

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, MARCH 21, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, March 7, 2016. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Auditor, Jayne Ferrero, Law Director, Perry Stergios 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.

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. (Councilwoman Litman came in a little late, but made roll call.)

Roll call of 9 present

2. INVOCATION

COUNCILWOMAN LITMAN - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN LINDA LITMAN – Chairperson of the Rules, Courts and Civil Service 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.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 41 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Stark County Regional Planning Commission for housing rehabilitation inspections, environmental reviews and historical reviews; and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. We discussed this at our Committee meeting the other night. The Community Development Director, Ms. Sylvester, commented on it. If there are any questions, we'll see if we can get anything answered if you don't have it. Otherwise I'm going to be asking to move this forward.

COUNCILMAN LEWIS – Just one quick question. I just want to make sure, so this agreement is essentially just to pay for basically up to \$15,000 worth of inspections that the Commission will do on our behalf for those programs listed and then we pay if there's any lead or anything like that kind of inspections, and inspections like that, we pay that in addition to. But it's really just for inspections, correct?

COUNCILMAN MANSON – That's as I understand it. If we have a problem here, I don't see why we couldn't let this go one reading if you want to?

COUNCILMAN LEWIS – I don't have a major issue. I just wanted to clarify. I was reading over the contract and I wanted to make sure I understood it correctly.

COUNCILMAN MANSON – I don't want to put Mike on the spot. Mayor, did you want to comment on this?

MAYOR CATAZARO-PERRY – Good evening Council and Madam President. I do believe that is correct and Barb will be here next meeting. But I know she answered many of your questions last Monday.

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor. Mr. Chovan.

COUNCILMAN CHOVAN – So this is to do the inspections and things but is there any, there's no program manageable? We still do that through Fair Housing and then does she, I mean, does this group in conjunction with Ms. Lewis?

MAYOR CATAZARO-PERRY – These are historical, environmental evaluations that must be done on every property.

COUNCILMAN CHOVAN – Okay. Alright, thank you.

MAYOR CATAZARO-PERRY – And we don't do that here in the City.

COUNCILMAN CHOVAN – Right, right. Thank you.

MAYOR CATAZARO-PERRY – You're welcome.

COUNCIL PRESIDENT ISTNICK – Is that all, Councilman Chovan?

COUNCILMAN CHOVAN – Yes, thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN MANSON – I make a motion that we waive the rules requiring three separate readings and bring Ord. No. 41 – 2016 forward for passage.

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. 41 – 2016 has passed. Ord. No. 42 – 2016.

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 with the lowest and best bidder, upon approval of the Board of Control, for the Main Avenue West Improvement Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is an ordinance to bring forward sealed bids for a project that's been in the works for about the last year and a half for Main Ave. W. So a lot of westsiders will be happy to know we're finally moving on this. This project will be the repaving of Main from the point on Lincolnway all the way to the City lines including all storm drains and catch basins, they will be replaced as well. I do know that the engineer is not here tonight but he did answer most of our questions last week and did promise us that as quickly as we can get this out to bid it could possibly be started maybe late spring or early summer this project. So, are there any questions at this point? Seeing no questions at this point, I would ask that we suspend the rules requiring three readings and bring Ord. No. 42 – 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. 42 – 2016 has passed. Ord. No. 43 – 2016

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.

COUNCILMAN LEWIS – Yes, this is to cover the cost of Workers' Compensation that the City has incurred from 2011 thru 2014. As you remember from a conversation last Monday, we have historically paid it in a retroactive fashion. We are transitioning that to a more forward approach with the company that we work with. This is also somewhat of a fluid account. We were paying this if the money does not all get used, sometimes we will get reimbursements and I believe we did see that a year or two ago where we saw a pay back that benefited the City. So this is an amount that will cover our current known cost and we do this pretty typically every year. Are there questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 43 – 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. 43 – 2016 has passed. Ord. No. 44 – 2016.

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, this ordinance is for the repair of the elevator at the Annex Building where the Administration offices are. As you may recall, one of the oil tanks that assists the elevator in operating has been leaking. It is so old that it cannot be repaired. In fact, it looks like it's from the '50's. So I think it has well outlived its usefulness and it is time for replacement. We do have an estimate here that would cost just south of \$26,000. I know Mr. Smith, the Safety Service Director, has been diligent about getting down there and looking into this and trying to get us the best bang for our buck and this is what he's saying he needs in order to get that process started. My recommendation would be for us to pass this tonight. It is a safety risk. We'd hate to see anyone stuck in an elevator while trying to conduct business with the City. Are there any questions or comments? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 44 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS & CLAIMS

The Repository - \$ 700.40 – Publication of January Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis, can we have a motion?

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

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

9 yes to pay the bills

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report – February 2016

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, March 28, 2016 at 6:30 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

16. NEW & MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Mr. Manson.

COUNCILMAN MANSON – Yes. As I said at last week's Committee Meeting, you were out of town, we discussed the "emergency language" that goes in the ordinances and I said that I would like to have one more conversation after you were back and we'll resolve what we're going to do with that, if anything. So, we'll talk about it next Monday.

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

BOB RICHARDS – I live at 1375 Benson St. S.W. On behalf of our committee for the income tax, I'd like to take time to thank everybody for their help. It didn't go the way we wanted it to, but, at least we did a good job trying to get it done. So, thanks again.

COUNCIL PRESIDENT ISTNICK – Is there anyone else from the audience that would like to speak on something that is not on tonight's agenda? Again, please state your name and address.

LEONARD BROWN – I live at 2827 Sichels Circle S.E., Massillon, Ohio. It's actually Grey Ridge Estates and I have a petition to lower the speed limit in our subdivision. To give you a little background, Grey Ridge Estates subdivision is a new residential neighborhood which is located at the end of 27th St., Massillon, Ohio. There are currently 40 homes with no thru streets. Currently we have no posted speed signs which means that the current residential speed limit is 25 mph. The neighborhood has many young families and has approximately about 45 young children. All below the age of 10 who ride bikes and play throughout the neighborhood. So our request is to see if the Council would consider our petition to lower the speed limit in our neighborhood from 25 mph to 15 mph. I don't know if this is what we need to do, but I think maybe this is the first step in what we can do to do that. Who would I give this to?

COUNCIL PRESIDENT ISTNICK – I believe you would give that to Councilwoman Starrett. It's not Streets and Highways?

COUNCILMAN MANSON – Ward 3. Give it to anybody.

COUNCILMAN CHOVAN – You could give it to anybody. That's okay.

LEONARD BROWN – Well, I had called the City I think they said we needed like 5 signatures or something and we have I think about 25 on there.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Have you talked with the Safety Service Director about it? Usually that's where those places initiate. You were saying about initiate it.

LEONARD BROWN – Right. Yeah, when we had called, they said that we needed to file a petition and we needed at least 5 signatures on that petition. So, that's kind of what we did.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – I just conferred with the Law Director, so, I think we'll be able to figure it out between the two of us. But it is in Ward 3.

LEONARD BROWN – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Did you say that there are no posted speed limit signs currently?

LEONARD BROWN – Right. It's a brand new neighborhood so we don't have any posted speed limit signs right now and so, from reading the City Ordinances and from talking with the Safety Service Director, I guess that the speed limit is 25. And a lot of the people in the neighborhood kind of feel that since we're a closed neighborhood, we kind of thought that was a little bit too fast with all the kids that we have back there.

COUNCIL PRESIDENT ISTNICK – Are there any other questions or comments? Is there anyone else?

PATTI BROWN – I live at 2827 Sichels Circle S.E., Massillon, Ohio. I'm coming here to talk to you about a water leak on 27th St. Last year about this time, I came to City Council and talked about a water leak that was there for a while and I just wanted to thank you because after I came, I think about 2 weeks later, it was fixed, paved and it looked absolutely beautiful. So, I do want to thank you for that. However, another water leak has sprung up. It is now closer to the Burger King. It's actually at 129 – 27th St. and it goes almost to Connecticut where the other leak was, however it stops, well when it's not really flowing it stops about 2 houses before Connecticut. I just wanted to give you a brief timeline of how I have tried to, as a citizen, address this to the people that I'm supposed to address it to. So if you indulge me for just a second. First of all, I believe I noticed the leak about November of last year. I can't guarantee that but that's about the time where I started to think, why is there always water in this certain area and it's flowing and crumbling out street? So, by the end of January when nothing was done, my husband actually called Aqua Water and reported that we thought that there was a water leak because last time we reported that it's what it turned out to be. We didn't hear anything, nothing seemed to be done, so on February 4th I called the Street Dept. The Street Dept. said that they would send someone out and they did send someone out. He actually called me and then that was the last that I heard of it. So, on February 8th, I called again. I was just asking the status of it; "so what did you find?" I was curious. And the lady said "Well, we don't know anything about a leak on 27th St." she goes "You'll have to call the Water Dept." So I called this last week and I couldn't remember the guy's name and she says "Well, you'll have to call the Water Dept." So we called the Water Dept. So, I ended up calling or e-mailing my Ward 3 rep. She got back to me a couple of days later and said that she was sorry to hear that that was going on and she would try to check in on it for me. And that was on February 8th. I also e-mailed the Mayor, but I don't know. Maybe I go through the cyberspace because I just did it online through the website. I actually went on the website where you can mark on there if you see a problem. I didn't hear back from anyone. So, now we're into February 8th and February 10th, I did receive an e-mail back saying that she would talk to the City Engineer and said that she had not heard anything. Now let's flash forward about a month later. It's March 1st, nothing has been done. So, my husband called Aqua Water; nobody answers the phone over there, not a live person. So he walks down there, well, I think he drove. He drove down there and he finally talks to someone and what they told him was "Yeah, we know about it. We think it's a natural spring". Well, isn't that nice? We have a nice little natural spring on 27th St. It's leaking down our street. So, we said, "Well, what's going to be done about it?" And they said they were going to go test it one more time. And that was supposed to be on March 2nd. So, March 3rd, I e-mailed my Ward 3 representative and asked if she had heard anything because here's what I'm hearing, Aqua Water is telling me that they think it's a natural spring and I get the sneaking suspicion that they were now pointing the fingers back to the City saying, "It's not our problem. It's not a water leak from a pipe, so, the City, it's now in your hands". So again, I asked Andrea if she could find out for me what was going on and that was March 7th. I was going to try to come to City Council on March 7th but I was sick, so I couldn't do that and that's the last that I've heard anything about this water leak. So in coming here on March 21st now, so we're about 3, almost 4 months into this, I don't know what else to do as a citizen. I'm trying my best to go through the avenues that I'm supposed to go through. I know Andrea's gotten back to me very quickly whenever I've e-mailed her, but she can't give me any

information. So, what do I do about the leak? It's crumbling the sidewalk, it's getting worse. It freezes in the winter, it's a little ice skating rink and then thaws and it's there. So, I guess at this point, I don't know what to do. So, I'm asking, I know the City Engineer isn't here, but if someone could address it and at least tell us, "Yeah, we see it's a problem. We're going to try to... I don't know. I don't even know what to ask at this point. But, you know, the roads crumbling, we've fixed it before. It leads into a nice area, I think, a nice area and nice neighborhood back there and it's starting to crumble. So, my question is if we could at least get some information to find out is it a natural spring and even if it is, what do we do about it? You just can't have water running down your street. So...

COUNCIL PRESIDENT ISTNICK – Let's call the Mayor up and see if she has any answers for us. Thank you.

PATTI BROWN – Thank you.

MAYOR CATAZARO-PERRY – Patti, we'll be able to address that. We have a new website, so if you e-mailed me through the website, I'm not sure that I received it, so, I'll be happy to take that concern and we'll get that fixed for you.

PATTI BROWN – And the one reason I did that is because you asked me to last year. You said, "If this ever happens again, please e-mail". And I totally understand that e-mails can get lost and there's no blame anywhere. I just, as a citizen, I'm thinking, I don't know what else to do and they keep encouraging me, "Come to the City Council". That's fine, I don't mind coming. You guys all seem very nice, but I don't know why something can't be done and conveyed to a citizen over almost a 4 month period.

MAYOR CATAZARO-PERRY – Well, I agree with you, but like I said, we have a new website. So maybe it didn't get to me or maybe it went to "spam" and I don't always check my "spam". So, I'll be sure to go back and check it and Andrea, we'll work together to get this cleaned up for you. Okay?

PATTI BROWN – That would be great. I appreciate that.

COUNCIL PRESIDENT ISTNICK – Thank you.

PATTI BROWN – Thanks. You know again, I think I was greatly disappointed when City Income Tax did not get passed. I really do care about this City and I'm appreciative, you guys have been doing a great job. Communication just would be helpful. I'd appreciate that. Thanks.

COUNCIL PRESIDENT ISTNICK – Is there anyone else from the audience that would like to speak on something that is not on the agenda? Please give your name and address and before you sit down, print it on the paper as well.

BRIANA SCHUMACHER – I live on 19TH St. N.W., Massillon, Ohio. I'm not sure this is the place for this, but I just have quick question. I go to Central Catholic and this is my government class. We have to come to City Council meetings and I've gone to six meetings now, you guys are the friendliest, so I'm going to ask my question that I'm so confused on. What does declaring a state of emergency mean on all these ordinances? Like I figure you were such a nice audience you could probably tell me. I've been to six meetings now and I still have no idea.

COUNCIL PRESIDENT ISTNICK – Councilman Manson, could you address that for her?

COUNCILMAN MANSON – The only thing that I can tell you is that we are discussing right now. Would you be available next Monday evening?

BRIANA SCHUMACHER – I'm not in the state next Monday evening.

COUNCILMAN MANSON – Okay. Because we have been discussing this for a couple of meetings now. And we're trying to decide whether or not we intend to try to do something with it. We've got some direction from our Law Director on how things are handled in other cities. This has been a point of contingent in many cities handling things as an emergency.

COUNCILWOMAN LITMAN – But there is a definition too; the state of emergency.

COUNCILMAN MANSON – It's about how to expedite it was the reason that we do that with a lot of things. Even if they don't appear to be an emergency.

COUNCILMAN CHOVAN – Are we talking about "state of emergency" like a disaster or are you talking about the emergency language in the ordinances?

BRIANA SCHUMACHER – The emergency language on the ordinances that's tacked on the bottom of it.

COUNCILMAN CHOVAN – If you'd like to stick around afterwards, I'll sit with you for a few minutes and explain what it is to us.

BRIANA SCHUMACHER – That would be great because my government class, I don't understand that part for my assignment.

COUNCILMAN CHOVAN – I'll sit with you for a few minutes.

BRIANA SCHUMACHER – Thank you.

COUNCIL PRESIDENT ISTNICK – Would you please print your name and address for the record please? My understanding is that if it's passed with emergency, it goes into effect immediately and does not have to wait for 30 days. Is there anyone else in the audience that would like to speak on a subject that is not on the agenda tonight? Seeing none, Councilwoman Litman.

18. **ADJOURNMENT**

COUNCILWOMAN LITMAN – I motion that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Irwin. Meeting adjourned.

DIANE ROLLAND, CLERK OF COUNCIL **CLAUDETTE ISTNICK, PRESIDENT**