

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, MAY 2, 2016**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, April 18, 2016. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Joel Smith, Auditor, Jayne Ferrero, Chief Deputy Auditor, Debbie Bonk, Law Director, Perry Stergios, Community Development Director, Barbara Sylvester, Intern, Joshua Whitacre, 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.

**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 STARRETT** - Gave the invocation for tonight.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILWOMAN MEGAN STARRETT** – Chairperson of the Streets, Highways, Traffic & Safety 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 approved as written.

**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. 57 – 2016** BY: **STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Dept. of Transportation (ODOT), for the STA-30-9.58 fine graded polymer overlay project, PID 84627, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This ordinance does deal with some work on SR 30 that ODOT would like to do in 2017. We've received many ordinances like this. Whenever ODOT wants to do some work on roads that are within City limits, the City Council does have to approve that. There is no cost to the City for this specific ordinance for any of the work that would be done in 2017. Are there comments or questions on this ordinance? Seeing none, I make a motion that we waive the rule requiring three readings and bring Ord. No. 57 – 2016 forward for a vote tonight.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson.

**COUNCIL PRESIDENT ISTNICK** – 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. 57 – 2016 has passed. Ord. No. 58 – 2016.

**COUNCILMAN MANSON** – Excuse me, Madam President.

**COUNCIL PRESIDENT ISTNICK** – I'm sorry, Councilman Manson?

**COUNCILMAN MANSON** – Yes, we got started so quick there, I missed bringing up something I wanted to discuss here and what I would like to discuss and talk about is revisiting Ord. No. 52 – 2016 that we approved two weeks ago. And that was the establishing of a Target Balance, Budget Stabilization Fund of \$300,000. And I'd like to make a motion that we revisit it and I'd like to have some discussion about it, the reason for it.

**COUNCIL PRESIDENT ISTNICK** – Do you have a second? Seconded by Councilwoman Creamer.

**COUNCILMAN MANSON** – Okay. Conversation now?

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILMAN MANSON** – Okay. We voted on this last, two weeks ago at our Council meeting and the Council rules, if you want to revisit something, it has to be at the next Council meeting. Anybody that is on the prevailing side can request to revisit and any one of us could have. It was a 9 – 0 vote to suspend and it was a 9 – 0 vote for passage. I think we've gotten the horse before the cart and where I faced is, I will admit, I probably should have voted against it that night; I didn't. But I had misgivings about it. The following day, the Fiscal Commission met at the Chamber of Commerce and there was discussion about this. Now I've had people tell me from three different things that I've heard on this thing so far. I've heard that the Commission recommended this thing, I've heard that the Commission said it could be a good thing, that it's done like this in some other cities and I also heard that we asked for legislation and they made a recommendation. I've heard these things. But what I also did hear and this is a person from on the Commission. As I sat and listened to Bob Gessner and he voted against this and his reason was that it does not make any sense to save money when you've got a hole in your roof and the rain water is coming in. And that's exactly how I feel on this thing. At that meeting, there was a relatively positive discussion about the improvement in all the funds in the City of Massillon. In fact, to the point where, I believe what they said and there may be some disagreement, there's

a lot of other people that were there besides myself, but, it's going to be hard to justify keeping Massillon in fiscal emergency when we wouldn't even qualify for it today with all those funds being in the black. My problem is, back to this hole in the ceiling or in the roof. We're killing ourselves trying to get an income tax passed for streets. We've worked, most of us here, have worked three times, we've put this thing on the ballot. We've gone door to door, we've donated money, we've gone to meetings in the community and I just don't believe that we're convincing the people that we really do need this. Because I don't believe we have enough people in the City, as far as elected officials that are committed to this. You know, we were told in this meeting over there, the Fiscal Commission, we're doing a great job of managing the General Fund. The Street Dept. is part of the General Fund and the Street Dept., as far as street construction and maintenance, are millions and millions of dollars behind. And I don't believe that this is the time to start tying \$300,000 up. I'm not saying we take the \$300,000 and run out and spend it. I understand when you run a business, you have to have operating capital; everybody does. But when I started into this thing several years ago, when we started talking about raising the income tax, my feeling was that we would balance this thing. Some would go to be building our cash operating fund and some would be going to our streets and stuff like that. But we haven't done that and I've given some of the people here examples why I don't like this thing. If we really were healthy, I would not have a problem with it, but we have that hole in our roof, only ours is in the ground. Our street program consists of buying metal plates to put them over collapsed catch basins and buying drums or is it tubs, or is it barrels, I'm not sure what the President brought up about that, but that's pretty much the extent of it. You can talk about filling potholes, but filling potholes doesn't fix anything. I believe if we were to get serious, we ought to turn this fund down. First of all, there's no money going to this yet; review this, reject it and then take some of this money...we have, the start of this year, the General Fund rollover, we had \$2,232,000.00, January 1, 2016. Encumbrances were \$286,000.00; that left us with \$1,945,000.00 to rollover. What we have spent since then now, we just approved \$300,000 for some kind of stability fund and another \$327,000 to pay for Building Social Security, bond counsel and all that and I see nothing there as far as the streets and I just think that we're going down the wrong path. I don't think that we are convincing our people that we take this seriously and you have my motion and it was seconded and that's where I'm coming from on this.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – While I understand where Councilman Manson is coming from, I do think that there's an important picture that we also have to include and that is \$1.7 million dollars of repaving projects that are to be completed this summer, including over, on top of that, there'll be over \$100,000 in CDBG dollars that is going to be allocated for further repaving projects. There's still \$900,000 left of the carryover that could be allocated by City Council to further this. So I think it's realistic to believe that the City could quite possibly spend \$2 million dollars in repaving projects throughout the City. I think at that level of spending, we're starting to get to the point that I don't even know how much more we can get possibly accomplished in a single summer. We're talking about large tracks of road being completed. We contract this work out; I don't know the work load that our contractors are able to keep up with in one season. On top of that, I don't see how putting \$300,000 in the bank as a savings to protect ourselves from falling into desperate situations is ever a bad thing. Now if we had a zero expenditure for 2016 in roads, I would agree with you. But we don't. We have close to \$2 million. We're talking about W. Main St. from Hi-Way Tire all the way to City Limits. We're talking about 17<sup>th</sup> St. on the west side from Cherry all the way to Oberlin or Finefrock. We're talking about 11<sup>th</sup> St. N.E., we're talking about a piece of Lake. We're talking about some of Amherst. These are major thoroughways that are all going to be addressed this year, already approved by Council and in the final stages right before they start construction. So I think that is showing the citizens of Massillon that we are committed. Yes, we have barrels and plates that we are purchasing to help us insure safe travel or as safe as possible in the meantime, but once those projects start getting worked on and completed, I think the citizens will see that we're committed and as long as we keep that commitment moving forward, I don't see anything wrong with putting a little back for savings.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Scassa.

**COUNCILWOMAN SCASSA** – Can I call the Mayor up to ask her a quick question?

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mayor.

**MAYOR CATAZARO-PERRY** – Good evening, Council President, members of Council.

**COUNCILWOMAN SCASSA** – I guess from the Administration standpoint perspective, why do you think it's important to have this fund instead of just using it on the roads, at this point?

**MAYOR CATAZARO-PERRY** – Well, I just want to clarify some information because I think you're getting it a little confused. The Financial Planning Commission recommended to us, that to come out of fiscal emergency, we needed to create some type of stabilization fund, which we have done. We took Mansfield, we changed their language a little bit to suit our City and brought it to Council. Now, Joel and I first sat down between ourselves and decided that we wanted to do about \$500,000. The Auditor recommended that we do \$250,000. So we compromised at \$300,000 to put into this fund. But the Financial Planning Manager, Quentin Potter as well as Laura Brown, they really wanted to see us put in more money and so, we felt that, Jayne and discussing it with our Budget Director and Joel and Debbie, that \$300,000 would be the right number for the City, but the Planning Commission, Quentin Potter, was looking for more. And so, Bob voted against it because he felt it was a little too much to put into the fund. We have to establish a fund and we can add money to it whenever we want, you know. But \$300,000 out of that \$2.2 million, is a good number to start with. We're not hurting ourselves, but we have to have that fund to come out of fiscal emergency and to show that we are saving some money for an emergency. So, I think it is a good number to go with. We don't think it's too high. We don't think it's too low. We think it's the right number for our City. Now, other cities that may have other revenue streams that they could count on, maybe it would be higher, but for us, at this time, we want to be a little conservative and go with \$300,000. So we did have this conversation and once I explained to Laura... now let me share with you. You've not seen the full plan, but, we're proposing to increase our split, every year, by 1% which is, I know, very important to Council and we're also proposing to give some pay raises out of the General Fund on a very slow basis. Because these, honestly, our employees have done without and it's time that we give something back to them and I think it's 1%, am I right? 1% to 1½ %, it's not much, but it's something that we need to do for our employees because they have given so much to our City and so, we've done all of that. We're able to grow the Capital Improvement Fund. We're able to give a small amount to our employees and then we're also able to, with the income tax, be able to dedicate a certain amount of money to streets, as well as have this stabilization fund and slowly grow it. And that's, you saw, its \$300,000 a year. It's not a lot of money, annually. But it's something we felt we could do and Council members, at any time, can vote to put more money in there as our revenues increase. But we felt it was a very strategic plan for us and hope that you'll approve of that as well.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson?

