

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, SEPTEMBER 19, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, September 19, 2016. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Joel Smith, representing the Law Director's office is Bob Zedell, Fire Chief, Tom Burgassar 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

COUNCILWOMAN STARRETT - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN MEGAN STARRETT – Chairperson of the Streets, Highways, Traffic and 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 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. 131 – 2016

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a private anonymous donation from a local church on behalf of the Massillon Police Department.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you. I'm sure you all will remember the discussions we've had on this where there's been a donation from a church who wishes to remain anonymous; \$15,000 to purchase body cameras for the police department. All this ordinance does is it allows us to accept the money. It doesn't make any determination as to whether we're actually going to buy the cameras. The Auditor had said that this would be put into a separate fund so that if we decide legally it's something that we don't want to do as a city, we have that money set aside and it can be returned to the church. Are there any questions about this? Seeing none, I'm going to ask that we waive the rule requiring three readings and bring Ord. No. 131 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Irwin. 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. 131 – 2016 has passed. Ord. No. 132 – 2016.

ORDINANCE NO. 132 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a donation from the Improve Massillon Streets Committee on behalf of the Massillon Street Department.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance deals with the Improve Massillon Streets Committee which was the committee that helped get the income tax passed in August. This committee would like to donate the remaining funds from that effort to the Streets Dept. and that is the \$927.05 donation. Is there any questions or concerns about this ordinance? This ordinance would just accept the donation into the Streets Dept. fund. Seeing none, I would ask that we waive the rule requiring three readings and bring Ord. No. 132 - 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. 132 – 2016 has passed. Ord. No. 133 – 2016.

ORDINANCE NO. 133 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1219 WIC Program Fund, the 1234 Parks and Recreation Fund and the 1100 General Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is appropriating monies for Worker's Compensation in accordance to the title in this order, it would be \$885 from WIC, \$4110 from Parks and Recreation and \$111,145 from the General Fund; all going into to Worker's Compensation to cover our cost in that area. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 133 – 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. 133 – 2016 has passed. Ordinance No. 134 – 2016.

ORDINANCE NO. 134 - 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 is making an appropriation of \$50,000 to go to the Fire Dept. in order to make general repairs and maintenance to their facilities. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 134 – 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. 134 – 2016 has passed. Ord. No. 135 – 2016

ORDINANCE NO. 135 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1305 Bond Retirement – WWTP Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance appropriates \$400 to pay the fees to the County Auditor for their collection of taxes and other things related to the bond retirement at the Wastewater Treatment Fund. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 135 – 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. 135 – 2016 has passed.

7. **UNFINISHED BUSINESS**
8. **PETITIONS & GENERAL COMMUNICATIONS**
9. **BILLS, ACCOUNTS & CLAIMS**
10. **REPORTS FROM CITY OFFICIALS**
11. **REPORTS OF COMMITTEES**

COUNCIL PRESIDENT ISTNICK – I would just like to remind everyone that on October 15, 2016 is the first Annual City Golf Scramble at The Legends at 1:00 p.m. And the team of Creamer and Istnick will challenge all of you to come out and beat us.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – And what you?

COUNCIL PRESIDENT ISTNICK – I'm sorry?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – I'm sorry, and what you?

COUNCIL PRESIDENT ISTNICK – The team of Creamer and Istnick would like to challenge any of you to come out and beat us.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Beat you? You mean with clubs and picks or what?

COUNCIL PRESIDENT ISTNICK – A little bit.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Okay.

COUNCIL PRESIDENT ISTNICK – You can get any information, like there's a flyer over at the door. Our next Work Session is Monday, September 26, 2016 at 6:30 p.m.

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

13. **CALL OF CALENDAR**

Tabled September 6, 2016 until September 19, 2016

ORDINANCE NO. 97 – 2016

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 521 "HEALTH, SAFETY AND SANITATION" of the Codified Ordinances of the City of Massillon, Ohio, by renumbering 521.10(d) to (e) and enacting a new Section 521.10(d).

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. Yes. We've had quite a bit of discussion regarding the tobacco free zone that would include the Duncan Plaza and Veterans Park area. It was originally indicated in the original ordinance that there was going to be a more severe offense to someone violating the ordinance. We have

amended the ordinance to indicate that the violation may result in being asked to leave the premises and not the more severe violation that was in the original ordinance. So what I would like to do tonight is to re-present the amended version of the Ord. No. 97 – 2016 which from what I'm told, will bring it back to first reading. May I make a motion to amend that ordinance?

COUNCIL PRESIDENT ISTNICK – Seconded Councilman Chovan. Roll call.

9 yes to amend Ord. No. 97 – 2016

COUNCIL PRESIDENT ISTNICK – And are you giving it first reading tonight?

COUNCILWOMAN LITMAN – Well, actually I would like to waive the rules requiring three readings and ask for it to be brought forth for a vote this evening.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Chovan. 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. 97 – 2016 has passed.

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

15. **SECOND READING OF ORDINANCES AND 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. Second reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 12- 2016 has received second reading. Ord. No. 122 – 2016.

ORDINANCE NO. 122 – 2016 **BY: RULES, COURTS & CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending Chapter 709 "ALARM SYSTEMS", Chapter 967 "EMERGENCY MEDICAL SERVICES", Chapter 1301 "OHIO BUILDING CODE", Chapter 1501 "OHIO FIRE CODE" and Chapter 1519 "OHIO FIREWORKS" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This is second reading this evening, but I would like to ask if there are any further questions related to this ordinance. Chief Burgassar is here to answer any that we may have. Seeing none, I'd like to waive the rules requiring three readings and bring forth this ordinance for a vote this evening.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Chovan. 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. 122 – 2016 has passed. Ord. No. 123 – 2016.

ORDINANCE NO. 123 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Stark County for the purchase of salt for city streets for the 2016 – 2017 season from the Cooperative Program.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance deals with the purchase of salt for this upcoming winter. It was given first reading last time because council members wanted to know what the price was last compared to the price this year. Actually, we're saving a bit of money this year. A little less than a \$1,00, but there will be some savings per ton for the purchase of salt. We did get that information last week. Are there any further questions on this ordinance? Seeing none, I would ask that we waive the rules requiring three readings and bring Ord. No. 123 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. 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. 123 – 2016 has passed. Resolution No. 16 – 2016.

RESOLUTION NO. 16 – 2016

BY: FINANCE COMMITTEE

A RESOLUTION to amend Resolution No. 3 - 2015, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This Resolution is just amending the Fiscal Plan as passed in 2015. It is putting forth a 5-year projection of what our finances are looking like moving forward and if passed tonight, can be presented to the Fiscal Commission that meets tomorrow. Is there any discussion this evening or questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 16 – 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. Res. No. 16 – 2016 has passed.

16. NEW & MISCELLANEOUS BUSINESS

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

JOEL SMITH – I want to speak just briefly.

COUNCIL PRESIDENT ISTNICK – Yes.

JOEL SMITH – Just wanted to remind Council of Saturday, there's a Fall Fest on Duncan Plaza. There's also the last car show on First St. It should be a nice event. 5:00 p.m. until 10:00 p.m. Food vendors, kids activities, there'll be a band and then 2:00 p.m. and also invite Council to the Gold Star event and presentation at 2:00 p.m. on Duncan Plaza as well. It should be a great event.

COUNCIL PRESIDENT ISTNICK – Joel, make sure that you sign in so they can be recognized.

JOEL SMITH – Make sure that you sign in at Gold Star so you can be recognized when you get there. We'll be watching for you.

COUNCIL PRESIDENT ISTNICK – I believe if you've already them and confirmed your invitation that you are registered.

JOEL SMITH – Thank you.

COUNCIL PRESIDENT ISTNICK – Sunday at 2:00 p.m. and Saturday from 5:00 p.m. to 10:00 p.m., right?

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – I make a motion that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Litman.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT