

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, APRIL 20, 2015**

**COUNCIL PRESIDENT TOWNSEND** – Welcome to the Massillon City Council Meeting for Monday, April 20, 2015. We have in attendance with us the following city officials: Law Director, Perry Stergios, Community Development Director, Larry Marcus, and City Engineer, Keith Dylewski. 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. I want remind anyone with cell phones, please turn them down or set them to vibrate. **(Please note that Mayor Catazaro-Perry entered during the meeting.)**

**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 Shaddrick Stinson.

Roll call of 9 present

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. I would like to recognize Councilman Paul Manson for tonight’s invocation and pledge of allegiance.

**2. INVOCATION**

**COUNCILMAN PAUL MANSON** - Gave the invocation for tonight.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILMAN PAUL MANSON** – Chairperson of the Community Development Committee led those in attendance in the Pledge of Allegiance.

**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** – Thank you, then 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 speak on something, please come to the microphone at this time. Give your name and address for the record and the topic you want to discuss. In addition, please print your name and address on the Sign-In Sheet on the table before you so that your name and address appears correct on our records.

**ROBERT DEHNKE** – Mr. President and ladies and gentlemen of Council. Just wanted to thank you for your time and consideration of our Resolution No. 2 that's on the Agenda for tonight for the zoning change for the variance for construction of our new home here in the City of Massillon. We look forward to moving back into the city and hopefully building our new home here. So, thank you very much.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Is there anyone else? Okay. I don't believe there's no one else so we will move into Introduction of Ordinances and Resolutions.

## 6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 47 – 2015**                      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE adopting the recommendations of the Massillon Tax Incentive Review Committee (TIRC) with regard to the renewal and termination of Massillon Enterprise Zone (EZ) projects.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Councilman Manson.

**COUNCILMAN MANSON** – Thank you, Mr. President. This is the Massillon Tax Incentive Review Committee. You have a list there of all the tax abatements in the city. I can tell you over the last eight or ten years, this number has shrunk considerably. It was probably at least twice this big at one time. We had one this year that was removed because they have gone out of business and they're out of town. The rest of them, we have either the school treasurers in or the superintendent from Tuslaw is in and there were no disagreements with any of them as far as our recommendations here. So, having said that, unless there's any questions we can't answer, I intend to move this forward tonight.

**COUNCIL PRESIDENT TOWNSEND** – Okay, I see no one.

**COUNCILMAN MANSON** – I make a motion that we waive the rule requiring three separate readings and bring Ordinance No. 47 – 2015 forward for passage.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Seconded by Councilman Chovan.  
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. 47 has passed. Ordinance No. 48.

### **ORDINANCE NO. 48 – 2015**                      **BY: COMMUNITY DEVELOPMENT**

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Councilman Manson.

**COUNCILMAN MANSON** – Thank you, Mr. President. We discussed this earlier this evening at our 6:30 p.m. meeting. There were some questions by Council that they wanted to take a look at some of the funding and in the interest of allowing us to dig into it a little bit deeper, I am going to give this first reading. I may end up trying to pass at second reading, but I think it'll probably go all three readings. So, first reading.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Ordinance No. 48 has received first reading. Ordinance No. 49.

**ORDINANCE NO. 49 – 2015**                      **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2015 CDBG Target Neighborhood Resurfacing Program in the City of Massillon, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILWOMAN HALTER** – Thank you, Mr. President. This is the target area which we talked about Monday night. I want to go ahead and suspend the rules tonight so that we can get this out to get the bids and get these streets repaved. Are there any questions? Mr. Lewis.

**COUNCIL PRESIDENT TOWNSEND** – Are there any questions? Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this particular piece of legislation. I believe a couple of Council Members still had questions about the funding of it with the CDBG and we need a little bit more time to confer with Mr. Koher. This is the one where we're bringing a carry-over from the previous year into this year and we haven't gotten a conclusive answer on the numbers. So I was thinking that maybe we should just give this first reading.

**COUNCILWOMAN HALTER** – Do you want to ask the City Engineer?

**COUNCILMAN LEWIS** – We could, but I believe he answered at the Work Session and I'm not sure the clarity was...

**COUNCILWOMAN HALTER** – Yeah, okay. I thought maybe he had better information. No? Okay, alright, then we'll give it first reading.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Ordinance No. 49 has received first reading. Ordinance No. 50.

