

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, APRIL 15, 2013**

COUNCIL PRESIDENT TOWNSEND I'd like to welcome all of you to Massillon City Council for Monday, April 15, 2013. We have in attendance tonight Interim Safety Service Director Jim Johnson, Law Director Perry Stergios, Building Official Bill Kraft and Community Development Director Ted Herncane. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or to vibrate.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham-Hedderly, Nancy Halter, Quenessa Hampton, Ed Lewis, Paul Manson, Donnie Peters, Andrea Scassa and Larry Slagle.

Thus giving a roll call vote of 9 present.

2. INVOCATION

COUNCILWOMAN CUNNINGHAM-HEDDERLY B Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

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

4. READING OF THE JOURNAL

COUNCIL PRESIDENT TOWNSEND - Madame Clerk, are the minutes of the previous meeting transcribed and open for public viewing? (Yes, they are) Are there any additions or corrections to the minutes? If not the minutes stand approved as written.

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

COUNCIL PRESIDENT TOWNSEND – This is the part of the agenda where citizens may speak on a topic that appears on tonight’s agenda. If you would like to speak on something please come to the microphone at this time and give your name, address for the record and the topic you want to discuss at this time. Okay, I see no one and we move right into our council meeting here introduction of ordinances and resolutions.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 44 - 2013
COMMITTEE

BY: FINANCE

Making certain appropriations from the unappropriated balance of the Summer Concert Fund, for the year ending December 31, 2013, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. This ordinance is the transfer, appropriate funds please appropriate from the unappropriated balance of the Summer Concert Fund, for the year ending December 31, the following: \$10,000 to an account entitled Summer Concert Series, 1212.505.2392 and \$6,000 to an account entitled Summer Concert Series Supplies, 1212.505.2410. This isn’t to approve the summer concert series this is just to appropriate money that is already in that account still remaining from last year’s collection from the private sector. So its just appropriating money its not approving I think some people have been a little misled thinking that were going to approve or disapprove that. If there’s any questions I can try to answer them.

COUNCIL PRESIDENT TOWNSEND – Are there any questions?
Councilman Chovan?

COUNCILMAN CHOVAN – Yeah, just a question on something that you just mentioned. When I asked the mayor what this money was for she had said that it was to start the concert series for this year. We had to do some advanced payments for some people to get things going for the concert series. So I guess I’m a little confused by you saying that this is not have anything to do with this year’s concerts.

COUNCILMAN PETERS – Well, its not to approve the summer concerts previous council has already approved the summer concerts series if they’re not taken out of any city funds. That was done two years ago so...

COUNCILMAN CHOVAN – Okay, so I’m just clear you’re not saying that there’s going to be another...

COUNCILMAN PETERS – All this is just exactly what I said its appropriating money from the unappropriated balance which is like \$22,000 its already in there from last year.

COUNCILMAN CHOVAN – I was just to clarify I was just wondering if there was going to be some other legislation that somebody was going to propose to accept them because they don't really I mean to have the concert series. Because I don't think we I agree with you I don't think we have to do that that's already done. So...

COUNCILMAN PETERS – Yeah, I've already approved them.

COUNCILMAN CHOVAN – Okay.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, I think every year since I've been on council we've approved you know the money being used this way. And I know you understand that we have to get out there and start booking these groups. Just throw that in there we have done it in the past same way.

COUNCIL PRESIDENT TOWNSEND – Alright, any other questions? Your motion Councilman Peters.

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

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

ORDINANCE NO. 44 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 45 - 2013
COMMITTEE

BY: FINANCE

Making certain transfers in the 2013 appropriations from within the General Fund, for the year ending December 31, 2013, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – Thank you, Mr. President. This is a transfer from the 2013 appropriation from within the General Fund, for the year ending December 31, 2013, from Annexation Fees 1100.905.2721 \$500 to Services and Contracts 1100.215.2392. If there's any questions I'll try to answer them if not.

COUNCIL PRESIDENT TOWNSEND – Wait, we have Councilwoman Hampton with a question. Do you have a question?

COUNCILWOMAN HAMPTON – Yeah, yes, Mr. President.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Hampton?

COUNCILWOMAN HAMPTON – I was just going to ask what exactly are the annexation fees.

COUNCILMAN PETERS – Okay, what I well that’s just the account its coming out of. Okay, because I believe its just Paul can maybe correct me it’s the health department have or somebody one of those departments has run out of money and so we’re just taking it out of that account to put it into services and contracts. We try to find accounts that have a little extra money in to transfer. So that’s what we’re basically doing.

COUNCILWOMAN HAMPTON – Okay.

COUNCIL PRESIDENT TOWNSEND – Okay, are there anymore questions?

COUNCILMAN PETERS – Satisfied?

COUNCILWOMAN HAMPTON – Yes, yes, I just wanted to know.

COUNCIL PRESIDENT TOWNSEND – Alright, your motion, Councilman Peters.

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

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

ORDINANCE NO. 45 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A. REPOSITORY - \$652.80

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

COUNCILMAN PETERS – I move that we pay the bills.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilman Manson.

Roll call vote of 9 yes to pay the bill.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, the clerk will the pay the bills and charge them to the proper account.

10. REPORTS FROM CITY OFFICIALS

COUNCIL PRESIDENT TOWNSEND – Do we have any reports from city officials?

COUNCIL CLERK BAILEY – We did receive the mayor’s monthly report for February 2013.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT TOWNSEND – Are there any reports of committees? No reports? Okay, any resolutions or requests of council members? None.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR – TABLED FROM MARCH 4, 2013

COUNCIL PRESIDENT TOWNSEND – We do have Ordinance No. 15 that was tabled from March 1st on Call of the Calendar.

ORDINANCE NO. 15 - 2013
DEVELOPMENT COMMITTEE

BY: COMMUNITY

Authorizing the Massillon Historic Preservation Commission to designate six (6) city parks in the City’s historic district as permitted by Chapter 1349 of the Codified Ordinances, and declaring an emergency.

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COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, thank you, Mr. President. Back in March when we were discussing this there were a couple of different things. I know myself I wanted to dig a little deeper into the historical commission’s guidelines that they have to operate for on or operate by. Also Mr. Slagle asked to wait until it had been discussed in the parks and rec. I saw in the minutes that it was discussed last month by parks and rec. they discussed some of the things we talked about as far as if there’s a fire how its handled and stuff like that. Also I’ve been talking to Mr. Herncane and also I talked to Mr. Day and you know things have changed we had one historic district that was approved by ordinance I don’t know exactly when the ordinance was but it was approved by council through an ordinance. What is starting to happen is we these parks they’re not part of the historic district you know so maybe we’re going to have to start defining these things differently like the historic district we’re talking about is between North and Tremont and First Street West, First Street East. But we are our library’s not in it, the Lincoln Theater’s not in it. So maybe you know we’re going to have to start defining this as the downtown historical district. But it says that there’s suppose to be a registrar where there these things are kept. Well that’s what I want to see happen. It says listed properties so there will be things like the parks or there maybe some individual buildings somewhere that at some point in time that we see that should be historically recognized and it won’t be part of the historical district but it will be part of this it will have historical meaning and it will be recognized by us. So that’s what I wanted to see and I told Mr.

Hercane I think we need to work on this register. He showed me a whole lot of stuff up there on the buildings downtown but nothing really its information on them historically but nothing as far as them being recognized historically. And actually coming under the historic preservation commission. So having said that I have no problem with these, these six parks right at this time. The only thing I said is if we don't accomplish that as far as the register and stuff like that then the next time something comes if I'm here I'm going to say if we've got these things done. But other than that if nobody has a problem I intend to move this legislation forward tonight. Is there any questions by anybody?

COUNCIL PRESIDENT TOWNSEND – Okay. Are there any questions? No questions, Councilman Manson your motion?

COUNCILMAN MANSON – I think this is third reading but I'm not sure exactly how coming off call of the calendar but I make a motion that we bring Ordinance No. 15 forward for passage.

COUNCIL PRESIDENT TOWNSEND – You are correct it is third reading.

LAW DIRECTOR STERGIOS – Excuse me.

COUNCIL PRESIDENT TOWNSEND – Okay.

LAW DIRECTOR STERGIOS – Were you going to amend it to add parcel numbers to the missing now that might have happened cause I missed the March 1st meeting.

COUNCIL PRESIDENT TOWNSEND – Could you come up to the podium?

COUNCILMAN MANSON – Well, we had some parcel numbers I thought, I'm sorry if...

LAW DIRECTOR STERGIOS – I hate to stick my nose in it like that but...

COUNCILMAN MANSON – That's good. Now's the time to do it.

LAW DIRECTOR STERGIOS – Well "c" North Sippo I thought Mr. Manson and I discussed after the initial reading that we were going to add a parcel number there which I have...

COUNCILMAN MANSON – That's 680382?

LAW DIRECTOR STERGIOS – Yes.

COUNCILMAN MANSON – Okay.

LAW DIRECTOR STERGIOS – And then "d" South Sippo 680381, but there was there's also a couple other small parcels which no one ever answered I guess our question. I'm not trying to delay it I'd say go ahead and

pass it if you see fit. But at least that tells us what we are designating as opposed to...

COUNCILMAN MANSON – Right, right, I think we'll just go with those two parcels numbers. The one on the North there's nothing at all unclear about the North that's all...

LAW DIRECTOR STERGIOS – All one big parcel, yes.

COUNCILMAN MANSON – One parcel number and the other one is mostly 680381 there are a couple along the...

LAW DIRECTOR STERGIOS – The alley.

COUNCILMAN MANSON – West side well the west side of the park I guess.

LAW DIRECTOR STERGIOS – That also yes.

COUNCILMAN MANSON – I think that's sufficient but I think we should amend the ordinance to add those two numbers and...

COUNCILMAN MANSON – Okay, alright.

LAW DIRECTOR STERGIOS – That's...

COUNCIL PRESIDENT TOWNSEND – Councilwoman Scassa?

COUNCILWOMAN SCASSA – Can you repeat "c" please?

LAW DIRECTOR STERGIOS – 680382 would be North Sippo Park's parcel number. Which basically encompasses everything up to does not include what we call the dog park I don't think is that what we goes up to Philips I believe.

COUNCILMAN MANSON – Okay, well we may as well I only see two parcels numbers on Sippo South 680381...

LAW DIRECTOR STERGIOS – That's the big piece.

COUNCILMAN MANSON – And then there's one up close to Lincoln Way that's 680404. That's the only two numbers that I see that are highlighted yellow on the map.

LAW DIRECTOR STERGIOS – There's also that right-of-way to the right that triangular spot 80207, 680207 to the right there leave that out for now.

COUNCILMAN MANSON – That's what I thought we said.

LAW DIRECTOR STERGIOS – That's what I think you're right I just wanted to make sure it gets into the ordinance.

COUNCILMAN MANSON – Okay, South Sippo will be defined by 680381 and 680404.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters do you have a question?

COUNCILMAN PETERS – Just are we amending then?

COUNCILMAN MANSON – I am I intend to just want to make sure she's got the numbers down correct and then I'm going to move to amend it.

COUNCIL CLERK BAILEY – Let's just make sure. What's "c" again?

LAW DIRECTOR STERGIOS – 680382.

COUNCILMAN MANSON – That's North Sippo.

COUNCIL CLERK BAILEY – Yes.

COUNCILMAN MANSON – Okay...

COUNCIL PRESIDENT TOWNSEND – Councilwoman Scassa?

COUNCILWOMAN SCASSA – I just had a question if we had a parcel number "f"?

LAW DIRECTOR STERGIOS – No, we do not.

COUNCILMAN MANSON – For who?

LAW DIRECTOR STERGIOS – For Union Cemetery that is a indescribable parcel its existed for so long it was dedicated on a plat I have some old, old things on it but we I don't know its categorized. Union Cemetery we gave up. I think that's all.

COUNCIL PRESIDENT TOWNSEND – Yeah, I that's it.

LAW DIRECTOR STERGIOS – It's as clear as a bell.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson, could you repeat those parcel numbers for the clerk?

COUNCILMAN MANSON – Yes, for North Sippo it will be 680382 parcel number, okay, South Sippo will be 680381 and 680404.

COUNCIL CLERK BAILEY – Okay.

COUNCILMAN MANSON moved to amend Ordinance No. 15 – 2013 to include parcel numbers, seconded by Councilwoman Scassa.

COUNCIL PRESIDENT TOWNSEND – Question, Councilman Slagle?

COUNCILMAN SLAGLE – Well, so we're just going to add parcel just like

they are in the previous ordinance you're going to add parcel you're going to have a dash then parcel number and put the number in just like you said?

COUNCILMAN MANSON – Yes.

COUNCILMAN SLAGLE – Because the previous ordinance has it that way too I just wanted to make it clear that that's the way we're doing it to be consistent. Here.

COUNCILMAN MANSON – Yeah, I don't have the one on the I didn't have the one on the South I had the North. Okay? It's moved and seconded.

COUNCIL PRESIDENT TOWNSEND – Okay, you ready?

COUNCILMAN MANSON – Yep.

COUNCIL PRESIDENT TOWNSEND – Okay, its been moved and second roll call please.

COUNCILMAN MANSON – To amend.

COUNCIL PRESIDENT TOWNSEND – To amend, roll call.

ORDINANCE NO. 15 – 2013 WAS AMENDED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Nine yes for amendment it goes back to first reading. Your motion Councilman Manson?

COUNCILMAN MANSON moved for suspension of the rules and passage, seconded by Councilwoman Scassa.

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

ORDINANCE NO. 15 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 8 YES, 1 NO. PETERS VOTED NO.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 35 - 2013
COMMITTEE

BY: FINANCE

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement between the City of Massillon, Downtown Massillon Hotel, Ltd, and Charles Street Ltd., which would permit, if certain conditions are met, canceling the promissory note associated with the loan for the Hampton Inn project and release the related mortgages and any other liens related to the financing of the project.

COUNCIL PRESIDENT TOWNSEND – Councilman Peters?

became aware at the last meeting that there was some confusion about who I am and who I represent. So I want to make it real clear about that I am a member of the Canton Area League of Women Voters and we have been in existence since 1920 when the 19th amendment was passed to give women the right to vote. We have been a local chapter since 1920 we started with 89 charter members and three years later we had 500 members. Now we're not quite that big anymore but we do cover the cities of Massillon, Canton, North Canton, Plain, Perry and Jackson Townships. We are a political organization but we are non-partisan. We do not support or oppose any candidates or any parties. We do after careful consideration many times come down on a we take a position on an issue especially if it has to do with voting rights and public safety and public health. So I just wanted to make that very clear I am part of what they call the observer corp. We go out I know that the Canton City Council meetings, the North Canton City Council meetings are being observed. You are being observed we report back every month to our board. We have a website we can post anything we observe here I think these are very well attended meetings and well conducted meetings. That would be anything that would be all I would say. We also our website will direct people to the Massillon website because your minutes are very clear, concise and complete. I think its important to understand everybody that what we do is observe democracy our government in process. It is very important that we each citizen have a vote and that we each have that vote counted. That's what this is all part of. Thank you.

DIANE HARRIS – I stay at 1428 David Dodson Drive the new David Dodson that street. I have been complaining about trash I come home Sunday they got a couch out there, they've got four tires, they've got a old TV. It's got a dumping sign on there do not dump but now they're bringing it out in front of my house. I would like for something to be done. So because its getting worse now they was putting it in there but now its right there in front of my house and I didn't put it there. So I'm asking could something be done about it.

COUNCIL PRESIDENT TOWNSEND – Okay, you represent you live in the fourth ward?

DIANE HARRIS – Yes

COUNCIL PRESIDENT TOWNSEND – Councilwoman has heard and you can speak with her after the meeting.

COUNCILWOMAN HAMPTON – Yes, Mr. President.

DIANE HARRIS – Thank you.

COUNCILMAN MANSON – Can I ask a question? Is it a dumpster that they're...

DIANE HARRIS – No, its no dumpster. What it is, is when they Massillon Homes bought they bought some of the land but the land on the right hand side its only got two homes but the land on the left hand side I've been there five years and I've been complaining they come and they just dump, dump,

they just dumping it over there. Well, when I come home they didn't even dump over there they just put it right there, left it right there. And I mean at nighttime its no lights on that street so you can't see whose coming down. That's another problem because we don't have any lights on that street if maybe we had a light we could you know see its only me and another lady we could probably see and you know get their license plate. But I mean they're just being bold with it now.

COUNCIL PRESIDENT TOWNSEND – Well, this is not a question and answering section so if possible speak with Ms. Harris after the meeting. I know the Councilwoman in ward 4 is aware of it and I believe she has some answers for you tonight.

DIANE HARRIS – Okay, thank you.

COUNCIL PRESIDENT TOWNSEND – Also I want to take this moment to ask everyone here in the audience to keep the victims of the bombing victims in Boston in their thoughts and prayers tonight. I just got the news on my phone when I was driving here I was unaware of it. But I think two people has died and over 100 people injured. So you know if you can please keep them in your thoughts and prayers.

18. ADJOURNMENT

COUNCILWOMAN CUNNINGHAM-HEDDERLY – I move that we adjourn, seconded by all.

MARY BETH BAILEY, CLERK,

TONY M. TOWNSEND, PRESIDENT

