

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD, MONDAY, MAY 5, 2014**

**COUNCIL PRESIDENT TOWNSEND B** I'd like to welcome all of you to Massillon City Council for Monday, May 5, 2014. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Fire Chief Tom Burgasser, Community Development Director Ted, Herncane, Engineer Keith Dylewski and Law Director Perry Stergios. For those of you who like to follow tonight's meeting we have agendas over to the left for anyone like I as I stated who wish to follow the meeting. Also if you look on the agenda under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or turn them down.

**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 Shadrick Stinson.

Thus giving a roll call vote of 9 present.

**2. INVOCATION**

**COUNCILMAN STINSON** Gave the invocation for tonight.

**3. PLEDGE OF ALLEGIANCE**

**COUNCILMAN STINSON** – Chairman of the Health, Welfare and Building Regulations Committee led those in attendance in the Pledge of Allegiance.

**4. READING OF THE JOURNAL**

**COUNCIL PRESIDENT TOWNSEND** - Madame Clerk, are the minutes of the previous meeting transcribed and open for public viewing? (Yes, they are) Are there any additions or corrections to the minutes? If not the minutes stand approved as written.

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

**BARB BIRDMEYER** – 1017 1st Street NE. I think council's going about the fees a little bit backwards. You want the passing of the income tax; you want impose the lighting fee and impose the sewer or the rain storm fee. I use the rain storm fee and the lighting fee as plans A and B if the income tax doesn't pass. We get to vote on the income tax we don't get to vote on anything else.

**SAM DAUT** – 835 Cherry Rd NW, Massillon. It's basically here on Ordinance No. 59 and 60. I take this very personal because I was here on the original legislation. I really thought we were going to get that date unfortunately we didn't. Here we are in 2012 you raised it again \$2.00 I'm now paying \$48.00 a year you want to get me again for another \$1.00. I would think you Mrs. Hedderly you sit on this committee being in business don't you think there should be taken into consideration that you're going to...she had a good point everybody gets to vote on certain taxes but you continually actually I don't understand why you need a tax. You continually keep

raising sanitary sewer, you go to this stormwater utility and the reason I take this personal first of all I'm paying for this bull crap Muskingum Conservancy. You should go get the money from them they're the only people I know that are taxing you for your \$4.00 every six months. They tax me for \$75.00 every six months okay, why aren't you going to them and get the money from them to repair your storm sewers? Because first of all we're paying 75% of a tax that none of us have any basically has no personally thing in effect with that Muskingum Conservancy but yet we collect their taxes send it back to Tuscarawas County and now they're turning around and leasing state and federal land that we own and they're basically leasing it out to you know these frackers and stuff. I don't understand why you people continually keep coming back to the small businesses and taxes. And now you're and now you're onto a lighting fee so we're going to pay that twice because you basically have \$300,000.00 you were paying for before and now you're going to collect another \$300,000.00 through the taxpayers. I don't understand why you could have hearing on this aqua park which basically was established in portion of the city that didn't didn't and really wasn't affecting the whole community but you had a public hearing on that but you didn't have a public hearing about these street lighting and this stormwater utility. Because I think this affects the whole city and I think you people should start having more public hearings so we can have our opinion on whether or not we should have all these street lights. If you want to go out to 17th Street which Frank Cicchinelli annexed the biggest portion on Carmont SW and 17th Street there are 22 street lights at eight-tenths of a mile. I think its time that you really should step back and start looking at the whole of the people that really don't need all these street lights. And personally how do you know how many street lights we even have? But I mean somewhere along the way you're going to have to make some compromises and stop coming back to the taxpayers and hitting us with more taxes because people are not going to give you they're going to pass an income tax when they continually keep getting basically a having to pay these other taxes and that's what they are. So all I have to say is I hope that you Mr. Lewis and Ms. Hedderly think awfully hard about this because this is an unjust increase on that stormwater. It's like you shake these piggy banks on every department of the city and you think oh this one's empty lets fill it back up. Thank you.

**DAVID FROST** – 1632 Amherst Rd NE. I have a question and I want an answer before I go home what happen if I do not pay that \$25.00 for that street light? All these years since Massillon was established in 1800 some that we get street light and all of a sudden you're gonna put make us the people of Massillon pay for the street lights. Is it going into somebody's pocket or is it going for your raise? I'd like to know what would happen if I refuse to pay it. Thank you.

**COUNCIL PRESIDENT TOWNSEND** – This, this body voted down the raises the annual raises so we're not getting raises and I would suggest that you hand around towards the end of the meeting then maybe someone can answer that for you. Is there anyone else? Okay, let's move into Introduction of Ordinances and Resolutions.

## **6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 59 - 2014**

### **BY: ENVIRONMENTAL COMMITTEE**

Amending CHAPTER 943 "STORMWATER UTILITY" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Section 943.04 "Stormwater Fee" and enacting replacement Section 943.04 "Stormwater Fee".

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Mr. President, this is an ordinance that would raise the stormwater utility fee from \$1.00 to \$2.00 beginning July 1, 2014. I think council needs to have some significant discussion on this so I'll be giving it first reading.

ORDINANCE NO. 59 – 2014 WAS GIVEN FIRST READING.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Ordinance No. 59 has received first reading.

**ORDINANCE NO. 60 - 2014**

**BY: ENVIRONMENTAL COMMITTEE**

Amending CHAPTER 943 “STORMWATER UTILITY” of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Section 943.04 “Stormwater Fee” and enacting replacement Section 943.04 “Stormwater Fee”.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Mr. President, this ordinance does tag along with the last one. This would raise the stormwater utility fee from \$2.00 to \$3.00 starting January 1, 2015. Again I think council needs to have some serious discussion about this so I will give it first reading.

ORDINANCE NO. 60 – 2014 WAS GIVEN FIRST READING.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Ordinance No. 60 has received first reading.

**ORDINANCE NO. 61 - 2014**

**BY: POLICE AND FIRE COMMITTEE**

Authorizing the Director of Public Service and Safety of the city of Massillon, Ohio, to enter into a contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Chovan.

**COUNCILMAN CHOVAN** – Thank you, Mr. President, this ordinance we talked about at our last committee meeting. Jackson Township bills handles the billing every time we do a medical transport in this city. For the last few years they’ve charged us \$15.00 per bill and the chief was able to negotiate a three year contract instead of just a one year contract and the rates remain \$15.00 per call for three years. I’m going to request that we waive the rule requiring three readings and move this forward for a vote tonight if there’s no discussion.

**COUNCIL PRESIDENT TOWNSEND** – Are there any questions for Councilman Chovan? Okay, you can make your official motion.

COUNCILMAN CHOVAN moved for suspension of the rules and passage, seconded by Councilwoman Del Rio-Keller.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 61 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 61 has passed.

**ORDINANCE NO. 62 - 2014**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

Vacating a part of Poets Glen Allotment NO. 1, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILWOMAN HALTER** – Thank you, Mr. President, this ordinance is to vacate an allotment that was annexed into the city some time back. They are now have replatted some of the lots there and they want to vacate as I said part of the allotment. This was recommended by the Planning Commission on April 9 and has been approved, adopted and confirmed by them. So if there's any questions or comments we'll take those now and then I would like to suspend the rules this evening.

**COUNCIL PRESIDENT TOWNSEND** – Are there any questions or comments for Councilwoman Halter? Your motion councilwoman.

COUNCILWOMAN HALTER moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 62 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 62 has passed.

**ORDINANCE NO. 63 - 2014**                      **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 9th Street SW Improvement Project in the City of Massillon, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILWOMAN HALTER** – Thank you, Mr. President, this is regarding 9th Street SW up by the industrial park. The road is in very bad condition needs to be repaved. The funding breakdown for this will be 20% local funds and 80% OPWC funds. Again, we want to get these bids out quickly and so again if there's any questions we'll get those answered tonight and I would like to suspend the rules.

**COUNCIL PRESIDENT TOWNSEND** – Are there any questions or comments for Councilwoman Halter? Your motion.

COUNCILWOMAN HALTER moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 63 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 63 has passed.

**ORDINANCE NO. 64 - 2014**                      **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Hankins Road NE Improvement Project in the City of Massillon, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Halter.

