

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, AUGUST 1, 2016**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, August 1, 2016. We have in attendance with us the following city officials: Law Director, Perry Stergios, Community Development Director, Barb Sylvester, Economic Development Specialist, Dave Maley, Parks & Rec. Superintendent, Kim O'Farrell, Treasurer, Maude Slagle, Police Chief, Keith Moser, Income Tax Director, Mike McKee. 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. We also have in attendance with us Mayor Kathy Catazaro Perry and Safety Service Director, Joel Smith.

**1. ROLL CALL**

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

Roll call of 8 present

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes. I make a motion to excuse Councilman Chovan.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call.

8 yes to excuse Councilman Chovan

**2. INVOCATION**

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

**3. PLEDGE OF ALLEGIANCE**

**COUNCILWOMAN LINDA LITMAN** – Chairperson of the Rules, Courts & Civil Service 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 corrections or additions?

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

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**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. 100 – 2016**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE expanding the boundaries of the Massillon Historic District.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes. The first two, No. 100 and No. 101, pertain to what's going on down at the old State Hospital property. I understand that Mike was here and explained it pretty well last week, Mike Garcar, and from what I heard, it went pretty well. I met with him about a week and a half ago and we had a pretty good discussion. Is there any discussion? And Andrea, you're part of the Historical Preservation Commission and you also handled it last week.

**COUNCILWOMAN SCASSA** – Yes. The Historic Preservation Commission, we voted unanimously to designate McKinley Hall as a historical building. We've been in contact with CommQuest and Mr. Garcar and I believe this new development director has as well, throughout the process. So, the Commission is definitely in favor of this project and designation.

**COUNCILMAN MANSON** – Does anybody have any questions? If not, I'm going to move for passage. I make a motion that we waive the rule requiring three separate readings and bring Ord. No. 100 – 2016 forward for passage.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 100 – 2016 has passed. Ord. No. 101 – 2016.

**ORDINANCE NO. 101 – 2016**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement relating to certain lands that are presently owned by the City of Massillon, Ohio, to the Community Improvement Corporation in accordance with Section 1724.10 of the Ohio Revised Code, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Thank you, Madam President. Same as the first, this is something right now that is we know is needed very much. It's to deal with opiates. They want to expand the program down there. Also it will be bringing, from my understanding, maybe 20 to 25 jobs to the City of Massillon. So, same thing, unless there's some questions, I make a motion that we waive the rule requiring three separate readings and bring Ord. No. 101 – 2016 forward for passage.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 101 – 2016 has passed. Ord. No. 102 – 2016.

**ORDINANCE NO. 102 – 2016**      **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a private donation on behalf of the Massillon Police Department, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This was money that was donated to the City at the recent vigil that was held in the City. \$508.00 will be going into an account to be used for law enforcement, as they have need. Specifically, it said body cameras and speaking with the Chief who actually, I believe, I don't know if there's an immediately need. But, it'll be there for future use or whenever the use becomes necessary. Are there any questions or concerns that need to be stated? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 102 – 2016 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson seconded it. Roll call for suspension.

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 102 – 2016 has passed. Ord. No. 103 – 2016.

**ORDINANCE NO. 103 – 2016**      **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a donation/sponsorship on behalf of the Massillon Parks and Recreation Department, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the \$8,100.00 that's coming from the Massillon Rotary Foundation to assist with the disc golf course that we have in Lincoln Park on 17<sup>th</sup> St. S.W. So, this is just a donation that we're receiving and then we're giving permission to receive and then obviously spend it as it was allocated to be spent. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 103 – 2016 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 103 – 2016 has passed. Ord. No. 104 - 2016.

**ORDINANCE NO. 104 – 2016**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance has two sections. The first section is for \$5,000.00. Moving \$5,000.00 into an account entitled Supplies. The second one is moving \$100,000.00 into an account entitled Services/Contracts. At the Committee meeting last week, there was a list provided to us detailing what's in the cost and expenses where they were warranting such a transfer and movement of the funds. At that time, there was not any extended conversation or questions and there were not questions left unanswered that were presented. Are there any questions or concerns this evening before we move forward? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 104 – 2016 forward for a vote.

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

8 yes for suspension

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

8 yes for passage.

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 104 – 2016 has passed. Ord. No. 105 – 2016.

**ORDINANCE NO. 105 – 2016**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1222 Waste Management Grant Fund, for the year ending December 31, 2016.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This money is, obviously, coming from a grant. It's \$50,000. It is to be used to assist with timekeeping, the software or the devices that are associated with that. At the Committee meeting there was a question as to how this relates to \$50,000 that was appropriated earlier in this year that had to deal with timekeeping, benefit keeping and tracking and things of that nature. I do not believe that there is any urgency in this particular piece and my intention was to possibly just give this first reading that way we have plenty of time to review it and discuss with the Auditor at the next meeting to make sure we're sure of this. But I do want to open this up for any conversation if there is to be any tonight before I do so. Seeing none, first reading.

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 105 – 2016 has received first reading. Ord. No. 106 – 2016.

**ORDINANCE NO. 106 – 2016**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain transfers in the 2016 appropriations from within the 1100 General Fund, for the year ending December 31, 2016.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is a transfer for \$800.00. This is for the Civil Service Commission. They've been awfully busy this year and conducting test and certifications for our employees and this is to balance their budget to make sure that

they have enough to get through the year. Any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 106 – 2016 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 106 – 2016 has passed. Resolution No. 14 – 2016.

**RESOLUTION NO. 14 – 2016**

**BY: FINANCE COMMITTEE**

A RESOLUTION approving the 2017 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached exhibit "A"; and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is a resolution that we pass annually. What we have to do is we have to present, essentially, an issue of need to the County showing them why we continue to need the millage that they collect on our behalf at the County level. So we put together the budget for them of what we expect our expenses need to be in order to operate next year and also show them what some of our debt positions and other long term forecast are. We are required to submit this in order to be able to collect on the funds that they collect on our behalf. Like I said, it is very typical and we do this every year. Are there any questions or discussion this evening?

**COUNCILMAN MANSON** – Just one thing I'd like to say. What went into the County in this, generally, maybe, 2 – 3 – 4 million more than what we are going to be budgeting at the end of the year. But it's just a case of showing what the need is. It's kind of like a formality, that's pretty much all it is.

**COUNCILMAN LEWIS** – A lot of good information there. And I would actually recommend that everyone keeps it handy because it gives you a very good picture, a snapshot of where the City is. Any other questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 106 -2016 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Res. No. 14 – 2016 has passed.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

9. **BILLS, ACCOUNTS & CLAIMS**

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report – June 2016

Mayor's Report – June 2016

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, August 8, 2016 at 6:30 p.m.

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. 97 – 2016

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 521 "HEALTH, SAFETY AND SANITATION" of the Codified Ordinances of the City of Massillon, Ohio, by renumbering 521.10(d) to (e) and enacting a new Section 521.10(d).

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCIL CLERK ROLLAND – I'm sorry. This is Rules and Courts.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This legislation is actually to determine the non-smoking areas in the Veterans Park as well as leading over to the museum. In prior conversations, both at last Council meeting and last Committee meeting, we've had discussion with the Safety Service Director and the Mayor asking to create a designated smoking area. So not to declare the entire area non-smoking, but to have an area slated for smokers to go with receptacles. We did have Theresa (Terri) at our last session who gave us a picture of exactly what areas, between the buildings, basically that would be declared as the smoking area, the designated smoking area. Just to recap a little bit, we've been told that there will six signs that will be put up by Stark Parks that will show the ordinance that is to be in effect as well as what the violation would be, the misdemeanor. One question that I think was brought up by Ms. Creamer in our last session was according to the Parks & Rec. Board, they would like us to pass this legislation, but also to state an effective date of October 1<sup>st</sup>. So that one, we could get signage up and there could be communication to the public and so forth. So, at this point I will ask are there any further questions or anything further that we need to ask of administration? Mr. Lewis.

COUNCILMAN LEWIS – I thought about this a lot and I will say that I'm inclined to vote "no" on this particular piece, though I'm not strongly opposed to the idea or the concept of what this is. My opposition is more in a philosophical issue with me and how public used space and how far we really want to go with as far as telling people what they can and cannot do when they partake in a legal activity on public land and then attaching a criminal offense to that. It's not necessarily about smoking for me. It's more along that line. So, I'll be voting "no", but I don't want alarm anyone or make this sound like some strong big tobacco platform or something. It's more of a philosophical argument.

COUNCILWOMAN LITMAN – Are there any further questions?

COUNCILWOMAN CREAMER – I just want to make a comment. I do have a concern

regarding the boundaries of this non-smoking area. Since the sidewalks are not included in this. I have a concern that if someone is standing in the non-smoking area and then is approached, can they just step on the sidewalk and be in a smoking area? So, I guess that is my concern with not including the sidewalk within that border. So that is my concern.

**COUNCILWOMAN LITMAN** – Maybe we could bring the Safety Service Director up and he can address what might be then to remedy the situation.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Smith.

