

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

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, July 18, 2016. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Services Director, Joel Smith, Law Director, Perry Stergios, Treasurer, Maude Slagle and Income Tax/Budget 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: Milan Chovan, Sarita Cunningham-Hedderly, Dave Irwin, Linda Litman, Andrea Scassa and Megan Starrett.

Roll call of 7 present

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – Yes. I make a motion to excuse Councilwoman Creamer and Councilman Manson.

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

7 yes to excuse Councilwoman Creamer and Councilman Manson.

2. INVOCATION

COUNCILMAN LEWIS - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN ED LEWIS IV – Chairperson of the Finance 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. 96 – 2016 BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE directing the Director of Public Safety and Service of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Block Grant Programs for the FY 2016/2017, which the City has provided through the CDBG Program funding, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you, Madam President. This is the second portion of the CDBG Program that we approved earlier in the year. The Community Development Director, Mrs. Sylvester came at the last Work Session and explained how this is the second portion of the piece and that she, by us approving it earlier in the year, she was able to go through with that and now this piece will allow her to enter into the contract agreement with the listed agencies within the City. There is a finance portion that will be coming later, but, you have in front of you all of the agencies and the amounts that they will be receiving. Does anyone have any questions?

COUNCILMAN LEWIS – I just wanted to state that in the past or in the past vote that we had I abstained from the vote, but I am currently on sabbatical from the Board that causes the conflict and I will be on sabbatical from there for the next three or four months. So I believe that relieves of the conflict, so I will be prepared to go ahead and vote on both of these legislations this evening. You added that the budget was already set previously and that one I did abstain from. So I think I feel comfortable and confident being able to vote this evening. So, there will not be an abstention from me.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lewis.

COUNCILWOMAN SCASSA – Did anyone have any other comments or questions? Okay. Seeing none, I make a motion to suspend the rule requiring three readings of Ord. No. 96 and would ask for it to be brought forward for passage this evening.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 96 – 2016 has passed. Ord. No. 97 – 2016.

ORDINANCE NO. 97 – 2016 BY: RULES, COURTS AND 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 – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This was an ordinance that was discussed in our prior Work Session. However, it was under Health, Welfare and Building Regulations and I think Andrea had originated that discussion. I've been made aware this afternoon that it's been moved over to Rules, Courts and Civil Service Committee. So, I think what we had discussed in our prior Work Session was to try to get some additional information regarding this issue. I would hope that the Safety Service Director and/or the Mayor would be available to speak to that this evening.

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor.

MAYOR CATAZARO-PERRY – Madam President, members of Council. We are working through that right now. We have pulled an aerial photo of Duncan Plaza and we're marking off the areas that we would like to bring to Council. We've talked with both judges, excuse me, one judge that was in agreement with this as well. We wanted to make sure that they were on board before we brought it to you. So, we'll be prepared to bring that to you at the next Work Session.

COUNCILWOMAN LITMAN – Okay, thank you. One comment I'd like to make is that my opinion would be that we do not want to discourage participation in some of our events that we have at Duncan Plaza and we may want to consider a designated "smoking area" versus opening up the entire parking area. I guess I can see butts everywhere all over the parking lot and/or smoking between vehicles, maybe even leading to vehicle damage or any of those types of things. So maybe in the further discussions we can consider looking at an area that can be designated for smokers versus just the parking lot in general. Are there any comments or questions that anyone else has at this time? Okay, then I would just ask for first reading today.

COUNCIL PRESIDENT ISTNICK – Ord. No. 97 – 2016 has received first reading. Ord. No. 98 – 2016.

ORDINANCE NO. 98 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1212 Summer Concert Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is just the funding for the summer concert series in the amount of \$50,000. As we are aware, this fund is a fund that's donated to us to keep the concert series going and we just act as a pass-thru. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three reading and bring Ord. No. 98 – 2016 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 98 – 2016 has passed. Ord. No. 99 – 2016.

ORDINANCE NO. 99 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 FY 2016/2017 CDBG Program Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance is the appropriation of the funds that were approved under Community Development that was passed this evening. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 99 – 2016 forward for a vote.

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

suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 99 – 2016 has passed. Resolution 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 – Madam President, I'd like to call forward the Treasurer please.

COUNCIL PRESIDENT ISTNICK – Thank you, Maude.

MAUDE SLAGLE – Yes, every five years the City has to enter into an agreement with a banking institution for our banking services and this is the year and only one institution other than First Merit indicated an interest which was Huntington, which isn't really much of a choice. But, it was considerably more expensive so we know what we're in for if we get taken over by Huntington. Anyway, so, I am requesting just to continue with First Merit until we find out what is happening with Huntington. Since apparently our branch is being sold to someone else. I found out today. So, we have to continue on until we find out what's happening. Any questions.

DAVID FROST – Excuse me. The Huntington Bank bought First Merit.

MAUDE SLAGLE – Yes.

DAVID FROST – And it won't go into effect until the first of the year, 2017.

MAUDE SLAGLE – Well, I wasn't informed of anything officially.