**COUNCILWOMAN HALTER** – Thank you, Mr. President, this is another ordinance that we'd like to move through tonight. This is the repaving of Hankins Rd again if you have any questions the city engineer is here this evening if not then I'd like to suspend the rules.

**COUNCIL PRESIDENT TOWNSEND** – Are there any questions for Mr. Dylewski or Councilwoman Halter? Okay, see none.

COUNCILWOMAN HALTER moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 64 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 64 has passed.

**ORDINANCE NO. 65 - 2014**

**BY: FINANCE COMMITTEE**

Making certain appropriations from the unappropriated balance of the General Fund, 1414 Collection System Improvement Fund, 1406 Wastewater Treatment Capital Improvement Fund and the 1433 Fund, for the year ending December 31, 2014, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this particular piece of legislation has four sections worth noting for moving forward. The first section would be the levee infrastructure improvement project obviously that's along the river and we're familiar with that. That is to help fund the work there. We also have the Genshaft Park sewer project there is the sewer lines that run along the area where the Genshaft Park is those are being replaced and that is what the section 2 is in reference to. Section 3 for \$45,000 for the Wastewater Treatment Plant that's in reference to piping that goes through some tunneling that they have there to connect buildings that piping was in place in 1973 and needs to be replaced it is leaking. And the fourth section for little over \$11,000 is essentially an insurance pass through for some mowers at the Park and Recreation Department. We didn't have much discussion at the last committee meeting unless there's any discussion this evening I would like to make a motion that we suspend the rules requiring three readings and bring this forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – Okay, are there any questions or comments? Councilman Lewis.

COUNCILMAN LEWIS moved for suspension of the rules and passage, seconded by Councilwoman Scassa.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 65 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 65 has passed.

**ORDINANCE NO. 66 - 2014**

**BY: FINANCE COMMITTEE**

Amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – PARKS AND

RECREATION DEPARTMENT of Ordinance No. 127 – 1997 by establishing additional employee identification numbers, in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this ordinance is simply adding employee ID numbers for the Parks and Rec. Dept. Currently they're 510 – then 001 thru 999 they're coming close to running out of numbers to use for this purpose so they simply want to add the prefix of 511 and then go from 001 to 999 again. That's all this is a bit of housekeeping unless there's discussion I would move that we suspend the rules.

**COUNCIL PRESIDENT TOWNSEND** – Okay, are there any questions or comments?

COUNCILMAN LEWIS moved for suspension of the rules and passage, seconded by Councilwoman Scassa.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 66 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 66 has passed.

## **7. UNFINISHED BUSINESS**

## **8. PETITIONS AND GENERAL COMMUNICATIONS**

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR R SNACK POP STORE LLC 3050 LINCOLN WAY E MASSILLON OHIO 44646 (Not in the city limits)

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR WALGREENS CO DBA WALGREENS 07865 1950 WALES RD NE MASSILLON OHIO 44646

**COUNCIL PRESIDENT TOWNSEND** – Thank you Madame Clerk and did that council person that ward representative have received a copy? (Yes, she has) Thank you.

## **9. BILLS, ACCOUNTS AND CLAIMS**

A. REPOSITORY – \$1,105.00

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

**COUNCILMAN LEWIS** – I make a motion that we pay the bills. Seconded by Councilwoman Del Rio-Keller.

Roll call vote of 9 yes to pay the bill.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, the clerk will pay the bills and charge them to the proper account.

## **10. REPORTS FROM CITY OFFICIALS**

A. AUDITOR SUBMITS MONTHLY REPORT FOR APRIL 2014

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis we need a motion to accept the auditor's report.

**COUNCILMAN LEWIS** – I make a motion that we accept the auditor’s monthly report. Seconded by Councilwoman Del Rio-Keller.

Roll call vote of 9 yes to accept the auditor’s monthly report for April 2014.

**11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT TOWNSEND** – Are there any reports of committees?

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

**COUNCIL PRESIDENT TOWNSEND** – Any resolutions or requests of council members?

**13. CALL OF THE CALENDAR - TABLED INDEFINITELY ON MARCH 17, 2014**

**ORDINANCE NO. 136 - 2013**

**BY: PUBLIC UTILITIES COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 8.10 acres of real estate owned by the City of Massillon, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Thank you, Mr. President, as it states this was tabled from March 17; we have not had any communication from the company and I would like to bring it forward this evening for defeat.

