

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, TUESDAY, SEPTEMBER 8, 2015**

**COUNCIL PRESIDENT TOWNSEND** – Welcome to the Massillon City Council Meeting for Tuesday, September 8, 2015. We have in attendance with us the following city officials: Service Director, Joel Smith, Auditor, Jayne Ferrero, Chief Deputy Auditor, Debbie Bonk, Law Director, Perry Stergios, and Treasurer, Maude Slagle. 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, Sarita Cunningham-Hedderly, Michelle Del Rio-Keller, Nancy Halter, Ed Lewis, Paul Manson, Andrea Scassa, Megan Starrett and Shaddrick Stinson.

Roll call of 9 present

**2. INVOCATION**

**COUNCILMAN PAUL MANSON** - Gave the invocation for tonight.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILMAN PAUL MANSON** – Chairperson of the Finance Committee led those in attendance in the Pledge of Allegiance.

**4. READING OF THE JOURNAL**

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

**COUNCIL CLERK ROLLAND** – Yes they are.

**COUNCIL PRESIDENT TOWNSEND** – Are there any additions or corrections to be made?

**COUNCIL CLERK ROLLAND** – No there are not.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Then the minutes stand approved as written.

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

**COUNCIL PRESIDENT TOWNSEND** – 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.

**MAUDE SLAGLE** – (Due to taping issues, all comments were not recorded). However, she discussed opposition to not passing the proposed disposal of petty cash.

**6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 122 – 2015**      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from B-1 Business District to R-1 Residential.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, there will be a Public Hearing on this on October 5<sup>th</sup>. So, tonight we'll be giving this first reading.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Ord. No. 122 has received first reading. Ord. No. 123.

**ORDINANCE NO. 123 – 2015**                      **BY: ENVIRONMENTAL COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety to advertise for and receive sealed bids and to enter into a contract upon award and approval of the Board of Control on the lowest and best bidder for the Wastewater Treatment Plant Improvement Project, Contract 2, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Yes, this ordinance deals with the wastewater treatment plant and we had Mr. Dorman here at the Work Session to explain in detail the procedure and deadlines. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 123 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Seconded by Councilman Manson. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 123 has passed. Ord. No. 124.

**ORDINANCE NO. 124 – 2015**                      **BY: POLICE & FIRE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to donate to the Stark State College Fire Science Division a 1984 Pierce Dash Class A Pump, which is no longer needed for any municipal purpose, in exchange for \$20,000 worth of training at the Stark State Burn Building, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Chovan.

**COUNCILMAN CHOVAN** – Yes, this ordinance deals with the disposal of a 1984 Pierce Dash Class A Pump and giving it to Stark State College in exchange for \$20,000 worth of training. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 124 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Seconded by Councilwoman Del Rio Keller. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 124 has passed. Ord. No. 125.

**ORDINANCE NO. 125 – 2015**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 2015 appropriations of the 1100 General Fund, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Councilman Lewis.

**COUNCILMAN LEWIS** – In this ordinance, we are transferring to reimburse the CDBG program account for ineligible activities that were paid from Federal fund that are not in compliance with the programs regulations. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rule requiring three (3) readings bringing Ord. No. 125 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 125 has passed. Ord. No. 126.

**ORDINANCE NO. 126 – 2015**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1203 Community Development Fund, for the year ending December 31, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, in this ordinance we appropriating the money to repay HUD as described in the ordinance just passed. Are there any questions about this legislation this evening? Seeing none, I make a motion that we suspend the rule requiring three (3) readings bringing Ord. No. 126 - 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 126 has passed. Ord. No. 127.

**ORDINANCE NO. 127 – 2015**

**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, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance pertains to the tree removal in our parks. As Ms. O'Farrell informed us in our Work Session, cost is going to be about

\$49,900.00. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 127 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Del Rio-Keller. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 127 has passed. Ord. No. 128.

**ORDINANCE NO. 128 – 2015**                      **BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund, the 1206 Municipal Motor Vehicle License Plate Fund and the 1427 Massillon Area Credit Union TIF Fund, for the year ending December 31, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, the first section of this ordinance deals with the storm sewer repairs/improvements to 27<sup>th</sup> St. and 1<sup>st</sup> St. in the amount of \$21,990. Section No. 2 deals with replacing various catch basins throughout the City at the cost of \$45,000. We're also appropriating \$30,000 from the Stormwater Utility Fund and \$30,000 from the 1206 Muni fund and this is all for street sweepings. We'll also be appropriating \$8,500 from the 1206 Muni Fund to repair curbs and gutters on Deerfield Lane NE and Castle West Cir. N.W. And in the last section of this ordinance we'll be appropriating \$8,000 from the 1427 Massillon Area Credit Union TIF to repair Warmington Rd. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 128 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilman Manson. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 128 has passed. Ord. No. 129.

**ORDINANCE NO. 129 – 2015**                      **BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this ordinance pertains to \$136,000 for the Millennium Blvd. project and these funds will be reimbursed back into the General Fund by the developer, Massillon Development Foundation. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord.

No. 129 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 129 has passed. Ord. No. 130.

**ORDINANCE NO. 130 – 2015**                      **BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund and the 1212 Summer Concert Fund, for the year ending December 31, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this ordinance is to appropriate \$15,100 from the Income Tax Capital Improvement Fund to repair the handicap ramp in front of the building. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 130 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 130 has passed. Ord. No. 131.

**ORDINANCE NO. 131 – 2015**                      **BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Mayor to submit applications for funding to the Ohio Public Works Commission for the funding year of 2016 and to execute all necessary documentation needed to secure funding of the Richville Drive Improvement Project and the Southway Street Improvement Project, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this ordinance is authorizing the Mayor to submit applications for the Richville Drive and Southway Street Improvement Projects. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 131 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Del Rio-Keller. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 131 has passed. Ord. No. 132.

**ORDINANCE NO. 132 – 2015**                      **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 FY 2015/2016 CDBG Program Fund, for the year ending December 31, 2015, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – First of all, I must say that I am disappointed that no one is here from Community Development to bring forward to discuss this matter. However, we will move forward. I have one question for the Auditor's office. In the line item for "Child & Adolescent Behavioral Health" the account is listed as 1203.845.new. Is this correct?

**DEBBIE BONK** – The last four digits should read 2866.

**COUNCILMAN LEWIS** – Thank you. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 132 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Scassa. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 132 has passed. Ord. No. 133.

**ORDINANCE NO. 133 – 2015**                      **BY: POLICE & FIRE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell a 2005 Ford Ambulance, which is no longer needed for any municipal purpose, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Chovan.

**COUNCILMAN CHOVAN** – Thank you, Mr. President. This is the other part of the ordinance we talked about earlier where the Director wanted this to be broken up separately. If you remember, the Chief talking about the condition of this ambulance and it's a "lemon", basically, but it's out of warranty so, we're just throwing good money after bad with this thing. So, does anybody have a question about anything here before I take it forward? Okay, then I move that we waive the rules of requiring three readings and bring Ord. No. 133 – 2015 up for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Seconded by Councilwoman Del Rio-Keller. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 133 has passed.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

9. **BILLS, ACCOUNTS & CLAIMS**

Norlson Inc. - \$38.50 – Dictation Tapes  
Keller's Office Equipment - \$60.58 – Office supplies

**COUNCIL PRESIDENT TOWNSEND** – Thank you very much. Councilman Lewis, I need a motion to pay the bills.

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

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Seconded by Councilwoman Scassa. Roll call to pay the bills.

9 yes to pay the bills

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. The bills will be paid.

10. **REPORTS FROM CITY OFFICIALS**

Auditor's Report – August 2015  
Treasurer's Report – August 2015  
Mayor's Report – July 2015

**COUNCIL PRESIDENT TOWNSEND** – If I remember correctly, we need a motion to accept the Auditor's Report.

**COUNCILMAN LEWIS** – I make a motion that we accept the Auditor's Report.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Del Rio-Keller. Roll call to accept the Auditor's Report.

9 yes to accept the Auditor's Report

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk and all three reports will be filed in the appropriate area.

11. **REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Del Rio-Keller.

**COUNCILWOMAN DEL RIO-KELLER** – Thank you, Mr. President. Just a reminder that this Thursday, September 10<sup>th</sup> is the Park and Recreation Board Meeting at the Rec Center at 6:00 p.m.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Is there anyone else? I would like to remind everyone that City Council's next Work Session will be held on Monday, September 14<sup>th</sup> at 6:00 p.m.

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

13. **CALL OF CALENDAR**

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 108 – 2015

BY: HEALTH, WELFARE & BLDG. COMMITTEE

AN ORDINANCE establishing the Housing Market Reinvestment Program (HMRP), and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Stinson.

COUNCILMAN STINSON – Thank you, Mr. President. The first thing we need to do is we need to make some amendments to this ordinance. In Section 1 where it says “Homebuyer must...we need to add the words, “remain as primary resident and satisfies one of the following”.

COUNCIL CLERK ROLLAND – Are you talking about the Exhibit or the ordinance?

COUNCILMAN STINSON – Yes, the Exhibit, I’m sorry, thank you. Where it says “homebuyers must...”, I have it marked on this one, if you want it afterwards.

COUNCIL CLERK ROLLAND – I’m sorry?

COUNCILMAN STINSON – It’s marked on this one if you want it afterwards.

COUNCIL CLERK ROLLAND – Okay.

COUNCILMAN STINSON – And then also, we need to add Section 3 which is the copy that Ms. Scassa gave everybody and it also got e-mailed out to everybody which talks about “if any time during the first three years the occupancy of residence and the owner does any of the following, the homeowner shall reimburse the City of all funds received for all years that they received this entitlement”. a) If they sell the property, enter into foreclosure of the property, transfer the deed or mortgage to the property to another individual; b) the homeowner shall have 30 thirty days upon the action taken as listed in Section 3(a) to reimburse the City of all funds received for this HMRP recipient; and then (c) if the homeowner takes any action as listed in the first set of things in group (a), the ordinance will violate any provision of the HMRP and fail to reimburse the City the siege or seek all available remedies at law to recover these funds”. I have a copy of that also for you. So, at this time, I’d like to make a motion that we amend Ord. No. 108 – 2015 to reflect those changes in the Exhibit.

COUNCIL CLERK ROLLAND – Well, the Exhibit is saying as attached hereto. So, we would be only changing the Exhibit, correct?

COUNCILMAN STINSON – Yes.

COUNCIL CLERK ROLLAND – And not the ordinance?

COUNCILMAN STINSON – Not the necessary ordinance, yes.

COUNCIL CLERK ROLLAND – Okay.

COUNCILMAN STINSON – Yes, but its part of the ordinance, though.

COUNCIL PRESIDENT TOWNSEND – So, let me ask a question here.

COUNCILMAN STINSON – Go ahead.

COUNCIL PRESIDENT TOWNSEND – So, it states Exhibit attached here, is it just that Shaddrick, was he the only councilperson that received the attachment, so therefore you don’t have to make amendments?

**COUNCIL CLERK ROLLAND** – Well, what he read is what I already, I believe, have in here.

**COUNCILMAN STINSON** – We made these changes during the Work Sessions.

**COUNCIL PRESIDENT TOWNSEND** – Right.

**COUNCILMAN STINSON** – So, therefore, we have to make it official by amending.

**COUNCIL PRESIDENT TOWNSEND** – And the Clerk is saying that she has the copy. So, is there a situation where you guys just not get that copy? Councilman Lewis.

**COUNCILMAN LEWIS** – I believe, because I've been working on this with Shaddrick as well, the original legislation that was signed off by his Committee only included Sections 1 and 2 of Exhibit A. We eventually were able to develop Exhibit or Section 3 to that Exhibit.

**COUNCILMAN STINSON** – Right.

**COUNCILMAN LEWIS** – However, since that wasn't part of the original legislation, we felt that we needed to amend it to add it to the Exhibit. In addition, if you look at Section 1, part b, we had to add those five words in order to capture the essence of the legislation because otherwise there was no primary residency requirement in here and that's an essential theme for the legislation and everyone has been made aware except for maybe those five words. Everything else has been e-mailed out and sent to everybody for their review.

**COUNCIL PRESIDENT TOWNSEND** – Okay. You have the floor, Councilman Stinson.

**COUNCILMAN STINSON** – I already made the motion.

**COUNCIL PRESIDENT TOWNSEND** – I didn't hear you. Councilwoman Halter, you have a question?

**COUNCILWOMAN HALTER** – I'm seconding his motion.

**COUNCIL PRESIDENT TOWNSEND** – Make it again because there was other discussion and I'm not quite sure if the Council Clerk heard that.

**COUNCILMAN STINSON** – At this time, I'd like to motion that we amend Exhibit A of the ordinance to reflect the changes that I just got done reading which is the five words and the adding of Section 3.

**COUNCIL PRESIDENT TOWNSEND** – Okay, gotcha. Seconded by Councilwoman Halter. Roll call to amend Ord. No. 108 to reflect what Councilman Stinson has just noted.

9 yes to amend Exhibit "A" of Ord. No. 108 – 2015

**COUNCIL PRESIDENT TOWNSEND** – Okay. Now Ord. No. 108 reverts back to first reading.

**COUNCILMAN STINSON** – At this time, I'd like to make a motion that we suspend the rules requiring three readings and bring Ord. No. 108 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – You have a question, Councilman Manson?

**COUNCILMAN MANSON** – Yes, at some point.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Halter. Roll call

for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And now for passage.

**COUNCILMAN MANSON** – Excuse me. Discussion.

**COUNCIL PRESIDENT TOWNSEND** – Excuse me. Councilman Manson has a question or comment.

**COUNCILMAN MANSON** – Comment. We've worked on this for a while but we haven't really had it all together and I heard some conversation here tonight and I had some with somebody in the Administration; how is it going to be administered? And I wonder if we should maybe spend a little time addressing that before we do pass this.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Stinson.

**COUNCILMAN STINSON** – The conversation he's referring is me and Mr. Lewis were talking earlier. It was approached to me as to who would regulate this and me and Mr. Lewis were talking about that it falls under CDBG funds and so we assumed that Housing would, but there was no clarification that that was it.

**COUNCIL PRESIDENT TOWNSEND** – Okay. Well, here's the deal. Councilman Lewis.

**COUNCILMAN LEWIS** – I would simply say that in Section 2 of the Exhibit, there's a Board of Review that shall be enacted and this Board of Review is going to be the ones that oversee all applications that come in as stated in the ordinance and they're going to be the ones that decide who receives it. Once that decision is made, it is sent to City Council for final approval. Once we give our final approval, the Auditor cuts a check to the recipients and it's sent out. In that Board of Review, we have the Fair Housing Director and we have the Community Development Director, so we have two administrative directors that are involved in that process. Before that, we have the collection of the funds which is going to be tied to the \$10,000 that we're already collecting through Code Enforcement so they would still be collecting their \$10,000, but instead, they'd be collecting \$11,000 and that money would go into the same accounts. After this is passed, we'd talk to the Auditor and have a separate account developed for the \$1,000 that they would then transfer that money into. Who will directly oversee that? Well, we're giving this to the Administration. She can decide if she thinks it needs more oversight, then she'll give it to either her Community Development Director or her Fair Housing Director. That's how I would look at it, but the other pieces have been spelled out.

**COUNCIL PRESIDENT TOWNSEND** – Well, there's a motion to suspend and that motion was then to vote on that motion so, at this point, I have to refer this back to City Council. Are you guys willing to table this until? Or, just pass it and Councilman Stinson just, or Councilman Manson because he's part of the Community Development Committee, just kind of oversee the process. The motion was made, there was a vote to suspend, the rules were suspended. We were going into the vote to pass it so...

**COUNCILMAN LEWIS** – I mean, personally, I'm ready to move forward. This has been on our table since, what, May?

**COUNCILMAN STINSON** – Yeah.

**COUNCILMAN LEWIS** – We've been discussing this. And just now, in the final hour, someone decides to chirp up and say they want something extra? I think it's spelled out. If the Administration feels that it's not, they can come to us and discuss at that time. Currently, we have a motion to suspend. As far as my understanding that Robert's Rules of Order is the only way we cannot do that is to have to defeat this right

now.

**COUNCILMAN STINSON** – Exactly.

**COUNCILMAN STINSON** – And I'm not willing to defeat it just because... we have it pretty well spelled out; we can always amend later if the Administration wants us to specifically state what department she would like us to put it into to.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILWOMAN HALTER** – I just wanted to make a comment and then I'm going to ask Mr. Smith to come forward, but, I don't think it's our job to decide how it's administered. That's the Mayor's position. We're the lawmakers and the administrators run the City. So, Mr. Smith, could you come forward.

**JOEL SMITH** – Good evening. In reference who would administer it, I think it's a natural for the directors that you discussed. Bev Lewis deals with the grants for housing improvements and what not, so really, this would be probably a pretty easy for her to administrate, I would think. I don't see a real problem for us on this.

**COUNCILWOMAN HALTER** – Thank you.

**COUNCIL PRESIDENT TOWNSEND** – Okay. Are there any more questions or discussions. Councilman Stinson?

**COUNCILMAN LEWIS** – It's an open motion.

**COUNCILMAN STINSON** – It's already been motioned.

**COUNCIL PRESIDENT TOWNSEND** – Yeah, I'm aware, but, do you want to continue on?

**COUNCILMAN STINSON** – Yes.

**COUNCIL PRESIDENT TOWNSEND** – Okay. Roll call for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 108 has passed. Ord. No. 109.

**ORDINANCE NO. 109 – 2015**

**BY: RULES, COURTS & CIVIL SERVICE COMMITTEE**

**AN ORDINANCE** adopting a "Petty Cash Policy" that shall be in effect in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Scassa.

**COUNCILWOMAN SCASSA** – Thank you, Mr. President. When we got this, I didn't realize this petty cash policy was going to draw as much debate and discussion as it has. I know last week we had talked about possibly tabling it upon my comment that it was brought to my attention and which makes sense that we need to either pass this or amend it. In the sense of just voting it down and not having anything isn't going to fly with the State Auditor so we have to have something in place. With that being said, the department head that has come before us, Chief Burgassar, who I respect all the measures that he continually takes to save the City money and look out for the City, you know, I was very eager to hear what he had to say, however, what was countered with our Auditor and our Treasurer, at least in my opinion, I think he can still continue to try and save the City money in the manners that he explained to us. But rather using a reimbursement policy. That's just my feeling on it. I know we had some discussion at the beginning of the meeting. If anyone has any other questions, I can call the

Treasurer up or the Auditor, if we want to have more discussion on this. Or I will not call them up, sorry Mr. President, you may call them up.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Chovan.

**COUNCILMAN CHOVAN** – Thank you. Yeah, when we discussed it last week, I know we did talk about tabling it with the idea that if we were going to turn it down, we had to have a policy in place. I kind of felt that that was what you were going to do tonight. I went back to the policy manual that I had for my last business where I had a petty cash policy and I started trying to adapt it for the City and change it to the City. So, I mean, personally I would be in favor of tabling it at least until we look at what a petty cash policy looks like. If the rest of you don't want to do that, that's up to you, but I'm going to vote "no" on this because I think that, you know, I do have a policy that would work. It does have full accountability, what the Auditor and Treasurer want. I mean, anytime any money is spent out of here, it does have to have the fund that it comes out of. So, from a tracking standpoint, that what we used and like I said, I can adapt that for the City, if you want to consider it. If you don't, it's up to you, I'm just offering that I've got it and I've already started working on it. I'll defer to everybody else, whatever you want to do.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Mr. President. At this point I think that the Auditor and the Treasurer have outlined many avenues for each department to be able to do the things they were doing without petty cash, be it lines of credit at specific businesses that they like or reimbursement policies. Correct me if I'm wrong, but I do believe that the State Auditor did suggest that we do not have petty cash.

**COUNCILMAN CHOVAN** – I don't think that's true.

**COUNCILWOMAN STARRETT** – That's why I'm asking. Maybe we can ask the Auditor or the Treasurer if they can answer that, Mr. President.

**COUNCIL PRESIDENT TOWNSEND** – Auditor Jayne Ferrero, would you come to the microphone.

**JAYNE FERRERO** – Mr. President, members of Council, Mrs. Starrett. The State Auditors don't dictate to us what we have to put in that policy. They do require us to have a policy and what we have done is we have analyze it all. We talked to department heads, we've gotten a report for every department head to see what they have and what kind of cash that they have on hand and it varied, as we explained to you. So, as we spoke and we felt it was much more professional for us to track it through the way we have asked you to apply it and to do away with the petty cash.

**COUNCILWOMAN STARRETT** – Thank you. With that, I'm in support of this ordinance, I believe, at this point and I think we should move forward.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Stinson.

**COUNCILMAN STINSON** – I agree with Mr. Chovan and I would like to look at a possible policy for petty cash.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – I've been supportive of the Treasurer and the Auditor and what they've been saying. Some of the things that I heard that were reimbursed through the petty cash, they should have been. I mean, not that it was illegal or anything, but it's things that should be budgeted. So, I would support their policy.

**COUNCIL PRESIDENT TOWNSEND** – Anyone else? Councilwoman Scassa.

**COUNCILWOMAN SCASSA** – Thank you. Can I call up maybe Maude, just one more time? Can I call the Treasurer up?

**COUNCIL PRESIDENT TOWNSEND** – Treasurer Maude Slagle, would you come to the microphone?

**COUNCILWOMAN SCASSA** – I guess I just want to make clear, and again, Chief Burgassar came and spoke to us and gave us a great explanation of why he wanted an exception or why he felt strongly about petty cash and earlier you had said the Health Dept. has not come to you. I guess, has any other department or any other department head come to you or Mrs. Ferrero asking for an exception or pleading their case as to why they want petty cash? And I know we have the exception with the Legends and that whole area, but any other department that's affected by this policy that you would be essentially taking away their petty cash, have they come to you?

**MAUDE SLAGLE** – No. And not every department has petty cash. You all understand that, right?

**COUNCILWOMAN SCASSA** – Yes. Anyone, I guess, that would be affected. Has anyone else expressed?

**MAUDE SLAGLE** – No. And when I went back and reviewed, even the Health Dept. said that they're using it to reimburse purchases under \$10. So, it wasn't like this was an emergency, we're going to close down if we don't...there was no sense of urgency in how they reported petty cash; reimbursed purchases less than \$10.

**COUNCILWOMAN SCASSA** – And last two questions; then like you said, since not every department has it, every department, though, has been made aware that currently has petty cash, that it may be going away, so everyone has been alerted?

**MAUDE SLAGLE** – Everyone will learn it. I haven't talked to, I haven't changed what we're doing because it hasn't been changed yet. That seems premature to tell people that I was taking something away that hasn't been taken away yet. All I did was request a report on what they have.

**COUNCILWOMAN SCASSA** – Okay. And I guess, again, like from the beginning that was just a question I had that a department that their petty cash situation may be going away, potentially?

**MAUDE SLAGLE** – I would assume by now they do, but not because I said I'm thinking of taking this away, will you tell me what you have? I need to know what you have. That was my communication to them.

**COUNCILWOMAN SCASSA** – Okay. And the other question I just had, you had mentioned under \$10. Reimbursements can be made for purchases under \$10?

**MAUDE SLAGLE** – For any amount.

**COUNCILWOMAN SCASSA** – Okay.

**MAUDE SLAGLE** – Yeah, I mean, it's the same, I mean, and we do checks once a week, so there shouldn't be any problem being reimbursed. As long as the paperwork is filled out.

**COUNCILWOMAN SCASSA** – Okay. Well, just so we don't get into an issue.

**MAUDE SLAGLE** – Which would be the same process with the account number, you know, and it would have to be put on the monthly petty cash report. You're putting all that information on the monthly petty cash report to substantiate how your petty cash was spent or you put it on a request for payment that you submit to the Auditor and get reimbursed. You're not eliminating paperwork.

**COUNCILWOMAN SCASSA** – Okay.

**COUNCIL PRESIDENT TOWNSEND** – Okay. We have Councilman Stinson, then Councilwoman Halter, then Councilman Chovan. Councilman Stinson.

**COUNCILMAN STINSON** – It's been stated that the Legends has an exemption, yet, do we have a copy of that policy that they follow right now. And if there is a policy for them that they follow, why can't that be extended to the Fire Dept. or anybody else that would like to have that?

**MAUDE SLAGLE** – Well, because the Legends is not really a department. They are a restaurant.

**COUNCILMAN STINSON** – But there is a policy established though?

**MAUDE SLAGLE** – A policy that says that they will have petty cash which will be audited once a month, yes.

**COUNCILMAN STINSON** – But there's no, is it a written policy for it or is it just understood?

**MAUDE SLAGLE** – Well, are talking about how they can spend their money?

**COUNCILMAN STINSON** – Yes. How do they conduct their business as far as use of that petty cash?

**MAUDE SLAGLE** – As needed.

**COUNCILMAN STINSON** – As needed? And so that...

**MAUDE SLAGLE** – And they support that spending with the proper paperwork.

**COUNCILMAN STINSON** – But that possibly can't be extended to any other department?

**MAUDE SLAGLE** – I would prefer it not to because one's an office department and one's a restaurant.

**COUNCILMAN STINSON** – But it's still the same policy; it's petty cash.

**MAUDE SLAGLE** – But the uses are very different. The restaurant needs to be able to... the restaurant truly does have an opportunity for last minute emergency purchases, where the Fire Dept. should be able to anticipate its seminars, its paper requirements; if it's going to need coffee, if it's going to need anything. Just like any well run organization, you know what... a restaurant can't tell how many people are going to come in and eat hot dogs.

**COUNCILMAN STINSON** – Okay, thank you.

**COUNCIL PRESIDENT TOWNSEND** – You done, Councilman Stinson?

**COUNCILMAN STINSON** – Yes I am.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILWOMAN HALTER** – Thank you, Mr. President. I was all set to vote for this; but now that you've said that you've not talked to all the department heads and made them aware of it, that bothers me. And I think... and I'm not saying... she said that she has not talked to all of them, so...

**MAUDE SLAGLE** – Well, apparently, I have not talked to them, but apparently they've talked to the Mayor and the Safety Service Director. They all know about it, but, no one's talked to me.

**COUNCILWOMAN HALTER** – Well, that's not what you said. You said I don't know who knows about it, but they should know about it by now. Well, I want to be sure that all of the department heads have been notified that this could be taken away from them. That's all I care about. I mean, my husband was a department head, I know how important that is to certain departments and I want to be sure that they're all notified ahead of time so we don't have all of this come back on us because we passed this without talking to anybody. So as long as the Administration and you and Jayne said that they have been notified, then I'm okay with it. I would like, and I've asked Ms. Scassa to table this to give us a little more time to look into it. She said she's not going to. So, I didn't want to vote "no" because there's enough "no" votes sitting here that it would go down. That's why I wanted it tabled. So I decided, well, I would vote "yes" because we can't vote it down. So, I just want you to be aware. But to me, it's such a petty thing and I know that's a pun, but it's just a petty thing and I don't know why it can't be worked out. I mean, every organization, every company I ever worked for, had petty cash; it was never a problem. You had your written policy of how it was handled and you went by that policy and everything balanced and if it didn't, the person in charge of that, took it out of their pocket to balance it. It was not a big deal, hasn't been a big deal in the City for all these years. So, I understand the State Auditor and all that, but I'm just saying, if you're going to do it, do it the right way. Make sure they're all notified and make sure that Mr. Burgassar is the only one that's complaining. Okay, that's fine. I still think it should be tabled tonight and give us one more work session to talk about it. That's all. Thank you.

**COUNCIL PRESIDENT TOWNSEND** – Okay. Councilman Chovan.

**COUNCILMAN CHOVAN** – I'm good.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Scassa.

**COUNCILWOMAN SCASSA** – Can I call the Safety Service Director up, please?

**COUNCIL PRESIDENT TOWNSEND** – Sure. Come up please.

**JOEL SMITH** – Good evening.

**COUNCILWOMAN SCASSA** – Hello. I guess, can you give us the Administration's perspective since I would imagine most of the departments fall under the Mayor's purview of...

**JOEL SMITH** – Yes. We've had discussions with all the department heads at our departmental meetings that we conduct on a weekly basis. Several of the department heads express concern about the petty cash policy. They were encouraged to come to the work sessions to describe their concerns and if Chief Burgassar is the only one that appeared last week, that's unfortunate. But, does that show the level of their concern? I'm just trying to be neutral here. It doesn't affect me immediately, but the directors have expressed concern to us, specifically police and the health department about the petty cash policy. I think what the Auditor and the Treasurer have described about using accounts, set up accounts like they're describing is probably doable. It is doable, because the Streets Dept. does it. The Streets Dept. has set accounts at several places like that; Lowe's, and other places where they go and they get things and it done on a charge and that bill is submitted. I had this discussion with them this morning. We did discuss this at length. You know, it's a change; people don't like change. I think in the fire services and the police services and health department, when you're 24/7, things pop up and they pop up when nobody's around to ask. So, things happen and they need to act. It's not right to ask an employee to dole out their credit card or their cash to pay for it and then hope to be reimbursed. That's probably not great business practice. Could we live without the petty cash? Yes. It would change the convenience

that they have now. We did discuss if Council has talked with some of the directors and they've expressed their concerns as individuals to you, I would say that I agree with what they've said that it is over the board and I don't know why it would need to be all over the board. We discussed possibly being \$50 or \$100. If it's going to be changed, change it to that because like the Fire Dept., he has \$600. He has no idea how long he's had that money. He has no idea where it truly came from, originally and he's never spent more than probably \$20 of it. He asks for reimbursement and puts it back to \$600. There's no reason for him to have \$600. So, you could constrict it. It still provides that convenience for that emergency rare occurrence; that if it would occur, they do have that cash to be able to dole out on an immediate basis. I think the Auditor's and the Treasurer's arguments are somewhat valid, but this is a convenience thing. I do agree with Ms. Halter that it has worked forever. But again, I'll stay a little bit neutral because I don't have an account, I don't have petty cash and like they said, not all departments have a petty cash fund, so they operate efficiently without it. I'm certain all of them could, say, police, fire and health because they are 24/7 at times. Even Health, they get called out in the middle of the night, she has an expense, she may need to spend, she has that petty cash to reimburse herself immediately. Could she wait a week? Probably. So, I mean, I'll answer any questions you may have. But all the directors are aware of it. They've expressed those concerns and if they've talked to you as individuals, they were encouraged to come to last week's meeting though, if they wanted to address the Council. So, if they chose not to, that's on them.

**COUNCIL PRESIDENT TOWNSEND** – Are there any more questions for the Safety Service Director? Okay, thank you. Councilwoman Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM – HEDDERLY** – Thank you, Mr. President. With this bit of confusion this evening, I'm in favor of tabling it because if not, I'm going to vote "no" and the fact that Mr. Chovan put in some work to find a petty cash policy, I don't see why that would hurt for us to look at that.

**COUNCIL PRESIDENT TOWNSEND** – Okay. Is there anyone else? Councilwoman Scassa.

**COUNCILWOMAN SCASSA** – I guess this is what I will say. Again, like I said, I didn't realize this policy would garner this much controversy. I'm fine with tabling it. I haven't been told that there is any type of time frame, but, I'm only going to table it until the meeting on the 21<sup>st</sup> and the reason why is because I try to, the ordinances that I can, give ample time for; give the three readings for. We've given this three readings and, you know, again, nothing against the department heads that have or haven't shown, but I guess what I'm saying is this; I'm making a motion to table this until Sept. 21<sup>st</sup>. Any department heads that have an issue that don't want to see petty cash be taken away, be at the Sept. 14<sup>th</sup> work session. If you're not, you're not. I mean, this is up for third reading tonight and I don't know why they didn't come, but if they have issues with it, if they don't, whatever, Councilman Chovan if you don't mind getting your policy together to be discussed at Monday night's meeting, we can go over it then and we can look at it. That's not to say that I'm in favor of exceptions at this point, but, we'll go from there. I don't want to pass it and then hear an uproar that no one was given a chance to come and state their case even though they may have known about it. So, like I said, I make a motion to table it to Sept. 21<sup>st</sup> with the understanding that any department head that wants to come and speak on this will be at the Sept. 14<sup>th</sup> work session.

