

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, JUNE 20, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, June 20, 2016. We have in attendance with us the following city officials: Auditor, Jayne Ferrero, Chief Deputy Auditor, Debbie Bonk, Law Director, Perry Stergios, Economic Development Specialist, Dave Maley, 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, Jill Creamer, Sarita Cunningham-Hedderly, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson, Andrea Scassa and Megan Starrett.

Roll call of 9 present

2. INVOCATION

COUNCILWOMAN CUNNINGHAM-HEDDERLY - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN SARITA CUNNINGHAM-HEDDERLY – Chairperson of the Public Utilities 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.

TOM MATTHEWS – 1041 – 4TH St. N.E., Massillon, Ohio. I come again this evening asking you to defeat the ordinance dealing with the selling of the No. 3 Fire Station on Wales Rd. I think you need to sit back and take a good long look at this before you do it. It's been closed now for a little over four years and I don't think it's any big emergency to railroad this thing through and get it sold or whatever you plan on doing. I think you need to get a second opinion on fire station locations and, of course, I think I mentioned the other week, the people who are really the experts on fire station locations is the Insurance Services Office. They're the people that set the City's fire insurance ratings, not the Ohio Fire Chiefs. The Insurance Service Office does a survey and they will tell you where the fire stations should be located, how many, etc. And I think you really need to maybe be for that and defeat this ordinance and start over again. If a member of your family is critically ill and needs some extensive treatment, I think most of us agree that we go get a second opinion. We don't take the first

opinion and I think, possibly, that's what should or I think that's what should happen on this ordinance before you tonight, second reading. Madam President, would it be appropriate if any of the Council people have questions to ask me? Is that appropriate or is that not?

COUNCIL PRESIDENT ISTNICK – Not at this time.

TOM MATTHEWS – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Tom. Did you sign your name and address?

TOM MATTHEWS – Yes I did.

COUNCIL PRESIDENT ISTNICK – Thank you.

JIM WALKER – I live at 1326 Main Ave. W. at Ward 5. I have some figures and equations and some other things, so, I want to pass these around. Would you take one and then pass the rest of them that way please? Mr. Manson, would you... I'm giving you those so you can follow along because, having been a teacher of physics and mathematics, I know that people can't hold on to figures too much in their minds without sometimes looking at them at the same time. There's also an extra one there for the President. Well, Madam President, Members of Council, I'm here to suggest reasons why, in my opinion, the real property and building formerly in service as Station No. 3 of the Massillon Fire Department on Wales Rd. ought not to be sold and, should rather be updated and returned to service. Cityscaping, with all due respect, can wait. The population of Massillon has been increasing, rising by 2014 to nearly its recorded high in 1970 of 32,500. And, since the original need for Station No. 3 was established in the early 1950's, the geographic boundaries of our city-as we all are aware-have been substantially extended. This would naturally result in increased response times were additional stations, staff and equipment not added as well. And in 1988, Station No. 4 on S. Erie was placed into service in response to the City's to the south. It is, of course, the term *response time* upon which we **must** focus our attentions. It is defined by the Nation Fire Protection Association as the time which elapses between the end of a dispatch notification and the arrival on-scene at the location of that emergency. Response time *does not include* finding a telephone, or explaining the situation to the dispatcher, connecting hoses to a hydrant, unloading equipment, or any of the 1,001 other things that might delay an emergency vehicle, such as snarled traffic or an accident. One can find various recommendations for what constitute maximum permissible response times, and many variables come into play when making such determinations. The longest acceptable response time recommendation I came across in preparing these remarks was 9 minutes. If you have ever witnessed a person choking or a fire spreading in a room filled with highly-flammable materials, you know that 9 minutes is a dangerously long amount of time. I wish to focus my remarks primarily on just one of the variables...brain cell destruction. According to the American Association of Critical Care Nurses, brain cells begin to die off *within 5 minutes* of their receiving insufficient oxygen... a condition known as hypoxia. Within 5 minutes, ladies and gentlemen. As this discussion continues going forward, I would ask that you occasionally look at your own hand to remind yourselves of this fact. Five figures, five minutes. Brain death has already begun for any person receiving insufficient oxygen... let alone the *additional* toxic gases if the emergency is a fire. Among them, of course, carbon monoxide which quickly binds to red blood cells and blocks oxygen uptake. Add in any additional gases from burning materials which are likely to be even more dangerous than an oxygen deficiency alone, such being the usual case with choking and heart failure. It is also a fact that most people *who do make a full recovery* from cerebral hypoxia were only **briefly** unconscious. 50% to 80% of indoor-fire deaths result from hypoxia. Time and distance are related measurements, of course. My house was built in 1997 on the former site of Harvey School, named for Thomas W. Harvey, superintendent of schools here during the Civil War. From the standpoint of emergency service, mine seemed to be an excellent location. I was on a main street, a hydrant was only a few yards from my corner lot, and Station No. 2 was only between two and three-tenths of a mile away on 17th St. N.W. Now, of course, Station 2's responsibilities to the west extend all the way out to SR 93, about 4 miles away. Without introducing any further complications, this already represents about a 7 or 8 minute response time to, say, Sippo Reserves Drive. A person experiencing smoke inhalation, choking, or heart failure for 7 to 8 minutes will already be losing her or his... or their... brain function, remember, within 5 minutes. The International Organization for Standardization (ISO) criterion suggests that the "first due engine company be with 1.5 road miles" of its farthest emergency response areas... and that a "ladder company be within 2.5 road miles". With Station No. 3 on Wales out of service, the likely response to an emergency call in the north or northeast reaches of Massillon will be made by our main Station No. 1 on S. Erie, assuming, that is, their availability. The approximate distance to possible emergency

sites near our City's limit on Hills & Dales is a little over 3 miles. For sake of argument, and using one widely-accepted formula for roughly determining response time (cf. below), a 3.1-mile run should require 6 minutes. $T = 0.65 + 1.7 (D)$. *Still too long* to avoid a trapped or incapacitated victim's hypoxic condition. However, it might be that... on that call... an emergency vehicle based at Station No. 1 would be transporting a victim to Mercy Hospital, or even to Aultman. In such a case, either Station No. 2 or as a last resort No. 4, would be pressed into service for the Hills and Dales situation. Then the all-critical response time would be likely to substantially exceed even the National Fire Protection Association's maximum acceptable response time of 9 minutes. And, lest we forget, we are in all cases so far mentioned well beyond the ISO recommendation of a 1.5 mile limit for urban first responders. About a 3½ - minute run. So, with Station No. 1 short-staffed, and Station No. 2 speeding over the river to the far northeast, my location on the west side all-of-sudden doesn't look quite so favorable should I begin choking on a Frito. Thus, it is that not only are potential victims of fire and misfortunes at an increased-and in my view unnecessary-risk with the continued absence of the former station on Wales, but so too, are practically all of the residents of Wards 5 and 6 on the west side. I ask you once more to one more time to remember: 5 fingers, 5 minutes. Finally, there is one more thing I would ask Council members to consider, and that is the safety of our first responders themselves. I don't think this has come up too often. My sister's husband, Joseph Nist, died, along with another Akron Firefighter when a building's burning roof trapped them under its weight a number of years ago. We must not forget the response time often also impacts the level of involvement that firefighters must deal with once they are at the scene. Just a couple of minutes sooner to that building... Joe and his buddy might still be with us today. We shall never know. Ladies and gentlemen, minutes matter, miles matter. I ask you to carefully consider what I've said and return Station No. 3 to service... for everyone's sake. Thanks for your time.

COUNCIL PRESIDENT ISTNICK – Thank you, Jim. Is there anyone else?

JERRY LEONARD – I live at 912 Wales Rd. N.E., Massillon and my biggest concern is if the property becomes commercial, what happens to that property, say, two years from now when the gentleman decides to sell it and Rite-Aid moves in or a Taco Bell? How's that going to interfere with traffic patterns? And how is the trucks that he owns going to interfere with our traffic patterns? At 3:00 in the afternoon, it's hard enough for me to get out of my driveway living on Wales Rd. So, more traffic, more trucks, I might as well not decide to even move out of my driveway until 5:30 or 6:00, instead of 3:00. So, that's my main concern. That's about it.

COUNCIL PRESIDENT ISTNICK – Thank you, Jerry.

JERRY LEONARD – Yes ma'am.

COUNCIL PRESIDENT ISTNICK – Jayne, did Jim put his name and address?

JAYNE FERRERO – Yes he did.

COUNCIL PRESIDENT ISTNICK – Is there anyone else that would like to speak on an item that appears on tonight's agenda?

JOHN EGERT – I live at 2336 Wagon Trail N.E., Massillon. I came here primarily to discuss the sale of the firehouse in regards to the possibility of it being rezoned versus the possibility of someone taking it with the existing zoning which is the second bid, the lowest bid. When I sit here and I hear all the other arguments about the fire station itself, I tend to think that maybe I should rethink that process as well, but, my primary reason here is to say that I really think that Council should consider Kim Kocher's bid at \$64,500, primarily because his interest is really for storage versus having it considered as a commercial property. And I too, would be concerned if I were a resident living in an area as well as the usage of commercial vehicles in and out of that area instead of just for storage. I think Kim too, is testimonial to him, he probably is a very responsible individual since he does live here in the City of Massillon as well. So, I hope you consider that as being the best bid versus the highest price for that property. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, John. Is there anyone else that would like to speak at this time? Jayne, did you get John's name and address?

JAYNE FERRERO – Yes.

COUNCIL PRESIDENT ISTNICK – Seeing none. Ord. No. 82 – 2016.

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 82 – 2016 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the AFSCME, Ohio Council 8, Local 996 Collective Bargaining employees, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. I also wanted to, just to reiterate what we had previously talked about at our last Work Session, this is the contract for the Streets Dept. and the Parks Dept. The AFSCME Organization is the American Federation of State, County and Municipal Employees. Joel had been gracious enough to give us a sheet of all the contractual changes as well as reviewed them for us in detail, again, at our Work Session. But I will ask if there are any further questions of Council, Joel is obviously here. Mr. Lewis.

COUNCILMAN LEWIS – My only thought is and maybe Mr. Manson may be best to be able to use his historical knowledge for this. Is it customary for us to vote on or pass union contracts on first reading? Given the breath of these contracts, I wondered if letting them go to second reading. I know things try to move quickly, but I always become a little leery when we take such an enormous piece of the City's operations and just let it go through quickly.

COUNCILMAN MANSON – I can't answer that in a historical perspective, but I kind of feel the way you do about that, taking a look at it. But I can't answer how we have had acted in the past. I know there's times we've talked about stuff for quick some time. You know, maybe several readings.

COUNCILWOMAN LITMAN – Mr. Chovan.

COUNCILMAN CHOVAN – Thank you. I remember the last time we did this it was, I think, 3 years ago and I think we passed it on second reading. Because I had thought we had been asked to do a first reading and I thought we waited in case, you know, they're pretty thick. I mean, I read through them, I don't know if the rest of you have read everything in it, but, it just gave everybody a chance to come up with a question if there was one when you read it. Personally, I read both of these and I don't have any questions on them. I could act on this tonight, but if you don't feel comfortable with it, then it's fine with me.

COUNCILWOMAN LITMAN – Are there any other questions? One comment I wanted to make was if I'm not mistaken, the prior contracts are expired. Joel, is that correct?

JOEL SMITH – The contract itself is expired but it extends until a new contract is signed. So we're still operating under the previous contract. To the argument of second reading versus first, the only reason I'm advocating for first is that our employees want to get it done. But if Council feels it should wait two weeks, that's certainly your prerogative. As for as the City is concerned, really don't care.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. Will everything be retroactive to a certain date?

JOEL SMITH – There is no pay raises. The only, like I explained to you last week, because we signed that Memorandum of Understanding on the previous arbitration case that we settled, there is some retroactive to their longevity increases. When we signed that, part of the deal was that they freeze longevity until a new contract is signed. So either way, whether we pay it tomorrow or two weeks from now, it's going to be the same money, it would be the same money. So, for our part, it really doesn't

matter to me. Our employees would like to see it done, but, if Council feels that it should go two weeks, as far as, Mayor, for us, it's up to you.

COUNCIL PRESIDENT ISTNICK – Thank you, Joel.

COUNCILWOMAN LITMAN – Well, I personally don't see any reason to wait. So, I would certainly like to make a motion that we waive the rules requiring the three readings and bring Ord. 82 – 2016 for a vote.

COUNCIL PRESIDENT ISTNICK – Roll call for suspension.

COUNCILMAN LEWIS – Point of order. We don't have a second.

COUNCIL PRESIDENT ISTNICK – I'm sorry. Thank you. Seconded by Councilwoman Starrett. Thank you, Mr. Lewis. Roll call for suspension.

5 yes; 4 no for suspension

COUNCILMAN MANSON – I think it takes 6 votes, doesn't it?

COUNCILMAN LEWIS – Yes.

COUNCIL PRESIDENT ISTNICK – It has to be two-thirds?

COUNCILMAN MANSON – I believe.

COUNCIL PRESIDENT ISTNICK – So, it goes to first reading?

COUNCILMAN LEWIS – That would mean motion failed and it reads as first reading.

COUNCIL CLERK ROLLAND – What was that?

COUNCIL PRESIDENT ISTNICK – If the suspension fails then it goes to first reading.

COUNCIL CLERK ROLLAND – Okay.

COUNCIL PRESIDENT ISTNICK – Ord. No. 82 – 2016 has received first reading. Ord. No. 83 – 2016.

ORDINANCE NO. 83 – 2016 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Wastewater Treatment Department Collective Bargaining employees, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you. This is also a contract that has been negotiated and agreed upon by Administration as well as Unions. The same thing, we had an excerpt of contractual changes that were discussed in detail by the Safety Service Director. We also were looking at an expired contract. We were hoping to have an effective date of June 1, 2016. This is for the Wastewater Treatment Dept. and its employees. I would ask again, are there any further questions that are related to this contract.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I would make the same argument for this ordinance as the previous.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Scassa.

COUNCILWOMAN SCASSA – Can we call up the Safety Service Director?

COUNCIL PRESIDENT ISTNICK – Thank you, Joel.

COUNCILWOMAN SCASSA – I guess my question would just be sort of the same thing that you said on the last contract. Where are at, effective date-wise?

JOEL SMITH – The Wastewater contract would be pretty much the same. There was no direct wage increase. There was stipends put in place for licensing. So, whether we pay them tomorrow or two weeks from now, I don't know that it would make a great difference to the City as far as what we would owe them. So, again, I will say on behalf of the Administration, either way works for us. Our union employees would appreciate these getting passed as soon as possible. I've had a lot of questions from the Union leadership about when it's going to pass. So, that would be the only thing I would say to that.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith. Councilwoman Litman.

COUNCILWOMAN LITMAN – Are there any further questions? I guess I would feel the same way as well. I would make the motion that we waive the rules requiring the three readings and bring Ord. No. 83 – 2016 forward for a vote.

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

5 yes; 4 no for suspension

COUNCIL PRESIDENT ISTNICK – Again, since we did not get 6 yes votes, Ord. No. 83 – 2016 has received first reading. Ord. No. 84 – 2016.

ORDINANCE NO. 84 – 2016 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATIONAL LIST OF CLASS TITLES – PUBLIC WORKS DEPARTMENT 435 of Ordinance No. 7 – 2013 and Ordinance No. 127 – 1997, by removing the job classifications contained in Attachment "A" and change the department name from Public Works to the Streets Department, and adopting the pay scale on Attachment "B", and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Yes. This is also requested legislation to re-classify titles and descriptions within the Streets Dept. It was reviewed with us previously that the Mechanics position is what will be removed and we did receive the excerpt again as to what positions will be removed, what pay scale, the service wages, etc. Again, it was discussed at our previous Work Session and I'll ask if there are any further questions related to that? Mr. Lewis.

COUNCILMAN LEWIS – I have a question for the Safety Service Director.

COUNCIL PRESIDENT ISTNICK – Thank you, Joel.

JOEL SMITH – Yes.

COUNCILMAN LEWIS – I'm going to ask a questions about No. 84, but I believe it's going to apply to No. 85 as well.

JOEL SMITH – That's okay.

COUNCILMAN LEWIS – Both of these ordinances are in direct relationship to the negotiated contracts addressed in No. 82 and No. 83, is that correct?

JOEL SMITH – That is correct. Therefore, I would recommend, personally, to do first reading on both of them. It's pointless to pass them tonight given the failure of the first two.

COUNCILWOMAN LITMAN – Any further questions? On the recommendation of the Safety Service Director then we'll go with first reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 84 – 2016 has received first reading. Ord. No. 85 – 2016.

ORDINANCE NO. 85 – 2016 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATIONAL LIST OF CLASS TITLES – WASTEWATER TREATMENT of Ordinance No. 7 – 2013 and Ordinance No. 127 – 1997, by removing the job classifications contained in Attachment "A" and inserting the newly created job classifications on Attachment "B" and adopting the newly created pay scale on Attachment "C", and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – This, again, is the re-classification of job descriptions. I would, again, on the recommendation of the Safety Service Director to request first reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 85 – 2016 has received first reading. Ord. No. 86 – 2016.

ORDINANCE NO. 86 – 2016 BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1414 Collection System Utility Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is in direct response to some of the issues we've had in the City lately where we've had failed water lines under our streets causing some sinkhole damage within the City. The Safety Service Director and the Engineering Dept. has had to make some decisions in order to try to get those safely repaired and put in a position where we didn't have citizens at harm, but found that they did not have, essentially, what would be like a reserve fund at their discretion. What this \$50,000 will do is allow the Safety Service Director and the Engineering Dept. to be able to make immediate emergency repairs as they come to floriation. Not having to necessarily await Council each and every time. Are there any questions or matters for discussion this evening? Seeing none, I would make a motion that we suspend the rules requiring three reading, bringing Ord. No. 86 – 2016 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 86 – 2016 has passed. Ord. No. 87 – 2016.

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1222 Waste Management Grant Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I would ask the Safety Service Director or a representative of the City that would be able to speak to this to come forward.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith.

JOEL SMITH – Mr. Lewis, I'm sorry, I was struggling. Go ahead.

COUNCILMAN LEWIS – You need a moment to get your notes? Okay. I just wanted a summary or a clarification of what these expenses were for.

JAYNE FERRERO – It's us.

COUNCILMAN LEWIS – It's coming from you guys? Okay. That would make sense.

JOEL SMITH – I'm sorry, I'm like, struggling.

COUNCILMAN LEWIS – I would defer to the Auditor then.

JOEL SMITH – Okay.

JAYNE FERRERO – I'm sorry. It's to pay COBRA insurance. We only have one person from the City that's on that. They pay that and now we receipt it in and we have to appropriate the money out to pay it.

COUNCILMAN LEWIS – Well, that would be No. 88.

COUNCILMAN CHOVAN – We're talking about No. 87.

JOEL SMITH – I'm sorry, Ed. I've got it. I'm sorry. I'm back...I'm back.

COUNCILMAN LEWIS – I'm going to say this is a world championship hangover. (Laughter).

JOEL SMITH – I'm so sorry.

COUNCILMAN LEWIS – Mr. Smith, go ahead.

JOEL SMITH – Yes. Go Cavs!! I'm so sorry. It popped back in my brain. I'm sorry. This is from the Wastewater Grant money that we get for recycling and the recycling grant allows us to utilize this money pretty much the way we need to or want to. It's geared, you know, the hope is towards recycling. The \$5,000 that we're putting into Services/Contracts, that money is going to pay for recycling materials that are collected at our Streets Dept. We have a vendor that comes to pick those up and we have to pay that vendor. The \$3,600 is to buy a new power point and camera and screen and smart board for presentations and things like that given the fact that, obviously, we'll save trees by saving paper. We have an old piece of equipment that's really bad. Again, this is not City money. This is grant money and those are approved purchases from the company that gives us the grant. We have a contract with and it lists all the things that we can purchase with it and all of that would apply.

COUNCILMAN LEWIS – And my main focus is, and you covered it, is I wanted to clarify for everyone on the record that this is grant dollars. This is not going to be local City dollars that we're using for these purchases.

JOEL SMITH – Correct. We get money quarterly from them. They send us a check and you know, its nice money to have and we're trying to utilize it in a smart way.

COUNCILMAN LEWIS – I have no more questions.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith. Councilman Lewis.

COUNCILMAN LEWIS – Is there any other discussion or comments? Seeing none, I would make a motion requiring three readings, bringing Ord. No. 87 – 2016 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 87 – 2016 has passed. Ord. No. 88 – 2016.

ORDINANCE NO. 88 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2202 Insurance Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is to help cover our expenses for the COBRA fund. I believe we have one employee, as we've heard that we need to cover this for. Are there any questions or comments? Seeing none, I would make...

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – COBRA, they pay this, right?

JAYNE FERRERO – Yes.

COUNCILMAN MANSON – This is paid by the individual so, we have not cost in this whatsoever. That's all, just a comment.

COUNCILMAN LEWIS – Thank you.

COUNCIL PRESIDENT ISTNICK – Mr. Lewis.

COUNCILMAN LEWIS – Are there any other questions or comments? I make a motion that we suspend the rules requiring three reading, bringing Ord. No. 88 – 2016 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 88 – 2016 has passed. Ord. No. 89 – 2016.

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 – First reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 89 – 2016 has received first reading.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

9. **BILLS, ACCOUNTS & CLAIMS**

Norlson Inc. - \$ 277.68 - Maintenance Agreements

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk.

10. **REPORTS FROM CITY OFFICIALS**

Treasurer’s Report – May 2016

11. **REPORTS OF COMMITTEES**

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, June 27, 2016 at 6:30 p.m.

