

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, TUESDAY, SEPTEMBER 6, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, September 6, 2016. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Auditor, Jayne Ferrero, representing the Law Director's office is Bob Zedell, Parks & Rec. Superintendent, Kim O'Farrell, Treasurer, Maude Slagle, Fire Chief, Tom Burgassar, Income Tax/Budget Director, Mike McKee and Health Dept. Commissioner, Terri Argent. 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 SCASSA - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN ANDREA SCASSA – Chairperson of the Health, Welfare and Building Regulations 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. 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. First reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 120 – 2016 has received first reading. Ord. No. 121 – 2016.

ORDINANCE NO. 121 – 2016

BY: POLICE & FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the State of Ohio EMS grant and to accept a grant from FM Global on behalf the Massillon Fire Department.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you. At our Work Session last week the Fire Chief got up and explained to us what these grants were and all we have to do is accept them so he can begin to take advantage of them. The one, the Ohio EMS grant is \$2,750 which will be used to purchase EMS supplies. And then the grant from FM Global is \$1,758 and they're going to use that to purchase some equipment to do fire investigations, arson investigations. Are there any questions? The Chief is here if anybody has a question. If not, I'd like to move that we waive the rule requiring three readings and bring Ord. No. 121 - 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. 121 – 2016 has passed. 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. We had discussed this in last week's Work Session regarding the Fire Chief's desire to begin charging for testing of alarm systems and for false alarms. Also for building code as well as fire code and firework fees for services. Are there any further discussion that might need to take place? Chief Burgassar, I believe, is here to address any further questions that might be. I was just going to ask for reading this evening.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 122 – 2016 has received first reading. 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. First reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 123 – 2016 has received first reading.
Ord. No. 124 – 2016.

ORDINANCE NO. 124 – 2016

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE accepting the dedication of road right of way which is located on 32nd St. N.W.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance is to dedicate a portion of property on 32nd St. N.W. to the roadway. This was already approved by the City Planning Commission. Is there any conversation, any concerns, any questions on this? Seeing none, I would ask that we waive the rules requiring three readings and bring Ord. No. 124 – 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. 124 – 2016 has passed. Ord. No. 125 – 2016.

ORDINANCE NO. 125 – 2016

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE accepting the dedication of road right of way and easement areas for Buckeye Ridge Estates Phase 1.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This also an ordinance dealing with the dedication of road right of way and replatting of some land. This area is off of Wooster Rd. for the newer Buckeye Ridge Estates is what it's called and that would create 11 lots and 2 outlots. 11 residential lots and 2 outlots. This as well was already approved by the City Planning Commission and just needs approval by Council. Any questions or concerns with this ordinance? Seeing none, I would ask that we bring Ord. No. 125 – 2016 forward for a vote and suspend the rules requiring three readings.

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. 125 – 2016 has passed. Ordinance No. 126 – 2016.

ORDINANCE NO. 126 - 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. This ordinance transfers monies from the Parks & Rec. Fund placing into the lines of food and beverage supplies, golf supplies and materials and golf services and contracts. This is to assist in getting through the last leg of the season. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 126 – 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. 126 – 2016 has passed. Ord. No. 127 – 2016

ORDINANCE NO. 127 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund and 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 sections of this ordinance are going to point to \$62,000 going into the Refunds-Income Tax out of our General Fund, \$12,500 coming from Parks & Rec. and to Refunds-Park. What this is is that we estimate how many income tax returns we will have or refunds we will have for taxpayers in the City. This year we under estimated a bit and we have to just fill that line item so that we can get these refunds to the people that are owed. Are there any questions or discussion? Ms. Rolland.

COUNCIL CLERK ROLLAND – Yes sir. It was brought to my attention today, that should be \$62,500.

COUNCILMAN LEWIS – Is that going to be considered a typographical error?

COUNCILMAN MANSON – Yeah, it was a typo.

COUNCIL CLERK ROLLAND – I was informed by the Auditor.

COUNCILMAN LEWIS – So it will be \$62,500 to an account entitled Refunds-Income Tax at that is coming out of our General Fund. Any additional questions or comments? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 127 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Before I get the second, does that need to be amended or anything?

COUNCILMAN MANSON – No, it's a typo.

COUNCIL PRESIDENT ISTNICK – Just a typo, okay. 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. 127 – 2016 has passed. Ord. No. 128 – 2016.

ORDINANCE NO. 128 – 2016

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance places \$75,000 into an account entitled Storm Sewer Repairs. This is to continue to keep up on the infrastructure related to our storm water system within the City of Massillon. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 128 – 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. 128 – 2016 has passed. Ord. No. 129 – 2016.

ORDINANCE NO. 129 – 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 – Yes. This ordinance is in conjunction with Ord. No. 121 – 2016 which was the fire grant. This is the funds that were received and we're simply just appropriating them. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. N. 129 – 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. 129 – 2016 has passed. Ord. No. 130 – 2016.

ORDINANCE NO. 130 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3104 Vacant Foreclosure Depository Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. As you may recall that when a bank forecloses on a property within the City of Massillon and it goes vacant, the bank has to deposit \$10,000 into an account that is overseen by the City of Massillon. Upon sale of that property, the bank is due \$8,000 of their money back. This is simply moving the money into an account so that those refunds can be made to the banks that have been able to sell their properties. It is \$96,000 total, which is actually good news because my estimations, that means that's a dozen foreclosed homes that have been able to be filled or sold. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 130 – 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. 130 – 2016 has passed. Res. No. 15 – 2016.

RESOLUTION NO. 15 – 2016

BY: FINANCE COMMITTEE

A RESOLUTION to amend Section 1 of Resolution No. 13 – 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This resolution came to us from the Treasurer. Earlier this year, we approved First Merit and Huntington Bank to take our active deposits and interim/active deposits. Since then, she has wanted to add a couple of other banking firms or groups for the purpose of being able to make investments and do other business on behalf of the City. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 15 – 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. 15 – 2016 has passed. Res. 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 – First reading.

COUNCIL PRESIDENT ISTNICK – Res. No. 16 – 2016 has received first reading.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

Request for liquor license for Massillon West Park Tavern, LLC, DBA West Park Tavern, 1st Fl. & Bsmt., 1017 – 6th St. S.W., Massillon, Ohio 44646. Permit Classes, D2, D2X, D3, D3A and D6.

9. BILLS, ACCOUNTS & CLAIMS

The Repository	\$ 788.80	Publication of July Ordinances
Norlson Inc.	30.00	Dictation Cassette Tapes
	\$ 818.80	Total

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

10. REPORTS FROM CITY OFFICIALS

Mayor's Report – July 2016
Auditor's Report – July 2016 and August 2016

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – I move that we accept the reports.

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

9 yes to accept the Auditor's reports

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, September 12, 2016 at 6:30 p.m.

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

Tabled August 15, 2016 until September 6, 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. If you recall, this is the ordinance that we were looking at creating or extending, I should say, the non-smoking areas of public place from the building itself out to and including Veterans Park and the green areas of Duncan Plaza. Terri and I met last week and I'd like to bring this ordinance back from being tabled to today and look at perhaps amending that. I think what I heard in our last meeting was that the issue was if you were guilty in smoking in those areas that you would actually be charged with a minor misdemeanor. What we decided was to perhaps alter that verbage to simply state that "No person shall smoke in or upon Duncan Plaza or Veterans Park". Appropriate signage, of course, will be posted and we've talked about what type of signage would be posted. It would simply indicate "tobacco free" and the area would be tobacco free and the use of all tobacco and e-cigarettes would be prohibited. What we'd also add is if in violation of this section of the ordinance that you may be simply asked to leave the premises. Is there any discussion regarding just altering that verbage to include the Duncan's Plaza, Veterans Park area by stating that it would be a tobacco free zone? Terri is actually here if you'd like to have her come up and answer any further questions. Sarita?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – I do have a question. Terri, you want to come up?

TERRI ARGENT – Sure.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – The sentence where you say they could be asked to leave. What if they choose not to because it's a public park and it's a public area and all that, then what happens?

COUNCILWOMAN LITMAN – We actually spoke to the police chief and I don't if you would like to comment on that?

TERRI ARGENT – Sure. We spoke to the police chief about that and what he said was then it would move on to a different part of law, I guess that's the way I would explain that and if they cause a disturbance, then they could be, I don't want to say arrested, but basically charged with public disturbance if they create too much of a hassle if they don't leave when they're asked to.

COUNCIL PRESIDENT ISTNICK – Mr. Manson.

COUNCILMAN MANSON – So we don't need to worry about that? The police will take care of that, we don't need any language or anything for that?

COUNCILWOMAN LITMAN – No. We just wanted to include that if there was a violation that they may be asked to leave and that would be at the discretion of the officer that's involved in the situation. Are there any further questions? Mr. Lewis.

COUNCILMAN LEWIS – This seems like a nice compromise and my initial gut is, we compromised and worked it out, but then there's a piece in there that says it's a roundabout still making it a criminal act. Because if you sit there and you smoke and you're asked to leave and you say, this is public property, I choose not to smoke. Then I'm going to be arrested or cited on another criminal act. Not smoking, but another one. So, it's a roundabout still making it criminal. Not saying I'm going to vote "no", but I'm just saying kind of, it is what it is.

COUNCILWOMAN LITMAN – Well, can I make a comment on that? From what we understood from the police chief, it would be a conversation with the individual. There would be a request for them to leave. If, based on their response to that, if it escalated into something that in the opinion of the officer was a public disturbance, then at that point it would be decided by the officer how to pursue that. Whether that would be on this property or on anyone else's property. So, I think it's just a matter of the conversation taking place, the signage being there. There are still going to be areas,

such as the sidewalk the entire way around the Veterans Park and Museum area, but also there will be additional receptacles that will be out on the other side of the building as well. So it's an accommodation for those that would still like to smoke. I think based on the Health Dept.'s request of us, I think it is a compromise to try to get us to a point where perhaps people will respect the area and that they will not choose to smoke, but still not have an offense be the minor misdemeanor as well. Are there any further questions? Yes, Andrea?

COUNCILWOMAN SCASSA – I guess in light of this new compromise, I was just quickly looking at 521.10, what we're seeking to amend and I guess now that we're decriminalizing it, I don't know if maybe this is the best area within our ordinances to have this. This is titled Non-Smoking Areas in Places of Public Assembly and I guess just, again, looking at this and I know we have a representative from the Law Dept. here, but I mean, this seems to be speaking more towards buildings, other types of enclosed public spaces and I guess, since we're amending this to strongly ask people not to smoke in our park areas, I don't know if this would maybe better suited within our park ordinances of what's prohibited in parks as opposed to the place of public assembly. I don't know if that is completely throwing another monkey wrench in it, but, since we are solely talking about our parks and I know what people are allowed to do in public places has been an argument that some of us on Council have made that, you know, this may be better suited underneath our park ordinances as to activities that we do or do not want in parks. I don't know, that just came to me as you were talking about the compromise and reading what the statute is that we're actually amending.

COUNCILWOMAN LITMAN – In our discussion last week we looked at this ordinance by not changing what we currently have but by adding another item, another letter to the ordinance itself and I'll read what it says here currently and I think everyone has a copy of it. "Whoever violates this section, and it's the 521.10 a thru c, which indicates not changing what you currently see in front of you, that still being, if you are guilty of those offenses, you will still be charged with a minor misdemeanor, but adding and (e), so you've got a thru c, you've got (d) that's already indicated as a violation and then you have (e) just adding that "no person shall smoke in Duncan Plaza". I don't know if maybe if it would be written out because it makes sense as I'm looking at it here, but I can see with you not having our change to verbage that that might be...

COUNCILWOMAN SCASSA – Yeah, I mean, for me personally I'd like to see it in its entirety before I'm going to vote on it.

COUNCILMAN LEWIS – I just wanted to make a quick recommendation. I think we've definitely made excellent ground here, however, I tend to agree with Andrea that there might be better placement there. I also did not see the change before this evening, so it may be best if we just go ahead and table until the 20th and then hash out the details on the, or I mean until the 19th and hash out the details on the 12th and just pass then. Does that make sense?

COUNCILWOMAN LITMAN – Sure.

COUNCILMAN LEWIS – That way we don't have to do all this right here. We can do it at the Work Session as normally would happen.

COUNCILWOMAN LITMAN – Okay. I thought that you all were going to have a copy of this for today. I apologize. Okay, so, I guess at this point, we'll table again until Sept. 19, 2016.

COUNCIL PRESIDENT ISTNICK – Are you making a motion?

COUNCILWOMAN LITMAN – Yes, I'll make a motion to table until Sept. 19, 2016, for further discussion on the 12th.

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

9 yes to table Ord. No. 97 – 2016 until Sept. 19, 2016

COUNCIL PRESIDENT ISTNICK – Ord. No. 97 – 2016 has been tabled until Sept. 19, 2016.

14. THIRD READING OF ORDINANCES & RESOLUTIONS

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 107 – 2016

BY: HEALTH, WELFARE & BLDG. REGS. COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a one (1) year rental agreement with the St. James AME Zion Church Life Center for office space to be used by the Massillon City Health Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you, Madam President. At the end of last week, I did receive an e-mail with a revised lease agreement from Mrs. Argent, so, thank you for getting with St. James and getting that worked out. Everyone should have received a copy of that, the e-mail from Diane and if you read through it you saw that the revised lease agreement does contain the two provisions that we discussed at last Work Session. In the first paragraph, they have agreed to the two year term beginning Sept. 1st. So that was the first revision that we had asked for and then the second paragraph which only consist of one sentence, but states “the Lessor shall present to the Lessee a renewal contract by June 1st of the year of expiration on the contract”. So that’s seems to satisfy the 60 day window opening of the contract that was also discussed. So, with that being said, does anyone have any questions of these revisions?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I don’t have a question, I just want to say thank you as far as one of the more vocal members of Council with some of these thoughts and opinions that the St. James AME Zion Church was willing to work with us and take our thoughts into consideration and agree to some of our terms and obviously as such, I will be voting “yes” this evening.

COUNCILWOMAN SCASSA – Thank you. Did anyone else have any comments or questions? Okay, with that being said, I will first make my motion to amend Ord. 107 – 2016, specifically amending Section 1, that will be amending the language to read that we will enter into a 2-year agreement with St. James AME Zion Church and then I will be making the motion to amend Section 2 to also reflect that we will be entering into a 2-year rental agreement for 2016 with the St. James AME Zion Church Life Center located at 111 Tremont Ave. S.W. I would also like that amendment to reflect that Exhibit “A” will be the lease agreement that we received on September 2, 2016, and replacing the original lease agreement that Council did receive with the original ordinance. So I’ll first make my motion to amend and then I’ll make my motion to suspend the rules.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call for the amendment.

9 yes to amend

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you, Madam President. As that takes us back to first reading, I would make a motion to suspend the rules requiring three readings so that we can enter into this lease agreement as it did begin on Sept. 1st.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 107 – 2016 has been passed.

16. NEW & MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT