

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, SEPTEMBER 16, 2013**

ACTING COUNCIL PRESIDENT PETERS B I'd like to welcome all of you to Massillon City Council for Monday, August 19, 2013. We have in attendance with us this evening the following city officials we have Parks and Rec. Director Doug Nist, Law Director Perry Stergios, Engineer Keith Dylewski, Debbie Bonk from the auditor's office, Budget Director Ken Koher, Mayor Kathy Catazaro-Perry and Interim Safety Service Director Jim Johnson. 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 HALTER Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN HALTER – Chairperson of the Health, Welfare and Building Regulations Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

ACTING COUNCIL PRESIDENT PETERS - Madame Clerk, are the minutes of the previous meeting transcribed and open for public viewing? (Yes, they are finally done) 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

ACTING COUNCIL PRESIDENT PETERS – 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 state your name, address for the record the topic you want to discuss at this time. We will move into Introduction of ordinances and resolutions.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. 109 - 2013
REGULATION COMMITTEE**

BY: HEALTH, WELFARE & BLDG

Authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon, and declaring an

emergency.

ACTING COUNCIL PRESIDENT PETERS – Councilwoman Halter?

COUNCILWOMAN HALTER – Thank you, Mr. President. Mr. Johnson explained this to us last Monday at our work session. If there are any other questions you can ask them if not we're going to go ahead and suspend the rules this evening. Are there any questions?

COUNCILWOMAN HALTER moved for suspension of the rules and passage, seconded by Councilwoman Scassa.

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

ORDINANCE NO. 109 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 110 - 2013 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

Accepting the replatting of Out Lot 1102, located on the south west corner of Wooster (Cherry) Rd NW and 27th Street NW (Bison), and including the dedication of street right of ways, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ACTING COUNCIL PRESIDENT PETERS – Councilwoman Hampton?

COUNCILWOMAN HAMPTON – Thank you, Mr. President. Yes, we discussed this at last week's work session. Really, basically, what Madame Clerk just read on this particular one is accepting the replatting and dedication of street right of ways on Lot 1102. If everyone should have a copy of the map for this replat attached to your ordinance. And pretty much there's nothing if no one has any questions or whatnot I'll pretty much be asking for the engineer actually is here I think yes. Does anyone have any questions? If not I'll make a motion to suspend the rules requiring three readings.

COUNCILWOMAN HAMPTON moved for suspension of the rules and passage, seconded by Councilwoman Cunningham-Hedderly.

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

ORDINANCE NO. 110 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 110 – 2013 has passed.

ORDINANCE NO. 111 - 2013 **BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the Solid Waste Capital Improvement Fund, General Fund, 2105 Stormwater Utility Fund and the Economic Development Fund, for the year ending December 31, 2013, and declaring an emergency.

ACTING COUNCIL PRESIDENT PETERS – I'll recognize Councilman Manson to do the finance this evening.

COUNCILMAN MANSON – Okay, thanks. Okay, we have four sections here. First section is from the unappropriated balance of the Solid Waste Capital Improvement Fund, \$39,546.88 to an account entitled Transfer Out 1413.605.2752. If there's any questions along the way stop me. Section 2, is for the same amount \$39,546.88 and that is to be transferred to its to its from

the unappropriated balance of the General Fund and its going to Street Salaries account #1100.435.2110. Section 3 is to appropriate from the unappropriated balance of the 2105 Stormwater Utility Fund to the following: \$12,700 to an account entitled Stormwater Repair 2105.425.2510. Section 4 is for \$9,000 appropriate from the unappropriated balance of the Economic Development Fund to an account entitled Services and Contracts 1237.845.2392. If there's no questions I intend to bring these forward for passage.

ACTING COUNCIL PRESIDENT PETERS – Are there any questions? Councilman Manson?

COUNCILMAN MANSON 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. 111 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 112 - 2013 **BY: FINANCE COMMITTEE**

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

ACTING COUNCIL PRESIDENT PETERS – Councilman Manson?

COUNCILMAN MANSON – Yes, thank you, Mr. President. We only have section 1 to deal with here appropriate from the unappropriated balance of the Forfeited Fund and we appropriating \$9,000 to an account entitled Professional Dues 1227.115.2394, \$2,000 to an account entitled Travel and Seminar 1227.115.2389 and Supplies and Materials \$2,042.33 to an account 1227.115.2410. Any questions we'll try to answer them.

ACTING COUNCIL PRESIDENT PETERS – Are there any questions? Seeing none your motion?

COUNCILMAN MANSON 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. 112 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 112 – 2013 has passed.

ORDINANCE NO. 113 - 2013 **BY: FINANCE COMMITTEE**

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

ACTING COUNCIL PRESIDENT PETERS – Councilman Manson?

COUNCILMAN MANSON – Okay, we only have one section here like she said appropriating from the unappropriating balance of the Unclaimed Money Fund \$1,671.64 to an account entitled Transfer to General 3108.905.2710. If there's no questions I intend to move for passage.

ACTING COUNCIL PRESIDENT PETERS – Your motion for suspension.

COUNCILMAN MANSON 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. 113 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 113 – 2013 has passed.

ORDINANCE NO. 114 - 2013 **BY: FINANCE COMMITTEE**

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

ACTING COUNCIL PRESIDENT PETERS – Councilman Manson?

COUNCILMAN MANSON – Thank you, Mr. Peters, before we move on this I want to propose an amendment. We have a little change in here if you go to the from and go to the second line where its \$639.96 its supposed to come out of the 1100.105.2210 account the change would be to substitute account number 1100.905.2270 and that's from Workers Comp. That's in the from and it's the same thing it goes to the hospital, eye and dental down before or into all of those.

ACTING COUNCIL PRESIDENT PETERS – Into the second I believe.

COUNCILMAN MANSON – Yes, right. Does everybody have that number that needs it?

ACTING COUNCIL PRESIDENT PETERS – Alright we have a motion to amend by Councilman Manson, seconded by Councilman Slagle. Roll call to amend.

Roll call vote of 9 yes to amend Ordinance No. 114 – 2013.

ORDINANCE NO. 114 – 2013 HAS BEEN AMENDED.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 114 – 2013 has been amended. I'll call on Mr. Manson again.

COUNCILMAN MANSON – Okay, we have one section here and we will be transferring and I will read the accounts from lets see the first one is 1100.905.2391 \$42,517.21, Workers Compensation 1100.905.2270, \$8,230.70 from Hospital, Eye and Dental 1100.110.2210. Next one is from Hospital, Eye and Dental for \$2,641.54 1100.160.2210, next one is for \$912.22 from account number 1100.210.2210 and the last one from Hospital, Eye and Dental 1100.405.2210 for \$2,172.10. And they're going to Street Lighting 1100.905.2392 \$43,695.44, Hospital, Eye and Dental 1100.115.2210 \$6,071.29, Hospital, Eye and Dental 1100.205.2210 \$792, Hospital, Eye and Dental 1100.305.2210 \$5,125, Hospital, Eye and Dental 1100.410.2210 \$498, Hospital, Eye and Dental 1100.415.2210 \$272 and Hospital, Eye and Dental 1100.705.2210 \$660. If there's no questions...

ACTING COUNCIL PRESIDENT PETERS – Seeing none your motion?

COUNCILMAN MANSON 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. 114 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 114 – 2013 has passed.

ORDINANCE NO. 115 - 2013 **BY: FINANCE COMMITTEE**

Making certain transfers in the 2013 appropriations from within the 1413 Solid Waste Capital Improvement Fund and the Street Construction M & R Fund, for the year ending December 31, 2013, and declaring an emergency.

ACTING COUNCIL PRESIDENT PETERS – Councilman Manson?

COUNCILMAN MANSON – Yes, we have two sections here. Section 1, we're transferring from 1413.605.2752 \$39,546.88 to 1100.905.1860 same number \$39,546.88. In section 2, we are transferring from account 1201.435.2110 \$17,100 and that will go to three different accounts Safety Salary 1201.420.2110 \$11,000 Safety PERS 1201.420.2230 \$3,350 and Hospital, Eye and Dental 1201.420.2210 \$2,750. Are there questions?

ACTING COUNCIL PRESIDENT PETERS – Seeing no questions your motion.

COUNCILMAN MANSON 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. 115 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 115 – 2013 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A. REPOSITORY - \$707.20

B. NORLSON - \$98.50

ACTING COUNCIL PRESIDENT PETERS – Councilman Manson?

COUNCILMAN MANSON – I move that we pay the bills, seconded by Councilman Slagle.

ACTING COUNCIL PRESIDENT PETERS – Mr. Lewis?

COUNCILMAN LEWIS – I just want to question do we have the finances in those accounts to make those payments?

COUNCIL CLERK BAILEY – Yes, we do.

COUNCILMAN LEWIS – Thank you.

ACTING COUNCIL PRESIDENT PETERS – Okay, roll call to pay the bills.

Roll call vote of 9 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

ACTING COUNCIL PRESIDENT PETERS – Reports from city officials?

COUNCIL CLERK BAILEY – We did receive the treasurer's monthly report today for August 2013.

11. REPORTS OF COMMITTEES

ACTING COUNCIL PRESIDENT PETERS – Reports of committees? Seeing none.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

ACTING COUNCIL PRESIDENT PETERS – Resolutions or requests of council members?
Also seeing none.

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 80 - 2013

BY: ENVIRONMENTAL COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a joint venture agreement with CTI Engineers, Inc, and O'Brien & Gere for professional services for the Wastewater Treatment Plant Improvement Project at the Wastewater Treatment Plant, and declaring an emergency.

ACTING COUNCIL PRESIDENT PETERS – Councilman Lewis?

COUNCILMAN LEWIS – Second reading.

ORDINANCE NO. 80 – 2013 WAS GIVEN SECOND READING.

ACTING COUNCIL PRESIDENT PETERS – Second reading for Ordinance No. 80 - 2013.

ORDINANCE NO. 81 - 2013

BY: ENVIRONMENTAL COMMITTEE

Authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Massillon-Stark County Sewer Service Agreement Supplemental #2 for the Wastewater Treatment Plant Improvement Project at the Wastewater Treatment Plant, and declaring an emergency.

ACTING COUNCIL PRESIDENT PETERS – Councilman Lewis?

COUNCILMAN LEWIS – Second reading.

ORDINANCE NO. 81 – 2013 WAS GIVEN SECOND READING.

ACTING COUNCIL PRESIDENT PETERS – Second reading for Ordinance No. 81 - 2013.

ORDINANCE NO. 101 - 2013

BY: COMMUNITY DEVELOPMENT COMMITTEE

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to RM-1 Multiple Family Residential.

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ACTING COUNCIL PRESIDENT PETERS – Councilman Manson?

COUNCILMAN MANSON – Thank you, Mr. President. This ordinance is was the subject of a public hearing that we had tonight at 7:00pm. There was no discussion for or against it so I'm going to give it second reading and look at passing it at the next meeting.

ACTING COUNCIL PRESIDENT PETERS – Thank you, Mr. Manson. Ordinance No. 101 has received second reading.

ORDINANCE NO. 101 – 2013 WAS GIVEN SECOND READING.

ORDINANCE NO. 102 - 2013
COMMITTEE

BY: PARKS AND RECREATION

Amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – RECREATION DEPARTMENT AND THE GOLF COURSE DEPARTMENT of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – RECREATION DEPARTMENT AND THE GOLF COURSE DEPARTMENT; and enacting a new Section 2 (D) OCCUPATION LIST OF CLASS TITLES – RECREATION DEPARTMENT AND THE GOLF COURSE DEPARTMENT; in the City of Massillon, Ohio, and declaring an emergency.

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ACTING COUNCIL PRESIDENT PETERS – Councilman Slagle?

COUNCILMAN SLAGLE – Thank you, Mr. President. Just for a point or order I believe this is down for second reading but there was a slight amendment to it in terms of the language on job requirements so I think that makes it go back to first reading does it not?

ACTING COUNCIL PRESIDENT PETERS – I would say it does.

COUNCILMAN MANSON – Did you do that at the last meeting?

ACTING COUNCIL PRESIDENT PETERS – Yes.

COUNCILMAN SLAGLE – Yes.

COUNCILMAN MANSON – Then you gave it first reading right after that probably.

ACTING COUNCIL PRESIDENT PETERS – Yeah, you gave it you amended it, it went to first reading and then now it's at second reading. It's correct.

COUNCILMAN SLAGLE – Okay, so it's been changed since then.

ACTING COUNCIL PRESIDENT PETERS – Right.

COUNCILMAN SLAGLE – Alright, then this position came out of the obviously out of our Recreation Director Mr. Nist. It was brought to the park and rec. board on August the 8th of 2013. We all received in our emails the minutes of that meeting. It passed in that meeting 3 to 2, with the two votes against being Mr. Rickett and Mr. Hickey and I wasn't present but at reading it it would appear that Mr. Hickey was just continuing his objection to the Legends and therefore he wasn't going to vote for this. I'm not sure why Mr. Rickett voted against it but there was some question about it. We discussed this at the last meeting and the meeting before that as well Mr. Nist explained the need for the position. I didn't hear any objection to it while it does create a new position the three positions below it are not being filled at the current time and he really needs help. So if there are no questions I'm going to ask that we suspend the rules so we can get somebody into there as quick as possible give Mr. Nist some help. Are there any questions on this?

COUNCILMAN SLAGLE moved for suspension of the rules and passage, seconded by Councilwoman Halter.

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

ORDINANCE NO. 102 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 102 – 2013 has passed.

ORDINANCE NO. 105 - 2013

BY: FINANCE COMMITTEE

Making certain transfers in the 2013 appropriations from within the 2102 Solid Waste Fund, for the year ending December 31, 2013, and declaring an emergency.

ACTING COUNCIL PRESIDENT PETERS – Councilman Manson, I don't want to put you on the spot but do you have that?

COUNCILMAN MANSON – I have it but I don't know what your intent was. If you...

ACTING COUNCIL PRESIDENT PETERS – We agreed that it had to be done am I correct Councilman Slagle?

COUNCILMAN MANSON – Okay, if there's any questions lets try to answer them if otherwise I'll be moving for passage.

ACTING COUNCIL PRESIDENT PETERS – Your motion?

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

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

COUNCILMAN LEWIS – Excuse me, point of order. I just want to clarify what the accounts that we're discussion before we actually take a vote.

COUNCILMAN MANSON – I didn't read the accounts would you like it I read those accounts?

ACTING COUNCIL PRESIDENT PETERS – Oh, okay.

COUNCILMAN MANSON – Okay, we're going to Transfer Out of 2102.605.2752 \$190,000 to Transfer In 1100.905.1860 \$190,000.

COUNCILMAN LEWIS – And the To is the Street Department account is that correct?

ACTING COUNCIL PRESIDENT PETERS – That's correct. Okay, he made his motion it was seconded roll call for passage.

ORDINANCE NO. 105 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 105 – 2013 has passed.

ORDINANCE NO. 106 - 2013

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the 2012 Solid Waste Fund, for the year ending December 31, 2013, and declaring an emergency.

ACTING COUNCIL PRESIDENT PETERS – Councilman Manson.

COUNCILMAN MANSON – I'm a little confused here what we're doing?

ACTING COUNCIL PRESIDENT PETERS – Well this is just this is just the second part of Ordinance No. 105.

COUNCILMAN MANSON – Okay.

ACTING COUNCIL PRESIDENT PETERS – I put you on the spot so that's why I'm

barging in and will Ordinance No. 107 be the same thing. But that's just appropriating the funds from the...

COUNCILMAN MANSON – Is there any questions from anybody about what we're doing here? No, having no questions?

COUNCILMAN MANSON 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. 106 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 106 – 2013 has passed.

ORDINANCE NO. 107 - 2013 **BY: FINANCE COMMITTEE**

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

ACTING COUNCIL PRESIDENT PETERS – Councilman Manson.

COUNCILMAN MANSON – One section from the General Fund to I'll read them off the first one is to Streets Salary \$116,000 1100.435.2110, second one is \$11,000 to an account entitled Street PERS 1100.435.2230, next part is \$11,000 to an account entitled Hospital, Eye and Dental 1100.435.2210, the next one is to an account \$32,000 to an account entitled Street Unemployment Compensation 1100.435.2290 and the last is for \$20,000 to an account entitled Arbitrator Services and Contracts 1100.905.239A. What's that A is that right? I have an A on the end of my that last should that be something else? That's right, okay. I wasn't aware. So are there any questions?

ACTING COUNCIL PRESIDENT PETERS – Are there any question? Your motion please.

COUNCILMAN MANSON 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. 107 – 2013 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ACTING COUNCIL PRESIDENT PETERS – Ordinance No. 107 – 2013 has passed.

16. NEW AND MISCELLANEOUS BUSINESS

ACTING COUNCIL PRESIDENT PETERS – Do we have any new, miscellaneous business?

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

ACTING COUNCIL PRESIDENT PETERS – We're at the point for remarks of delegations and citizens to matters that are not on the agenda. Seeing no one Councilwoman Halter?

18. ADJOURNMENT

COUNCILWOMAN HALTER – I move that we adjourn, seconded by all.

DONNIE PETERS, JR., ACTING PRESIDENT



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