12. **RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS**

13. **CALL OF CALENDAR**

ORDINANCE NO. 7 – 2016

BY: FINANCE COMMITTEE

Tabled June 6, 2016 until June 20, 2016

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 – Are there any questions or comments related to this ordinance?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Excuse me. She said Senior Citizens. It should be Senior Center and The Legends of Massillon Golf Course.

COUNCIL CLERK ROLLAND – Thank you, Senior Center and The Legends of Massillon Golf Course.

COUNCILMAN LEWIS – I would like to call the Safety Service Director forward.

COUNCIL PRESIDENT ISTNICK – Mr. Smith.

JOEL SMITH – Mr. Lewis.

COUNCILMAN LEWIS – Yes. Do you have comments that relate to this ordinance?

JOEL SMITH – Well, the way that re-cap is written, it doesn't seem to include the scrap material and material that would be owned by the Parks Dept., in general. It's listed here as the Senior Center and The Legends of Massillon Golf Course. I would think that you would want the Parks system. The Legends has equipment, has its own budget from the Parks Dept. The Senior Center is part of the Parks Dept., but I would think you would want the Parks Dept. wording in this somewhere. Maybe it's in the legislation itself and it just didn't make it to the re-cap. Is it in here?

COUNCILMAN CHOVAN – It's in there.

JOEL SMITH – Is it?

COUNCILMAN CHOVAN – Yes.

JOEL SMITH – Where?

COUNCILMAN CHOVAN – In the description that was just read.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I would tend to be of a similar opinion as the Safety Service Director simply because as this reads "dispose of all and any park recreation vehicles" as if that's one unit. And then "the Senior Center and The Legends of Massillon Golf Course" as I read this, seems to be more of the designated areas. So, if something is placed in that area... I mean, I tend to agree, it doesn't just say Parks in general. But we did receive a list of items that were included in this. So I agree with the Safety Service Director. I feel confident that the list that was provided to us is sufficient as far as our knowledge as to what is trying to be disposed of.

JOEL SMITH – I would agree.

COUNCILMAN LEWIS – Are there any other questions? Alright, I make a motion...

COUNCIL CLERK ROLLAND – I have a question.

COUNCIL PRESIDENT ISTNICK – Diane.

COUNCIL CLERK ROLLAND – If we're going to look at like that, we're going to have an attachment because I didn't get a copy of that list. Should that be included in the ordinance saying "Attachment hereto"?

COUNCILMAN LEWIS – What I can do here is I will... let me do this. I'd like to make a

motion to amend Ord. No. 7 – 2016 to include Appendix “A” listed as Equipment Disposal List as of June 6, 2016. That will be handed over to the Council Clerk this evening for inclusion in the ordinance.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson.

COUNCIL CLERK ROLLAND – I have another question.

COUNCIL PRESIDENT ISTNICK – Diane.

COUNCIL CLERK ROLLAND – If we’re going to amend it, should I be specific and say “Parks and Recreation vehicles and machinery, etc. from the Massillon Parks and Recreation Dept., the Senior Center and The Legends of Massillon Golf Course”?

COUNCILMAN LEWIS – I would prefer to not complicate the language any further. I think by adding a sentence at the end showing that there is an attached appendix should suffice.

COUNCIL CLERK ROLLAND – Okay.

COUNCIL PRESIDENT ISTNICK – Madam Clerk, roll call for the amendment.

9 yes to amend Ord. No. 7 – 2016

COUNCIL PRESIDENT ISTNICK – Roll call for suspension.

COUNCILMAN LEWIS – Well, we amended it. That makes it go back to first reading. So now I have to make the motion to suspend.

COUNCIL PRESIDENT ISTNICK – Okay. So, first reading.

COUNCILMAN LEWIS – Yes. I would now like to make a motion that we suspend the rules requiring three readings of Ord. No. 7 – 2016 and bring it forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 7 – 2016 has passed.

14. **THIRD READING OF ORDINANCES & RESOLUTIONS**

15. **SECOND READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 74 – 2016

BY: PARKS & RECREATION COMMITTEE

AN ORDINANCE approving the proposed rate increase for Massillon tax payers and non-tax payers for the regular and deluxe birthday party packages at the Massillon Recreation Center, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Okay, thank you, Madam President. This ordinance addresses the proposed rate increases for the birthday parties at the Park & Rec. Dept. are there any questions regarding this? Second reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 74 – 2016 has received second reading. Ord. No. 81 – 2016.

