

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, TUESDAY, JANUARY 19, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, January 19, 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, Chief Engineer, Keith Dylewski, and Police Chief, Keith Moser. 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: Jill Creamer, Sarita Cunningham-Hedderly, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson, Andrea Scassa and Megan Starrett.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Manson?

COUNCILMAN MANSON – I'd like to make a motion that we excuse Councilman Chovan. He is out of town for three (3) days for business.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call.

8 yes to excuse Councilman Chovan

2. INVOCATION

COUNCILWOMAN JILL CREAMER - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN JILL CREAMER – Chairperson of the Parks & Recreation 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 as approved.

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.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman?

COUNCILWOMAN LITMAN – Madam President, I'd like to make a motion to amend the agenda this evening.

COUNCIL PRESIDENT ISTNICK – Second?

COUNCILMAN LEWIS – Well, we need to know what to amend.

COUNCILWOMAN LITMAN – We're going to be amending by adding Ord. No. 13 – 2016 and Ord. No. 14 – 2016 as well as Mr. Manson has an addition as well.

COUNCILMAN MANSON – I'll get it after you are done.

COUNCILWOMAN LITMAN – Okay.

COUNCIL PRESIDENT – Is there a second for Councilman Litman? Seconded by Councilman Lewis. Roll call.

8 yes to amend the agenda to add Ord. No. 13 – 2016 and Ord. No. 14 – 2016

COUNCIL PRESIDENT ISTNICK – The agenda has been amended. Councilman Manson?

COUNCILMAN MANSON – Yes, Madam President. I'd like to make a motion that we amend the agenda to include Res. No. 6 – 2016, that's by the Committee of the Whole to appoint Andrea Scassa to the Historical Preservation Committee.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for amendment.

8 yes to amend the agenda to add Res. No. 6 – 2016

COUNCIL PRESIDENT ISTNICK – The agenda has again been amended. Ord. No. 2 – 2016.

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 2 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to sign a Real Estate Purchase Agreement with the State of Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes, thank you, Madam President. I will read Section 2 of this ordinance just to make it clear of what we're doing here. "The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to sign a Purchase Real Estate Agreement with the State of Ohio. A portion of two (2) parcels of land currently owned by the State of Ohio located where the Heartland Behavioral Facility is situated is to be deeded through the City to Massillon Cemetery Association, Inc. by way of the Community Investment Corporation, CIC. All fees associated with this transaction will be provided by the Massillon Cemetery Association, Inc. and there will be no City funds involved. The Real Estate Purchase Agreement is attached as "Exhibit A". So if there are no questions, I would make a motion to waive the rules. I move that we waive the rule requiring three (3) separate readings and bring Ord. No. 2 – 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. 2 – 2016 has passed. Ord. No. 3 – 2016.

ORDINANCE NO. 3 – 2016

BY: POLICE & FIRE COMMITTEE

AN ORDINANCE authorizing the Police Department of the City of Massillon, Ohio, to sell the issued duty handgun to retiring police officers who retire in good standing, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. I'll be handling this ordinance tonight for Councilman Milan Chovan who is out of town. This ordinance does deal with the Police Dept. and retiring officers and allowing them to basically purchase their handgun as a memento of good faith and their retirement where officers would, I believe, would have it engraved and presented to them as a gift. Is there any discussion on this ordinance? Seeing none, at this point, I would move that we suspend the rules requiring three (3) readings and bring Ord. No. 3 – 2016 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 3 – 2016 has passed. Ord. No. 4 – 2016.

ORDINANCE NO. 4 – 2016

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – COMMUNITY DEVELOPMENT/ PLANNING DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. In this ordinance we will be adding the Economic Development Specialist. We have received quite a bit of information previously. A job description as well as organizations that the individual will be working with. Is there any further discussion needed on this? Seeing none, I'd like to make a motion to waive the rules requiring three (3) readings and bring Ord. No. 4 – 2016 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 4 – 2016 has passed. Ord. NO. 5 – 2016.

ORDINANCE NO. 5 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund and the 1406 Wastewater Treatment Capital Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. In this ordinance we have two (2) sections of relevance. The first section being a total of \$59,975 for storm sewer repairs in the City and for the Federal Ave. pump station. The second section is \$47,550 for building repairs and replacements which I believe are also down at the Wastewater Treatment Facility. The City Engineer shook his head to verify that that was an accurate statement. Are there any questions or comments for this ordinance? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 5 – 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. 5 – 2016 has passed. Ord. No. 6 – 2016.

ORDINANCE NO. 6 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – In this ordinance, we are making appropriations to allow for the appraisal of the fire station on Wales Rd. on the east side of Massillon. Are there any questions or concerns or comments? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 6 – 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. 6 – 2016 has passed. Ord. No. 7 – 2016.

ORDINANCE NO. 7 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of the Parks and Recreation Department of the City of Massillon, Ohio, to sell, auction, scrap and/or dispose of all and any park recreation vehicles, machinery, park equipment and/or materials from the Senior Center and The Legends of Massillon Golf Course, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. In speaking with the Safety Service Director today on behalf of the Director of Parks and Recreation for the City of Massillon, it was discussed that it would be better to list out the particular items that were to be sold or scrapped or disposed of, the assets. In order to do that they do need to have a little bit more time in order to get that list to us for our consideration. With that said, I would feel that the most appropriate course of action would be to table this ordinance and I propose April 4, 2016 as the date to table. With that being said, I make the motion that we table Ord. No. 7 – 2016 to April 4, 2016.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. Roll call to table.

8 yes to table Ord. No. 7 – 2016 until April 4, 2016

COUNCIL PRESIDENT ISTNICK – Ord. No. 7 has been tabled. Ord. No. 8.

ORDINANCE NO. 8 – 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. This ordinance pertains to the purchasing of vehicles; street vehicles in particular. This began as a lease/purchase and now we are doing an all-out purchase where we'll own the vehicles. We had discussed that we would have to go the Fiscal Commission to discuss this purchase. The Fiscal Commission did meet today and from information that has been relayed back to me, they stated that they needed to be made aware, but they did not need to cast a vote on this issue since it was not a new debt incurrence or anything of that nature. To me, it sounds very familiar or similar at the end of 2014 when we bought two new police SUV's where we used the purchase route in order to avoid having to necessarily get a vote. Not that we're avoiding anything this time, but we've done it before and it seems to be the same process today. Are there any questions or comments pertaining to this ordinance? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 8 – 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. 8 – 2016 has passed. Ord. No. 9 – 2016.

ORDINANCE NO. 9 – 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 LEWI – Yes. This ordinance is paired with the ordinance that we passed in Rules and Courts for the Economic Development Specialist position. This is simply appropriating or funding the line so that we can go ahead and hire someone for that position and then pay them what they are due. Are there any questions or comments? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 9 – 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. 9 – 2016 has passed. Ord. No. 10 – 2016.

ORDINANCE NO. 10 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1220 Foreclosure Property Administration Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is related to the vacated Foreclosure Property Fund. As many of you may know, when there's a foreclosed property within the City of Massillon that goes vacant, the foreclosing bank has to pay the City of Massillon now \$11,000 in which some of that money they are able to get back. Some of the money we retain for services, supplies or anything else that will cost us to assist in the management of these properties within the City, but we do have to appropriate money throughout the year that allows the money to flow to services, contracts and supplies. So this is what we're seeing here and I'm sure we'll see it again in the future. Are there any questions or comments? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 10 – 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. 10 – 2016 has passed. Ord. No. 11 – 2016.

ORDINANCE NO. 11 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is directly related to the properties and the demolition of vacated and possibly harmful properties in the City of Massillon. This is part of working with the county and their NIPS Program where we put the \$100,000 out first. We are able to then do the demolition of the properties and we can receive up to \$25,000 reimbursement per property. So, it is possible to have all \$100,000 reimbursed or at least a great majority of it will be reimbursed to the City. Are there any questions or comments this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 11- 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. 11 – 2016 has passed. Ord. No. 12 – 2016.

ORDINANCE NO. 12 – 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, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd like to call the Auditor forward.

JAYNE FERRERO – Madam President, members of Council, Mr. Lewis.

COUNCILMAN LEWIS – Yes. I just would like a quick clarification of the ordinance for the members of Council.

JAYNE FERRERO – Okay. This is the \$200,000 that we're transferring from the General Fund; it's our carryover balance and we're putting it into the Capital Improvement Fund to purchase the two dump trucks.

COUNCILMAN LEWIS – So this is simply then just the second piece that will allow us to actually spend the money?

JAYNE FERRERO – That's right.

COUNCILMAN LEWIS – That's all I have. Anyone else? Thanks. After hearing that, are there any questions or comments from Council? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 12 – 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. 12 – 2016 has passed. Councilwoman Litman.

COUNCILWOMAN LITMAN – I'd like to address the addition to the agenda of Ord. No. 13 – 2016 and Ord. No. 14 – 2016. This ordinance is actually to schedule our regular Council meetings from what we have in our current Administrative Code which indicates at 7:30 p.m. on the first and third Mondays to and based on consensus and discussion, it's been agreed upon at 6:30 p.m. and that would be for our regular meeting as indicated in Rule 8 under Ord. No. 13 – 2016. Is there any further discussion?

COUNCIL CLERK ROLLAND – I need to read the ordinance into the record.

COUNCILMAN LEWIS – Yes, we would need to read the ordinance.

COUNCILWOMAN LITMAN – Oh, sorry about that.

COUNCIL PRESIDENT ISTNICK – Ord. No. 13 – 2016.

ORDINANCE NO. 13 – 2016

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 121.02(b), Rule 8, "Powers and Duties".

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Now is there any further discussion?

COUNCIL PRESIDENT ISTNICK – Is there a second? Councilwoman Starrett, thank you. Roll call for suspension.

COUNCILWOMAN LITMAN – Yes, I'd like to suspend the rules.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 13 – 2016 has passed.

COUNCILMAN LEWIS – Quick point of order or question...

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – ...that may require the Law Director. I just realized this. We do not have emergency language in either one of those. Does that mean that these do not take effect for thirty (30) days? So, we wouldn't be effectively be able to meet until at 6:30 p.m. until next month?

PERRY STERGIOS – Yes.

COUNCIL PRESIDENT ISTNICK – Yes, he is correct?

PERRY STERGIOS – Yes.

COUNCIL PRESIDENT ISTNICK – So, we cannot meet at the 6:30 p.m. time until March?

PERRY STERGIOS – Correct.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Can we amend this No. 13 that we put on the agenda to say “emergency” so that we can start in February?

PERRY STERGIOS – Yes you can. You can amend it; re-vote. I think that’s permissible.

COUNCILMAN MANSON – You want to make the motion to amend?

COUNCILWOMAN LITMAN – I make the motion to amend Ord. No. 13 – 2016 to include the emergency language.

COUNCILWOMAN STARRETT – I have a point of order. I do believe we have to vote to reconsider the ordinance first and then vote to amend it, I believe. So, I’ll make a motion that we reconsider Ord. No. 13 – 2016.

COUNCIL PRESIDENT ISTNICK – And you second, Councilman Manson? Roll call to reconsider.

8 yes to reconsider Ord. No. 13 – 2016

COUNCIL PRESIDENT ISTNICK – Ord. No. 13 – 2016 will be reconsidered. Councilwoman Litman?

COUNCILWOMAN LITMAN – Okay, now I’d like to make the motion to amend Ord. No. 13 – 2016 to include the emergency language.

COUNCIL PRESIDENT ISTNICK – Is there a second. Councilwoman Cunningham-Hedderly.

COUNCILMAN MANSON – I have a question.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Where do we put that in, at the end?

COUNCILMAN LEWIS – Into Section 4. We’d be creating a Section 4.

COUNCILMAN MANSON – I don’t have a Section 4.

COUNCIL CLERK ROLLAND – There is a Section 4. It says “This ordinance shall take effect and be in force immediately upon its passage and approved by the Mayor”, I just didn’t give everybody this second page. I just gave you the first page. So, would that constitute the emergency language?

COUNCILMAN LEWIS – I don’t know. I haven’t seen it.

COUNCILWOMAN LITMAN – I don’t have page two.

COUNCILMAN MANSON – I don’t either.

COUNCIL CLERK ROLLAND – None of you have page two because I only send page one to conserve on paper.

COUNCIL PRESIDENT ISTNICK – Mr. Stergios.

COUNCILMAN LEWIS – Probably ask Mr. Stergios to see if that passes. If so, what we just went through is a move to point.

PERRY STERGIOS – No, I can print it out easier the language that needs to be in there is “the emergency measure immediately necessary”. Oh, this paragraph right here. That’s the language that needs to be in the ordinance.

COUNCIL CLERK ROLLAND – Okay. Well, I’ll just copy it from...

PERRY STERGIOS – Yeah, but they need to read it into the ordinance. Just print that later. Just print this page and have them read it.