**COUNCILMAN MANSON** – Yes. You're saying that the Commission will not allow us to come out of fiscal emergency if we don't have that stabilization fund?

**MAYOR CATAZARO-PERRY** – They asked us to have that, yes.

**COUNCILMAN MANSON** – No, you're saying that they won't allow us to come out of...

**MAYOR CATAZARO-PERRY** – That was one of the criteria, yes.

**COUNCILMAN MANSON** – They won't allow us to come out? Okay.

**MAYOR CATAZARO-PERRY** – Yes. That's one of the criteria and we shared with them that it was passed at the last meeting and there's one other area that we have to complete before they recommend that we come out of fiscal emergency and that is our recovery plan for our departments. So, if something should go down, we have to be able to stand up the very next day. Now we can do that, but we're working on placing fiber into our areas so that we can, if something happens here, we can stand up at The Legends. If something happens here, we could stand up at the Rec Center. So we have to have that in place. It does not all need to be completed, but the plan has to be completed and so we're very close to completing that as well and we hope to be able to present that to the Financial Planning Commission at the next meeting. So, those are the two things that they'd like us to have done before the recommendation comes and Jayne can verify that. Thank you.

**COUNCILMAN MANSON** – Well, like I say...

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – I still feel that we're failing with the General Fund and we have made way too much out of getting this carryover. I understand very well on how operating capital works and like I said, I haven't seen the money that's going towards streets yet. You mentioned 11<sup>th</sup> St., I believe and Amherst and what are those going to be funded out of?

**COUNCILMAN CHOVAN** – That TIF. That Marketplace TIF.

**COUNCILMAN MANSON** – I haven't seen the TIF yet. We were told a year ago that we were going to have a million dollars coming from the TIF and we have not seen any legislation yet. So, we were told that it was going to be done last year with that million dollars and it wasn't done. So, you have my motion.

**COUNCIL PRESIDENT ISTNICK** – Are there any questions or comments from any of the other Council people? Questions for any of the Administration? Councilman Manson.

**COUNCILMAN MANSON** – I make a motion that we, I forget the term for it right now.

**COUNCILMAN CHOVAN** – Reconsider.

**COUNCILMAN MANSON** – That we reconsider Ord. No. 52 – 2016 that deals with the Financial Recovery Plan.

**COUNCIL CLERK ROLLAND** – Well, it actually deals with the stabilization fund; establishing the fund.

**COUNCILMAN MANSON** – Budget Stabilization Fund.

**COUNCIL PRESIDENT ISTNICK** – Was Councilwoman Creamer's second, do we need that again? She had already seconded it when you brought it up.

**COUNCILMAN MANSON** – So it goes to vote then, right?

**COUNCIL PRESIDENT ISTNICK** – Roll call.

8 no; 1 yes to reconsider Ord. No. 52 – 2016

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 52 – 2016 will not be reconsidered.

**ORDINANCE NO. 58 – 2016 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Participatory Legislation with the Ohio Dept. of Transportation (ODOT), for the STA MCRO FY2018(A) Resurfacing Project, PID 100870, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This ordinance is the same as Ord. No. 57. ODOT is requesting to do some work inside of the City limits on SR 62 and SR 172. This would be in 2018, this expected projected. This project would cost the City about 20% of the total cost. That would come, obviously, I believe, Mr. Dylewski said, probably the license plate fee or one of those funds. So he does know that there would be a cost to this, but it would obviously be much less than if the City had to do all the resurfacing themselves. Any questions or concerns about this ordinance? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 58 – 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. 58 – 2016 has passed. Ord. No. 59 – 2016.

**ORDINANCE NO. 59 – 2016 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Dept. of Transportation (ODOT), for the STA-US 30-0.00 Project, PID 87284, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. One more of the same. This ordinance, again, is for ODOT to do work on streets inside the City limits. This is, again, for another section of SR 30. This project will be in 2017 and there would be no cost to the City. It's 100% funded by ODOT. Any questions? Any concerns? Seeing none, I would make a motion that we suspend the rules requiring three readings and bring Ord. No. 59 – 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. 59 – 2016 has passed. Ord. No. 60 – 2016.

**ORDINANCE NO. 60 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1425 Lincoln Center III Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance is to pay the \$10,000 to an account entitled County Collection Fees. Whenever the County collects taxes for us, they do charge a fee for that. This is pertaining to property taxes in particular to the Lincoln Center III Fund. Some of you may remember at the last meeting we had, we spoke about having to create an account. After speaking with the Auditor and the Administration, that account actually already exists. We do not have to create it. But we do still have to transfer the dollars in order to pay the fees that we will be incurring in the collection of those taxes. And of course, those taxes that we will be collecting will be greater than \$10,000 and will be to benefit 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. 60 – 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. 60 – 2016 has passed. Ord. No. 61 – 2016.

**ORDINANCE NO. 61 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – This ordinance is in reference to the Budget Stabilization Fund that we had just discussed. We have created that fund and the means to govern that fund. However, we still have to transfer the first initial payment into that fund, which would be a \$300,000 payment. That is what this ordinance is allowing the City to do. Are there any questions or comments? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 61 – 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.

8 yes; 1 no for passage – Manson voted “no”

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 61 – 2016 has passed. Ord. No. 62 – 2016.

**ORDINANCE NO. 62 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1424 Freshmark Infrastructure Fund and the 1429 University Village Infrastructure Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance is allocation approximately \$125,000 to the Richville/Southway Project. That would be the intersection right up there where Richville and Southway come together. Repaving, widening and making that intersection more user friendly. We have discussed this in the past. Are there any discussion or comments this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 62 – 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. 62 – 2016 has passed. Ord. No. 63 – 2016.

**ORDINANCE NO. 63 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1420 Project Grants Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – This ordinance appropriates over \$613,467 to an account entitled Main Ave. West Improvement Project. This is the funding that we receive through government dollars to repave West Main all the way from Hi-Way Tire to the end of City limits. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 63 – 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. 63 – 2016 has passed. Ord. No. 64 – 2016.

**ORDINANCE NO. 64 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. In this ordinance, we appropriate monies, \$2,000 for barrels to warn motorists where there are troubled areas on our roads. \$5,000 to pay for the bidding process. Whenever we put a project out to bid, there is a cost associated with that and \$3,770 is our cost share of the orthoimagery project that's going on throughout the County that the County Auditor uses on their website. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 64 – 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. 64 – 2016 has passed. Ord. No. 65 – 2016.

**ORDINANCE NO. 65 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 2105 Storm Water Utility Fund and the 1414 Collection System Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance appropriates \$12,500 to storm sewer repairs. These repairs are to be done on 27<sup>th</sup> St. N.W. There's a storm sewer that has begun to fail, if not failed completely already and they'll be repairing that. And it also appropriates \$14,722.22 to the Southway Sanitary Sewer Extension Project. We extended the sewer out on Southway a year or two ago and this is the finalization of that project. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 65 – 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. 65 – 2016 has passed. Ord. No. 66 – 2016.

**ORDINANCE NO. 66 – 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon and enacting new Section 181.031 LEVY OF ADDITIONAL TAX to reflect the increase in the municipal income tax rate from one and eighth-tenths percent (1.8%) to two percent (2.0%) to be effective January 1, 2017 for five (5) years, subject to approval of the electors of the City of Massillon at a Special Election to be held August 2, 2016.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I like to call forward the Law Director.

**PERRY STERGIOS** – Mr. Lewis, ladies and gentlemen, Ms. President.

**COUNCILMAN LEWIS** – Yes. Thank you, Law Director. There were questions as to whether or not the emergency language was necessary in this legislation. I want you to get an opportunity to give your opinion.

**PERRY STERGIOS** – We've never had it in the legislation before and second, this is putting something on the ballot. So, it's sort of by default, it's going to a vote. So, something like this does not need to have emergency language unless some of you were going to vote against it. Then I might have an issue. But if it's 9 – 0, (wink, wink).

**COUNCILMAN LEWIS** – So, a 9 – 0 vote without emergency language will still allow the City to go to the Board of Elections tomorrow and meet deadline.

**PERRY STERGIOS** – Absolutely.

**COUNCILMAN LEWIS** – Are there any questions; discussion? Okay, thank you.

**PERRY STERGIOS** – Okay. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Stergios. Mr. Lewis.

**COUNCILMAN LEWIS** – I guess I would ask again, are there any questions or discussion pertaining directly to the ordinance, not necessarily to the emergency language. Alright. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 66 – 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. 66 – 2016 has passed. Resolution No. 10 – 2016.

**RESOLUTION NO. 10 – 2016**

**BY: FINANCE COMMITTEE**

**A RESOLUTION** directing the Stark County Board of Elections to conduct an election at the Special Election on August 2, 2016, for the purpose of providing the electors of the City of Massillon, Ohio, with the opportunity to approve or disapprove an ordinance providing for a proposed increase in the City of Massillon, Ohio, income tax ordinance from one and eight-tenths percent (1.8%) to two percent (2%), effective for collection commencing January 1, 2017 for five (5) years, such increase to be exclusively used for the purpose of City Street Maintenance and Repair and the City Street Department, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is, as the title says, it's our resolution telling the Board of Elections to make this an issue or a ballot issue on August 2<sup>nd</sup>. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 10 – 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

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

Request for Transfer of Liquor License for Alice R. Knotts, DBA Village Tavern, 1<sup>st</sup> Floor only, 146 – 1<sup>st</sup> St. N.E., Massillon, Ohio 44646 to Village Tavern of Massillon, LLC, DBA Village Tavern, 1<sup>st</sup> Floor only, 146 – 1<sup>st</sup> St. N.E., Massillon, Ohio 44646. Permit Classes D2, D2X, D3 and D3A.

Request for New Liquor License by Chipotle Mexican Grill of Colorado, LLC, DBA Chipotle Mexican Grill, 2872 Tommy Henrich Dr. N.W., Massillon, OH 44647. Permit Class D1. (Previous request for New Liquor License was Permit Class D3.)

**COUNCIL PRESIDENT ISTNICK** – Councilman Irwin.

**COUNCILMAN IRWIN** – Yes. I got a copy of them.

**COUNCIL PRESIDENT ISTNICK** – Do you have anything you want to say or ask or anything?

**COUNCILMAN IRWIN** – No. We don't have no say so over liquor license. So, basically, they're just asking for, I think the last time they asked for a D1 and now they're going for a D3 and the other one is a transfer of ownership.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I just have a question on what the designation of D1 and D3 entail, do we know? Whatever that is?

**COUNCIL CLERK ROLLAND** – That I do not. I just happened to notice that we got two for Chipotle and I was wondering why because one was a D3. The previous one in the meeting that I read was a D3 and this one is a D1, but what the definitions of them are I do not know.

**COUNCIL PRESIDENT ISTNICK** – Councilman Chovan.

**COUNCILMAN CHOVAN** – Thank you. Having been the holder of liquor licenses in the past, I can tell you in general what it is. The difference is and the different classes has to do with the type of beverage you can sell, the days of the week you can sell it and the hours that you can sell. If you look at some of the private clubs in the area, you have to pay a membership to be there because their license is a club license only and I'm not sure, that might be a D4. So, these have to do with like a D1 might be beer only, let's say. D3 might be beer and wine. D5 is like liquor, beer, wine any day except Sunday until 2:30 a.m. So that's what these different designations mean.

**COUNCIL PRESIDENT ISTNICK** – Any other questions or comments? Thank you.

9. **BILLS, ACCOUNTS & CLAIMS**

10. **REPORTS FROM CITY OFFICIALS**

Mayor's Report – March 2016

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I would just like to comment that I was contacted by a resident/homeowner on S. Erie St. He was requesting that the City extend sanitary sewer lines in that area. So, I would like to further discuss, next week at the Committee meeting this topic. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Irwin.

COUNCILMAN IRWIN – Yeah. I had a call earlier in the week regarding the “Jake Brake Law”. A gentleman was concerned because all of the trucks going down SR 21. There’s been a lot of “Jake Brake” going on and he has a tenant that wants to move out because of the noise. He just wanted to know what he needed to do about getting one passed. I told him that we’d discuss it at our Work Session next week.

COUNCIL PRESIDENT ISTNICK – Anyone else? Our next Work Session will be next Monday, May 9, 2016 at 6:30 p.m.

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 45 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

**AN ORDINANCE** approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. This takes no action by us. Its third reading, we just vote on it, up or down.

COUNCIL PRESIDENT TOWNSEND – Any discussion? Roll call for passage.

8 yes; 1 abstained – Lewis abstained

COUNCILMAN MANSON – Excuse me, I have a question.

COUNCIL PRESIDENT ISTNICK – I’m sorry. Councilman Manson.

