

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, APRIL 18, 2016**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, April 18, 2016. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Joel Smith, Auditor, Jayne Ferrero, Chief Deputy Auditor, Debbie Bonk, Law Director, Perry Stergios, Engineer, Keith Dylewski, Income Tax/Budget Director, Mike McKee and Economic Development Specialist, David Maley. 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.

**1. ROLL CALL**

Roll call for the evening found the following Council Members present: Milan Chovan, Jill Creamer, Sarita Cunningham-Hedderly, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson, Andrea Scassa and Megan Starrett.

Roll call of 9 present

**2. INVOCATION**

**COUNCILWOMAN SCASSA** - Gave the invocation for tonight.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILWOMAN ANDREA SCASSA** – Chairperson of the Health, Welfare & Building Regulations Committee led those in attendance in the Pledge of Allegiance.

**4. READING OF THE JOURNAL**

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

**COUNCIL CLERK ROLLAND** – Yes they are.

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

**COUNCIL CLERK ROLLAND** – No, there are not.

**COUNCIL PRESIDENT ISTNICK** – Then the minutes stand approved as written.

**5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**

**COUNCIL PRESIDENT ISTNICK** – 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.

**6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 51 – 2016**

**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 ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Thank you, Madam President. I intend to defer to Mr. Lewis, since he attended that meeting. He makes his recommendation, I will recommend for him to come forward.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – As discussed in the meeting, and thank you Mr. Manson, as discussed last week, this is a typical meeting that occurs every year with the County Auditor and different school officials, superintendents. It speaks to the tax abatements for many of the businesses in our community. That committee did recommend that all the abatements continue forward. I see no reason for us to continue to belabor the point, but I would recommend this evening that we also suspend the rules and move forward on this.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Oh.

**COUNCILMAN LEWIS** – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 51 – 2016 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson.

**COUNCILMAN MANSON** – Yeah, I wanted to comment on it just before we vote. That's why I had my hand up.

**COUNCILMAN LEWIS** – Oh, sorry.

**COUNCILMAN MANSON** – That's okay. I just wanted to let everybody know that at these meetings, you usually have the superintendent of the schools or the treasurer is there representing the school and we have the administration there, the auditor's there or somebody from the auditor's office. So, it's a pretty thorough going over and we have very few problems with them, really. My recommendation is that we pass it.

**COUNCIL PRESIDENT ISTNICK** – Roll call for suspension.

**COUNCIL CLERK ROLLAND** – Okay. We seconded the motion?

**COUNCILMAN MANSON** – Me.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCIL CLERK ROLLAND** – Okay.

**COUNCILWOMAN LITMAN** – Can I make a comment?

**COUNCIL PRESIDENT ISTNICK** – Yes, absolutely. Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Paul and I were speaking a few minutes ago and just making a recommendation, the information that was provided to us shows a date of agreement, but it doesn't state the ending date for the abatements. It shows the committee recommendation, but, knowing that most of them are ten years, many of these are beyond that ten year period and knowing if it has been renewed for another ten years or if there's another term associated with those tax abatements, would be beneficial, I would think. I'm not suggesting making changes for this annual recommendation, but perhaps in the future.

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

**COUNCILMAN MANSON** – That's a good point. I think we should look at that.

**COUNCIL PRESIDENT ISTNICK** – Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 51 – 2016 has passed. Ord. No. 52 – 2016.

**ORDINANCE NO. 52 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** establishing a new Special Revenue Fund entitled “1211 Budget Stabilization Fund”, to ensure the City can provide consistent, uninterrupted municipal services in the event of economic disruption, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the emergency fund that we spoke about at great length last meeting. It does look like on Exhibit “A” the corrections were made that we had mentioned. For example the “shall be ten percent (10%)” was entered in as far as what sort of deposit should be credited to the account every year. You will also see in 3, B, there was a change to the “by two-third vote” saying that if we were ever to have to take money from this, it would be two-thirds of City Council in order to do so. This is actually a very smart move. I’m happy that the City is in the position that we can start to create this reserve fund for emergency situations moving forward and I believe it would be safe to say that this move is also endorsed by the Fiscal Commission from the State. And that’s basically it. Are there any questions, comments or discussion this evening?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Yes. I just had a question on, when we changed that language to show “shall be ten percent (10%) of the initial deposit. So, if our initial deposit is going to be the \$300,000 going into the fund, then we will always be making only a \$300,000 deposit into the Stabilization Fund. Am I understanding that correctly?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – From my understanding, at the last meeting, that is what we discussed that we wanted to make it a firm number instead of making it a flexible number. So that’s why we put it at that number.

**COUNCILWOMAN LITMAN** – Okay. So if we have a significant carry-over in any year going forward, we’re still only going to be required to contribute \$300,000?

**COUNCILMAN LEWIS** – Correct. From my understanding, the reading of the legislation.

**COUNCILWOMAN LITMAN** – Okay. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Mayor Catazaro-Perry.

**MAYOR CATAZARO-PERRY** – Thank Madam President, Members of Council. If that should happen, Mrs. Litman, you could always come back to this and amend that original ordinance. So then you can add more. Okay?

**COUNCILWOMAN LITMAN** – Okay.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mayor. Councilman Lewis.

**COUNCILMAN LEWIS** – Are there any questions or other questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings bringing Ord. No. 52 – 2016 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 52 – 2016 has passed. Ord. No. 53 – 2016.

**ORDINANCE NO. 53 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – This particular ordinance deals with retirements of two or three different people throughout the City this year that have accumulated sick leave that they are owed upon retirement and this is an \$150,000 appropriation so that we can cover those expenses this year. As discussed at the last meeting, the City does typically budget for some of the retirements that we anticipate. The particular people affected by this ordinance had not yet made up their decision as to whether or not they would retire and they have since been able to finalize that decision and as such, we do have to appropriate more to cover those expenses. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 53 – 2016 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 53 – 2016 has passed. Ord. No. 54 – 2016.

**ORDINANCE NO. 54 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I'm going to take this appropriation segment by segment. The first piece I want to look at is the \$40,000 to Services/Contracts and the \$10,000 to Supplies/Materials/Postage. This is so that we can have some security upgrades provided to the buildings that our government workers are in. As you, this facility here, you do not enter into a security check point until you get to the second floor. The entire first floor is unsecured. That Annex Building where we have multiple

city offices is completely unsecured and you can enter that building and move about three different levels of the building without any security check points. This would provide card readers and other security measures to help secure the people within the building. I want to make very clear that this is not just about security of the Mayor or single person. It's about security of all personnel that works for the City in those facilities. It's also about the visitors and guests. We have multiple citizens who come into these buildings to conduct business or to do whatever it is that they do. They have the right, as citizens, to enter these facilities, but we want them to be able to enter the facility safely and be secure while visiting. With that said, I do ask, does the Administration have anything that they would like to add or share with us regarding security? Are there any questions or concerns or discussion regarding the security, the first \$40,000 and the second \$10,000? Ms. Creamer?

**COUNCILWOMAN CREAMER** – Have we obtained any type of quotes yet? Have we began that process to see what exactly it's going to cost the City? I know we're starting out with \$50,000, but I didn't know where it could take us.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I have not seen a direct document yet. Ms. Istnick, the Safety Service Director would like to come forward.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Safety Service Director Smith.

**JOEL SMITH** – Good evening. We put that \$50,000 number in there feeling very confident that that would be more than enough to cover what we were hoping to accomplish. As far as the estimates, I'm working on those now. I had a security company come in today and look at the swipe system. I haven't got the quote yet. I have another company coming in Wednesday to give me an opinion on that. We have a quote for the conference room that I discussed to avoid bringing so many people into the Mayor's office. That's at \$11,600 and I want to expand that to take a look at the wall of the one section up there to improve the security of the front door of the entrance to the Mayor's, for lack of better word, suite. And then we are working with the court on this security apparatus. I think they have a quote for \$23,000. The court's going to help with that piece of it. So, we put that \$50,000 there feeling very comfortable that it would be enough to do it. So, if your concern was, we were going to go over that? We would not intend to do that. Anything that we didn't utilize, obviously, would be carried over into the next year. So, I am in the process of getting all of the quotes. Go ahead.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – If it would exceed, are we looking at possibly doing it by piece by piece?

**JOEL SMITH** – Well, sure, that's what we would try to do. We would do piece by piece. The first goal is to get everyone secure. Moving this down, that new apparatus is ordered, getting that downstairs, getting the security staff downstairs. We're looking at the Annex Building and realistically, the only way to truly secure it would be a swipe system on the side door and then everyone would come through the bank. But then, even at that, at our mezzanine level, we're going to talk with the court and potentially then, have a security guard there. So that's all kind of in the thought process. At this point, I think that's the best option is to bring one of them over there. We may have to supplement their budget a little bit if we have to add personnel, but moving this downstairs, I think, freezes up a body for potentially that. So, we're working with the court and, again, I think we're okay with this amount. I don't believe we'll go over it.

**COUNCIL PRESIDENT ISTNICK** – Does anyone else have a question for Safety Service Director Smith? Thank you, Mr. Smith.

**JOEL SMITH** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Mr. Lewis.

**COUNCILMAN LEWIS** – Thank you. The other pieces of this legislation, we have the bill from the bond attorney we also have the cost that is projected for the changes to outsourcing the payroll aspect. With so many changes in the medical aspect of making sure that we have proper reporting of benefits and other things of that nature and also with time and technology, our system has become quite antiquated. I have had questions about both of these pieces where more information is wanted before they, certain members of Council were ready to vote. So we have one of two options that we can do this evening. If we feel that we are confident and capable of moving forward with the security upgrade appropriation, I can divide the question this evening. We can vote on that and leave the other two pieces out for another Work Session to discuss. Or, if we are not comfortable with voting on security, we could give the whole entire ordinance first reading. My preference would be to move forward with the security portion. It is under \$50,000, it is under the requirement for putting out to bid. They would still have to go out there and get their estimates in order to move forward. If it did exceed \$50,000, they would have to come to us and speak to us about it. But this would be giving them a little bit of an allowance to be able to begin this project. So, if I can get some feedback. If everyone is ready to move forward on that piece then we will.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Well, I would say let's divide the question at this point. I think the security measures are definitely something that is long overdue and I think the Safety Service Director really wants to get moving on it and I agree. I think it's something we definitely need to get moving forward.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Scassa.

**COUNCILWOMAN SCASSA** – I share their sentiments. I guess I just sort of have a question. Not that I'm particularly happy with \$155,000 bill from bond counsel. But, I thought Mr. McKee had said he went over that bill, so, I guess, I don't know what questions that would remain about the bill from bond counsel in the sense of we owe it and I don't know how much we can dispute paying that. So, in not necessarily that I'm not for updating the auditor's payroll system, but I can see there being more questions about that as opposed to the bond counsel bill. So I guess, I would say, if we're going to divide the question, why aren't we including that with the security?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Some of the questions are from a few different Council members. We're referencing one we need to see the actual documentation from bond counsel before they appropriated that amount. My personal opinion, I guess is that that is not an unreasonable request and I tend to agree with them before we pass the payment of \$155,000 to an attorney. We may want to at least be able to see those bills before we move forward and that is why I decided that I would think maybe a separation at that point and one could even maybe argue that the bond counsel has been very liberal with us and waited four years to accumulate this amount. And if they've waited four years, what's another two weeks in the grand scheme of things.

**COUNCIL PRESIDENT ISTNICK** – Is there anyone else who would like to say something about this? Councilman Manson.

**COUNCILMAN MANSON** – Yes. I am one of the people that would like to see an itemized list with the charges and the dates before I vote for it. This kind of bothers me in that this accumulated over a period of time and I don't know what the period of time is yet, I'd like to see the period of time. But, for a year or two now and I'm not going to blame the auditor, but I know the auditor has been telling us that our bills our paid, but then we have a bill that isn't paid. So that wasn't exactly represented to what truly was going on here. So, first I want to see them. I'll either vote "no" tonight or I want to see

the dates and the fees.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we divide the question on Ord. No. 54 – 2016. The division should occur where “\$40,000 to an entitled “Services/Contracts” and the “\$10,000 to an account “Supplies/Materials/Postage” shall sit on its own. And “155,000 to an account entitled “Arbitrator Services/Contracts” and “\$50,000 to an account entitled “Bank/Payroll Charges” shall be together in a separate ordinance, separate issue.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Councilman Lewis, was that an amendment?

**COUNCILMAN LEWIS** – It’s a division of the question, so we’ll have to vote on each of them this evening separately or give one reading or however we move forward.

**COUNCIL PRESIDENT ISTNICK** – Okay. Roll call.

9 yes to divide the question

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 54 – 2016 has been divided. Councilman Lewis.

**COUNCILMAN LEWIS** – I would now make a motion that we suspend the rules requiring three readings, bringing forward to vote Ord. No. 54 – 2016 the first division of \$40,000 to an account entitled “Services/Contracts” and \$10,000 to an account entitled “Supplies/Materials/Postage”.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 54 – 2016, Section 1, items No. 1 and No. 2 has been passed. Councilman Lewis.

**COUNCILMAN LEWIS** – To the remainder of Section 1 in Ord. No. 54 – 2016, I give first reading.

**COUNCIL PRESIDENT ISTNICK** – Is that Section 2 and 3?

**COUNCILMAN LEWIS** – Well, we divided Section 1.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**COUNCILMAN LEWIS** – It’s the remainder of Section 1.

**COUNCIL PRESIDENT ISTNICK** – First reading for the remainder of Section 1 in Ord. No. 54 – 2016. Councilman Lewis.

**COUNCILMAN LEWIS** – That is all I have for Ord. No. 54 this evening.

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 55 – 2016,

**ORDINANCE NO. 55 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1100 General Fund, the 2101 Wastewater Treatment Fund and the 1219 WIC Program Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – We've discussed this at length. This deals with the Worker's Compensation as we are all aware, but I'll quickly review. Worker's Compensation has changed the method of their billing. They used to bill in a retroactive fashion. This year they have changed it to a forward approach. So we earlier had to pay retroactively and now we're having to pay for what is projected to be needed moving forward and that is what Ord. No. 55 deals with. It's making sure we cover those costs by making proper appropriations. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 55 – 2016 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 55 – 2016 has passed. Ord. No. 56 – 2016.

**ORDINANCE NO. 56 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 2016 appropriations within the 1201 Street Construction M & R Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – This is the similar one as to what we just passed where in Ord. No. 55 it was in relation to the General Fund, the Wastewater Treatment and the WIC Program. This one is in reference to the M & R Fund, our 1201 Street Construction, but it does deal with Worker's Compensation. Are there any questions or comments? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 56 – 2016 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 56 – 2016 has passed.

**7. UNFINISHED BUSINESS**

**8. PETITIONS & GENERAL COMMUNICATIONS**

Request for New Liquor License for Chipotle Mexican Grill of Colorado, LLC, DBA Chipotle Mexican Grill, 2872 Tommy Henrich Dr. N.W., Massillon, Ohio 44647.

**9. BILLS, ACCOUNTS & CLAIMS**

Jill Creamer	-	\$250.25	-	Attendance to Ohio Muni. League Trng.
Linda Litman	-	\$109.88	-	" " " " "
		\$360.13		
Claudette Istnick	-	\$120.00	-	" " " " " (already paid)

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we pay the bills.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call.

9 yes to pay the bills

**10. REPORTS FROM CITY OFFICIALS**

Treasurer's Report – March 2016

**11. REPORTS OF COMMITTEES** – Next Work Session, Monday, April 25, 2016 at 6:30 p.m.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I just wanted to announce that the Fiscal Commission will be meeting tomorrow at 1:30 p.m. at their usual spot at the Chamber of Commerce.

**COUNCILWOMAN LITMAN** – I'm sorry, you said where?

**COUNCILMAN LEWIS** – Chamber of Commerce.

**COUNCIL PRESIDENT ISTNICK** – The same room as previously?

**COUNCILMAN LEWIS** – Correct.

**COUNCIL PRESIDENT ISTNICK** – Anything else?

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

**13. CALL OF CALENDAR**

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

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

**ORDINANCE NO. 45 – 2016**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**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 ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes. We have a public meeting scheduled for May 2, 2016, prior to our Council meeting. I am not sure the exact time right now, if it was 6:00 or 5:45 p.m. Do you know, Diane?

**COUNCIL CLERK ROLLAND** – I believe it's 6:00 p.m. Yes, 6:00 p.m. before the regular Council meeting.

**COUNCILMAN MANSON** – If not, we'll make everybody aware of it. It's prior to the Council meeting.

**COUNCILMAN CHOVAN** – Second reading?

**COUNCILMAN MANSON** – Yes, second reading.

**COUNCIL PRESIDENT ISTNICK** – Second reading for Ord. No. 45 – 2016. Ord. No. 50 – 2016.

**ORDINANCE NO. 50 – 2016**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the donation of parcel #0619376: a vacant lot located on Warwick Avenue N. W., Massillon, Ohio, from property owner, Doris Oser, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes. Thank you, Madam President. Lisa Benton supplied us with some more information. We passed this around before the meeting. If you got it, there were a number of questions that had come up along the way. I told you my feeling what that I was looking at this just like a property that became delinquent in taxes and the City took it over. Unless there is something negative here from somebody, it's my intention to move this forward as amended and to amend it to say "emergency" so it can be handled quicker. And we had all the timing explained, the reasons for it.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I will just continue to voice my opposition to this. But obviously, Council will move as it wills.

**COUNCIL PRESIDENT ISTNICK** – Do you have a second Councilman Manson? Councilman Chovan seconded.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – No, I had a comment.

**COUNCIL PRESIDENT ISTNICK** – Oh, I'm so sorry.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – I have to agree with Ed. I'm not in favor of this and I really liked last week at the Work Session when Ed mentioned that why don't we just pass it on to the organization that wants to start the city garden? I'm not against city gardens, I just don't think we need another parcel of land to be responsible for. And I don't know if we can give that some thought to give it to the organization, straight out.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Has there been any communication with the organization to ask that question; if that is something that they're interested in doing? Having the donor donate directly to that organization versus to the City first?

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – I know of no conversation like that. Ms. Benson is here. If somebody would like to ask, maybe she could comment on that.

**COUNCIL PRESIDENT ISTNICK** – Ms. Benson, could you come up to the mic.

**LISA BENTON** – Yes, I have spoken with the person in charge of that organization. If it does not pass this way, that is something that they would consider doing. Again, I would just like to say, per the Mayor and the Safety Service Director's recommendation, I mean, we do have future plans for that parcel and I think it's important to stay in the City.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Anybody else?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Is that something that the Mayor or Safety Service Director could speak on tonight?

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mayor.

**MAYOR CATAZARO-PERRY** – We are looking at, I don't know if we've shared this, David so far, but we are working on First Street and cleaning that up. Mr. Gessner has put in quite a bit of money to buy some properties and tear them down and build the Chamber area, the new building and office space as well. So, what the Director and I have discussed is that we would like to get all of that cleaned up in there so that it has a little bit of an economic boom for that area. So, although we don't have any immediate plans for that property, we think that the community gardens would be great at this time and then as that progresses, Habitat had once looked at that. The one lot is too large, the other one is too small. We could replat that for a Habitat home which is very, very nice, but there could be other opportunities for that parcel or those parcels. And it's at your pleasure as to what you'd like to do with that, if you want to take it on. I understand Mr. Lewis' and Ms. Sarita Cunningham-Hedderly's concerns. But we're really looking at trying to demolish homes in that certain area there and trying to bring it back. They call it a "tipping point". I'm sure you've all heard of that and so we're looking at that now too and you probably weren't privied all this information. Our new committee is working on that with Mr. Maley and working on that with Habitat and so we really have got a nice momentum going with this committee and that is an area that we're targeting. So, it's in the early stages of targeting that area, but we are targeting that.

**COUNCIL PRESIDENT ISTNICK** – Councilman Chovan.

**COUNCILMAN CHOVAN** – I was under the impression that Mr. Gessner was buying property at First and North to put the Chamber in.

**MAYOR CATAZARO-PERRY** – Correct.

**COUNCILMAN CHOVAN** – And erect a facility there. That's not where we're talking about but, I mean, is there...

**MAYOR CATAZARO-PERRY** – It's kind of right there.

**COUNCILMAN CHOVAN** - ...diagonal.

**MAYOR CATAZARO-PERRY** - ...block area. Like a block we're looking at. And I'm saying, it's not something we have immediate needs for, but we are just discussing that

if we can get that area cleaned up and move around it would be nice to see. But again, it's whatever Council decides what they'd like to do, but I do think that there's opportunities that we could obtain this for zero dollars and then we can either help them develop it or we can sell it in the future as we work on that area there. But that area is a target for us.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – It was my understanding that the organization that is going to be working the property has committed to doing so for the balance of the term of the grant which is four years. So, we really wouldn't have any cost into it initially and then as far as any detriment to the City, this organization would be taking care of everything from the planting to the maintenance and anything else that would be needed. That's correct?

**MAYOR CATAZARO-PERRY** – That's correct and we have a disability friendly community and that's what this organization is. They work with the adults, so they'll come in and they'll garden that as well. So, it's really a learning experience for them in how to take care of themselves in a healthy manner and they've talked about finding dollars for playground equipment for others that would like to utilize that and that would be all on them, that would not be us doing that. So I think it really could be a nice "win-win" and really spruce up that area and create a healthy environment for those individuals and those that are not special needs.

**COUNCIL PRESIDENT ISTNICK** – Are there any other questions for the Mayor? Thank you. Councilman Lewis.

**COUNCILMAN LEWIS** – I guess my comment that I would like to make is while I agree that's an area of town that we need to make sure that we bring all the assistance we possibly can into, my personal opinion is that the City is not in a position where it can speculate as to where growth will occur. We can attempt to stimulate and encourage, but we cannot make happen. I would also say that we're not in a position where we can do any sort of land banking and I don't think that's what the Administration was saying at all, but I just want to make sure that we're not trying to think we're going in that direction. I would continue to encourage a direct donation. We have over 30 parks in this city. I believe we have hundreds of vacant properties in this city and when those properties need mowed or maintained, it's our Street Dept. and some of our Parks Dept. that does that. So every time a pothole doesn't get filled because a man is mowing a yard, that's one more issue we have to deal with. And while this property has been agreed to be maintained for the next four years by this organization and I believe that they have good intentions, if anything were to occur between now and then where they could not keep up with it, that would fall back on the city. With us having no kind of control as far as saying, you know, going to the owner of the property and charging them or forcing them to take care of the property. I just do not feel that we're in the position to continue to take on more property, especially when we have audits that tell us to release properties and that is where my opposition is coming from this evening. I do applaud the Mayor and her staff, though, for continuing to look for creative ways to use properties within the City that benefit our community, continue to beautify in target neighborhoods that need some assistance with development.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Well, we have heard some negative comments here, but in the interest of at least finding out how Council feels about this, I'm going to make a motion that amend Ord. No. 50 – 2016 and in the title part of the ordinance we insert "declaring an emergency" so that it can be acted on soon, if it passes and that's my motion.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Chovan. Roll call to amend.

8 yes; 1 no

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 50 has been amended. Councilman Manson.

**COUNCILMAN MANSON** – It goes back to first reading. I make a motion that we waive the rules requiring three separate readings and bring Ord. No. 50 – 2016, the amended Ord. No. 50 – 2016, forward for passage.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Chovan. Roll call for suspension.

8 yes; 1 no

**COUNCIL PRESIDENT ISTNICK** – And for passage.

7 yes; 2 no

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 5 – 2016 has passed.

16. **NEW & MISCELLANEOUS BUSINESS**

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

18. **ADJOURNMENT**

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Scassa.

**COUNCILWOMAN SCASSA** – I make a motion to adjourn.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Meeting adjourned.

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DIANE ROLLAND, CLERK OF COUNCIL      CLAUDETTE ISTNICK, PRESIDENT