to come up, Mr. Nist.

DOUG NIST – Yes, thank you. Good evening. I did talk with Bob Fonte and \$50,000 is agreeable with them.

PERRY STERGIOS – Okay.

DOUG NIST – So.

PERRY STERGIOS – The attachment says \$54,000 so, I need to change that and note that in the record and we can change the attachment.

DOUG NIST – Right, and that was, we were going after some, I guess, alternative funding at that point in time and we thought that it would be there, but since that fell through and we were paying the whole thing, the \$50,000 was agreed upon.

PERRY STERGIOS – That's fine with me, I just wanted it so it's correct.

DOUG NIST – Thank you.

COUNCILWOMAN DEL RIO-KELLER – Thank you.

COUNCIL PRESIDENT TOWNSEND – Okay, thank you. So will consider that as a typo and the Clerk can actually correct that.

COUNCIL CLERK ROLLAND – Well, if I can say so, Perry, we corrected it on this copy here when we discussed it Wednesday.

PERRY STERGIOS – Okay, now I...

COUNCIL CLERK ROLLAND – Because I did tell you that it was \$50,000 instead of \$54,000 and on the copy that you have, it does have \$29,000. And so you changed it to \$25,000 which would balance it out to \$50,000.

COUNCIL PRESIDENT TOWNSEND – Okay, that problem has been solved.

COUNCILWOMAN DEL RIO-KELLER – Any other questions in reference to Ordinance No. 22? Seeing no questions, I would like to suspend the rules requiring three (3) readings and bring Ordinance No. 22 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilman Lewis. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 22 has passed.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

9. **BILLS, ACCOUNTS & CLAIMS**

1. The Repository - \$1,190.00 – Publication of December Ordinances

COUNCIL PRESIDENT TOWNSEND – Thank you. Councilman Lewis I need a motion to pay the bills.

COUNCILMAN LEWIS – I move that we pay the bills.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Del Rio-Keller. Roll

call to pay the bills.

9 yes to pay the bills

10. REPORTS FROM CITY OFFICIALS

1. Treasurer's January 2015 Report
2. Mayor's List of Boards and Commissions

COUNCIL CLERK ROLLAND – Everyone should have gotten a copy.

COUNCIL PRESIDENT TOWNSEND – And we also have a copy of the Mayor's List of the Boards and Commissions she has appointed. These particular boards do not require a vote, however, I will read off the names and the boards they have been appointed to:

Wendy Blosser to the Board of Income Tax Review
Pericles Stergios to the Fair Housing Board
Robert Spencer to the Fair Housing Board
Ric Brown to the Fair Housing Board
Cathy Heitger to the Fair Housing Board
Paul Haig to the Fair Housing Board
Justin Tripp to the Health District Licensing Council
Debbie Lehman to the Health District Licensing Council
Sylvia Seymour to the Historical Preservation Commission
Margy Vogt to the Historical Preservation Commission
Mandy Pond to the Historical Preservation Commission

Yes, Councilman Lewis.

COUNCILMAN LEWIS – Mr. President.

COUNCIL PRESIDENT TOWNSEND – Yes, Councilman Lewis.

COUNCILMAN LEWIS – You'd stated that they do not need City Council approval, however, the memo dated February 9, 2015, says that they do need City Council approval. Can we please have clarification?

COUNCIL PRESIDENT TOWNSEND – Well, I believe whoever wrote this made an error. The only board we have to approve is Parks and Recreation. In the past, we did vote for formalities but, the votes were really useless. Are there any reports of committees?

11. REPORTS OF COMMITTEES

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT TOWNSEND – We have addressed Ordinance No. 5. That was under Call of the Calendar.

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

16. NEW & MISCELLANEOUS BUSINESS

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

COUNCIL PRESIDENT TOWNSEND – Okay, we have arrived at No. 17. This is the section of the agenda where the public can speak on a topic that did NOT appear on tonight's agenda. If you would like to speak on a topic, please come to the microphone at this time and give your name and address and the topic you'd wish to discuss.

SAM DAUT – 835 Cherry Rd. N.W., Massillon. First of all I'd like to thank the Council secretary because I did get the information on that win-win deal with the County parks. Seems like we're running a charity deal with the Stark County Parks. They're getting a really good deal out of this. I apologized to Mrs. Starrett earlier in the hall. I'm not going to apologize for the reason, okay. Because I just don't understand what you people just seem to decide what you're going to do with all of our land here. When I said last summer when you sold the land for 20% of its value to one individual, I didn't mean you should give it away. Now here we are, we're all of a sudden, what, do we want to get out of the park business? I don't understand, I mean we got a diverse Council here. We've got a few attorneys, we got a minister, we got Mr. Manson and Mr. Chovan that are business people and now to you Mrs. Keller. You're a banker, I would expect more out of you than the rest of these people. Considering, you know, the fact that you go to a bank every morning. You deal with financing, you deal with people; your bankers, your customers. I would think you would watch over our money a little more than you do, but you don't. You seem to have this aura about you that you feel that you should give land to somebody for a \$1.00 to justify that it's a win-win deal. I don't understand that. You actually remind me a lot of your predecessor, Mr. Slagle. See, 'cause when he was on City Council, he would have sold the park system just to keep the golf course. Example, you sat on, basically, you sat on the Parks and Rec Board for all those years and I stood here in these Council meetings, I addressed these councils, I fought against buying a restaurant. What did we do? Mr. Slagle thought we should be in the restaurant business. Spent \$200,000 of your Rec money and where Mrs. Hedderly's sitting at, I remember the deceased Mr. Mang saying, you know what his words were, I remember it to this day, he said, his exact words, "I don't care if that restaurant makes money. I think it'll be a good compliment to the golf course". Isn't that great. We got an indebted golf course and that's all we hear about is the golf course. Then we turned around and it wasn't not long after that I stood back here and our Mr. Kaminski, our past Rec Director, stood at that podium and told Mr. Slagle that he got the deal, the best deal that he could get, on leasing golf courses. A six-year deal for \$650,000 to lease golf course. He just spent three quarters of a million dollars in tax payer's money that's all related to that golf course. It's nothing, but to me, I don't understand why you turn around and give land on one hand and you make us pay for something else that we really have anything to do with. And yet, you want to sit here and you want to continue to spend more of our tax dollars for something there's nothing but, it's basically an indebted service. And you (Del Rio-Keller) of all people, surprise me the most because I just don't understand...yes?

COUNCIL PRESIDENT TOWNSEND – Mr. Daut, Mr. Daut. You're supposed to be directing your comments to me.

SAM DAUT – Pardon me, okay, I will; I apologize. But that's all I have to say. I mean, somewhere along the way, you can't continue to give away what belongs to the community, you know. And I mean, people work hard and I don't care if it was grant money, where the money came from, it makes no difference. It's still tax dollars and I think you people should really start acting a little more accordingly to spending our money. Thank you.

COUNCIL PRESIDENT TOWNSEND – Is there anyone else? Well, that concludes tonight's Council Meeting. Councilwoman Cunningham-Hedderly, I need a motion to adjourn.

18. ADJOURNMENT

COUNCILWOMAN CUNNINGHAM-HEDDERLY – I so move to make a motion to adjourn.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Starrett.

DIANE ROLLAND, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT



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