

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, JUNE 16, 2014**

COUNCIL PRESIDENT TOWNSEND I'd like to welcome all of you to Massillon City Council for Monday, June 16, 2014. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Tax Administrator Ken Koher, Community Development Director Larry Marcus, Fire Chief Tom Burgasser, Building Code Superintendent Bill Kraft, Parks & Recreation Director Doug Nist 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 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 Shaddrick Stinson.

Thus giving a roll call vote of 9 present.

2. INVOCATION

COUNCILWOMAN DEL RIO-KELLER B Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILWOMAN DEL-RIO-KELLER – Chairperson of the Parks and Recreation 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

COUNCIL PRESIDENT TOWNSEND – We have arrived at #5 this is the section of the agenda where the public can speak on any item that appears on tonight's agenda. I would like to remind everyone when you come to the microphone you have three minutes to voice your concerns or share your ideas or anything you'd like.

BOB RICHARDS – I live at 1375 Benson St SW. And the item that we're talking about giving the grant to 121 Gallery but anyhow it is really making a nice impression on the City of Massillon down there. Bringing back some of the old buildings and what he has done so far is well, well worth it. And that's all I have to say. Thank you.

COUNCIL PRESIDENT TOWNSEND – Thank you, is there anyone else? Okay, we'll move into introduction of ordinances and resolutions. Ordinance No. 82.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 82 - 2014 **COMMITTEE**

BY: COMMUNITY DEVELOPMENT

Authorizing the resale and conveyance of property Parcel #06-01578 pursuant to the City's Vacant Land Reutilization Program, establishing the fair market value of said property, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson.

COUNCILMAN MANSON – Yes, thank you, Mr. President. This is a program that was started several years ago that the cities can get rid of property that has been repossessed for tax reasons. They can get them we get them to residents in the neighborhoods they have to be to adjourning it has to be adjourning property. And we get them actually we'll get them back to on the tax rolls we'll be collecting a little tax. So they're actually doing the city a favor in a number of ways. So unless there are any problems here I will be moving for passage tonight.

COUNCIL PRESIDENT TOWNSEND – Are there any questions for Councilman Manson or Community Development Director Mr. Marcus? Okay, your motion.

COUNCILMAN MANSON moved for suspension of the rules and passage, seconded by Councilman Chovan.

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

ORDINANCE NO. 82 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, Ordinance No. 82 has passed.

ORDINANCE NO. 83 - 2014

BY: POLICE AND FIRE COMMITTEE

Amending CHAPTER 1501 "OHIO FIRE CODE" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 1501.14 "FIRE SUPPRESSION SYSTEMS", and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan.

COUNCILMAN CHOVAN – Yes, Mr. President, I'm going to ask the fire chief to come up and just give us a couple minutes explanation of the different points here with the legislation that he's requesting.

FIRE CHIEF BURGASSER – Good evening, Mr. President, members of council, Mr. Chovan. This ordinance seeks to actually in conjunction with a conversation with law department. What this seeks to do is provide a means for the fire department to provide a fire watch in cases where we can't get a hold of a business owner with a suppression system. We have taken the suppression system down to minimize their damage. And now we may or may not inadvertently be on the hook because the system is down. I can tell you couple of things about this. First of all, this has happened one time in the 8 years that I've been the fire chief. And what happened was we had a water flow because there was an electric issue. It was a dry system; the compressor stopped functioning the air bled out of the system it tripped the sprinkler

system. Water was flowing outside the building. Water was also flowing inside the building it had been vacated and was making a mess of the inventory on the inside. Our fire crews responded because they got an alarm and the suppression system goes off and accompanying alarm ensues and we made entry to the building but there was no keyhole to be found. You could not contact the property owner we this was at 9:00 at night and for whatever reason for a number of reasons and I don't want to divulge who the property owner is or talk about that by name but they weren't available. And so to minimize their damage we shut down the sprinkler system and we couldn't get a hold of them to notify them that they had to either maintain a fire watch, continue to maintain the premises evacuated and minimize the combustable materials or maintain a fire watch. But if a fire occurred subsequent to our turning off the system we may be liable for the fact that we shut off their water. Now again in this case sprinkler system malfunctioned it wasn't going to operate correctly anyway. So we shut down a malfunctioning system but in consultation with the law director and the law department we didn't want to take on that liability. So instead what we elect to do is we're going to maintain a fire watch until we can get a hold of the property owner and instead of keeping a truck with three people down there I will assign someone bring someone off duty to maintain that fire watch. When we do that that comes at a cost. We would like to pass that onto the owner because its its minimizing the owner's damage that we're establishing the fire watch and shutting off the system anyway. I want to make clear that the system wouldn't operate correctly if there was a fire anyway. But the overriding concern is that we shut the system down. And we did it appropriately because we were trying to minimize damage its part of our mission. We preserve life and property. And if that person came in and found \$100,000 - \$150,000 damage to his or her machines or merchandise that wouldn't have been the appropriate thing to do. So that's why we ask for this ordinance. Again to step through it if you don't mind suppression systems are to be maintained in accordance with the fire code that's not new that's part of the ordinance already in place. Agencies that have suppression systems are responsible for maintaining the current contact information with the fire department. We can't go out and search for people as these company's businesses change hands. We found two more today that had changed hands and and we weren't aware. In an event a suppression system is found to be out of order and physical disrepair or malfunctioning in such ways to cause damage to the property we will shut down the system in order to minimize damage to the property and attempt to contact the property owner's representative. Once that contact has been made we're going to go back to the station because that person assumes responsibility for again the fire watch, repairing the system, complying with the fire code in terms of evacuating or vacating the building until such time and removing combustibles until such time is one of the other of those is done. Again section e) is really the crux of the matter is if we're not able to make contact with them we will establish a single person fire watch instead of maintaining a fire company and taking an ambulance and a pump out of a service. Until we can notify them and then they will bear the expense of the overtime in maintaining that fire watch. One more thing as is commonly done example today we had a fire watch at FiberCorr while they were changing out their suppression system. I had an extra person on duty and fire prevention was available. Fire prevention and the extra person went on duty and that would be at no cost to them if I was above minimum staffing level I would maintain that fire watch at no cost. It's only if there's a cost at maintaining that fire watch if I have to bring someone in on overtime then I would send a bill. Any questions?

COUNCILMAN CHOVAN – Yeah, I have one for you.so understanding what you just told us is its your desire that we move this forward tonight for passage? I mean if we're uncovered from liability standpoint I would think we would want to do this as soon as we could.

FIRE CHIEF BURGASSER – I would appreciate it yes.

COUNCILMAN CHOVAN – Is there anybody that has a question or any reason about why I should not want to waive the rules? Okay, thanks chief.

FIRE CHIEF BURGASSER – Thank you.

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. 83 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, Ordinance No. 83 has passed.

ORDINANCE NO. 84 - 2014

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the WWTP Upgrade Fund, Parking Enforcement Fund and the Stormwater Utility Fund, for the year ending December 31, 2014, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes, this piece of legislation has three sections in question. I'm going to start at section 2, section 2 is particularly involved with the creating the funds available for our parking enforcement officer so that we can more adequately address the parking of downtown Massillon. This money was already in the account from a carryover previously. And we obviously have it there to use. The second one is \$7,500 it's a simple appropriation from the unappropriated balance of Stormwater Utility Fund to be used for supplies and postage. Then section 1 I have a question about this and I'm not quite sure who's going to be able to clarify this. But I do remember that at our committee meeting we had two separate legislation requests one was to reduce one line item and the other one was to appropriate. I do not see the reduction piece in here. Am I missing it somewhere? It's #85 okay so what we're going to be doing is we're going to be appropriating in 84 and then we'll be reducing in 85. Just to clarify the money that we are appropriating is coming from the fund that's being reduced in 85. Is everybody on the same page there? Okay, with that said if there are no questions then I would intend to make a motion for suspension.

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. 84 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, Ordinance No. 84 has passed.

ORDINANCE NO. 85 - 2014

BY: FINANCE COMMITTEE

Reducing the appropriation in the Wastewater Treatment Fund, for the year ending December 31, 2014, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes, we had already discussed this in conjunction with Ordinance No. 84 and with that said I make a motion that we suspend the rules requiring three readings and bring Ordinance No. 85 – 2014 forward for a vote.

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. 85 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 9 YES.