DAVID FROST – That's what I heard.

MAUDE SLAGLE – Yeah.

COUNCIL PRESIDENT ISTNICK – If you could direct your comments up here, Maude. Thank you.

MAUDE SLAGLE – Yes. I have not heard anything official from Huntington about what's happening to us or our accounts. So, whatever the word on the street is, that doesn't really affect us.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Any other discussion?

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I think I possibly should be abstaining from this vote. I am an employee of First Merit Bank. Although not in the treasury management or public funds division, I still am an employee through the wealth management area and would feel more comfortable abstaining from that vote.

COUNCILMAN LEWIS – With that said, I believe the proper protocol tonight, I'm sorry, Madam President. Is it alright if I speak?

COUNCIL PRESIDENT ISTNICK – Absolutely.

COUNCILMAN LEWIS – Proper protocol for this evening would be I intend to make a motion to suspend, when we suspend, vote, Ms. Litman's abstained and then we vote to accept the abstention?

PERRY STERGIOS – You would accept the abstention first.

COUNCILMAN LEWIS – And then move forward with everything else?

PERRY STERGIOS – You might as well give it first reading because you don't have enough votes to suspend the rules anyhow.

COUNCILMAN LEWIS – Well, first reading.

PERRY STERGIOS – Or just give it first reading period, yeah.

COUNCIL PRESIDENT ISTNICK – Thank you, Law Director. First reading? Resolution No. 13 – 2016 has received first reading.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

Request for transfer of Liquor from Janet Sue Maier, DBA All Occasions Flowers and Gifts, 2092 Wales Rd. N.E., Massillon, OH 44646 to Klein and Son Flowers Co., DBA All Occasions Flowers and Gifts, 2092 Wales Rd. N.E., Massillon, OH 44646. Permit Class C2.

9. **BILLS, ACCOUNTS & CLAIMS**

The Repository - \$ 918.00 - Publication of May Ordinances

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.

7 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Let's pay the bills.

10. **REPORTS FROM CITY OFFICIALS**

Auditor's Report – May 2016

COUNCIL PRESIDENT ISTNICK – Can I have a motion to accept the Auditor's Report? Councilwoman Litman. Seconded by Councilwoman Cunningham-Hedderly. Roll call.

7 yes to accept the Auditor's Report June 2016

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Auditor's Report has been approved.

11. **REPORTS OF COMMITTEES**

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, July 25, 2016 at 6:30 p.m.

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I just wanted to quickly relay and I guess this is in part to the City Treasurer. If, by Res. No. 13 receiving first reading, would it put the City in a position where it would make difficult to do business, you could let us know and we could potentially pass it on the 25th if you need it done more rapidly. If not, it'll just be the first meeting of August. That's all.

COUNCIL PRESIDENT ISTNICK – Okay. Anybody else.

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 89 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE amending Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" OF CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance outlines the plan to change the credit for the tax paid to another municipality from 75% to 90% effective January 1, 2017 if the income tax initiative were to pass on August 2nd. Are there any questions or discussion? Seeing none, I make a motion that we move Ord. No. 89 – 2016 forward for a vote.

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

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 89 – 2016 has passed.

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

16. NEW & MISCELLANEOUS BUSINESS

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

DAVID FROST – Good evening folks. I live at 1632 Amherst Rd. N.E., Massillon. I have a question. I received my Massillon Cable bill. For the last seven years, as I know, I asked the cable company and they referred me to the City of Massillon. How come the City of Massillon is charging customer franchise fee?

COUNCIL PRESIDENT ISTNICK – This is not a question/answer Mr. Frost. However, at the end of the meeting we will get the person that can answer that to come and talk to you.

DAVID FROST – So you can't let anybody else know why?

COUNCIL PRESIDENT ISTNICK – This is not a question answer period.

DAVID FROST – Okay.

COUNCIL PRESIDENT ISTNICK – Is there anyone else that would like to come forward?

FRED HANNON SR. – I live 318 Arthur St. S.E., Massillon and I own property down at 422 – 1st St. S.E., Massillon. My question is that I have a problem paying a sewer bill since 2010 and no one can tell me where I can...the property is not there anymore. It has been demolished and I talked to someone down at the sewer plant and they referred me to Stark County real estate. Because they've been charging me and it's been added to my real estate taxes. So then when I went over and talked to them, he told me I had to come back to Massillon. So, I want to know who can direct me or tell me what I can do about these taxes I've been paying for six years and they adding it to my real estate taxes.

COUNCIL PRESIDENT ISTNICK – Joel?

JOEL SMITH – I'll talk to him after the meeting.

COUNCIL PRESIDENT ISTNICK – Joel will talk to you after the meeting. Mr. Smith.

FRED HANNON SR. – Oh, okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Is there anyone else that would like to speak on any item that did not appear on tonight's agenda? David, the Mayor may speak to you after the meeting as well, okay?

DAVID FROST – Thank you very much your honor.

COUNCIL PRESIDENT ISTNICK – Thank you.

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT