

**MINUTES OF SPECIAL MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, JULY 27, 2015
6:00 p.m.**

COUNCIL PRESIDENT TOWNSEND – This Special Meeting will come to order. This Special Meeting was called by members of Committee as a Whole and members of the Streets, Highways and Traffic Committee and members of the Finance Committee for the purpose to discuss these ordinances. We have four (4) items on the Agenda tonight. And that is Res. No. 6, Ord. No. 88, Ord. No. 90 and Ord. No. 91. Madam Clerk, roll call please.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham-Hedderly, Nancy Halter, Ed Lewis, Paul Manson, Andrea Scassa, Megan Starrett and Shaddrick Stinson.

Roll call of 8 present.

COUNCIL PRESIDENT TOWNSEND – Thank you. I need a motion to excuse Councilwoman Del Rio-Keller.

COUNCILMAN MANSON – I move that we excuse Ms. Keller.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Cunningham-Hedderly. Roll call to excuse Councilwoman Del Rio-Keller.

8 yes to excuse Councilwoman Del Rio-Keller

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. We will move into Res. No. 6. Councilman Manson.

RESOLUTION NO. 6 – 2015

BY: COMMITTEE OF THE WHOLE

A RESOLUTION to accept the Mayor's 2015 Fiscal Restoration Plan with Council's recommendations, and declaring an emergency.

COUNCILMAN MANSON – Yes, thank you, Mr. President. Everybody should have received their copy of Res. No. 6. The only thing that is different from what we did before, we took out the 10% reduction for all elected officials and we also have agreed to remove the part about rescinding the street lighting fee that we had in one of them way back. I don't know exactly when we had it, but that's the only two (2) differences. They're out of there. So, having said that, is there any or does anybody have any questions or anything? I'm going to move for passage. The meeting is next Monday at 1:30 p.m. with the Commission.

COUNCIL PRESIDENT TOWNSEND – Any questions for Councilman Manson?

COUNCILMAN MANSON – No comments? Alright, I move that we waive the rule requiring three (3) separate readings and bring Res. No. 6 – 2015 forward for passage.

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

COUNCILMAN CHOVAN – For suspension.

COUNCIL PRESIDENT TOWNSEND – For suspension, sorry.

8 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

8 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Res. No. 6 – 2015 has passed. Ord. No. 88.

ORDINANCE NO. 88 – 2015

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2015 Priority Street Segment Resurfacing Project, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter.

COUNCILWOMAN HALTER – Mr. President, I have a question on this. I'm curious to know, I don't feel that we can pass Ord. No. 88 until after we pass Ord. No. 90. Ord. No. 90 is the ordinance that amends the old ordinance to include that we can use the TIF money for other projects. So, Ord. No. 88 is saying that we will go ahead and use the TIF money before the ordinance is passed to amend the ordinance.

COUNCIL PRESIDENT TOWNSEND – Okay. Would you like to add anything Councilman Lewis?

COUNCILMAN LEWIS – I don't disagree with her opinion. I would just say that we amend the agenda to place Ord. No. 88 after Ord. No. 90 and Ord. No. 91 and move forward.

COUNCIL PRESIDENT TOWNSEND – Okay, and that's your motion?

COUNCILMAN LEWIS – Yes it is.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Halter. Roll call to amend the agenda to reflect Ord. No. 90 goes before No. 88.

8 yes to amend the agenda to reflect Ord. No. 90 coming before Ord. No. 88.

COUNCIL PRESIDENT TOWNSEND – Okay. Councilman Lewis.

COUNCILMAN LEWIS – Does she have to read that into the record?

AN ORDINANCE amending Ordinance No. 157 – 1999, passed on August 2, 1999, and relating to the Marketplace Development and Public Infrastructure Improvements, authorizing related matters, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the ordinance that we have been looking at for the past approximate month. It is taking the TIF dollars, the Tax Incremental Financing, that was utilized down there at the Marketplace for Walmart and Lowe's. We have an account balance, last time I looked, it was a little bit over \$1.2 million and it is still showing that on our Cash Statement. So, what this will do is it will take \$1 million and place it for road resurfacing projects throughout the service. Leaving us over \$200,000 in that account. We generate enough revenue off of that every year to meet that obligation plus start to rebuild the reserve and I believe, 2023 is the year that our debt obligation on that would be met and so, it looks like, from what we can project and see in the near future, we will meet all obligations to that project. This is just a way to take this money and utilize it for current need. The \$1 million would be used for roads such as a little bit on First St., Lake Ave. area, 17th St. N.W., 11th St. N.E. and Amherst and there may be a couple of other small areas that I'm not able to recall. I do like this project and I think it's a good move and I would like to see us vote to pass this this evening. Are there any questions or comments before we move forward?

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you, Mr. President. We've been discussing this for several weeks now and you all know how I feel about the emergency language in here. I want it on record though, since this is an official meeting. Although we have had bond counsel and we've had the State Auditor's office that says that, in principle, they don't see a problem with us using this TIF money for a project that's outside of the designated TIF area, they're basically telling us that we're setting a precedent by, pretty much redefining the area where this money should be used to pretty much where ever we want to do it. I don't have a problem with it, in principle. I mean, I think that if the money is there we should be able to use it for the resurfacing. But I have a problem with the emergency language because when we're taking \$1 million from something and using it in a way that it's never been used before, I think that we need to give citizens and/or the developer of the Massillon Marketplace a chance to come back to us and have 30 days to get a petition together, put this on a ballot and I've said it all along, I was hoping at our last meeting we would go ahead and amend this to get rid of the emergency language. So, at this point, I am going to make a motion that we amend it and remove the emergency language and if we agree to do that, then I would go ahead and I'd like to see us waive the rule for three (3) readings and pass it tonight. If you choose not to do that then I will be voting "no" on it, but that's the reason why, because of the emergency language. So, I guess I'm moving that we amend this document to remove the two (2) references to emergency language and just remove them from the document.

COUNCIL PRESIDENT TOWNSEND – Okay. May I have a second? Seconded by Councilman Manson. Roll call to amend Ord. No. 90 to reflect what Councilman Chovan just stated.

4 yes and 4 no to amend Ord. No. 90

COUNCILMAN CHOVAN – Count those again, please.

COUNCIL CLERK ROLLAND – Okay. Chovan voted yes to amend, Cunningham-Hedderly voted yes, Manson voted yes, Stinson voted yes. Halter voted no, Lewis voted no, Scassa voted no, Starrett voted no. So it's 4 and 4.

COUNCILMAN CHOVAN – Thank you.

COUNCIL CLERK ROLLAND – You're welcome.

COUNCIL PRESIDENT TOWNSEND – Okay. That leave it up to me. I'm going to say no. That's my vote, no.

4 yes, 5 no to amend

COUNCIL PRESIDENT TOWNSEND – Ord. No. 90 reverts back to first reading.

COUNCILMAN LEWIS – It would remain. It's not amended.

COUNCIL PRESIDENT TOWNSEND – You're exactly right. It remains the same because there was no changes. Okay, Councilman Lewis, you have the floor.

COUNCILMAN LEWIS – I make a motion that we bring Ord. No. 90 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – And seconded by Councilwoman Scassa. Roll call for suspension.

COUNCILWOMAN STARRETT – For passage?

COUNCIL CLERK ROLLAND – For suspension.

COUNCILWOMAN STARRETT – This is third reading.

COUNCILMAN LEWIS – For passage.

COUNCILMAN MANSON – This is third reading right.

COUNCIL PRESIDENT TOWNSEND – This is third reading?

COUNCILMAN LEWIS – Right.

COUNCIL PRESIDENT TOWNSEND – For passage.

7 yes and 1 no

COUNCIL PRESIDENT TOWNSEND – Ord. No. 90 has passed. Ord. No. 88.

ORDINANCE NO. 88 – 2015 BY: **STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2015 Priority Street Segment Resurfacing Project, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. As I stated early on, we have talked about this also for a month and I stated early on that I wasn't too much in favor of taking TIF money for this, but the more I thought about it, our streets definitely need to be resurfaced and the money is available. So, I will be supporting this. This is the third reading and if there's any questions or comments? Then I move that we bring this forward, Ord. No. 88 – 2015, forward for a vote tonight.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Starrett. Roll call for passage.

8 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ord. No. 88 has passed and thank you, Councilwoman Halter for pointing that out to us. Ord. No. 91.

ORDINANCE NO. 91 – 2015

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1419 Marketplace Infrastructure Fund, for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the final piece of this TIF legislation that we've been doing. This is just the appropriation of the \$1 million into the project. I make a motion that we bring Ord. No. 91 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Okay. Do I have a second? Seconded by Councilwoman Scassa and we are at third reading with this particular ordinance?

COUNCILMAN LEWIS – Correct.

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

8 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ord. No. 91 has passed. Councilwoman Halter?

COUNCILWOMAN HALTER – I believe the Mayor wants to come forward.

COUNCIL PRESIDENT TOWNSEND – Oh, come on up.

MAYOR CATAZARO-PERRY – Good evening Council, Council President, Mr. Townsend. I wanted to let you know that we have reached out to several people to chair the Income Tax Committee and I'd like to release those names this evening that have committed. There are four (4) people. The first one is Tom Ferrero, John Muhlbach, David Cottrill and Esther Bryant. They would like to chair the committee. So I just wanted to share that with Council. Thank you.

COUNCIL PRESIDENT TOWNSEND – Thank you. Well, that is it. That concludes tonight's special meeting.

DIANE ROLLAND, CLERK OF COUNCIL TONY M. TOWNSEND, PRESIDENT