**COUNCIL PRESIDENT TOWNSEND** – Alright. Seconded by Councilman Chovan to table Ord. No. 109 until Sept. 21<sup>st</sup>. Roll call to table the ordinance.

9 yes to table Ord. No. 109 until Sept. 21<sup>st</sup>.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. That Ord. No. 109 has been tabled. Ord. No. 110

**ORDINANCE NO. 110 – 2015**

**BY: RULES, COURTS & CIVIL SERVICE COMMITTEE**

AN ORDINANCE adopting a "Cash Drawer Policy" that shall be in effect in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Scassa.

**COUNCILWOMAN SCASSA** – Thank you, Mr. President. I don't believe there's been any discussion on this policy. Barring any tonight, I bring forward Ord. No. 110 – 2015 forward for passage as it is third reading.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilman Chovan. Roll call for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 110 has passed. Ord. No. 115.

**ORDINANCE NO. 115 – 2015**

**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 (1.8%) to two percent (2.0%) to be effective January 1, 2017, subject to approval of the electors of the City of Massillon at a Primary Election to be held in the spring of 2016.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the ordinance that we've been discussing for three readings, it was known about for quite a while. It is to put the income tax levy on the spring ballot. Is there any discussion? Seeing none, I bring Ord. No. 115 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilwoman Scassa. Roll call for passage.

8 yes; 1 no – Lewis voted "no"

**COUNCIL PRESIDENT TOWNSEND** – Okay. Ord. No. 115 has passed. Ord. No. 116.

**ORDINANCE NO. 116 – 2015**

**BY: COMMITTEE OF THE WHOLE**

AN ORDINANCE amending Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" OF CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon by enacting a new Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" of said CHAPTER 181 "INCOME TAX".

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. This is Committee of the Whole so I will defer this over to Councilman Manson.

**COUNCILMAN MANSON** – Okay. Thank you, Mr. President. Alright, I'd like to make an amendment to this. I've been talking with Perry quite some time about it and he believes that what we're looking at, what I'm looking at proposing is overkill, but last year we passed an Ord. No. 57 last year; it was on in April, I'm sure the exact date of when we passed it, but we had some language in it that we left out of this and I know the Administration questioned it some. And it questioned last year. Mr. Stergios believes this is overkill, but if you have your No. 116, I'd like to start in Section 2. I want to read this and then we can make a copy for everybody if you need it and I think maybe you'll see what the difference was, if you look at you ordinance. Like I said, we actually ended up with Section 3, we only three sections and the one we add

this year. Now this proposal will go back to four and I would like to have inserted, and like I said, this maybe some overkill and you can ask Mr. Stergios his opinion of if this is still okay or not, he's probably going to be mad at me, but in the interest of trying to clear this up. If you go to Section 2, part b, it says "Every individual taxpayer who resides in this municipality who receives net profits, salaries, wages, commissions, or other personal service compensation for work done or services performed or rendered outside of this municipality, if it is made to appear that he had paid a municipal income tax on the same income taxable under this chapter to another municipality or in a joint economical district, shall be allowed a credit in the amount of 1.8% against the tax imposed by this chapter in the amount paid by him or in his behalf to the other municipality or joint economical development district. The credit shall not exceed in the amount of 1.8% of tax assessed by this chapter on the income earned in the other municipality or municipalities or in a joint development district, where the tax is paid". Now here's another addition in there. "This 75% credit shall automatically expire the effective date of the City Income Tax is increased above the current 1.8% and shall revert to a tax credit of 100% on the first 1.8% only, of income levied by this section". That addresses if it would be passed, it would go from the 75% tax credit back to 100% tax credit and also, "This ordinance shall take effect and be in force January 1, 2017". If everybody would like a copy of it right now, I can have Diane run copies. It's just trying to clear it up a little bit more about if the tax passes, which we just passed the ordinance to put it on the ballot, if it passes, how the tax credit is dealt with. Does anybody have a problem with that? That's my motion to amend No. 116 to say that.

**COUNCIL PRESIDENT TOWNSEND** – Okay. You have a question or are you seconded that?

**COUNCILMAN CHOVAN** – Seconded the motion.

**COUNCIL PRESIDENT TOWNSEND** – Okay. Seconded by Councilman Chovan. Roll call to amend Ord. No. 116.

9 yes to amend

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Ord. No. 116 has been amended and it reverts back to first reading.

**COUNCILMAN MANSON** – Now in the interest of keeping this moving, I would like to make a motion that we waive the rule requiring three separate readings and bring the amended Ord. No. 116 – 2015 forward for passage.

**COUNCIL PRESIDENT TOWNSEND** – Thank you. Seconded by Councilman Chovan. Roll call to suspend the rules on No. 116.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 116 has passed.

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

**ORDINANCE NO. 117 – 2015**

**BY: ENVIRONMENTAL COMMITTEE**

**AN ORDINANCE** amending the following sections of Chapter 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Mr. President. This ordinance just deals with generally the ordinance that have to do with the Wastewater Treatment Plant and other environmental issues and most of the information in this ordinance is just correcting grammatical errors and some changes that the EPA has made to levels of chemicals. We have not had much discussion on this. Mr. Dylewski did say that this is pretty routine, that the EPA does review these and ask that some changes be made

when they see them necessary. Is there any further discussion on this? Seeing none, I would ask that we suspend the rules requiring three readings and bring Ord. No. 117 – 2015 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Seconded by Councilman Manson. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT TOWNSEND** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madam Clerk. Ord. No. 117 has passed.

16. **NEW & MISCELLANEOUS BUSINESS**

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

**SHANNON BUTERA** – 1317 Cherry Rd. N.W., Massillon, OH. My issue is raising chickens within City limits. I did my research last year when I moved in to make sure that chickens were allowed and I called the Health Dept. and they didn't know so they referred me to another department, so I just kind of got tossed around with no answers. So, I just took it upon myself to research it a little bit and the only ordinance I could find was the restricted animal, which was Ord. No. 505.14 and chickens is not on there. So, I bought chickens in March to raise them. We built a coop, fenced in the yard and did everything to have chickens in our yard. On August 6<sup>th</sup>, I believe, we got a notice on our door saying that chickens are not allowed in City limits according to Ord. 505.01, but I read it and I just don't understand it because 505.01 is "no person, being the owner or having charge of cattle, sheep, geese, ducks, turkeys, chickens or other fowl or animals, shall permit them to run at large upon any public area or upon any enclosed lands with the exception of Agricultural zoned areas or upon the premises of another". Which, they're not running at large because they're in a fenced in area. So, I just guess I wanted some more clarification and I've been trying to work with Jim Johnson, the Code Enforcement, and he hasn't helped too much and just sent it to the prosecutor. So, now I guess I'm about to go to court, so I figured I'd start here first and I am working with Ms. Halter on it. She's been helping me and giving me the time of day, thankfully. So, thank you.

**COUNCIL PRESIDENT TOWNSEND** – Okay. Thank you.

**COUNCILMAN MANSON** – Can ask you a question?

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson, please.

**COUNCILMAN MANSON** – Have discussed it with our Law Director at all, Mr. Stergios?

**SHANNON BUTERA** – No.

**COUNCILMAN MANSON** – Could you maybe give him a phone call next week?

**SHANNON BUTERA** – Sure. Yeah, that's why I was trying get or ask Jim Johnson, who could I go to next, but he didn't give me any of those names.

**COUNCILMAN MANSON** – Mr. Perry Stergios' extension is (330) 830-1718. And ask him how he interprets the ordinance.

**SHANNON BUTERA** – Okay. Thank you.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILWOMAN HALTER** – As Ms. Butera said, we've been talking back and forth quite a bit and she actually brought me several ordinance from some of the local cities and townships that I was going to have Diane copy for next Monday's meeting that we could look those over and we either need to make some adjustments to our ordinance because it's kind of loose. It really say you can't have chickens, but it, you know, the way it's read, it just depends on how you interpret it. I was going to bring that Monday to the work session so that we could help her. She's already talked to the Building Superintendent because her fence was put up without a building permit and a site plan and so, she's dealing with that and dealing with Mr. Johnson. I'm her Ward Councilman, but anything we'd have to do, I think would probably come under Health & Welfare Committee, I would think. So, I'll bring that on Monday and we can take a look at it.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Chovan.

**COUNCILMAN CHOVAN** – Thank you. I was just going to ask, are these chickens for your own use?

**SHANNON BUTERA** – Yeah. We use them, I mean, they're pets, but also use them for eggs.

**COUNCILMAN CHOVAN** – Sure. I mean, you're not selling them? You don't have a business?

**SHANNON BUTERA** – No, we just raise them and we eat their eggs.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – Just out of curiosity, is there a date on when that was passed?

**SHANNON BUTERA** – 1985.

**COUNCILMAN MANSON** – 1985.

**COUNCIL PRESIDENT TOWNSEND** – And I can share a personal experience. I had a neighbor that had chickens and a rooster that would "rooster" or whatever the noise they make, at 5:00 in the morning and I called on them and there was nothing they told me at the time when Vickie worked for the City, that there was nothing they could do because they were in the backyard. And then I quit complaining once she started sharing some of the chickens with us.

**SHANNON BUTERA** – Yeah. All the neighbors are okay with it and I give them eggs whenever they want, so, that's why I'm just kind of wondering what happened.

**COUNCILWOMAN HALTER** – Well, someone did call and complain, but they wouldn't give me their name. They said they were a neighbor. She's talked to the neighbors and they said nobody called, so, we don't really know. But I think there's other places around town. This is becoming a big thing now, everybody wants to get chickens because the price of eggs is going up and it's a matter whether we want chickens in town or not, I guess, so we have to decide that.

**COUNCIL PRESIDENT TOWNSEND** – Right. Okay, is there anything else, Council members? Alright. Thank you, thank you very much.

**SHANNON BUTERA** – Thank you.

**COUNCIL PRESIDENT TOWNSEND** – Is there anyone else? Councilman Manson, I need a motion to adjourn.

18. ADJOURNMENT

COUNCILMAN MANSON – I move that we adjourn.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Starrett.

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DIANE ROLLAND, CLERK OF COUNCIL      TONY TOWNSEND, PRESIDENT