ORDINANCE NO. 81 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE to approve the highest and best bidder for the sale of land and building owned by the City of Massillon located at 955 Wales Road N.E., and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. My intention this evening is to give this ordinance second reading. However, before I do so, at the last Committee Meeting, there was discussion about wanting to get an extended opinion from the Law Director's office. A piece of that opinion that was of concern to me that I wanted to gain from him before we voted on this was about the legality of if we were to vote down Ord. No. 81 and then the property were to go out to bid, again, do we find ourselves in a situation due to the fact that there are already bids been placed that have been open and made public. I spoke briefly with him, so he is aware of my concern there and he said he would be happy to write us a letter, it that is what we require. But I also wanted to give anyone else on Council a chance while the Law Director is here to speak directly yourself of any concerns that you may want him to weigh in on.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – What came up, I had some conversation with the Law Director's office with a couple of them and they brought up the point that I brought up last week to you about that this should have been in the newspaper five times rather than twice. So, I think it's a valid point to take a look at it and I would like to hear a comment from the Law Director on it tonight.

COUNCIL PRESIDENT ISTNICK – Mr. Stergios, if you could come up, thank you.

PERRY STERGIOS – Madam President, ladies and gentlemen of Council, Mr. Manson. I think I know the question.

COUNCILMAN MANSON – Yes. If you couldn't hear it, I can state it again.

PERRY STERGIOS – It has to be advertised five times. It wasn't advertised five times, vote it down; start over. I've had this discussion with Paul. I've had it with the Safety Service Director a number of times. I mean, you can give it second reading, but that's not going to change anything and you could reject the bids even if it had been advertised five times. So, I mean, Mr. Lewis has a valid concern, but it, you still could reject them and start over and if someone might bid higher, they might bid lower, you could reject them again. But, I just really don't see any reason to clutter up the agenda when a mistake was made in the advertising and we just need to start over if that's what we decide to do. Any other questions?

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yeah. I'd just like to comment again, we did state in here that the City reserves the right to reject any and all bids. So, unless that was something that shouldn't have been in there, I think that gives us latitude, but I think, if it should have been five times, that if some of these people are objecting to it being sold, that gives them a legal reason to challenge it, I guess. That's just how I feel on it.

PERRY STERGIOS – Historically, we've always put that language in the ad when we've sold property or solicited bids for the sale of property before. Like even when we sold the movie theatre, well, that doesn't matter. We've always put that language in there 99% of the time, even though we don't sell a lot of property, Council's always had the right to reject or accept any and/or all bids.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – My comment last week was, and at last week's Work Session was the first time I had heard about the whole five, or that we didn't post it five times. So, my concern was, not so much exactly on point with Mr. Lewis' concern, but, just that we do have two people that have submitted bids and so what is the law concerning the posting of the five times? Is that a shell? I guess, is there any loophole that it doesn't have to go the five times in the newspaper of publication? Again, not that these two individuals have eluded to this but, I guess, to avoid any possible litigation from either one of them, to say, listen, you know, if we reject the bid, I guess, that's what I was looking for, a legal opinion from your office that we are sound if we reject these two bids, based on the fact of the insufficient publication as opposed to us rejecting the bids because we have the discretion to do so and the bid packet, if that makes sense.

PERRY STERGIOS – The sale is void if you didn't advertise five times, its void. It doesn't count, its wrong. So it's fatal from the get-go.

COUNCILWOMAN SCASSA – And that's opinion, I guess, I was seeking.

PERRY STERGIOS – Okay.

COUNCIL PRESIDENT ISTNICK – Are there any other questions for Mr. Stergios.

PERRY STERGIOS – Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Perry. Ed?

COUNCILMAN LEWIS – Based off the conversation that we've had this evening, the recommendation of the Law Director and him putting his comments on the record which are transcribed and readily available for the citizens of Massillon, in my opinion, that meets my bar as far as a legal opinion, whether it be in writing or on a public record. So I have no issue with moving forward this evening as long as other Council members are agreeable. So I will simply make a motion to suspend the rules requiring three readings, bringing Ord. No. 81 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Mr. Manson, are you seconding or do you have a question?

COUNCILMAN MANSON – I had a question, yes. I just wonder if maybe it would be better for us to just table this thing and have some deeper discussion about it. I have a problem also with we had an appraisal, like \$130,000 and our bids aren't even close to that. But, it's up to you what you do. That's just a question I wanted to bring up.

COUNCILMAN LEWIS – I would say I have a motion on the table. We can discuss this further, I suppose, if need be after the voted.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Scassa. Question?

COUNCILWOMAN SCASSA – No, I will second, but can I make a comment if that's appropriate?

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILWOMAN SCASSA – I second, solely based on the legal opinion that was just given by the Law Director. I don't second this based on any type of rejection of these bids based on the amount they were bid. I second this, solely, on the opinion that was just given by our Law Director.

COUNCIL PRESIDENT ISTNICK – Thank you. Seconded by Councilwoman Scassa.

Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 no for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 81 – 2016 has failed. Councilman Lewis.

COUNCILMAN LEWIS – I just wanted to quickly interject, I do not think this issue has been fully defeated this evening. I do intend to bring this up during the Finance Committee meeting of next week.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Lewis. Res. No. 12 – 2016.

RESOLUTION NO. 12 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 28, 2016, wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code on a storage building location which does not meet the minimum side setback of ten (10) feet, on property known as Parcel No. 601879 in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Res. No. 12 – 2016 has received second reading.

16. NEW & MISCELLANEOUS BUSINESS

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

GEORGE GLIBA – I live at 222 Lake Ave. N.E., Massillon and I was here a couple of weeks ago to vent my frustration about the Sippo Reservoir Park walking path with the geese droppings and since that time, it's gotten better down there. I was able to maybe ruffle a few feathers, sort of speak, and more attention brought to the walking path and running trail. But, there's just a lot of frustration because we gave the City three-tenths percent to go towards stuff like that and I wasn't seeing any results. So, Steve's been on the job for 60 days and he let it go for three, you know, that Memorial Day weekend and he kind of just had enough. So, I thought everyone here should be aware of the situation and even the citizens of Massillon. I thought they deserved better, you know. It's a good park, it could be a lot better, you know. People from Jackson come down here and walk and run. I've been talking to people ever since, you know. Just trying to get a vibe of what they think of the track and if they use it and so on and so forth. But, I just don't understand when you have a City Council member that lives on 16th St. that how it could get that bad to where I had to come up here and then everyone it seemed like, people at the Parks & Rec. Dept. are firing back at me because the job isn't getting done and the citizens of Massillon deserve better. You know, you're always asking for money, I mean, we gave you a lighting, \$5.00 for the lights, the lighting here in the City and the City came through. Now you want to add two more taxes for the roads and I come up here last Monday just to listen to what everyone had to say about passing the two-tenths of a percent and you get your opinion from Ed and you get your opinion over here from this lady right here, I'm not sure what her name is.

COUNCILWOMAN STARRETT – Megan.

GEORGE GLIBA – Megan. And you get an opinion from Andrea and you get, you know, Paul had something to say. It was like "Let's just keep it at two-tenths percent

and 100%. That way there ain't no double talk. There ain't no 80% this and 75% this and this is going...you had my head like, going in circles. I'm like you got this...just keep it simple. I mean, it's failed twice, this passage you want, you know, just for the roads. I think you should keep it simple. 100% for the roads and, you know, try to come through for the citizens of Massillon. I mean, you know, it's frustrating to see all this going on and nothing getting done. I talked to Steve and I talked to Kim in the past two weeks and I'm going to try to work with them and try to get more done up there at Sippo Park, you know. Because that could be a lot better than it is right now, for sure.

COUNCIL PRESIDENT ISTNICK – Well, George, you did say that there is improvement.

GEORGE GLIBA – There is on the track part.

COUNCIL PRESIDENT ISTNICK – Okay.

GEORGE GLIBA – I mean, I brought that to Steve's attention and he's going to clean it off every day and then, I think July 4th is Monday and he said that he'd have somebody work the weekend, but, you know, the weekends and the holiday weekends are critical to this City to make it the best visit possible for people. I'm just speaking from the community and the people use that park and I just don't understand why things aren't happening the way they should and you got City Council here and I'm not really sure if they even use that park, but, you know.

COUNCIL PRESIDENT ISTNICK – Well, it looks like we're on the right path and as far as last Monday's meeting and that's where we discuss things to see what we want to do. You know you talked about the two different things and that's where we discuss things. Those are our Committee meetings.

GEORGE GLIBA – Okay, well, I just want to try to work with the Parks & Rec. Dept. and by no means was I trying to "throw anybody under the bus". I just wanted some accountability, you know. And hopefully, things will get better and that's all I got to say.

COUNCIL PRESIDENT ISTNICK – We appreciate you input and we know you'll come back and let us know how it's going.

GEORGE GLIBA – I sure will. Thanks for your time.

COUNCIL PRESIDENT ISTNICK – Thank you, George.

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Cunningham-Hedderly.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – I so move that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett. Meeting adjourned.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT