

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, FEBRUARY 2, 2015**

COUNCIL PRESIDENT TOWNSEND – Welcome to the Massillon City Council Meeting for Monday, February 2, 2015. We have in attendance with us tonight the following city officials: Safety Services Director, Al Hennon, Engineer, Keith Dylewski, and Police Chief Keith Moser. 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

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. I would like to recognize Councilman Milan Chovan for tonight's invocation and pledge of allegiance.

2. INVOCATION

COUNCILMAN MILAN CHOVAN - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN CHOVAN – Chairperson of the Police & Fire 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 – The minutes stand approved.

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

COUNCIL PRESIDENT TOWNSEND – We have reached #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 come forward to the microphone and comment, please come forward at this time. Give your

name and address please.

SAM DAUT – 835 Cherry Rd. N.W., Massillon, Ohio. I want to make sure I'm on the right thing; I don't just want to go off a tandem here. I want to talk about Ordinance #5, you know. On Ordinance #5 is the property on Skyline in Ordinance #5 to the leasing of that property to the County for a \$1.00 a year for the next 30 yrs.? Can somebody answer me because I don't see it on that ordinance? I mean as far as the trailways, I really don't care about who takes care of those, makes no difference to me whether it's the County, the City. As far as the mowing, I'd think our parks, I'd rather see our parks more taken care of than that. But I'm just asking, is the property, is that on that ordinance or what, because I don't see it on here? Can you answer that question for me so I can, you know, I can move on here?

COUNCIL PRESIDENT TOWNSEND – Okay. Usually we don't, you know, this is not an answer and question session.

SAM DAUT – I know, but it's not on here.

COUNCIL PRESIDENT TOWNSEND – For you, Mr. Daut, I will allow Councilwoman Del Rio-Keller to answer that question.

SAM DAUT – Is that included on that Trailway?

COUNCILWOMAN DEL RIO-KELLER – No. The Cottrill Property, a couple months ago, we voted to lease that property to Stark Parks for a \$1.00 a year. That was, I want to say, November or December, this Ordinance #5 is only for Sippo Valley Trail as well as the railroad trail that runs along the Tusc.

SAM DAUT – But who voted on the ordinance, though?

COUNCILWOMAN DEL RIO-KELLER – For the Cottrill Property?

SAM DAUT – Yes.

COUNCILWOMAN DEL RIO-KELLER – Council.

SAM DAUT – They did?

COUNCILWOMAN DEL RIO-KELLER – Mmmmm.

SAM DAUT – Well, when did you vote on it?

COUNCILWOMAN DEL RIO-KELLER – I don't remember.

SAM DAUT – Did you have readings on it?

COUNCILWOMAN DEL RIO-KELLER (AND OTHER MEMBERS) – Yes.

COUNCIL PRESIDENT TOWNSEND – We have your address so we'll make sure that the Council Clerk mails you that information.

SAM DAUT – Okay, thanks.

COUNCIL PRESIDENT TOWNSEND – Thank you.

COUNCILWOMAN DEL RIO-KELLER – Thanks, Tony.

COUNCIL PRESIDENT TOWNSEND – Is there anyone else?

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 9 – 2014
COMMITTEE

BY: PARKS & RECREATION

AN ORDINANCE approving the golf fee changes for The Legends of Massillon Golf Course, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Del Rio-Keller.

COUNCILWOMAN DEL RIO-KELLER – Thank you, Mr. President. We discussed Ordinance 9 at the last Work Session. This is for increasing the fees out at the golf course, as far as the 9 holes, 18 holes, walking versus cart. Does anyone have any questions?

COUNCIL PRESIDENT TOWNSEND – Questions?

COUNCILWOMAN DEL RIO-KELLER – Seeing no questions, I would like to suspend the rules requiring three readings and bring Ordinance No. 9 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Okay. Ordinance No. 9 has passed. Ordinance No. 10.

ORDINANCE NO. 10 – 2014 **BY: PARKS & RECREATION COMMITTEE**

AN ORDINANCE approving the food and beverage fee changes for The Legends of Massillon Golf Course, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Del Rio-Keller.

COUNCILWOMAN DEL RIO-KELLER – Thank you, Mr. President. Again, as we discussed in the work session last week, this is to allow the food and beverage items to be increased slightly. Any questions?

COUNCIL PRESIDENT TOWNSEND – Are there any questions for Councilwoman Del Rio-Keller? Okay, you still have the floor.

COUNCILWOMAN DEL RIO-KELLER – Seeing no questions, I would like to suspend the rules requiring three readings and bring Ordinance No. 10 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilman Stinson. 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. Ordinance No. 10 has passed. Ordinance No. 11.

ORDINANCE NO. 11 – 2015 **BY: STREETS, HIGHWAYS & TRAFFIC COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of Massillon, Ohio, to sign the Final Resolution with the Ohio Department of Transportation (ODOT) for the SR 172 paving project for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Thank you, Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. This is to complete the project that was started last year on Lincoln Way E., or Rt. 172. Last year we paved from 17th St. N.E. out to the city limits. Now we're going to pave from 3rd St. N.E. to 17th St. N.E. to finish that project. This is one of three ordinances that we need to pass tonight to accomplish that. So, are there any questions? Okay, seeing no questions and I'd like to move to suspend the rules requiring three separate readings and bring Ordinance 11 – 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. Ordinance No. 11 has passed. Ordinance No. 12.

ORDINANCE NO. 12 – 2015 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

AN ORDINANCE authorizing the Director of Public Service and Safety of Massillon, Ohio, to sign the Contract with the Ohio Department of Transportation (ODOT) for the SR 172 paving project for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Thank you. Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. This is a companion piece to the piece that we've just passed. I think I would be remiss; I should have mentioned that this project, the city's share of this project is \$259,926, but that will be provided by grants secured by the city through the Stark County Municipal Road Fund and the 1206 Municipal Road Fund. So, having said that, this gives the Service Director the authority to sign the Contract with ODOT. Are there any questions? Seeing none, I'd like to suspend the rules requiring three separate readings and bring Ordinance No. 12 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – We need a second. Seconded by Councilwoman Starrett. 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. Ordinance No. 12 has passed. Ordinance No. 13.

ORDINANCE NO. 13 – 2015 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

AN ORDINANCE authorizing the Director of Public Service and Safety of Massillon, Ohio, to sign the Work Agreement with the Ohio Department of Transportation (ODOT) for the Lincoln Way Resurfacing Project, PID 92444, for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Thank you. Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. This is the last ordinance for this project. This is the work agreement to give the Service Director the authority to sign that. Are there any questions? Seeing none, I'd like to suspend the rules requiring three separate readings and bring Ordinance No. 13 – 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 – Ordinance No. 13 has passed. Ordinance No. 14.

ORDINANCE NO. 14 – 2015 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1409 Municipal Road Fund and the 1206 Municipal Motor Vehicle License Plate Fund for the SR 172 paving project for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Now that we've passed all the contracts and resolutions that go along with the 172 project, this piece of legislation, in particular, is just approving the appropriations so that we can fund it. As Councilwoman Halter already mentioned, our 20% funding that the city will be doing will be coming from two (2) different funds. One of them being the 1409 for \$107,551.84; the other being from the 1206 for \$152,374.16. Is there any discussion for this? Seeing none, I make a motion that we suspend the rules requiring three readings for Ordinance No. 14 – 2015 and bring it 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. Ordinance No. 14 has passed.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

9. **BILLS, ACCOUNTS & CLAIMS**

10. **REPORTS FROM CITY OFFICIALS**

11. **REPORTS OF COMMITTEES**

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

COUNCIL PRESIDENT TOWNSEND – I would just like to remind City Council and continuants that our next Work Session will be February 9th at 6:00 p.m.

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 5 – 2015
COMMITTEE

BY: PARKS & RECREATION

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a Trailway Easement Agreement on behalf of the City of Massillon, as Grantor, with the Stark County Park District, an Ohio Political Subdivision, in Canton, Ohio, as Grantee, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Del Rio-Keller.

COUNCILWOMAN DEL RIO-KELLER – Thank you, Mr. President. Ordinance No. 5 we've talked about now for a couple of weeks. This would be allowing us to lease the Sippo Valley Trail as well as the railway down by the Tuscarawas River to Stark Parks. I was informed today by Doug Nist that there's something missing from this. It's actually in the original lease that was sent over from Stark Parks which Perry does have. However, I've not talked about it in the three (3), or the six (6) weeks that we've talked about it. So, what is missing is \$50,000 that the Park & Rec Dept. would pay Stark Parks over the course of two (2) years. So it would be \$25,000 this year, \$25,000 next year. It's basically to help and assist them with trail maintenance. It's, again \$50,000 just for \$25,000 each year for two (2) years. They did budget for it; they're aware of it; their Park Board approved it. It's just not something that I was told and nor did I disclose it to any of you. So, I can move forward with this and we can amend or I can table this until Perry's here on the 17th.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Councilwoman Del Rio-Keller, I would request that we table this so that we can make sure that we properly have it implemented into the ordinance and have this handled.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Is there any type of deadline we need to worry about here?

COUNCILWOMAN DEL RIO-KELLER – No.

COUNCILWOMAN STARRETT – Okay.

COUNCIL PRESIDENT TOWNSEND – Excellent question.

COUNCILWOMAN DEL RIO-KELLER – What I would then, Mr. President, is table this until February 17th.

COUNCIL PRESIDENT TOWNSEND – February 17th.

COUNCILWOMAN DEL RIO-KELLER – Tuesday.

COUNCIL PRESIDENT TOWNSEND – Okay, Tuesday. Thank you. So Madam Clerk, Ordinance No. 5 has been tabled until February 17th; President's Day is on the 16th.

COUNCILMAN LEWIS – Okay, but we have to vote on it to table it.

COUNCIL PRESIDENT TOWNSEND – Madam Clerk, roll call to table Ordinance No. 5 until February 17th. Seconded by Councilman Stinson. Roll call for suspension.

COUNCIL CLERK ROLLAND – No, to table.

COUNCIL PRESIDENT TOWNSEND – To table it.

COUNCIL CLERK ROLLAND – Okay, who made the motion first of all?

COUNCILMAN MANSON – Del Rio-Keller.

COUNCIL CLERK ROLLAND – Michelle? Okay.

9 yes to table Ordinance No. 5 until February 17th.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 5 has been tabled until February 17th. Ordinance No. 6.

ORDINANCE NO. 6 – 2015 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Participatory Legislation with the Ohio Dept. of Transportation (ODOT), for SR 236 Resurfacing Project, PID 94125, for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Del Rio-Keller.

COUNCILMAN CHOVAN – No, Halter.

COUNCIL PRESIDENT TOWNSEND – Okay.

COUNCIL CLERK ROLLAND – That should be Halter, I'm sorry.

COUNCIL PRESIDENT TOWNSEND – Okay, you are absolutely correct. Councilwoman Halter.

COUNCILWOMAN HALTER – This ordinance is at its third reading and ODOT is planning on resurfacing Rt. 236 which is First St. N.E. Well, actually, I think it's Erie with First St. outside the city. We have a section of First St. that hasn't been repaved which goes from Lake St. to the city limits and that will cover this. So, I am requesting that we vote as this is up for third reading.

COUNCIL PRESIDENT TOWNSEND – You would have to make a vote to amend Ordinance No. 7.

COUNCIL – We are on No. 6.

COUNCIL PRESIDENT TOWNSEND – Didn't I just say No. 6? But I called the wrong... well, this has the Del Rio-Keller. My fault. Okay, I'm sorry.

COUNCILWOMAN HALTER – Alright, so I move to bring this forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Roll call...I have lost the train of thought here. This is third reading. We need a motion to accept...

COUNCIL – We need to vote, it's third reading.

COUNCIL PRESIDENT TOWNSEND – Roll call to vote on Ordinance No. 6 for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 6 has passed. Ordinance No. 7.

ORDINANCE NO. 7 – 2015 **BY: STREETS, HIGHWAYS, TRAFFIC &**

SAFETY

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to apply for 2015 Municipal Road Funds through Stark County for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. This is the ordinance that we had quite a bit discussion on last Monday. I would like to make a motion to amend Section One, the fourth line which reads \$180,000 for Richville/Southway intersection improvements and amend that to say \$180,000 for Main Ave. West improvements.

COUNCIL PRESIDENT TOWNSEND – Okay. So you made the motion, do I have a second? Seconded by Councilman Manson. Roll call to amend Ordinance No. 7 to reflect the changes from Richville/Southway construction to Main Ave. West.

9 yes to amend

COUNCIL PRESIDENT TOWNSEND – Okay. Councilwoman Halter.

COUNCILWOMAN HALTER – That takes us back to first reading. Are there any questions about this before we proceed?

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you. Just one, Main Ave. West improvements; Keith, could you answer a question for me please.

KEITH DYLEWSKI – Mr. President, members of Council, Mr. Chovan.

COUNCILMAN CHOVAN – Thank you. Last time we met, we talked about already having applied for money for the Main and Tremont and 23rd St. area. How far do you think we can extend the paving with this? Can we go back east as far as 17th St.? Where would we use this on Main St.? I mean, we've already got the money for that other part of it, right?

KEITH DYLEWSKI – Correct, sure. The intent would be from around the 24th St. area going west.

COUNCILMAN CHOVAN – Oh, going west to the city limits?

KEITH DYLEWSKI – Yeah, right. And then like I said, the other portion was funded so then the rest of it will be picked up; a bigger project we're good to go.

COUNCILMAN CHOVAN – Okay. Thank you, that's all I wanted to know.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson.

COUNCILMAN MANSON – So you're saying between the two projects, where does the other one start at? Does it start at 17th or does it start at farther down in on Main St?

KEITH DYLEWSKI – No, the other project starts right where Lincoln Way and Main split.

COUNCILMAN MANSON – And it starts there? And then goes how far, to 23rd or now this would be from there...

KEITH DYLEWSKI – Right, correct. So the Main entirely would be done.

COUNCILMAN CHOVAN – Wonderful.

COUNCILMAN MANSON – Okay, thank you.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Well, I guess first off, I'm very excited to see this done. I know the representatives and the residents on the west side have dealt with that intersection and I'm sure you've heard quite a lot about it. It's quite awful out there. As we re-direct these funds from Southway, I heard rumblings that Southway will have an alternative funding source. Is there any validity to that?

KEITHDYLEWSKI – Correct.

COUNCILMAN LEWIS – So, we're not depriving Southway of getting any improvements that it may need to get done, we're just assisting and re-directing money to another part of the city.

KEITH DYLEWSKI – That's correct. The intersection we requested will be appropriated out of 1206. This, obviously, is not the weather. The dollar amount is so high because we were going to do more paving on farther down Southway than just do improvements at the intersection, so, the main concentration was the intersection anyway.

COUNCILMAN LEWIS – Okay, perfect. Well, I've been harping on about West Main for a couple of years now so, I'm excited to see it finally come to fruition.

COUNCIL PRESIDENT TOWNSEND – Okay. Are there any more questions for Mr. Keith Dylewski? Thank you. Mrs. Halter, it's back to you.

COUNCILWOMAN HALTER – Thank you, Mr. President. Having said that, this again is first reading. I'd like to suspend the rules requiring three separate readings and bring Ordinance No. 7 – 2015 forward for a vote.

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

9 yes suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

9 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ordinance No. 7 has passed.

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

16. NEW & MISCELLANEOUS BUSINESS

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

COUNCIL PRESIDENT TOWNSEND – Okay, we have arrived at No. 17. This is the section of the agenda for anyone who would like to speak on a topic that did NOT appear on tonight's agenda. If you'd like to speak on something, please come to the microphone at this time and give your name and address and the topic you'd wish to discuss. Okay, I see no one. Oh, welcome back, Mr. Daut.

SAM DAUT – 835 Cherry Rd. N.W. I just want to say that at the rate you guys are selling our land off at 20% of its value last summer and leasing other land, at that rate, Mr. Chovan, you're never going to get your roads fixed and I think that is so unfair to the, basically, to the citizens of this community that all the land that's out there and the money that was spent on this land and you people turn around and for some reason, you feel that you should just give this stuff away? And I think that is really sad because if that were your own personal property and you were

attorneys advising your clients, would you advise them to take \$650,000 of what they own and lease it for a \$1.00? Thank you.

COUNCIL PRESIDENT TOWNSEND – Thank you, Mr. Daut. Is there anyone else? Well, that concludes tonight's Council Meeting. Councilman Chovan, I need a motion to adjourn.

18. ADJOURNMENT

COUNCILMAN CHOVAN – I move that we adjourn.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Del Rio-Keller.

DIANE ROLLAND, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT



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