ORDINANCE NO. 86 - 2014

BY: FINANCE COMMITTEE

Establishing a fund entitled “Vacant Foreclosure Depository Fund”, and creating line items within said fund, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes, this ordinance again it has brought forth some questions in conjunction with Ordinance No. 87. The legislative request that we received last week if I’m recalling correctly from what I see here is asking for us to create a new fund account to be created in accordance with the recently passed foreclosure property registry Ordinance No. 15 – 2014 the account will be assigned under the current trust agency fund 3104. I bring that up because we have two ordinances tonight in relation to one legislation request and I’m not quite sure how that works or how that came about. And I’m not quite comfortable bringing this forward as I previously was intending to until we have more discussion. Unless there’s anyone on this council or maybe that’s in attendance tonight that can clarify this for me and the other council members. I guess...

COUNCIL PRESIDENT TOWNSEND – Would you like to come up Mr. Koher?

BUDGET DIRECTOR KOHER – And Perry correct me if I’m wrong you were very involved with this. The funds we need to create for this is #1 is the fund itself the umbrella. And then underneath that is the expenses that are to be paid out of this. The foreclosure funds a lot of that is escrow money that if we don’t need those funds to board up windows and things like that and cut high cut grass that’s returned to the bank in most cases there that has the foreclosure. When they do have the property occupied. So we need to set up the fund first and then the accounts underneath that. But most of that will be for the escrow account and then the expense funds.

COUNCILMAN LEWIS – The vacant foreclosure depository fund is for that \$10,000 bond or if they just give us a check what not. Correct?

BUDGET DIRECTOR KOHER – Right.

COUNCILMAN LEWIS – And you’re saying the registry expense fund in relation to Ordinance No. 87 is for carryover?

BUDGET DIRECTOR KOHER – To pay the expenses out of it. We take a 10% administrative fee out of that and then if we have to board up windows, cut high grass or do any other repairs to keep it a safe not necessarily habitable but something that’s not a danger to the neighborhood.

COUNCILMAN LEWIS – So when the \$10,000 comes; \$9,000 goes to the depository one, \$1,000 goes into the expense essentially?

BUDGET DIRECTOR KOHER – It will technically it all go into the escrow and then it will be pulled for our record keeping purposes.

COUNCILMAN LEWIS – When it transfers from the depository fund to the registry expense fund is that going to take action of the council or is that something that you guys do just administrative?

BUDGET DIRECTOR KOHER – I’m not sure how that legislation its already in the ordinance there. So I think its already set to split.

COUNCILMAN LEWIS – What I’m thinking and maybe other council members can chime in here is that maybe we would suspend No. 86 that way if we do have any checks that need to

come in we can start collecting on those; give first reading to 87 that way we can make sure we're clear, clear on how that exactly will operate. But that we at least create a place for the money to go now and not keeping people on the wait that wants to pay us. That's just my thought process. Unless Mr. Stergios would have something that he would chime in.

LAW DIRECTOR STERGIOS – Will you call me up?

COUNCILMAN LEWIS – Any questions for Mr. Koher?

COUNCIL PRESIDENT TOWNSEND – Ordinance No. 87 wouldn't you need that to pass also because once the city goes out and start boarding up windows and cutting grass where would that fund, where would that money come from?

BUDGET DIRECTOR KOHER – That will be come from our 10%. So our administrative fees covers that and then anything beyond that we can pull out of the escrow.

COUNCIL PRESIDENT TOWNSEND – So it can be pulled out of the registry...

BUDGET DIRECTOR KOHER – But it would go it would be counted against the expense account so we can track them.

COUNCIL PRESIDENT TOWNSEND – Okay.

BUDGET DIRECTOR KOHER – We have to give an accounting of each property.

COUNCIL PRESIDENT TOWNSEND – So I'm saying that the \$10,000 goes into a registry that's related to Ordinance No. 86. So when the city goes out boards the homes up they can take money out of that registry that the \$10,000 goes into?

BUDGET DIRECTOR KOHER – There'll need to be an appropriation to the express account to pay out of there. Now whether or not that was set up in the original ordinance maybe Attorney Stergios would have that information.

COUNCIL PRESIDENT TOWNSEND – Alright, thank you. Councilman Lewis?

COUNCILMAN LEWIS – Can I call up the law director please.

COUNCIL PRESIDENT TOWNSEND – Will you come up law director?

LAW DIRECTOR STERGIOS – I will Mr. President. Mr. President, ladies and gentlemen to elaborate upon what Ken said first I talked to Debbie Bonk this afternoon and she said give them both first reading because she wants to add account numbers to them or something. Which is I think would clarify a lot of your questions. But the second part is six weeks ago I called Gary Young at Canton I mean we don't have to reinvent the wheel here and I what did you guys when you did this last year? And he said we created two accounts this one and this one. So I did a letter and I gave it to the auditor and I gave her all these emails and I think you guys had them all attached to the legislation request. And I'm not criticizing you but you know I tell everybody the same thing five times and then no one listens to me. You know we need to have two ordinances one to take the \$10,000 in then the \$1,000 administrative fee goes into the second account and we're going I believe the intention is you know pay part of people's salaries that are dedicated to do all this. And I think where we all keep forgetting is if we have to pay to board up a window or replace a foundation or something that's going to come out the nine because that's an expense that is a hard expense is opposed to I guess a soft expense with part of somebody's salary or whatever. But that part doesn't have to come back to council all the time but we need both of them. But I think we ought to wait and let her give us these account numbers that she wants us to use because that was all garbled in communication. And I don't know anything about account numbers. So that's my two cents worth. Thank you.

COUNCILMAN LEWIS – Anybody have any questions for Law Director Stergios? No, alright. With that I do think that does make sense obviously with the account numbers passing

legislation without the account numbers wouldn't prove to be a most judicious process. So with that said I say first reading Ordinance No. 86 – 2014.

ORDINANCE NO. 86 – 2014 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT TOWNSEND – Thank you, Ordinance No. 86 has received first reading.

ORDINANCE NO. 74 - 2014

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the Local Law Enforcement Trust Fund for the year ending December 31, 2014, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance is in reference to the purchase of scheduling and payroll improvements. Currently they do it by hand all their scheduling of officers, the payroll and things of that nature and this would allow them to be welcomed into the 21st century and use a computer to do these things. I would recommend that we go ahead and suspend the three readings and bring this forward for a vote.

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 8 yes.

ORDINANCE NO. 74 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, Ordinance No. 74 has passed.

ORDINANCE NO. 75 - 2014

BY: FINANCE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the 2013-JG-LLE-5424 “Mobile Computers” Grant from the Ohio Department of Public Safety for the Massillon Police Department, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes, this is a grant that's being offered to our police department. There is no cash or in kind match prior to this. It's simply a grant that we must approve to receive.

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 8 yes.

ORDINANCE NO. 75 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, Ordinance No. 75 has passed.

ORDINANCE NO. 70 - 2014

BY: PUBLIC UTILITIES COMMITTEE

Enacting CHAPTER 741 "OIL & GAS LEASING PROCEDURES" of the Codified Ordinances of the City of Massillon, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

ORDINANCE NO. 70 – 2014 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT TOWNSEND – Thank you, first reading.

ORDINANCE NO. 72 - 2014 **BY: FINANCE COMMITTEE**

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 ordinance goes in conjunction with the community development for the yes so for the piece with I forget what it was called the development of 121 Lincoln Way W. So we will be giving this first reading.

ORDINANCE NO. 72 – 2014 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT TOWNSEND – Thank you, sir, first reading.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR FAB LLC DBA GALLERY 121 121 LINCOLN WAY W MASSILLON OHIO 44646

COUNCIL PRESIDENT TOWNSEND – Thank you and did that council person receive a copy? (Yes) For the ward thank you.

9. BILLS, ACCOUNTS AND CLAIMS

A. REPOSITORY – \$877.20

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

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

Roll call vote of 8 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. TREASURER SUBMITS MONTHLY REPORT FOR APRIL 2014

COUNCIL PRESIDENT TOWNSEND – I was going to suggest I would like for Mr. Marcus to come up and just introduce himself. You have a couple of minutes to do so.

LARRY MARCUS – Thank you, I think I've had a chance to introduce myself to most of the members of council. I look forward to starting today was my first morning with Ted. Was sworn in by the mayor this morning. I have done a lot of time here in Massillon a lot of projects as a banker and with the Stark Development Board. I've done a lot of financing through financing dozens of projects I think helping dozens of companies. I think I've helped create and retain many jobs in this community. So I'm looking forward to starting today and helping Massillon grow and help to continue the good job that Ted's done. Ted's helped me a lot lay out a good plan to continue the work that he's done and help the mayor and the city to continue. So I look forward to working with council.

COUNCIL PRESIDENT TOWNSEND – Thank you, sir.

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? Councilman Lewis?

COUNCILMAN LEWIS – Not really a report but for lack of anywhere else to speak I will just say quickly that last week I had made mention that if anyone had any recommendations of individuals that may want to help with the campaign committee please get that information to me sometime tonight if you get an opportunity or email it to me. I look to be making phone calls to organize that committee later on this week.

COUNCIL PRESIDENT TOWNSEND – Oh yes come up the mayor would like to speak.

MAYOR CATAZARO-PERRY – I just wanted to have this opportunity I think this will be Ted's last meeting then he's going to be going onto chamber president. So just would like to publicly thank Ted it's been an honor and a pleasure to work with him and I know he's done some great things with our city. So thank you Ted.

COUNCIL PRESIDENT TOWNSEND – Are there any resolutions or requests of council members? Councilman Manson?

COUNCILMAN MANSON – Yes, thank you, Mr. President, last week I had the clerk of council email everybody a legal advertisement that was used in 2007 for a parcel of land down by the golf course. It's my intention before the next meeting to get with the law director and generate a new one. I think with all the the discussion and the attention surrounding the property down there right now that I think it would be a good time for us to revisit what we tried back in 2007. There will be some changes to what I propose on this. At the time we talked about minimum bid of \$48,000 I think we should just take that out of there. But we did reserve the right to accept or reject any and all bids. And like I said I think this is time I saw an email that there's going to be some discussion and maybe at the parks meeting this week. So I think we should do this I believe strongly that we about 20 years ago we built that golf course down there and we zoned the property around there as residential. And I do not believe that we should be renegeing on that commitment was at that time. I'm not saying things never change but we made that commitment down there and we probably attracted maybe \$20 to \$40 million dollars worth of residential development. And I do not believe that we should renege on our support of that. I think though that is the time to maybe we should go out and look and see revisit this and see if we can find some developers that are interested in it. It hurts us no way to at least go out and look and like I said anything that I propose it will say that we have the right to reject any and all bids. There is interest now so I think I hope everybody will read what was sent out and take a serious look at it. I will get with the law director and see about getting some some an ordinance drawn up some legislation drawn up. And I hope to have that by the next committee

meeting if not it will be the following committee meeting. That's all.

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 44 - 2014
COMMITTEE

BY: COMMUNITY DEVELOPMENT

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 – Yes, thank you, Mr. President, I will have to tell you that normally or not normally but I had started for a while having the public hearings on the second reading to avoid exactly what happened tonight. I got a little blind sided on this because I had heard from nobody, the councilwoman from that ward has heard absolutely nothing negative on this and some things came up tonight. I still wholeheartedly support this but I would like to make a motion to table it for one meeting to bring it back on June 2nd and it is my intention to recommend it for passage. But to answer some of these questions that came up that's what I would like to do.

COUNCILMAN MANSON moved to table Ordinance No. 44 – 2014 until June 2, 2014, seconded by Councilman Chovan.

Roll call vote of 8 yes to table Ordinance No. 44- 2014 until June 2, 2014.

ORDINANCE NO. 44 – 2014 HAS BEEN TABLED UNTIL JUNE 2, 2014 BY A ROLL CALL VOTE OF 8 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk.

ORDINANCE NO. 45 - 2014
COMMITTEE

BY: COMMUNITY DEVELOPMENT

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 – Thank you, Mr. President, same thing here also I'm going to add to it that the planning commission recommended approval of these rezonings. I have heard nothing negative up to this point I'm still a little disappointed that if there were any objections to this. Also this is rezoned for multiple family; we're just talking about two lots at the front part of this. But we have probably 10 to 20 acres that are already zoned multiple family down there. So the same thing I recommend that we table this to the June 2nd meeting.

COUNCILMAN MANSON moved to table Ordinance No. 45 – 2014 until June 2, 2014, seconded by Councilman Chovan.

Roll call vote of 8 yes to table Ordinance No. 45- 2014 until June 2, 2014.

ORDINANCE NO. 45 – 2014 HAS BEEN TABLED UNTIL JUNE 2, 2014 BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 48 - 2014

BY: PUBLIC UTILITIES COMMITTEE

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

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes, I'd like to begin with this particular ordinance does not include the fee in it; 48 is only creating the district. The next ordinance would be the one that has the fee in question. It is third reading so barring any discussion I make a motion that we bring Ordinance No. 48 – 2014 forward for a vote.

COUNCILMAN LEWIS moved to bring Ordinance No. 48 – 2014 forward for passage, seconded by Councilman Stinson.

ORDINANCE NO. 48 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, Ordinance No. 48 – 2014 has passed.

ORDINANCE NO. 49 - 2014

BY: PUBLIC UTILITIES COMMITTEE

To assess a street lighting fee.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance is the ordinance in question that does enact the fee. It would be an annual fee of \$25.00 to the person that would give payment. I will say that this was part of the plan that was negotiated in good faith with the administration and with the participation of the commission. So this is just one of those pieces that led to the plan being approved by the commission. With that there are quite a bit of amendments that need to be made. I've already discussed many of the amendments with Mary Beth to make sure we're on the same page. But I will go through them currently for the record. The first section of amendments will be on the first page of the ordinance it's the second whereas statement where we have a blank line so it reads: Whereas, the City has created line item and we will fill that line with street lighting assessment #1100.905.4.1503 and then it continues to read as stated for the collection of street lighting fees. It you drop down two more whereas statements you will see again a blank line where it reads: whereas the cost of the city for street lighting is approximately we will fill that blank with \$410,000 and then it will pick up again with annually; and. When you turn to the second page you will see in sections 2 I'm throwing a curveball Mary Beth section 2 and section 4 it is said service by water and/or sewer for both section 4 and section 2 says water/sewer since we have a private enterprise that bills for water independently of our sewer we would like to strike the word water from both of those sections. If you go back to section 1 immediately following April 1st, 2014 I'm going to read what it will state with the amendment. It will state for the purposes of assessment of the fee if a single family residential property is serviced by sewer but situated on more than one lot or parcel of land it shall only pay one fee annually. However, if the vacant lots are parcel of buildable under the applicable zoning and building code the owner of such lots shall pay the annual fee for such parcels or lots in addition to the fee for the parcel on which the residents is situation unless the vacant lot is located directly adjacent to the single family residential property owner's residence.

COUNCIL PRESIDENT TOWNSEND – Did you get that Mary Beth? (Yes) Okay, okay.

COUNCILMAN LEWIS – And I can explain if anyone has questions but that's my motion for the amendments.

COUNCIL PRESIDENT TOWNSEND – Alright, everybody understand that? Do you have a question Councilwoman Scassa?

COUNCILWOMAN SCASSA – I have a question but maybe for the audience could you maybe explain what that means and where we got to that and since there was a question earlier from an audience member.

COUNCILMAN LEWIS – Essentially what this section does is it is saying that if you own your home and you have a property right directly next to it you that's also yours a parcel that is connected to your residence that you live in you will not pay the fee. However, if you have a vacant property or parcel on the other side of town that's not connected to your property you would still have to pay the fee there because that property is benefitting and it's not being paid for by your residential.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter?

COUNCILWOMAN HALTER – I'm just am curious to know about the streets that have no street lights those people will also be assessed even though they have no street lights. Is that correct?

COUNCILMAN LEWIS – Correct at this time. Now I will say that the mayor's administration did pass on a street lighting ordinance from another city and they did have an exemption clause in there. So I will be speaking with Councilwoman Cunningham-Hedderly to see if that is a potential addition that we can do at a later date. And what that would be is that there has to be so many feet between you and the nearest street light and then you can file a petition to be exempted.

COUNCILWOMAN HALTER – There are no street lights on Irvington or Oakwood.

COUNCILMAN LEWIS moved to amend Ordinance No. 49 - 2014, seconded by Councilman Stinson.

Roll call vote of 8 yes to amend Ordinance No. 49 – 2014.

ORDINANCE NO. 49 – 2014 HAS BEEN AMENDED.

