

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, OCTOBER 3, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, October 3, 2016. We have in attendance with us the following city officials: Auditor, Jayne Ferrero, Deputy Auditor, Debbie Bonk, representing the Law Director's office is Bob Cyperski, Community Development Director, Barb Sylvester, 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, Andrea Scassa and Megan Starrett.

Roll call of 9 present

2. INVOCATION

COUNCILMAN CHOVAN - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN MILAN CHOVAN – Chairperson of the Police and Fire Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes they are.

COUNCIL PRESIDENT ISTNICK – Are there any corrections or additions?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Thank you.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

COUNCIL PRESIDENT ISTNICK – We have arrived at #5. This is the part of the agenda where citizens may speak on a topic that appears on tonight's agenda. If you would like to speak on something, please come to the microphone at this time. Give your name and address for the record and the topic you want to discuss. In addition, please print your name and address on the Sign-In Sheet on the table before you so that your name and address appears correct on our records.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 136 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Community Hub for the purpose of advertisement, community information and economic development.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes, thank you, Madam President. I'm going to give this first reading. They're coming in again Monday, I hope. I stressed to them that they probably should, so, if you have any questions, write them down. There were a lot of questions last week, so, and I've heard some from the community too myself. So, anything you think you want to talk about, bring it in. And Andrea, I don't really see any sense of rushing this. If the Historical Preservation Commission want to take a look at this and you said that was the 20th, right?

COUNCILWOMAN SCASSA – Yes, it's the 20th and actually, Mrs. Sylvester sent out an e-mail to us today on the Commission sort of letting us know that we will be addressing this at the meeting on the 20th as well.

COUNCILMAN MANSON – Okay. If anybody thinks that this is really urgent and should move faster, make their point next Monday night. Otherwise we'll let it go then. First reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 136 – 2016 has received first reading. Ord. No. 137 – 2016.

ORDINANCE NO. 137 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for funding to the Ohio Public Works Commission for the funding year of 2017 and to execute all necessary documentation needed to secure said funding.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance deals with just an application to get some funding for additional paving of roads. This project that they're trying to get funding for would be Lake Ave., starting at 1st St. N.E. and going up to Amherst N.E. So this would just be allowing the Mayor and the Street Dept. and everybody to apply for that funding and hopefully get that for an additional paving project in 2017. Is there any questions or concerns or comment? Seeing none with this, I'd like to see this moved forward because the more streets we can get paved the better, obviously. So I would ask that we waive the rules requiring three readings and bring Ord. No. 137 – 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. 137 – 2016 has passed. Ord. No. 138 – 2016.

ORDINANCE NO. 138 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Public Entities Pool of Ohio (PEP), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is our agreement for insurance that would cover our general and public official liability, law enforcement coverage for the City of

Massillon as well as vehicle and other property in the City. The total for the premium of that period of time is \$417,391.00. Are there any questions or discussion this evening before I move for suspension? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 138 – 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. 138 – 2016 has passed. Ordinance No. 139 – 2016.

ORDINANCE NO. 139 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. The first two section of this ordinance, we first see \$9,000 that would be appropriate for golf supplies/materials and then food and service/contracts. This is just to service the end of the year for The Legends Golf Course. In section two we have \$150,000 to an account entitled services/contracts. At our Work Session there was a list that was provided by the director of our Parks and Recreation that outlined the projects that were being done and the need for these funds. Both of these appropriations have already been approved by the Parks and Recreation Board. Are there any questions? My desire is to move for suspension and passage this evening. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 139 – 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. 139 – 2016 has passed. Ord. No. 140 – 2016

ORDINANCE NO. 140 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1433 Parks and Recreation Capital Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Do we have a representative from the Administration that can speak to this present?

MIKE MCKEE – We don't.

COUNCILMAN LEWIS – I know that at the Work Session I had a question as to what the \$27,000 was for. I thought it was for restrooms, but then I was corrected and it was for something else.

JAYNE FERRERO – The truck.

COUNCILMAN LEWIS – For the new trucks that they were going to buy. Were they buying two trucks?

COUNCILWOMAN LITMAN – No. Just one.

COUNCILMAN CHOVAN – Just one.

COUNCILMAN LEWIS – Just the one? Okay. And they gave us a quote and they showed us two examples of the type of truck that they were currently looking to get, I believe. Are there any more questions? I just wanted that clarification so we know exactly what we're voting on. Are there any questions or discussion this evening? Again, this has already been approved by the Parks and Recreation Board. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 140 – 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. 140 – 2016 has passed. Ord. No. 141 – 2016.

ORDINANCE NO. 141 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1235 Community Health Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance is taking a portion of the Community Health Fund that is to the benefit of the Health Dept. and actually appropriating these dollars for a total of \$4,845 into the Home Health Supplies and also Services/Contracts. Is there any discussion or questions this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 141 – 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. 141 – 2016 has passed. Ord. No. 142 – 2016.

ORDINANCE NO. 142 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE approving the golf fee changes for The Legends of Massillon Golf Course, beginning with the 2017 season.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Per local municipal ordinance, all changes to the golf fees or to the fees of the Recreation Center do have to come through and be approved by City Council. These fees that were presented to us at the last Work Session do continue to keep The Legends of Massillon Golf Course competitive, but lower than many of the local golf courses. 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. 142 – 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. 142 – 2016. Ord. No. 143 – 2016.

ORDINANCE NO. 143 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1229 HOME Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. The HOME Fund is part of a program that we are granted through HUD through Stark County in which we are shared funds from Canton, Alliance and Massillon. This year, in this particular fiscal year, I believe this is the 2015 fiscal year, their appropriating \$93,799.27 left for us to be able to use for projects. Before we vote, I want to thank Ms. Barb Sylvester. She has done an excellent job of increasing the efficiencies and has already shown me next year's projects and we'll be seeing those as well. So, these dollars are used to assist people when first time home buying and home renovations to their homes if they qualify. So it is much needed and it assists us in our housing market revitalization that's very important to our city at this time. Are there any further questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 143 – 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. 143 – 2016 has passed. Ord. No. 144 – 2016.

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is for a total of \$10,000 appropriation. This is coming from our accumulated sick leave as mentioned in the title. A little of \$3,000 of it is for the repair of an elevator and a little over \$6,000 of it is for the study on the fire station on Wales to see if it would be better to tear down and rebuild or to renovate the current structure for future use. Are there any questions or discussion? My intent is to move forward this evening. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 144 – 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. 144 – 2016 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

Request for transfer of liquor license from Free Isles, LCC, DBA The Sand Pit located at 28 Penn Ave. S.E., 1st Floor, Basement and Patio, Massillon, Ohio 44646, to Loretha Winn, 28 Penn Ave. S.E., 1st Floor, Basement and Patio, Massillon, Ohio 44646, located in Ward 2. Permit Class is D5.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Question?

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham-Hedderly.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Does anybody know? Did it sell? Did they trade it, anybody have any idea?

COUNCIL CLERK ROLLAND – It's just a transfer, I don't know if they sold it or not.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Okay.

9. BILLS, ACCOUNTS & CLAIMS

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report – August 2016
Mayor's Report – August 2016

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Yes, Councilman Lewis.

COUNCILMAN LEWIS – Yes. The Finance Committee would ask to open the floor to the Auditor so she could speak to Council.

COUNCIL PRESIDENT ISTNICK – Madam Auditor.

JAYNE FERRERO – Madam President, members of Council. As I spoke to you earlier the past two months, I told you that I would probably be recertifying. So I promised you that I would be doing that the first week of October. So, on behalf of myself and the Mayor, I am recertifying to the amount of \$916,108.47. So, I also want you to know that probably I will be recertifying one more time before year end. So, if anybody has any questions? If not, that's a very good thing and I hope you're all really pleased about that. It's probably because of the tax credit and because of the increase of people that work in our city right now because employment is up and so that has a very huge bearing on our figures in our office.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Just a question as far as when you're saying that figure at the recertification. Is that a surplus that we're expecting this far year to date?

JAYNE FERRERO – It is more money than what I certified for the budget originally, yes.

COUNCILWOMAN LITMAN – Okay, so it's not a total figure? It is over and above what was originally certified?

JAYNE FERRERO – That's absolutely right. It's over and above, so that's money that can be spent.

COUNCILWOMAN LITMAN – Okay, thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Oh, I just wanted to make sure you repeat it for everybody to hear it and including the newspaper that we have over \$900,000 more dollars than we expected because of all the jobs that are in the city that creates tax revenue for us. That's all, I just wanted to say it again.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN LEWIS – The Finance Committee would also like to open up the floor to the Finance Director to present to Council.

COUNCIL PRESIDENT ISTNICK – Thank you. Mr. McKee.

MIKE MCKEE – The Budget Director, thanks Ed. Good evening. Thank you Auditor, that's great. One thing that I just want to tell you is that we're focusing on catch basins. As you know, there's 4,000 of these. A high percentage of those need to be replaced, so we're looking at 2 to 3 hundred K, and it's about 3K per catch basin. So, we put 300K, that's about 100 catch basins, just to give you a ballpark. So we're back to you to tell you when, where and how and so forth. Just to let you know that's where we're focused on our high priority and funded list. Thanks.

COUNCIL PRESIDENT ISTNICK – Anyone else? Even though next Monday is Columbus Day, our next Work Session will be Monday, October 10, 2016 at 6:30 p.m.

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

13. **CALL OF CALENDAR**

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 120 – 2016

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE amending Ordinance No. 81 – 2013, Massillon-Stark County Sewer Service Agreement, Supplemental #2, for the Wastewater Treatment Plant Improvement Project and authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Massillon-Stark County Sewer Agreement, Supplemental #3, for the Wastewater Treatment Plant Improvement Project at the Wastewater Treatment Plant.

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN IRWIN – Thank you, Madam President. Yes this is just an amendment to Supplemental #2 and #3. I guess Joel explained to us that we get a better rate. Are there any questions? We'll bring it forward to vote.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 120 – 2016 has passed. So for my information, that would not be a roll call; just bring forward for a vote? Thank you.

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

16. NEW & MISCELLANEOUS BUSINESS

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

DEBBIE SHANKLIN – My address is 2824 Radcliff, Massillon, OH. The reason that I am here today, I must apologize to some of you. I wasn't sure who to reach out to so I kind of did a mass e-mail just trying to get some information that pertains to the vicious dog ordinance here in Ohio. I've gotten some information to hand out to you guys, unfortunately I didn't realize how many of you would be here. So I'd be happy to provide scanned and e-mailed copies to each of you. But just to kind of go through just a list of background where this specific legislation comes from, why it's inaccurate. It all stems from a CDC report that's kind been the bunk at this point, but the anti-pit bull groups kind of funded the movement and just pushed, pushed. So, I have some of that information here. I'd like to give it to you guys for consideration of review and potential revisions excluding breed. There's also some information for other models that have been implemented that have been effective for insuring public safety, reducing dog bite statistics. The problem with even capturing dog bite statistics is that it's often inaccurate because it relies on vision identification and a lot of us aren't experts in that area. The information is here and like I said, I apologize, I don't have enough for everybody, but I'd be glad to provide them to anyone who would need them.

COUNCILMAN MANSON – Get a copy to Diane and she can send it out. Just give it to our Clerk.

DEBBIE SHANKLIN – Okay.

COUNCILMAN MANSON – And then she can e-mail it out to everybody.

DEBBIE SHANKLIN – Oh, that would be great. Alright well thank you very much.

COUNCIL PRESIDENT ISTNICK – Mrs. Shanklin, if you could also put your name and address on the paper.

DEBBIE SHANKLIN – Sure.

COUNCIL PRESIDENT ISTNICK – Is there anyone else from the audience that would like to come forward and speak on a topic that did not appear on tonight's agenda?

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – I move that we adjourn tonight's meeting.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

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