**ORDINANCE NO. 50 – 2015**                      **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3104 Vacant Foreclosure Depository Fund, for the year ending December 31, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILMAN LEWIS** – Excuse me.

**COUNCIL CLERK ROLLAND** – I apologize. There is a typo, Mr. President. It should not be Street and Highways, it should be Finance Committee as it is dealing with appropriations.

**COUNCIL PRESIDENT TOWNSEND** – Okay. Councilman Lewis.

**COUNCILMAN LEWIS** – Thank you. Yes, this particular ordinance is referencing the funds that we receive when there is a vacant or foreclosed property within the City. The owner of said

property has to provide the City with a \$10,000 payment. Of that \$10,000, \$9,000 is refundable back to them. Some of that is banks and other entities have been able to sell their properties and are asking for their \$9,000 returned to them and we are simply transferring money into an account that allows us to pay out those funds. Are there any questions or comments? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ordinance No. 50 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – 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. 50 has passed. Ordinance No. 51.

**ORDINANCE NO. 51 – 2015**                      **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1220 Foreclosure Property Administration Fund, for the year ending December 31, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – This again has to do with the foreclosure of property. These funds are part of the funds that we set aside that we charge the banks on foreclosed property or other entities that owns foreclosed properties or vacant properties so that we can service those properties so that we can, whatever supplies we need in the administration of this program. So this is simply moving those dollars into an account so that we can go ahead and purchase supplies, materials, postage, pay out services and contracts. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ordinance No. 51 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – 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. 51 has passed. Ordinance No. 52.

**ORDINANCE NO. 52 – 2015**                      **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1206 Municipal Motor Vehicle License Plate Fund and the 1414 Collection System Improvement Fund, for the year ending December 31, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this is an ordinance that has two sections relevant to the funding that we were discussing. The first is \$40,149.00 to an account entitled “Lincoln Way SR 172/1st St. Project”. As you remember, this is the funding to repair the road outside of the Senior Center in downtown. It’s an extensive project and there’s some sidewalk work that

needs to be done because it is causing failure of the street. Section 2 is \$30,000 to an account entitled "Supplies/Materials/Postage". This is just to give basic supplies and materials, heavy equipment, not just paper and pencils, but heavier equipment that they may need to purchase throughout the year in the Engineering Dept. Are there any questions this evening? Seeing none, I make a motion that we suspend the rules...

**COUNCIL PRESIDENT TOWNSEND** – Excuse me. We have a question, Councilwoman Halter?

**COUNCILWOMAN HALTER** – Mr. Lewis, you said Senior Center. I think you meant Duncan Place.

**COUNCILMAN LEWIS** – Duncan Place, I apologize.

**COUNCILWOMAN HALTER** – It's okay.

**COUNCILMAN LEWIS** – First St. and Lincolnway.

**COUNCIL PRESIDENT TOWNSEND** – First reading?

**COUNCILMAN LEWIS** – No, no. I said it's on First St. and Lincoln Way.

**COUNCIL PRESIDENT TOWNSEND** – Oh, okay.

**COUNCILMAN LEWIS** – I'd like to make a motion that we suspend the rules requiring three readings, bringing Ordinance No. 52 – 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. 52 has passed. Ordinance No. 53.

**ORDINANCE NO. 53 – 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, Mr. President. I believe we may need some clarification on this. If I could please call up the Mayor.

**COUNCIL PRESIDENT TOWNSEND** – Mayor, would you please come to the microphone.

**MAYOR CATAZARO-PERRY** – Good evening, Mr. President, Members of Council.

**COUNCILMAN LEWIS** – Yes, Madam Mayor. At the last Council meeting we discussed this and I think that we all settled that the elevator in question that the quote is referencing is the one that is over in the front lobby of the Police Dept., correct?

**MAYOR CATAZARO-PERRY** – I believe it is this one right here (outside of Council Chambers) that is out of service and they actually, our handicap senior citizens tonight, had to use the police elevator to come up. So, this one has been out of service here. We are actually

having problems with both of them. These elevators are very expensive, so, it's going to be about \$8,000 to fix this one right out here.

**COUNCILMAN LEWIS** – Okay. And I understand, I agree with you that this one definitely needs fixed. I guess the concern I have is if we pass an ordinance with the order agreement as attached, the order agreement has “door protection standard for the No. 1 Admin. and police lobby elevators”. I don't think we would consider this the police lobby and I would hate to pass this ordinance with this attached to it and then tie our hands and not be able to fix this one if this is the one of most importance. Does that make sense?

**MAYOR CATAZARO-PERRY** – I'd definitely change it. Because this is the one that's been out. However, the Police Dept. elevator has had difficulty as well.

**COUNCILMAN LEWIS** – Thank you Madam Mayor.

**COUNCIL PRESIDENT TOWNSEND** – Thank you.

**MAYOR CATAZARO-PERRY** – You're welcome.

**COUNCILMAN LEWIS** – Open to discussion for Council. I am going to take the Mayor at her word and understand that it would probably cost us at least \$8,000 to get this process started. I would hate to give this first reading and force this whole process to go another two to three weeks before we actually can begin repairs. So maybe we remove the upgrade order agreement from it, give it a blanket \$7,000; \$7,697.00, that way the Administration has funds to begin the repair process on elevator for the, how do we want to declare that?

**COUNCILWOMAN STARRETT** – General court elevator?

**COUNCILMAN LEWIS** – The general elevator.

**COUNCILWOMAN STARRETT** – Public elevator?

**COUNCILMAN LEWIS** – General public elevator. I'm looking at the language here. The language in the ordinance itself does not specifically designate. However, are we attaching the work order to the ordinance? I guess that's my question?

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter has a question.

**COUNCILWOMAN HALTER** – I just have a thought. This elevator is at One James Duncan Plaza. The other elevator is at Two James Duncan Plaza, so, could we designate by the address as to which...

**COUNCILWOMAN STARRETT** – I think this is Two. This is Two; Police Dept. is One, I believe.

**PERRY STERGIOS** – Same difference, what's it matter. You're fixing the elevator over there and the elevator here.

**COUNCILWOMAN HALTER** – But we're not though.

**PERRY STERGIOS** – It says in the work order, number One, Administration which is what they designate this one as.

**COUNCIL PRESIDENT TOWNSEND** – Excuse me, Law Director, would you like to come up to the microphone?

**PERRY STERGIOS** – No, I do not.

**COUNCIL PRESIDENT TOWNSEND** – Come on, come on down.

**PERRY STERGIOS** – Mr. President, ladies and gentlemen.

**COUNCIL PRESIDENT TOWNSEND** – Mr. Law Director.

**PERRY STERGIOS** – This elevator right here's been broken for at least two weeks. Completely out of order, unusable. The Police Dept., I have no idea, but I am told by Judge Elum, that it needs some repairs. When I look at this contract, it seems to tell me that they're fixing this elevator and one in the police lobby. It say it right on the... and it identifies them by numbers. Now, I would assume that's for parts and repair for this one and the police one, but I have no idea. Other than this one hasn't worked for two weeks, maybe three.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Chovan.

**COUNCILMAN CHOVAN** – Thank you. If you look at the contract, this is for an upgrade. This isn't for repairing anything. This is not going to repair what's wrong with that. If I'm reading this, this is an upgrade for a light curtain to protect the door from closing on somebody. It's probably...

**PERRY STERGIOS** – That's right, I think you're right.

**COUNCILMAN CHOVAN** – It's an upgrade, right. So I mean, and so this amount \$7,697.00 that might have been to put these light curtains on both those elevators, but it says nothing about repairing them. So I think this upgrade thing is totally irrelevant to getting that fixed. Therefore, this amount in the ordinance, \$7,697.00, which is very specific amount, we have no idea if that's what it's going to take to fix this. So...

**PERRY STERGIOS** – I think you're right.

**COUNCILMAN CHOVAN** – I mean, you know, from reading it; it's an upgrade. This is not to repair anything.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Starrett?

**COUNCILWOMAN STARRETT** – I agree with Mr. Chovan, but I think as Mr. Lewis said, maybe the best thing is to remove the actual contract so at least we can get the money in the elevator repairs so we can at least, hopefully, have some money to get the most important parts done.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Chovan?

**COUNCILMAN CHOVAN** – That's what I was getting at. But I'm questioning whether this amount of money's going to be enough to do what needs done. That's what we don't know, so. Do we tie our hands, I mean, to that amount? I mean, we've got to get it fixed, I mean. I would take this off.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Scassa?

**COUNCILWOMAN SCASSA** – I think if this elevator is completely inoperable, we need to get it working. So, I think if we appropriate this money to this account and looking over this legislation, it doesn't seem to, unless I'm wrong, state anything about, you know, like our typical language of entering into a contract with, who are these people, Schindler Elevator, it looks like we're just appropriating the \$7,600 to the line item of elevator repairs. If it's much more than that, than, obviously, we'll be getting another piece of legislation asking for more money. If it's extremely less than this, which I doubt that it will be, I would imagine that the Auditor will just scrub the account like she will at the end of the year or we'll transfer money out of it rather than leaving thousands of dollars in the elevator repair line item. But, I would think that this amount is going to get eaten up if we have to repair two elevators. So, that's my feel on it.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis?

**COUNCILMAN LEWIS** – What I wanted to also state is I agree. Let's just pass the

ordinance, let's get this order agreement off of it. If I have to make an amendment doing so, we will certainly do that this evening. I also request that any other order agreements that we get in reference to work, it may seem like a sticking point, but this order agreement says page one of three and I haven't seen pages two and three, so I don't know what's beyond this first page so that makes it difficult to also assess what the situation may be. But I would say, for now, let's just strike that off of there and let's get some money in those accounts and let the Administration get these things working.

**COUNCIL PRESIDENT TOWNSEND** – Are we done with Mr. Stergios?

**COUNCILMAN LEWIS** – Never. Yes.

**COUNCIL PRESIDENT TOWNSEND** – Thank you very much.

**PERRY STERGIOS** – You're welcome.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson?

**COUNCILMAN MANSON** – So you're just talking about striking the upgrade order agreement?

**COUNCILMAN LEWIS** – Correct and placing the \$7,000 and what not into a line item so that they can get started.

**COUNCILMAN MANSON** – Okay.

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

**COUNCILMAN LEWIS** – Mr. President, would you think I need to make an amendment to take that upgrade agreement off of the end of the legislation?

**COUNCIL PRESIDENT TOWNSEND** – I would suggest you do that.

**COUNCILMAN LEWIS** – I make a motion that we make an amendment to Ordinance No. 53 – 2015; striking the upgrade order agreement that was provided with the ordinance from the ordinance itself, making it a blanket allocation of \$7,697.00 to the elevator repairs line item of 1401.410.5.2515.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Seconded by Councilwoman Del Rio-Keller. Roll call to amend Ordinance No. 53.

9 yes to amend

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Ordinance No. 53 remains at first reading. Back to you Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we suspend the rules requiring three readings, bringing Ordinance No. 53 – 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. 53 has passed. Resolution No. 2.



**RESOLUTION NO. 2 – 2015**  
**COMMITTEE**

**BY: COMMUNITY DEVELOPMENT**

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on March 12, 2015, wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code on a front yard setback variance on Kendall Avenue N.E. to construct a new single family dwelling. The Lot is known as Lot No. 6796 in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – Ward 1 Councilwoman is handling this.

**COUNCIL PRESIDENT TOWNSEND** – You would like to defer it to her?

**COUNCILMAN MANSON** – Yes.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson has deferred it over to Councilwoman Cunningham-Hedderly. Councilwoman Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Thank you, Mr. President. There was a question about it, so I'd like to bring our Law Director up, Mr. Stergios, please.

**PERRY STERGIOS** – Mr. President, ladies and gentlemen, Ms. Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – As we spoke earlier today concerning the question that was brought up about the ten days...

**PERRY STERGIOS** – To appeal...

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – ...yes.

**PERRY STERGIOS** – Here's what I think you should do or should vote on doing. To my knowledge, the applicants never have filed any written appeal, but, they came to Council that evening, presented what they wanted to be called an appeal and everybody seemed to give them the indication that that was sufficient and that we would put it on the agenda. So, I think first, you ought to have a vote as to waive the requirement of it "being in writing". Because, again, there's never been a written document and our ordinance says there's to be a written appeal.

**COUNCIL PRESIDENT TOWNSEND** – Right here.

**COUNCIL CLERK ROLLAND** – No, that was the transcript.

**PERRY STERGIOS** – That's the ordinance, yeah.

**COUNCIL PRESIDENT TOWNSEND** – Right.

**PERRY STERGIOS** – But I think if you decide to waive that requirement, that's within your areas that you can waive it. Because in fairness to them, we gave them the impression that that was sufficient because I was here at that meeting and I think that's what they walked away with was if anyone had said "you got to file it in writing", they probably would have. So, first vote to whether permit the appeal and waive the writing requirement and then you can discuss and vote on the resolution. I think that clears it up and then if in the future, someone can't say that we did enforce it for them and why are we enforcing it for somebody else, well, it was maybe partially our fault that no one really said. We gave them the impression that that was fine, was my recollection of it all.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Okay, thank you.

**PERRY STERGIOS** – You're welcome.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – I would like to bring forward what he just said; a motion to accept...

**COUNCIL PRESIDENT TOWNSEND** – Excuse me, can I make a...

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – I'm sorry.

**COUNCIL PRESIDENT TOWNSEND** - ...comment? Were you looking to pass this tonight?

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Yes.

**COUNCIL PRESIDENT TOWNSEND** – Here's my concern. If you pass Resolution No. 2, I believe it got on the agenda today, you don't give anyone an opportunity to come out to either discuss it in favor of it or no one to come out to discuss it to oppose it. Like I stated, it got on the agenda today and so I can see down the road, someone can easily say that you didn't give them the opportunity to come out and discuss it because they were not aware that it was going to be on Council's agenda. Just my two cents.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – I did receive a phone call, a message on my answering machine today of a neighbor that was hoping that I would vote "no" on this and she referenced it, so, she was aware of it. So, I don't know how she was aware of it, but she was.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis?

**COUNCILMAN LEWIS** – My initial inclination is this evening, I would rather us not vote on it for a couple of reasons. First one is, all of our mailboxes were flooded this afternoon with changes to the agenda and discussion and it wasn't clearly set out for even Council members this afternoon as to how this was going to be on our agenda. So, it is a leap to expect the citizens to be kept in that type of a loop to fully understand. Secondly, I don't know how comfortable I am this evening finding out about a procedure that we could take to, you know, wipe the rule and then vote. I just think it looks very suspicious if you have verbal request and we suspend the rule and then we pass it; we open ourselves up to complaints from people that are opposed to it. So maybe the proper measure would be to give it first reading and in two weeks, we can vote at that time. That way we can assure that all citizens concerned on this matter have ample opportunity to reach out. Those are my initial concerns.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Councilwoman Scassa?

**COUNCILWOMAN SCASSA** – I was going to pretty much say the same thing. I mean, I may, ultimately, end up voting in favor of the variance. I haven't made that determination yet, but I think we need to give it at least first reading to get it out there for the public to see because we did get an e-mail this afternoon that was against it. I believe that person said that they couldn't be here tonight, I don't know if it's the same person that called you, Sarita, but I did read that e-mail this afternoon, so, I guess, I would feel more comfortable giving it at least first reading.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Okay.

**COUNCIL PRESIDENT TOWNSEND** – Is there anyone else? Councilman Stinson?

**COUNCILMAN STINSON** – It was stated earlier that they only had 10 days to appeal it, so, are we going to overlook that?

**COUNCIL PRESIDENT TOWNSEND** – Council has 60 days to play with it.

**COUNCILMAN STINSON** – No, no, no. I'm talking about they had 10 days to appeal the decision from the Zoning Committee and they came to us and they gave a verbal, so, are we going to forgive the fact that they didn't a written appeal and that's why it's on the agenda?

**COUNCIL PRESIDENT TOWNSEND** – And that’s when I zip up and let you guys handle it. So, but Council does have 60 days to react on it. So, it’s not like you guys are in a crunch, so you do have 60 days from March 12th.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Okay, I will give Resolution...

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson?

**COUNCILMAN MANSON** – Okay, if we’re not going to act on it tonight, rather than getting into a problem as far as a written appeal, can we just accept that as the written appeal and then amend the ordinance...

**COUNCILMAN CHOVAN** – That’s a transcript.

**PERRY STERGIOS** – I guess you can. Because I don’t see any difference between, that’s not a written appeal, that’s a transcript of what they said at the meeting. You ought to just vote to accept that as their appeal. It’s very simple.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson?

**COUNCILMAN MANSON** – Why don’t we amend it to vote that we accept this as their written appeal and then give it first reading and then in two weeks give two weeks’ time for people if they have anybody that opposes it to come forward and contact us and vote on it in two weeks?

**PERRY STERGIOS** – That’s fine.

**COUNCIL PRESIDENT TOWNSEND** – Can I make another suggestion?

**PERRY STERGIOS** – It’s a distinction without a difference. You’re waiving something; whether to accept that as a written appeal or just waive that they submitted it in writing. The end result is the same. I don’t, I think you’re getting way too involved in that issue.

**COUNCIL PRESIDENT TOWNSEND** – I’m just going by this, that’s all. Which I think most of Council favors in granting the variance. If you’re looking to give it second reading, at least at the Work Session you guys can further discuss this. That’s all.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – First reading.

**COUNCIL PRESIDENT TOWNSEND** – So that is first reading? Thank you. Resolution No. 2 has received first reading.

## 7. **UNFINISHED BUSINESS**

## 8. **PETITIONS & GENERAL COMMUNICATIONS**

Transfer of Liquor License from Walgreen Co., DBA Walgreens 01502, 6204 Montgomery Rd., Cincinnati, OH 45213 to Walgreen Co., DBA Walgreens 07865, 1950 Wales Rd. N.E., Massillon, OH 44646

Transfer of Liquor License from Walgreen Co., DBA Walgreens 02875, 1982 8 Mile Rd., Anderson Twp., Cincinnati, OH 45255 to Walgreen Co., DBA Walgreens 15467, 110 Lincoln Way W., Massillon, OH 44647

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Have the Council representatives, have they received a copy?

**COUNCILWOMAN HALTER AND CUNNINGHAM-HEDDERLY** – Yes we have.

**COUNCIL PRESIDENT TOWNSEND** – Thank you.

**9. BILLS, ACCOUNTS & CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

1. Treasurer's Report – March 2015 (Copies distributed to Council Members)

**COUNCIL PRESIDENT TOWNSEND** – Thank you very much.

**11. REPORTS OF COMMITTEES**

**12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS**

**COUNCIL PRESIDENT TOWNSEND** – I'd like to remind everyone that our next Work Session is April 27th at 6:00 p.m.

**13. CALL OF CALENDAR**

**14. THIRD READING OF ORDINANCES & RESOLUTION**

**15. SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 40 – 2015**                      **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE accepting the dedication of highway easement areas and temporary work areas owned by the City of Massillon, Ohio, located at 17th St. N.E. and Sippo Blvd., and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Councilwoman Halter.

**COUNCILWOMAN HALTER** – Thank you, Mr. President. Are there any questions or discussion on this? I would like to move this forward tonight. Seeing none, I'd like to suspend the rules requiring three separate readings and bring Ordinance No. 40 -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. 40 has passed. Ordinance No. 41.

**ORDINANCE NO. 41 – 2015**                      **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Southway/Richville Intersection Improvement Project in the City of Massillon, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Councilwoman Halter.

**COUNCILWOMAN HALTER** – Thank you, Mr. President. Are there any discussion about

this ordinance? Are there any questions? Mr. Lewis?

**COUNCILMAN LEWIS** – In this particular ordinance, it does not fund the project, it simply starts the process of getting the bids and estimates for the project. There would still be a piece, I believe, that has to come through finance to fund at a later date?

**COUNCILWOMAN HALTER** – I believe it says the estimated cost is \$125,000 under Section 2.

**COUNCILMAN LEWIS** – But it is still my understanding that we'd have to appropriate the money at some point correct? And the reason I say that is because there's been discussion as to whether or not there are TIF dollars in that area that would be able to cover the cost of this. I don't want to hold up this ordinance; we can pass this ordinance and then when the appropriations aspect comes, we can then discuss the proper funding for it and that way we keep the project rolling and we don't put Mr. Keith Dylewski behind any further. Does that make sense, my train of thought there? I want to make sure, from my understanding, since it's coming out of Streets, Highways, Traffic and Safety, it's not actually appropriating dollars, we're just going out to bid for it. Can we have the City Engineer please come forward?

**COUNCIL PRESIDENT TOWNSEND** – Please, would you come up Mr. Dylewski?

**KEITH DYLEWSKI** – President, Council, Mr. Lewis.

**COUNCILMAN LEWIS** – Have I accurately depicted what this ordinance is doing?

**KEITH DYLEWSKI** – You're correct. This is just to bid the project and a follow-up ordinance, once we would be close to entering a contract, would come back to Council to appropriate the funds.

**COUNCILMAN LEWIS** – That's all I need, thank you.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Councilwoman Scassa?

**COUNCILWOMAN SCASSA** – Not to muddy the waters, but the last sentence of Section 2 says thought that this will be funded through the 1206 Municipal Motor Vehicle License Plate Fund. So, I mean, if we're passing an ordinance that's saying what fund it's going to be funded through, wouldn't we have to change that later?

**COUNCILMAN LEWIS** – Correct.

**COUNCIL PRESIDENT TOWNSEND** – Who's that question geared towards?

**COUNCILWOMAN SCASSA** – I guess either Mr. Dylewski or, I guess, just to clarify, I mean...

**KEITH DYLEWSKI** – Well, I think that's obviously up to Council on what funds they want to appropriate the money from. So, I mean, we'll obviously make the request to the Work Session and then that could be changed any time, but if it's in the ordinance, then, if you wanted to strike that portion, I mean, it might be a technicality for Mr. Stergios to answer.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – I feel for this evening since we've had so many policy discussions and system discussions, that maybe it would be easiest to pass as is understanding that it's going to come back to us at appropriations. If, at that time, we do discover that there are no TIF dollars, then we just appropriate. If we discover that there are TIF dollars, we can always go back, no, we can't repeal that and we can't amend it because passed. Ms. Halter?

**COUNCILWOMAN HALTER** – I'm just curious to know why this wasn't brought up at the Work Session.

**COUNCILMAN LEWIS** – It was.

**COUNCILWOMAN HALTER** – It was?

**COUNCILMAN LEWIS** – It was brought up at the last meeting and the Work Session, I believe.

**COUNCILMAN STINSON** – Yeah, we talked about TIF's.

**COUNCILMAN LEWIS** – If we seriously want to consider looking at TIF dollars if they do or do not exist in that area, I would recommend that we amend the ordinance, striking the language that designates the funds that this project would be paid out of. If we do not have the intention of doing a serious research of that then we'd be wasting everybody's time and we should just go ahead and leave it as is.

**COUNCILWOMAN HALTER** – Let's give it second reading.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Ordinance No. 41 has received second reading. Ordinance No. 42.

**ORDINANCE NO. 42 – 2015**                      **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

**AN ORDINANCE** accepting the dedication of road right of way located at Finefrock Road and Healthcare Way S.W., Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILWOMAN HALTER** – Any discussion on this ordinance tonight? If not, I move to suspend the rules requiring three separate readings and bring Ordinance No. 42 – 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. 42 has passed. Ordinance No. 43.

**ORDINANCE NO. 43 – 2015**                      **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to sign the Engineering Agreement with MS Consultants, Inc., for the year ending December 31, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILWOMAN HALTER** – Thank you, Mr. President. This is the ordinance that will allow us to accept the \$50,000 grant from the Aultman Foundation to study a Streetscape Project for the downtown area. Are there any discussions on this ordinance this evening? If not, I'd like to suspend the rules requiring three separate readings and bring Ordinance No. 43 – 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.

8 yes for passage; 1 no

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ordinance No. 43 has passed. Ordinance No. 45.

**ORDINANCE NO. 45 – 2015**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio to accept a grant from the Aultman Foundation for the Lincoln Way Streetscape and authorizing the Auditor of the City of Massillon, Ohio, to establish a fund entitled “Lincoln Way Streetscape Fund 1213”, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – This ordinance parallels with Ordinance No. 43 that was just passed. We’re simply appropriating the funds to pay for the project. These funds were provided to us by the Aultman Foundation and we’re acting simply as the pass through. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ordinance No. 45 – 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; 1 no

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ordinance No. 45 has passed.

**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, for the record, and the topic you wish to discuss.

**DONNA MILLS** – Madam Mayor, I’m here this evening representing the Senior Apartment Building, the senior tenants who reside there and we have formed a committee for representation of the tenants so that we can get some things done over there. We’re not here to be disrespectful, but we want that sidewalk fixed and we want it fixed as soon as you can allocate some of your \$50,000 to help us. People have fallen, it’s a hazard and it’s a lawsuit waiting to happen. We have tenants in wheelchairs, we have tenants in walkers and we have tenants whose balance isn’t very well allocated anymore. So what we’re asking for is not thousands of dollars to dig up the concrete all the way down Duncan Place, but we’re asking the worst part of it, not to be repaired but to be replaced. We think it’s beyond repair and to the side of the building where we go to empty our trash, that’s where the dumpsters are, that’s all torn up. The grate has been lifted up and a piece of plywood has been set over where the grate was creating about an inch high for us to have to step over to get to those dumpsters; that’s another accident waiting to happen. And if you get a lawsuit, it will be nothing compared to fixing a little bit of concrete. Also, I might add, we’re very pleased to look out our window and see the

beautification that's happening in the park across the street. That is a very pleasant thing. But, once we step outside on the crumpled sidewalk, we wonder have you forgotten your elders? We also see park benches, brand new, all over that area. Our building has one little teeny park bench in front of it and then some old winter, splintered thing that nobody wants to sit on. So we'd like to have a couple park benches there. As a matter of fact, the people that come down for the car shows and so forth, they take that one park bench that we do have. So, we're asking for that and I guess that concludes my complaints for this evening. So I hope you will consider replacing the sidewalk. Thank you.