COUNCIL PRESIDENT ISTNICK – So Mr. Stergios, are we going ahead with the amendment or not?

PERRY STERGIOS – Excuse me?

COUNCIL PRESIDENT ISTNICK – Are we going ahead with the amendment or not?

PERRY STERGIOS – Yes. The necessary language, the Clerk is going to give to Councilperson Litman to read for the amendment, yes.

COUNCIL PRESIDENT ISTNICK – Thank you.

PERRY STERGIOS – You’re welcome.

COUNCILWOMAN LITMAN – Okay, now. Let’s try this again. We’re going to ask to amend Ord. No. 13 – 2016 to include Section 4 that indicates “That this ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the Community. Provided it receives an affirmative vote of two-thirds of the elected members of Council, it shall take effect and be in force immediately upon passage and approval by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by law”. So we’re adding that language.

COUNCIL PRESIDENT ISTNICK – Do I have a second? Councilman Irwin. Roll call for amendment.

8 yes to amend Ord. No. 13 – 2016 to reflect the emergency language

COUNCIL PRESIDENT ISTNICK – Ord. No. 13 has been amended. Do we now have to have the rules suspended?

COUNCIL CLERK ROLLAND – Yes.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman. Do you move to suspend the rules?

COUNCILWOMAN LITMAN – Oh yes, I’m sorry. Yes, I make a motion to waive the rules requiring three readings and bring Ord. No. 13 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Second? Councilwoman Creamer. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 13 – 2016 has passed. Ord. No. 14 – 2016. Councilwoman Litman.

COUNCILWOMAN LITMAN – Yes, we have...

COUNCIL CLERK ROLLAND – Excuse me, I have to read it.

ORDINANCE NO. 14 – 2016

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 121.02(b), Rule 8.1, "Powers and Duties".

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – This is actually for the Committee meetings to be held at the same 6:30 p.m. time beginning in February and that would be, of course, on the second and fourth Mondays, except if they should fall on a holiday and then it will be Tuesday. That is Rule 8.1. Now I'm also noticing on what you have provided to me, it does not spell out the emergency language. So, I'd like to add that. So for Section No. 3, we're going to add the same verbage as I just read...

COUNCIL CLERK ROLLAND – Section 4.

COUNCILWOMAN LITMAN – Well, it would be Section 3 for No. 14 – 2016, since I've only got Sections 1 and 2.

COUNCIL CLERK ROLLAND – Again, you don't have the second page. Excuse me, but should I just start sending both pages so that you can have the entire ordinance?

COUNCILWOMAN LITMAN – So that we have the entire ordinance? Yes, please.

COUNCIL CLERK ROLLAND – Okay.

COUNCILWOMAN LITMAN – Okay. So is there a Section 3 on that page?

COUNCIL CLERK ROLLAND – Yes ma'am.

COUNCILWOMAN LITMAN – Okay. So then it would obviously be Section 4.

COUNCIL CLERK ROLLAND – Yes ma'am.

COUNCILWOMAN LITMAN – And again, we'll add Section 4 that shall read "That this ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community provided it receives the affirmative vote of two-thirds of the elected members of Council. It shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by law". Is there any discussion?

COUNCIL PRESIDENT ISTNICK – Is it appropriate for me to ask a question? Or make a comment?

COUNCILMAN MANSON – Yeah, you're the President.

COUNCIL PRESIDENT ISTNICK – Alright. You said the second and fourth. Is it my understanding that it's the second and last?

COUNCILWOMAN LITMAN – Correct. I apologize. It does say "second and last"

Monday of each month in the Council Chambers except if it should fall on a holiday. If that Monday is a holiday then it shall be on Tuesday”.

COUNCIL PRESIDENT ISTNICK – Okay. Is there a second for the addition to Ord. No. 14? Councilman Irwin. Roll call for the addition to Ord. No. 14 – 2016.

COUNCIL CLERK ROLLAND – We’re amending it, correct?

COUNCIL PRESIDENT ISTNICK – Well, she said that she was making an addition. She did not say an amendment. Is that the same thing?

COUNCILWOMAN STARRETT – We’re amending to add.

COUNCILWOMAN LITMAN – Well, amending to add.

COUNCIL CLERK ROLLAND – Section 4, okay.

COUNCIL PRESIDENT ISTNICK – Roll call for the amendment.

8 yes to amend Ord. No. 14 – 2016

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I would like to make a motion that we waive the rules requiring three readings and bring Ord. No. 14 – 2016 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 14 – 2016 has passed. Resolution No. 6.

RESOLUTION NO. 6 – 2016

BY: COMMITTEE OF THE WHOLE

A RESOLUTION appointing Andrea Scassa to the Historical Preservation Commission as a Council representative for the term January 1, 2016 to December 31, 2017.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Unless there’s any question, I will be moving for passage. Having said that, I make a motion that we waive the rule requiring three separate readings and bring Res. No. 6 – 2016 forward for passage.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Res. No. 6 has passed. Congratulations, Councilwoman Scassa.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

Request for a New Liquor License by Patrick Emmert, DBA Emmert's Market, 1107 S. Erie St., Massillon, OH 44646

COUNCIL PRESIDENT ISTNICK – Are there any comments on that, any discussion?

COUNCILMAN MANSON – What Ward is that?

COUNCIL CLERK ROLLAND – Ward 4.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer, did you receive any notification on that?

COUNCILWOMAN CREAMER – Yes I did. I did receive a copy of a Notice to Legislative Authority regarding this matter.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham-Hedderly.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Did they say why they needed a new one? Because don't they already have one?

COUNCILWOMAN CREAMER – Doesn't say.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Any idea?

COUNCIL CLERK ROLLAND – I didn't call them, no.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Okay.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Is this for the sale of liquor and not the serving of liquor? I'm guessing it's a grocery store type environment.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer do you have an answer for that?

COUNCILWOMAN CREAMER – I do not, but I can check into it.

COUNCILWOMAN LITMAN – Do they usually have a clarification, I'm guessing, on the licenses?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – There's a Liquor License Board that actually controls the distribution of liquor licenses within any district. They are simply notifying us. It's not really our position to agree, disagree or have a whole lot of say at this time.

COUNCIL PRESIDENT ISTNICK – So this is just an FYI?

COUNCILMAN LEWIS – Kind of, yes.

COUNCIL PRESIDENT ISTNICK – So, we're done with it?

COUNCILMAN LEWIS – It really doesn't matter why.

COUNCIL PRESIDENT ISTNICK – Okay. Alright.

9. BILLS, ACCOUNTS & CLAIMS

Norlson Inc.	-	\$ 68.50	- Dictation Tapes
Bonnie's Engravers's	-	\$ 37.00	- Name Plates
Walter H. Drane Co.	-	\$ 390.00	- Hosting Code/Internet 1/1/16 – 12/31/16
Copeco	-	\$1,020.05	- Service Contract
The Repository	-	\$1,230.80	- Publication of Nov. Ordinances
Total		\$2,746.35	

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call to pay the bills.

8 yes to pay the bills

10. REPORTS FROM CITY OFFICIALS

Treasurer's Year End Report for 2015

Approval of Mayor's appointment of Ed Grier as a member of the Massillon Parks and Recreation board for the term of 01/01/16 to 12/31/20

Approval of Mayor's appointment of Dave Harding as a member of the Massillon Parks and Recreation Board for the term of 01/01/14 to 12/31/18. (Mr. Harding is filling a vacant seat)

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer, do you have anything on that? Councilman Manson.

COUNCILMAN MANSON – I'd like to make a motion that we approve the Mayor's appointment of Mr. Ed Grier to the Massillon Parks and Recreation Board for the term stated.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call.

8 yes to approve the Mayor's appointment of Mr. Ed Grier to the Massillon Parks and Recreation Board

COUNCIL PRESIDENT ISTNICK – Congratulations, Mr. Grier. Councilman Manson.

COUNCILMAN MANSON – I'd like to make a motion that we approve the Mayor's appointment of Mr. Dave Harding as a member of the Massillon Parks and Recreation Board for filling the vacant term.

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

8 yes to approve the Mayor's appointment of Mr. Dave Harding to the Massillon Parks and Recreation Board

COUNCIL PRESIDENT ISTNICK – Congratulations, Mr. Harding.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be January 25, 2016 at 6:00 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. 186 – 2015

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE amending the following Sections in Chapter 937 Wastewater Treatment Revenue Fund: 937.05 PAYMENT DATES; PENALTY CHARGE, 937.08 ADMINISTRATION AND DISBURSEMENT OF FUNDS, 937.09 ANNUAL RATES FOR SEWER SERVICE AND 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN IRWIN – Yes, thanks. After talking to Keith, he's got some more information for us to discuss next week. So, I'd like to give it a second reading today.