COUNCILMAN MANSON – I guess we need a reason for the abstention and then we have to approve it, I believe. I’d like to ask the Law Director maybe to comment on that.

PERRY STERGIOS – Ms. President, ladies and gentlemen, Mr. Manson. Yes, he should request to approve abstention and you guys vote on it.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I guess we’ll just ask the reason why?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I sit on the board of one of the non-profits that’s receiving money from this ordinance.

**COUNCIL PRESIDENT ISTNICK** – Are you requesting...?

**COUNCILMAN LEWIS** – I'm abstaining.

**COUNCIL PRESIDENT ISTNICK** – Is there a second?

**COUNCILMAN MANSON** – I have one question.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – We didn't even have a first yet. Is that, would you consider that a conflict of interest?

**PERRY STERGIOS** – Better safe than sorry.

**COUNCILMAN MANSON** – Okay.

**PERRY STERGIOS** – I mean, he's not getting paid by the non-profit board, but in this instance, he does benefit from it. So, I think the best course would be to abstain.

**COUNCIL PRESIDENT ISTNICK** – Does he need a second for that?

**PERRY STERGIOS** – You should have a motion and a second and then you don't need to suspend the rules. Just vote on the motion, yes.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – I make a motion that we approve Mr. Lewis abstaining.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Roll call.

9 yes to accept Councilman Lewis' abstention

**COUNCIL PRESIDENT ISTNICK** – Roll call for passage we did. For future reference, if this should arise again, do we vote before or after for passage?

**COUNCIL CLERK ROLLAND** – They already voted for passage but he abstained.

**COUNCIL PRESIDENT ISTNICK** – I understand, but should he have requested the abstention before we voted for the ordinance? Yes, Perry?

**PERRY STERGIOS** – Yes.

**COUNCIL PRESIDENT ISTNICK** – Thank you. I won't remember that, but I will ask you again.

**PERRY STERGIOS** – Okay.

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

**ORDINANCE NO. 54 – 2016**

**BY: FINANCE COMMITTEE**

**Section 1: Items #3 and #4 only**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2016, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

16. **NEW & MISCELLANEOUS BUSINESS**

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

**JAMES REED** – 721 Amherst Rd. N.E., Massillon, OH. The thing I want to bring up is, and I could have probably got up and said this before the meeting, but the people of Massillon don't trust how the City spends their money, as a whole. I personally voted for the last tax levy. I'm going to vote for this tax levy. The problem is, all I hear is "How are we going to fix all these streets? The Street Dept. is half of what it was ten years ago." It's still the same amount of streets to fix if not more and this, supposedly, this tax levy is going to help fix that problem. But if you don't explain to the citizens of Massillon what this thing is going to do, then you have no hope of getting it passed. I mean, I fought and fought and fought for the last one. Everybody said the same thing, "They tell you one thing and they do something else". And a lot of it goes back to years before this Administration, I realize that, but it's been proven that City Council can change anytime what they want to change. In other words, you could pass this levy and it all goes to the Street Dept. and then all of a sudden, Council changes or something happens and some of the money doesn't go to the Street Dept. And if they don't see a Street Dept. that's getting better, they're not going to renew it in 5 years. I don't know who you ask in the City to find out how they decide what street gets fixed. Who do you ask in the City, how they divvy up what catch basins get fixed? I know you don't have any money, but, when you have money to fix 4 street basins, who determines which 4 get fixed. Is it the guy in charge of the Street Dept.? Is it somebody else? And if it is somebody else, who is that? And there's a thing going on right now with Main St. I agree, Main St. needs fixed, but I've driven three other roads the last month and I don't know how they decided that Main St. was the one was going to get fixed because I've driven that road three different times during the day and each time the most cars I saw on that road while I was running that stretch was four. The other two times, it was only two. Now that's different times a day. Now Tremont St. from Third St. to Lincoln Way, that street is every bit as bad as Main St., if not worse and the lowest amount of cars I seen on that street was six and the most was 16. That's driving from Third St. to Lincoln Way. Now, that street is every bit as bad as Main St. What determines Main St. gets it before that street. Take 8<sup>th</sup> St., it's terrible. It's not near as far, I understand that. All I asking... I'm not saying Main St. shouldn't be the one to be fixed; is there a criteria and who decides it? I can't find that out from anybody. Who's making that decision? I mean, it could be the guy in charge of the Street Dept., but knowing who that guy is, I kind of doubt that.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Most of that decision-making comes to us as recommendations from the Administration and primarily from the City Engineer. He should be keeping track of the condition of all the streets in the City and there should be a priority list.

**JAMES REED** – So, in other words, I could go to that street engineer and say, "What's the priority list for the next six months on the streets getting fixed?"

**COUNCILMAN MANSON** – I think that's reasonable. Megan, do you, I know you're on streets.

**COUNCILWOMAN STARRETT** – Yes.

**COUNCILMAN MANSON** – We had some discussion about this last week.

**JAMES REED** – See, this is the first I've heard who I can go to to find out what this is. I mean, I don't know what his criteria is for finding out what street is a thoroughfare and what street isn't, but I'm telling you, Tremont from Third St. to Lincoln Way has three

times the traffic that Main St. does to the City limits.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – I'd like to make one other point while you're talking about it. The way this ordinance was drawn up this time, the money that would be raised from this tax levy for streets would go into the 1201 Street Construction Fund and that could not go for anything that is not street related. Now, if we had that money in the General Fund, every year we could change where it's at. We could appropriate some for the streets this year and turn around next year and put zero in the General Fund. But when it goes to 1201, it's called Street Construction and there's a list this long of things we can do.

**JAMES REED** – I've been here for the last three or four meetings, I know what you're talking about. All I'm saying is, in the past, things have been voted on and approved and then years later, all of a sudden, it changed. I'm not saying it changed to be wrong, basically overall for the City, but it changed where it wasn't what they said it was going to be.

**COUNCIL PRESIDENT ISTNICK** – Councilman Chovan.

**COUNCILMAN CHOVAN** – Jim, just to reiterate what Paul said, when you put a levy like this in front of the voters, if they approve this then it goes into a special revenue fund just for streets and by Ohio Revised Code, we can't go in...if you think we can go in and change that, we can't. That would be like, well, 3/10ths of our money goes to Parks and Rec, we can't take that money and repair streets with it. So, once that fund is established, that kind of precludes any City Council from coming in and taking it out. You have to go to court to be able to do something like that.

**JAMES REED** – All I'm saying is, no money was supposed to go to the golf course out of the General Fund either.

**COUNCILMAN CHOVAN** – Yeah. That was never voted.

**JAMES REED** – But does it? It does, right?

**COUNCILMAN CHOVAN** – Yep.

**JAMES REED** – Okay. That's what I'm saying.

**COUNCILMAN CHOVAN** – Right.

**JAMES REED** – Do I feel that you guys are going to do that? I personally don't. Like I'm saying, I'm voting for this tax levy. But, when the Street Dept. is down from like 17 or 18 guys to 9 and the rest of the departments in the City and City Hall aren't cut by 50%, what makes the citizens of Massillon think you're going to be real big on the Street Dept. all of a sudden when you haven't been for the last 10 years. They go slammed bad. And now everybody's bitching about their streets. Well, nobody wants to give them any help. Nobody wants to pay to have the street fixed.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – For 5 years, we appropriated zero money in our budget, General Fund budget for streets. We appropriated money to operate the Street Dept., but just for street repair, according to the Safety Service Directors. For 5 years, we did not repair streets other than emergency situations.

**JAMES REED** – And have we added any people to City Hall. Has there been any new positions going on at City Hall since then?

**JOEL SMITH** – We're down numerous positions within City Hall. We down numerous

positions.

**JAMES REED** – From 10 years ago, we're down?

**JOEL SMITH** – I can't speak for 10 years, but there's several positions that have not been filled that are in our job description.

**JAMES REED** – 50% down?

**JOEL SMITH** – I don't know.

**JAMES REED** – The Street Dept. is 50% down. The only two I can't say should be down at all are the Fire and Police Dept. But like, who takes care of the catch basins? Is that the Sewer Dept. or the Street Dept.? I've heard two different answers, who does it?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I just want to say, I think this is an important conversation but I think we're setting a dangerous precedence at this time. We've had other members speak to us and not be able to have questions answered and even though these questions are good and it's good conversation, we will have to open ourselves up to answering all citizen questions at this time of the meeting. If that is something Council wants to do then let's certainly do so, but that's not been the precedence. I would think it would be more appropriate if we continue this with Councilman Manson and the Safety Service Director to continue this conversation and get this gentleman his answers.

**JAMES REED** – That's fine. I don't expect to have all of the answers tonight. I just am having trouble getting answers. You know, I go one place and they put me somewhere else or something else. You know, I can't get the answers. I've been waiting 2 months on an answer from either the Code Enforcement Officer or the Building Dept. I haven't got it yet. Well, I'm going to wait about another week and then I'll go down and ask again.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Reed. Did you sign your name and address?

**JAMES REED** – No.

**COUNCIL PRESIDENT ISTNICK** – Is there anyone else? If you could please state your name and address and topic you wish to discuss.

**DAN FONTE** – I reside at 4415 Dawnridge Cir. N.W., Canton, OH. Approximately around the 7<sup>th</sup> of March, I approached Council here and I presented a Resolution to oppose the Transpacific Partnership Free Trade Agreement and I assume Council has got it. I don't know if you've read it, since you're not going to answer any questions. All I'm asking is, do something with it. For me to keep coming over here, I don't have a problem with it, but if you're not going to do anything, tell me. But to me, every community I go to and every municipality I go to, I hear the same thing at every Council meeting. We don't have enough money. And you're not going to have enough money because these trade agreements have been nothing but a disaster. The jobs aren't here and you cannot tax your people to death, okay? It's not feasible. You've had the State repeal the estate tax, right? The governor and the legislator repealed estate tax. They cut your local government funding, right or wrong? And we had, in my opinion, I didn't live through the first depression, but this last depression to me was the greatest depression and I'm 72 years old or going to be 72. And to me, I think this is the easiest thing you got to do, is to read this resolution and either pass it and you agree with it and let your legislator know in Washington that you got to have a say in what's happening. Now it's a big discussion now with this presidential election. But you know what, you people got your boots on the ground here. Now, I'm not against trade, but I'm against

free trade. You go to have fair trade. You can't have a worker in America compete with somebody in China because we're not playing by the same rules. So, all you have to look for in the City of Massillon, and I told you this back on March the 7<sup>th</sup>, go down to Republic Steel here and I don't know how many acres that plant is; I worked there because I was a construction worker, but it's got to be 3 to 5 hundred acres, maybe I'm wrong. All that pipe sitting on that site, not one inch of it was made in the U.S.A. Now, was it built to our standards? I don't know. Do you know? It's going to be going through our communities. And let's face it folks, when I started doing this, because this page and a part of this page, there's 78 places, okay, that's no longer here. Not just in Massillon, it's Stark County and there's probably more, this is just what I come up with. And every one of these places, a family could be raised and had a successful life and paid taxes, they shop. It's the old butcher, the baker, the candlestick maker. You all know what that means? That's how your money travels around the community and that's what keeps a community lively. We don't have that anymore. The jobs aren't here and we got to put a stop to this stuff and it can start right here. Right here. Now one community I went to, got it. But every other community I had, I don't know. Have you guys discussed it? Have you talked about it or did you get it? I don't even know. But I would think that this is something that you really need to look at. Hey, if you don't oppose free trade, then pass a resolution that you want free trade. Because all these jobs you lost and the jobs you're thinking of bringing into this community, they're not sustaining a family. Believe me what I'm telling you. They're not going to sustain a family. They both have to work, college is going through the roof and the young kids are leaving here. I know because one of mine's not here and he's not going to come back because there's nothing here. And it's going to happen to everybody and pretty soon, we don't have enough fingers and toes to plug that dike, because every piece of infrastructure in this County is garbage. If you think it's just three or four streets, I travel this county every day and every street is terrible. The sewers are terrible. I live in Canton, okay. Our sewer rates have went up 9½% each year for 4 years. Our water rates have went up an average of 3% every year for the last 3 years, they just did it again and I understand it's got to be done. I understand it. But, where's it going to stop? I'm on a fixed income, okay. So, fortunately for now, I can do it. But there's a lot of people on a fixed income that can't do it. So, what is happening? They're driving us right out of our home, eventually and then, where are we going to end up going? We're going to be at the pillar of society. We got to bring good paying, sustainable family job here and I'm pleading with you, I'm pleading with you. Pass this resolution. It's not that big of a deal. To me, if I was sitting in your chair and somebody gave it to me and I read, I'd say "Man, this is the easiest thing I'm going to do". So I'm asking you, read it and take some action on it. If you agree with free trade, pass a resolution that you agree with it. If you don't agree with it, pass this resolution so we can stop this craziness that's going on in this country. That's all I'm asking you. Please do something. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Please sign your name and address.

**DAN FONTE** – I already did, Ma'am. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Is there anyone else in the audience that would like to speak on something that did not appear on tonight's agenda.

18. **ADJOURNMENT**

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – I make a motion to adjourn.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Chovan. Meeting adjourned.

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DIANE ROLLAND, CLERK OF COUNCIL      CLAUDETTE ISTNICK, PRESIDENT