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

COUNCILMAN LEWIS – I guess is there any discussion about the ordinance at all tonight otherwise I would make a motion that we suspend the rules and bring it forth for a vote.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson?

COUNCILMAN MANSON – Yes, I had some questions the mechanics of this when we started talking about it and we run into this already. If we move this forward tonight I will be voting against it.

COUNCIL PRESIDENT TOWNSEND – Okay, is there anyone else? Councilman Chovan?

COUNCILMAN CHOVAN – Considering that we are going to take a look at putting some wording in there for an exemption I would think that we would want to hold off rather than pass this now and then come back and have to make a change later. I mean if that's something that we could do at our by the next meeting wouldn't it be prudent to do that? I'm just for purposes of discussion.

COUNCILMAN LEWIS – I suppose we could I guess the concern would become is that the way the ordinance is currently run or read it picks this up as into the rears of April 1st. If we continue to delay that quarter will no longer be in play which would cause us to default on the original plan which I would be then cost us could cause the commission to reopen the plan and you can where that can of worms continues and open and get bigger and bigger as we go.

COUNCILMAN CHOVAN – But but really we would have until the end of the quarter would we not? Just make it retroactive to April 1st which would be until the end of June.

COUNCILMAN LEWIS – Until the end of June I would assume?

COUNCILMAN CHOVAN – So I mean if we you made a change and did one more meeting just so the wording is in there. Otherwise how would we do that? I mean if we pass this tonight how would we go back in I mean we'd just have to amend an existing ordinance later?

COUNCILMAN LEWIS – Yes, like we do with everything else.

COUNCILMAN CHOVAN – Yeah, we could do that. I would agree with you to do that.

COUNCIL PRESIDENT TOWNSEND – Are there any more questions for Councilman Lewis?

COUNCILMAN LEWIS – Again, I just restate that I know this has been a very difficult subject to broach for many of the council people and we've been not necessarily always in favor of this. But when we did negotiate for the plan in order to get the commission's approval so that we could move forward and avoid the 15% cuts to our departments which would devastate departments such as our police and our fire and would further devastate our roads department this was a piece that was in that plan and out of good faith that's why I've continued to move forward with it. With that said I make a motion that we suspend the rules requiring three readings and bring Ordinance No. 49 – 2014 forward for a vote.

COUNCILMAN LEWIS moved for suspension of the rules and passage, seconded by Councilman Stinson.

The rules were suspended by a roll call vote of 7 yes, 1 no. Halter voted no.

ORDINANCE NO. 49 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 6 YES, 2 NO. HALTER AND MANSON VOTED NO.

COUNCIL PRESIDENT TOWNSEND – Thank you, Madame Clerk, Ordinance No. 49 has passed.

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 two 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, this is the legislation that would place the income tax increase on the November ballot. We've had much discussion about it. The only addition I want to make into our discussion tonight is that the passage of this legislation in November would singlehandedly also address the issue that some citizens have with the tax credit reduction. This legislation takes care of both because it gets rid of the reduction and replaces it instead with a cap at the 1.8. So while many citizens are confused or maybe not quite sure what is going on I assure you that the credit reduction is a temporary measure to get us to the November election so that we can still operate as a city and if the citizens of Massillon pass this levy then the credit reduction would also go away. That is how the language of the ordinances are written. However if this levy were not to pass then the credit reduction would remain in effect. I just want to clarify that because there's a lot of discussion out there and some people may not quite

understand how the language is there as it was written. With that said it is third reading so if there is no discussion we'd be bring this forward for a vote.

COUNCILMAN LEWIS moved to bring Ordinance No. 56 – 2014 forward for a vote, seconded by Councilwoman Del Rio-Keller.

ORDINANCE NO. 56 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

COUNCIL PRESIDENT TOWNSEND – Thank you, Ordinance No. 56 has passed.

15. SECOND READING 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, at this point I intend to give this second reading I think there needs to be some more discussion on this. This would raise the stormwater fee from \$1.00 to \$2.00 beginning July 1st, 2014. I know there is some concern with just passed street lighting fee and with possibly raising this fee as well. So I think council needs to continue to discuss this so I would just give it second reading.

ORDINANCE NO. 59 – 2014 WAS GIVEN SECOND READING.

COUNCIL PRESIDENT TOWNSEND – Thank you, Ordinance No. 59 has received second 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 is the second part it kind of piggybacks onto the last ordinance this would raise the fee from \$2.00 to \$3.00 beginning January 1st, 2015. I again intend to give this second reading for continued discussion.

ORDINANCE NO. 60 – 2014 WAS GIVEN SECOND READING.

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

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

COUNCIL PRESIDENT TOWNSEND – Okay, is there any new or miscellaneous business? Okay, we have arrived at #17 this is the section of the agenda where people can speak on any topic they wish. If you come to the microphone please give your name, address and the topic you wish to discuss.

RENEE BOGUE – 204 Willow Avenue NE, Massillon. First of all I would like to commend council for voting down the four ordinances to lease city owned land for drilling. Thank you. Tonight I am asking council to ban gas shale drilling also known as fracking on city owned property. This will save residents from asking repeatedly for council to protect our family's health, safety and welfare. Council would not have to deal with every drilling company that comes in and it will send a message to current residents and future homebuyers that our city will not facilitate placing a well on taxpayer owned land or property rather in your neighborhoods. It is the most clear and strongest action council can take. We need to make it clear to drillers that drilling is not a solution for Massillon. Tonight I passed out packets for you included in the packet is a flyer it is the case for a ban on gas fracking. I also have extended information on that and that is presented in the book by the same title and I apologize I only have four copies of these but I'll leave them with council clerk and you may borrow them from her. In fact you may keep those. Also I'd like to point out that I have for you on top from Plain Township a resolution that they urged Ohio General Assembly and the Governor's administration to place a moratorium on the future use of horizontal hydraulic fracturing for shale. And I included this because I just wanted you to see the reasons they use the logic they used and that was done in February 8th in 2011. The second sheet that's stapled is one of the most important thing in this packet it is the actual ban that Plain Township did. And if you humor me I'd like to read two paragraphs: Now therefore be it hereby resolved by Plain Township Board of Trustees, Stark County, Ohio, that there be no fracking on public lands in Plain Township. The Plain Township Board of Trustees in accordance with its responsibility to manage, control and protect the property of Plain Township hereby adopt this resolution to specifically preclude the entering into any agreement, contract and/or lease which allows a party to conduct oil and/or gas exploration, drilling and/or pumping by means of fracking on land, tenants and/or real property owned, controlled, managed or leased by Plain Township. Now therefore be it further hereby resolved by the Plain Township Board of Trustees, Stark County, Ohio, that there be no transfer of mineral rights of Plain Township owned property. The Board of Trustees further directs and ordains that no mineral rights of Plain Township shall be transferred, sold or otherwise encumbered to any party for the purposes of allowing such party to explore, drill and/or pump said property for oil and/or natural gas by means of fracking. I also included the Hartville ban on fracking after that. Thank you very much.

COUNCIL PRESIDENT TOWNSEND – Thank you, is there anyone else?

SCOTT R GRABER – I have the petition in the Clerk's hands could she please present it to the mayor and to yourself for signing I'd like to do that now since the meeting's over.

COUNCIL PRESIDENT TOWNSEND – No, I'm not signing it so...

SCOTT R GRABER – Can I have it back?

COUNCIL PRESIDENT TOWNSEND – Sure, absolutely.

SCOTT R GRABER – She's not going to present it to anybody?

COUNCIL PRESIDENT TOWNSEND – Yeah, we'll give it back. We will give it back to you shortly.

SCOTT R GRABER – If any council member would like to sign it please go ahead and jump in there. No council member wants to sign?

COUNCILMAN CHOVAN – Scott, I think we'll sign it those of us who are willing to will do it after the meeting is over. I'll sign it (okay) but I'll do it after the meeting.

SCOTT R GRABER – I'll be outside, thank you, Milan.

COUNCIL PRESIDENT TOWNSEND – Is there anyone else? Well this concludes tonight's meeting I need a motion to adjourn Councilman Chovan.

18. ADJOURNMENT

COUNCILMAN CHOYAN – I move that we adjourn, seconded by Councilwoman Scassa.

MARY BETH BAILEY, CLERK,

TONY M. TOWNSEND, PRESIDENT



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