**COUNCIL PRESIDENT TOWNSEND** – Thank you.

**PATTI BROWN** – Thank you, Mr. President and Council members, Mayor. I would just like to represent the residents and people that live around 27th St. S.E. My husband and I, we moved into Massillon in September, but we've been building the house since around June of last year in Gray Ridge Estates, which is a land lot new development, pretty much our only way to get to that area is through 27th St. S.E. off of Lincolnway. The reason we're coming is because this road is not just had some potholes; it has deteriorated. The south side of the road between Connecticut and Rhode Island is simply gone, you cannot drive on it; it's undriveable. When I called my representative, she was very helpful and had done a little research for me. And what I got back was there's always water there so it's just deteriorating. It almost can't be fixed, you can't just fill the potholes and I was told that the engineer is aware of this and that there's a resident that their sump pump is broken and now, this was back, we've again, I've seen this since June 2014. I've known people who have lived in the area longer than that and it's been at least a couple of years and now we're into April 2015. So, I'm coming just to get my voice heard to ask if the engineer could look at this. Again, this is not a simple let's fill a couple of potholes; the road is gone and again, our neighborhood is land lot. There's almost no way for us to get to our neighborhood except for down Harsh, which I hear is going to be paved, or you have to come around Elizabeth or you have to come down 27th St. So, I'm just representing those people that have to drive down that lovely road; that maybe it could get on the agenda at some point, to have someone look at that and see what repairs need to be done. Thank you.

**COUNCIL PRESIDENT TOWNSEND** – Okay. Could you please re-state your name and address and then also write it on that piece of paper.

**PATTI BROWN** – Yeah, my address is 2827 Sichels Circle S.E., Massillon, OH 44646. Thanks.

**COUNCIL PRESIDENT TOWNSEND** – Thank you very much.

**PATTI BROWN** – Oh, yeah, I live in Gray Ridge Estates. It's a new development and they're still building and I really think that's an area that could even be built up. There's a whole other section that could be built up, but I can tell you that people are not pleased when they drive...we almost didn't buy because we drove down 27th St. But we were told that it would be fixed. So it's a year later and I just don't know if it's on anybody's radar and I guess that's part of why we wanted to come. We'd like to start having some conversations to see what can be done because, again, it's not a simple, fill some potholes. It truly is the road is gone. So, thank you for listening. Thanks.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Is there anyone else?

**BILL YEAGER** – I'm Director of Engineering at FreshMark and I just wanted to stop and just make a comment pertaining to Item #41. I know that was on the agenda and it was the only item tonight that was put on the second reading. I've been working with Keith and the Mayor and such and trying to work that intersection to improve the situation there. FreshMark has made a major investment in this community. We continue to do more at our sites. We purchased the Cloverleaf Cold Storage building around the corner on Southway. Our truck traffic continues to increase, we do a lot and we're doing more and more business as a distribution center for ourselves. Our truck traffic by the end of the year actually doubled from about 80 trucks a day to over about 150 to 160. And what I'm asking is to try to get this



intersection approved. We feel, from our standpoint, that it's a safety issue. Keith and his team has actually gone and done a lot with improving this situation with putting slag and things there, but the standard for the traffic light and such should be re-done. The whole intersection needs to be re-engineered and our program is moving forward for the engineering but, we'd like to see it move faster. That's only, I know, putting it back two weeks, but, it really is a serious situation for us and for the community. Thank you.

**COUNCIL PRESIDENT TOWNSEND** – Thank you.

**DONNA MILLS** – I have a signed petition I forgot to give you.

**COUNCIL PRESIDENT TOWNSEND** – I there anyone else? Councilman Manson, I need a motion to adjourn.

**18. ADJOURNMENT**

**COUNCILMAN MANSON** – I move to adjourn.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Starrett. This meeting is adjourned.

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DIANE ROLLAND, CLERK OF COUNCIL

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TONY M. TOWNSEND, PRESIDENT