**JOEL SMITH** – Well, I guess my first comment or my first thought when you bring that up is, okay, if we include the sidewalk then if they're on the sidewalk, they just step into the street. So you're going to have a border regardless of what you make that border be. So, whether it's the street or the sidewalk, I don't, I think you'll always face what you're talking, Ms. Creamer. That you would have that border that someone could step back one pace and they would be outside the zone. So, we made it the sidewalk just because it's a public sidewalk although I understand that this is a public park. If you concluded the sidewalk and the green space between it and the street, you would still have that same issue that you're describing.

**COUNCIL PRESIDENT ISTNICK** – Jill.

**COUNCILWOMAN CREAMER** – I guess the intent of this ordinance is for health and wellness and promoting, correct, a no smoking area?

**JOEL SMITH** – Correct.

**COUNCILWOMAN CREAMER** – So, by having smokers on the sidewalk, I guess we're defeating the purpose or in the street. You know, we're defeating that purpose of health and wellness, is my concern and I don't know where we go from here. But I guess that is a concern.

**JOEL SMITH** – We're not in a rush for this ordinance. If you want to do a second read, do a second read and we can talk about it next week.

**COUNCIL PRESIDENT ISTNICK** – Mr. Manson.

**COUNCILMAN MANSON** – Yeah, that was what I was going to suggest. If we don't have to have it in place until October, maybe it wouldn't hurt to talk about it one more time and see if we get any feedback.

**COUNCILWOMAN LITMAN** – My thoughts were to have second reading on it tonight as well.

**COUNCILMAN MANSON** – Okay, that's great.

**COUNCILWOMAN LITMAN** – Second reading.

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 97 – 2016 has received second reading. Res. No. 13 – 2016.

**RESOLUTION NO. 13 – 2016**                      **BY: FINANCE COMMITTEE**

A RESOLUTION to amend Section 1 of Resolution No. 13 – 2011, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance is dealing with where we will be making our bank deposits over the course of the next five years. The Treasurer did attend, the

City Treasurer, did attend our last Committee meeting and she stated that First Merit came out with the best offer to receive our financial deposits. Huntington came with the second offer and as we know, in the near future, that's essentially one in the same offer. But for now, it is First Merit and we have to do is pass this resolution that allows the City to continue to make its deposits at First Merit Bank. Are there any questions or discussion? The Treasurer is in the audience this evening. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 13 – 2016 forward for a vote.

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

Councilwoman would like to abstain from voting

**COUNCILMAN MANSON** – Point of order.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – I'm not sure, unless you have a reason to abstain; you can't abstain.

**COUNCILWOMAN LITMAN** – Well the reason for abstention would be that I'm an employee of First Merit Bank and would not feel comfortable.

**COUNCILMAN MANSON** – Oh, okay.

**COUNCILWOMAN LITMAN** – Although this is not my line of business, I'm still an employee of the entity that's being hired and would prefer not to vote on that resolution.

**COUNCILMAN MANSON** – Okay.

7 yes for suspension

7 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Resolution No. 13 – 2016 has passed.

16. **NEW & MISCELLANEOUS BUSINESS**

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

**JANEEN ROBINSON** – I live at 1933 Amherst N.E., Massillon. I'm here today because I was cited on July 21, 2016, for chickens in the City. These are chickens that we have had since 2009. We've had some pass and we purchased more. This is before the ordinance was changed last year with different wording. Since the ordinance has passed, we have not acquired any new chickens because of the law. We are here today to see if we can be "grandfathered" in with the chickens that we have right now. They've been established and really would not like to move them.

**COUNCIL PRESIDENT ISTNICK** – At the end of the meeting, we will get you to someone from Health and Welfare, Andrea Scassa.

**JANEEN ROBINSON** – Okay.

**COUNCIL PRESIDENT ISTNICK** – And perhaps she can talk to you about it, okay?

**JANEEN ROBINSON** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Andrea, would that be yours?

COUNCIL CLERK ROLLAND – Would it be Rules and Courts?

COUNCILWOMAN SCASSA – I think it would be under Health and Welfare.

COUNCIL CLERK ROLLAND – Health and Welfare, okay.

COUNCIL PRESIDENT ISTNICK – Okay. So at the end of the meeting you could talk to her?

COUNCILWOMAN SCASSA – Yes.

COUNCIL PRESIDENT ISTNICK – Thank you.

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

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DIANE ROLLAND, CLERK OF COUNCIL    CLAUDETTE ISTNICK, PRESIDENT