**COUNCIL PRESIDENT TOWNSEND** – Okay, you would have to make to bring it from to untable it.

COUNCILWOMAN CUNNINGHAM-HEDDERLY moved to untable Ordinance No. 136 – 2013, seconded by Councilman Stinson.

Roll call vote of 9 yes to untable Ordinance No. 136 – 2013

ORDINANCE NO. 136 – 2013 WAS UNTABLED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Okay, you still have the floor.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – I would like to bring it forward for defeat.

**COUNCIL PRESIDENT TOWNSEND** – Okay, just bring it forward for a vote. Would you like to make some comments towards it so I guess everybody got it. Okay, second do I have a second? Seconded by Councilman Stinson. Roll call waive the rules.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – I would like waive the rules for three separate readings and bring Ordinance No. 136 for a vote.

**COUNCILWOMAN HALTER** – You just want to bring forward.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Okay, I just need to bring Ordinance No. 136 forward for a vote.

**COUNCIL PRESIDENT TOWNSEND** – So she doesn’t have to waive the rules because it received first reading.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – We did have three readings.

**COUNCIL PRESIDENT TOWNSEND** – Okay, because the documentation I have it was only given first reading and everything after that was tabled.

**LAW DIRECTOR STERGIOS** – When in doubt go to move to suspend. I can't remember it went on so long I don't know how many readings it's had to be honest.

**COUNCIL PRESIDENT TOWNSEND** – Well this is what I have first reading was given December 2 and then on December 16 it was tabled until February 3 then on February 3 it was tabled until again till February 18. And then at that point it was tabled until March 17. So it was just first reading December 2 that's what I have.

COUNCILWOMAN CUNNINGHAM-HEDDERLY moved for suspension of the rules and passage, seconded by Councilman Stinson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 136 – 2013 WAS DEFEATED BY A ROLL CALL VOTE OF 9 NO.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, lets move onto Ordinance No. 137 - 2013

**ORDINANCE NO. 137 - 2013**

**BY: PUBLIC UTILITIES COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 10.65 acres of real estate owned by the City of Massillon, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Thank you, Mr. President, I move to suspend the rules requiring three separate readings and bring Ordinance No. 137 – 2013 forward for vote.

**COUNCIL PRESIDENT TOWNSEND** – You kind of jumped the gun a little bit you have to untable it.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Oh, I'm sorry. Okay forget what I just said I move to untable Ordinance No. 137 – 2013.

COUNCILWOMAN CUNNINGHAM-HEDDERLY moved to untable Ordinance No. 136 – 2013, seconded by Councilman Stinson.

Roll call vote of 9 yes to untable Ordinance No. 136 – 2013

ORDINANCE NO. 137 – 2013 WAS UNTABLED BY A ROLL CALL VOTE OF 9 YES.

COUNCILWOMAN CUNNINGHAM-HEDDERLY moved for suspension of the rules and passage, seconded by Councilman Stinson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 137 – 2013 WAS DEFEATED BY A ROLL CALL VOTE OF 9 NO.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, moving right along Ordinance No. 148 - 2013

**ORDINANCE NO. 148 - 2013**

**BY: PUBLIC UTILITIES COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an amendment and extension of an existing Oil and Gas Lease. The well lease area includes part of The Legends Golf Course property with a requested lease area from the City of Massillon of 9.77 acres, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Thank you, Mr. President, I would like to untable Ordinance No. 148 - 2013

COUNCILWOMAN CUNNINGHAM-HEDDERLY moved to untable Ordinance No. 148 – 2013, seconded by Councilman Stinson.

Roll call vote of 9 yes to untable Ordinance No. 148 – 2013

ORDINANCE NO. 148 – 2013 WAS UNTABLED BY A ROLL CALL VOTE OF 9 YES.

COUNCILWOMAN CUNNINGHAM-HEDDERLY moved for suspension of the rules and passage, seconded by Councilman Stinson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 148 – 2013 WAS DEFEATED BY A ROLL CALL VOTE OF 9 NO.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 149 - 2013

**ORDINANCE NO. 149 - 2013**

**BY: PUBLIC UTILITIES COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an amendment and extension of an existing Oil and Gas Lease. The well lease area includes the property known as Shriver Park, with a requested lease area from the City of Massillon of 5.40 acres, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Thank you, Mr. President, I would like to untable Ordinance No. 149 - 2013

COUNCILWOMAN CUNNINGHAM-HEDDERLY moved to untable Ordinance No. 149 – 2013, seconded by Councilman Stinson.

Roll call vote of 9 yes to untable Ordinance No. 136 – 2013

ORDINANCE NO. 137 – 2013 WAS UNTABLED BY A ROLL CALL VOTE OF 9 YES.

COUNCILWOMAN CUNNINGHAM-HEDDERLY moved for suspension of the rules and passage, seconded by Councilman Stinson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 149 – 2013 WAS DEFEATED BY A ROLL CALL VOTE OF 9 NO.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk.

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 33 - 2014**  
**COMMITTEE**

**BY: COMMUNITY DEVELOPMENT**

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Modern Ritual Piercing to provide an economic development “inducement grant” to assist the company in renovation expenses at 28 Erie Street N., and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, this is for an economic development grant for \$4,500. Unless there’s any questions lets bring it forward for third reading or bring it forward for passage.

**COUNCIL PRESIDENT TOWNSEND** – Are there any questions for Councilman Manson?

COUNCILMAN MANSON moved to bring Ordinance No. 33 – 2014 forward for passage, seconded by Councilman Chovan.

ORDINANCE NO. 33 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 33 has passed.

**ORDINANCE NO. 34 - 2014**  
**COMMITTEE**

**BY: COMMUNITY DEVELOPMENT**

Authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Pampered Nails Boutique to provide an economic development “inducement grant” to assist the company in renovation expenses at 2107 Lincoln Way West, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – Unless there’s any questions I intend to move this forward.

COUNCILMAN MANSON moved to bring Ordinance No. 34 – 2014 forward for passage, seconded by Councilman Chovan.

ORDINANCE NO. 34 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 34 has passed.

**ORDINANCE NO. 36 - 2014**  
**COMMITTEE**

**BY: COMMUNITY DEVELOPMENT**

Approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – Thank you, Mr. President, everybody should have a list of all

the affected groups in the city. This is for 2014 CDBG Budget so unless there's any questions for Mr. Herncane.

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

**COUNCILWOMAN DEL RIO-KELLER** – I just want to make a comment that I would like to abstain from this vote simply due to my board positions on several of these folks receiving money.

**COUNCIL PRESIDENT TOWNSEND** – Are you receiving any pay on the board?

**COUNCILWOMAN DEL RIO-KELLER** – No, I am not. So I'm okay voting I just want to throw it out there that I do serve as president on one the organizations and I am a board member of another.

**COUNCILMAN MANSON** – I don't think there's a problem.

**COUNCILWOMAN DEL RIO-KELLER** – Okay, just note it for the record.

**COUNCIL PRESIDENT TOWNSEND** – She'll be fine. Well you made your motion to vote on it.

COUNCILMAN MANSON moved to bring Ordinance No. 36 – 2014 forward for passage, seconded by Councilman Chovan.

ORDINANCE NO. 36 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 36 has passed.

**ORDINANCE NO. 38 – 2014**                      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

Expanding the boundaries of the Massillon Historic District.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, everybody knows the discussion we had tonight. I'd like to table this Mr. Herncane do you have any idea how much time you need to pull this list together?

**COMMUNITY DEVELOPMENT DIRECTOR HERNCANE** – Mr. President, members of council, Mr. Manson, I think obviously after the 15th of this month when the CDBG application is filed I can I think we can responsibly get it out probably the week of the 19th for sure by the end of the month. If you want to do a second public hearing maybe the second meeting in June. We can make sure the notices are out for sure by the end of the month and give folks two weeks or more. I mean realistically if I could have a couple weeks to get that accomplished.

**COUNCILMAN MANSON** – Yeah, I was trying to think when we do want to vote on it.

**COUNCILMAN CHOVAN** – It would be June 16th it would be second one.

**COUNCILMAN MANSON** – Okay, we'll table until June 16th that should give us adequate time to have everything. Alright.

**COMMUNITY DEVELOPMENT DIRECTOR HERNCANE** – Now when I send those notices out do you want to do a public hearing an hour before the meeting to notify the residents that received the mailings if they want to come and comment or...

**COUNCILMAN MANSON** – I think so.

**COMMUNITY DEVELOPMENT DIRECTOR HERNCANE** – Okay.

**COUNCILMAN MANSON** – I think that would be best.

**COUNCILMAN CHOVAN** – So that same night a public hearing the night of June 16th?

**COUNCILMAN MANSON** – Is that okay? You have no problem with that right?

**COMMUNITY DEVELOPMENT DIRECTOR HERNCANE** – That's fine.

**COUNCILMAN MANSON** – Alright, let's go with the 16th then public hearing and then...

**COUNCILMAN CHOVAN** – What time do you want to do it?

**COUNCILMAN MANSON** – We'll do it at 6:30pm just like we did tonight.

**COUNCILMAN CHOVAN** – Okay.

**COUNCIL PRESIDENT TOWNSEND** – Are there anymore questions for Mr. Herncane? Okay, thank you. Okay, Councilman Manson we need a vote to table it.

COUNCILMAN MANSON moved to table Ordinance No. 38 – 2014 to June 16th, 2014, seconded by Councilman Chovan.

ORDINANCE NO. 38 – 2014 WAS TABLED UNTIL JUNE 16, 2014 BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk.

**ORDINANCE NO. 42 – 2014**

**BY: FINANCE COMMITTEE**

(Section 1)

Making certain appropriations from the unappropriated balance of the Economic Development Fund, for the year ending December 31, 2014, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this is the ordinance or the piece of the ordinance that's remaining that is in relation to the community development ordinances that we just passed with Modern Ritual and Pampered Nails. And this is the funding side of that. With that said I would make a motion that we bring section 1 of Ordinance No. 42 – 2014 forward for a vote.

COUNCILMAN LEWIS moved to bring section 1 of Ordinance No. 42 – 2014 forward for a vote, seconded by Councilwoman Scassa.

SECTION 1 OF ORDINANCE NO. 42 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk.

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

**ORDINANCE NO. 44 - 2014**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from

RM-1 Multiple Family Residential to RCRD Condominium Residential.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – Okay, because of the rezoning we have to have a public hearing. We have a hearing scheduled for May 19th at 7:00pm for this Ordinance No. 44.

ORDINANCE NO. 44 – 2014 WAS GIVEN SECOND READING.

**COUNCIL PRESIDENT TOWNSEND** – We are giving it second reading.

**ORDINANCE NO. 45 - 2014**                      **BY: COMMUNITY DEVELOPMENT**  
**COMMITTEE**

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to RM-1 Multiple Family Residential.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Manson.

**COUNCILMAN MANSON** – There will be a public hearing that same night the May 19th at 7:15pm on this ordinance. Second reading.

ORDINANCE NO. 45 – 2014 WAS GIVEN SECOND READING.

**COUNCIL PRESIDENT TOWNSEND** – Ordinance No. 45 has received second reading.

**ORDINANCE NO. 46 - 2014**                      **BY: ENVIRONMENTAL COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Anaerobic Digester Cleaning at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Mr. President, this is an ordinance to clean the Anaerobic Digester at the Wastewater Treatment Plant. This is recommended that it be done every five years. It has not been done in the last 12 years. So they've been saving up the money to do this. The current project will be about \$498,000.00 with about 47% being paid by the county and the city will be paying the rest of that. So if there's no questions I would like to move this forward for a vote tonight so we can get it out there and get it advertised and get some bids.

**COUNCIL PRESIDENT TOWNSEND** – Are there any questions for Councilwoman Starrett or Mr. Dylewski? There are none.

COUNCILWOMAN STARRETT moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO 46 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 46 – 2014 has passed.

**ORDINANCE NO. 47 - 2014**

**BY: ENVIRONMENTAL COMMITTEE**

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Process Waste Removal at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Mr. President, this is a standard contract with the Wastewater Treatment Plant to remove some process waste that they must take off site. If we could if there are no questions tonight I would like to move this forward for a vote so we can advertise for and receive some bids so we can this contract ironed out.

**COUNCIL PRESIDENT TOWNSEND** – Are there any questions for Councilwoman Starrett or Mr. Dylewski?

COUNCILWOMAN STARRETT moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO 47 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 47 – 2014 has passed.

**ORDINANCE NO. 48 - 2014**

**BY: PUBLIC UTILITIES COMMITTEE**

Establishing a street lighting district encompassing the entire City of Massillon, Ohio.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Second reading.

ORDINANCE NO. 48 – 2014 WAS GIVEN SECOND READING.

**COUNCIL PRESIDENT TOWNSEND** – Ordinance No. 48 – 2014 has received second reading.

**ORDINANCE NO. 49 - 2014**

**BY: PUBLIC UTILITIES COMMITTEE**

To assess a street lighting fee.

**COUNCIL PRESIDENT TOWNSEND** – Councilwoman Cunningham-Hedderly.

**COUNCILWOMAN CUNNINGHAM-HEDDERLY** – Thank you, Mr. President, we still need to discuss the language to assure it represents our desires; second reading.

ORDINANCE NO. 49 – 2014 WAS GIVEN SECOND READING.

**COUNCIL PRESIDENT TOWNSEND** – Ordinance No. 49 has received second reading.

**ORDINANCE NO. 56 - 2014**

**BY: FINANCE COMMITTEE**

Amending CHAPTER 181 “INCOME TAX” of the Codified Ordinances of the City of Massillon and enacting new Section 181.03 LEVY OF ADDITIONAL TAX to reflect the increase in the municipal income tax rate from one and eight-tenths percent (1.8%) to 1.95% percent to be effective January 1, 2015 subject to the approval of the electors of the City of Massillon at the General Election to be held on November 4, 2014.

**COUNCIL PRESIDENT TOWNSEND** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes at the committee meetings that we held last Monday it was discussed that there was still a little bit of discussion about if we wanted to put a breakdown of how this money would be dispersed in the city or not. And we agreed that maybe a second reading would be best and then allow that discussion to occur next Monday. So I will be giving Ordinance No. 56 – 2014 second reading.

ORDINANCE NO. 56 – 2014 WAS GIVEN SECOND READING.

**COUNCIL PRESIDENT TOWNSEND** – Okay, Ordinance No. 56 has received second reading.

**ORDINANCE NO. 57 - 2014**

**BY: FINANCE COMMITTEE**

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** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, the language in section 4 does need to be somewhat altered it currently reads that this ordinance shall effect and be enforced from and after the earliest period allowed by law. That does not meet what the understanding was our understanding was that would start July 1st, 2014 so basically the second half of the year. So I will make a motion to that we amend Ordinance No. 57 – 2014 section 4 to read: this ordinance shall effect and be enforced July 1, 2014.

**COUNCIL PRESIDENT TOWNSEND** – Okay, does everyone have a copy of the ordinance? Are there any questions or comments for Councilman Lewis? Okay, your motion.

COUNCILMAN LEWIS moved to amend Ordinance No. 57 – 2014, seconded by Councilwoman Del Rio-Keller.

Roll call vote of 9 yes to amend Ordinance No. 57 – 2014

ORDINANCE NO. 57 – 2014 WAS AMENDED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Okay, it reverts back to first reading.

COUNCILMAN LEWIS moved for suspension of the rules and passage, seconded by Councilwoman Del Rio-Keller.

The rules were suspended by a roll call vote of 9 yes.

ORDINANCE NO. 57 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

**COUNCIL PRESIDENT TOWNSEND** – Thank you, Madame Clerk, Ordinance No. 57 – 2014 has passed.

**16. NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT TOWNSEND** – Is there any new or miscellaneous business?

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

**COUNCIL PRESIDENT TOWNSEND** – Okay, we have arrived at #17 this is the section of the agenda where the public can speak on any item that does not that did not appear on tonight's agendas. If you would like to speak on something please come to the microphone at this time and give your name and address for the record and the topic you wish to discuss.

**18. ADJOURNMENT**

**COUNCILMAN STINSON** – I move that we adjourn, seconded by

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MARY BETH BAILEY, CLERK,

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TONY M. TOWNSEND, PRESIDENT