COUNCIL PRESIDENT ISTNICK – Ord. No. 186 – 2015 has received second reading. Ord. No. 1 – 2016.

ORDINANCE NO. 1 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE to amend Section 1 of Ordinance No. 161 - 2015, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 1 has received second reading.

16. NEW & MISCELLANEOUS BUSINESS

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

TOM FERRERO – Thank you. I live at 2728 Mill Ridge Path N.E., Massillon, OH. I'd like to speak to Council as well as the citizens of Massillon on Issue #4, which will be on the primary ballot on March 15, 2016. Issue #4, of course, is the income tax increase that we're seeking and I'm on the committee to help get this along and get this passed. I'm here for Council if you have any questions of me about this. I'd be glad to answer them. One of my remarks are really for the citizens of Massillon because I think most of you are aware of what's going on and what the tax is all about. But in any event, our Committee will have a meeting on Thursday at 5:00 p.m. at the Chamber. All of you are welcome to come if you care to. You don't have to, obviously, but just to find out precisely what's going on. But, Issue #4, of course, is asking for a two-tenths of 1% increase and out of the two-tenths, one-tenth is earmarked for vehicle replacement and road repair and the other 1% is for the General Fund. Now the one-tenth for vehicle replacement and road repair, I don't think it's a cure-all. It's not going to take care of everything, but it's going to have a certain amount of money. I've heard estimates from \$500,000 to \$700,000; I don't know that amount. But at least we're going to have some monies that we're going to be able to put towards road repair and vehicle replacement and things of that nature. That money's going to be earmarked so we'll at least have that amount of money to use for this program and that's in place and can't be used for anything else and that's one of the reasons I'm on board because I'd like that concept that it's earmarked and we're going to have money for road repairs. I was just talking to Councilman Manson before the meeting and just with that snow that we had last week, which wasn't very much and then it rained a little bit and then it got better and warmed up just a little bit, but Tremont, up near Main where the intersection

is horrible, already, 8th St. N.E. is really a bad street, there's others too, but just a couple them, that just so you know, this problem is not going to go away and the infrastructure, we have to do something about it. And I think the fairest way is going to be an income tax increase and, of course, the citizens of Massillon will have to vote for it. We just can't impose a tax. So that's what we're doing. We're trying to get that done and one last point that I would point out for the citizens of Massillon. If you're a senior citizen, this has really no impact on you whatsoever. There's no taxes on Social Security, retirement benefits, things of that nature. Now if you're a senior citizen and you have a job and have an earned income, then of course, that would be taxable for income tax. But for the most part, seniors will not be impacted at all by this increase which is a good thing and we're trying to promote that particular issue. Roads are going to be safer, our employees are going to have safer equipment. All that falls into place with the passage of this. So, I don't want to go on and on and on. That's the basic points. Again, trying to get this out to the citizens of Massillon, more so than Council and Administration because I think you all understand your problem. But in any event, I will answer questions if you have them and thank you for the opportunity for me to make a presentation tonight.

COUNCIL PRESIDENT ISTNICK – Does anyone have any questions for Mr. Ferrero?
Councilwoman Litman.

COUNCILWOMAN LITMAN – When it comes to the funds that are earmarked for the vehicle replacement and road repair, is there any further details of the allocation of those dollars?

TOM FERRERO – You mean specifically what they'll be spent on?

COUNCILWOMAN LITMAN – Yes.

TOM FERRERO – Well, I suppose that the Safety Director and the Mayor will make a priority list, but it will go for vehicle replacement and road repair. Now, which roads, what vehicles, I'm not sure about that. If that's your question, it's up to them, but that money will go for those specific items for sure. Probably the vehicle that's in worse condition is the one that's going to be replaced first and the worse roads are going to get repaired first, I would imagine. They'll determine a priority list, I'm sure. There's some bad roads out there though. A lot of work needs done.

COUNCIL PRESIDENT ISTNICK – Are there any other questions for Mr. Ferrero?
Thank you.

TOM FERRERO – Thank you for your opportunity.

COUNCIL PRESIDENT ISTNICK – Is there anyone else that would like to speak to something not on the agenda tonight? Seeing none, Councilwoman Creamer.

18. **ADJOURNMENT**

COUNCILWOMAN CREAMER – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT