

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, DECEMBER 5, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, December 5, 2016. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Auditor, Jayne Ferrero, Chief Deputy Auditor, Debbie Bonk, Law Director Andrea Scassa, Community Development Director, Barb Sylvester, Economic Development Specialist, Dave Maley, Parks & Rec. Director, Kim O'Farrell, and Income Tax/Budget Director, Mike McKee. 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, Jill Creamer, Sarita Cunningham-Hedderly, Dave Irwin, Ed Lewis, Linda Litman and Paul Manson. **(Ward 3 seat is vacant due to Andrea Scassa is now Massillon City Law Director).**

Roll call of 7 present

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I'd like to make a motion that we excuse Councilwoman Starrett. She had a baby last night, a little boy. So, I guess that's good enough reason.

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

7 yes to excuse Councilwoman Starrett.

COUNCIL PRESIDENT ISTNICK – Councilwoman has been excused. Councilman Lewis.

2. INVOCATION

COUNCILMAN LEWIS - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN ED LEWIS – Chairperson of the Finance Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

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

COUNCIL CLERK ROLLAND – Yes they are.

COUNCIL PRESIDENT ISTNICK – Are there any corrections or additions?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Okay. Then the minutes stand approved as written.

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

COUNCIL PRESIDENT ISTNICK – We have arrived at #5. This is the part of the agenda where citizens may speak on a topic that appears on tonight's agenda. If you would like to speak on something, please come to the microphone at this time. Give your name and address for the record and the topic you want to discuss. In addition, please print your name and address on the Sign-In Sheet on the table before you so that your name and address appears correct on our records.

FLEK STOEHR – My wife and I own some property in Massillon and I just wanted to request that you accept Ord. No. 177 – 2016, that you'll be able to pass that this evening so that the sewer easement will make it clear that the City owns the sewer so they can maintain it. We're in the process of replatting the property and when we replat it, we're going to be dividing the sewer in two. So, just for clarity purposes, we hope you'll be able to pass that this evening. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Is there anyone from the audience that would like to come forward and speak on an item that appears on tonight's agenda? Seeing none.

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 175 – 2016 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio to enter into an agreement with Stark County Regional Planning Commission (SCRPC) for housing rehabilitation for the year ending December 31, 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. We had discussion about this last Monday night. Ms. Sylvester explained it all and there weren't any questions. So, if nothing's come up, I intend to move this forward. I make a motion that we waive the rule requiring three separate readings and bring Ord. No. 175 – 2016 forward for passage.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Chovan. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 175 – 2016 has passed. Ord. No. 176 – 2016.

ORDINANCE NO. 174 – 2016 **BY: POLICE AND FIRE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept donations from Wendy's Corporation and from Stark County Area Vocational School District on behalf of the Massillon Fire Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you. As we discussed in our Work Session last week, the Wendy's Corporation wants to donate \$2,000 and the Stark County Vocation School District wants to donate \$118 to the Fire Dept. to be used to purchase some computer workstations for the updated training area. So, this legislation is just to be able to accept those donations. Are there any questions for anybody? Okay, so then I would like to propose that we waive the rule requiring three reading and bring Ord. No. 176 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Irwin. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 176 – 2016 has passed. Ord. No. 177 – 2016.

ORDINANCE NO. 177 - 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE accepting the dedication of sanitary sewer easements on Harsh Ave. S.E.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As discussed at the Work Session, this ordinance is to dedicate the sanitary sewer easement on Harsh Ave. It has already been approved by the City Planning Commission for the replat of this property. Are there any questions? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 177 – 2016 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 177 – 2016 has passed. Ord. No. 178 – 2016.

ORDINANCE NO. 178 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance goes in line with Ord. No. 176. It's the appropriation of the grant that we have accepted. Are there questions or discussion? Seeing none, I make a motion that we waive the rules requiring three readings, bringing Ord. No. 178 – 2016 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 178 – 2016 has passed. Ord. No. 179 – 2016.

ORDINANCE NO. 179 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE reducing the appropriations in the 3109 TIF Service Payment Fund, the 1425 Lincoln Center III Fund and the 3107 Fire Damage Structure Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an ordinance that's fairly typical for December of every year. We are reducing account lines to zero them out so that we can end our year on a zero balance and then these dollars are put into a carryover, of sorts. Are there any questions or discussion for this this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. no. 179 – 2016 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 179 – 2016 has passed. Res. No. 21 – 2016.

RESOLUTION NO 21 – 2016

BY: ENVIRONMENTAL COMMITTEE

A RESOLUTION authorizing the Mayor of the City of Massillon, Ohio, to apply for a "Partners in Watershed Management" Project Assistance Program Grant with the Muskingum Watershed Conservancy District, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN IRWIN – Thank you. As discussed in our Monday's meeting, Dave said that we need, well, they want to go for a grant with the Muskingum Watershed in the City of Massillon. Are there any more questions? If not, I make a motion that we waive the rules requiring three readings and bring Ord. No. 21 – 2016 for a vote.

COUNCIL CLERK ROLLAND – It's a resolution.

COUNCILMAN IRWIN – Resolution No. 21.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 21 – 2016 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

Request for a transfer of Liquor License from Old Carolina Barbecue Co., LLC, DBA Old Carolina Barbeque Co. located at 2482 Lincoln Way E., Massillon, Ohio 44646 to Smoke the Burger Joint, LLC, DBA Smoke the Burger Joint located at 15 Tommy Henrich Dr. N.W., Massillon, Ohio 44647. Permit Class D1. Located in Ward 2.

9. **BILLS, ACCOUNTS & CLAIMS**

10. **REPORTS FROM CITY OFFICIALS**

Auditor's Report – November 2016

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

7 yes to accept the Auditor's Report.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Auditor's Report has been accepted.

11. **REPORTS OF COMMITTEES**

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, December 12, 2016 at 6:30 p.m. Does anyone else have anything?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Madam President? I just wanted to make a comment on last night resumption of the Candlelight Walk through the City and it was absolutely beautiful. St. Paul's was great. It was a wonderful thought even though a lot of the people walked in the sleet, it was still a lot of fun. So, I'm glad to see that resumed.

COUNCIL PRESIDENT ISTNICK – Thank you. The Mayor had the Lincoln Theatre for the "Polar Express" movie for a lot of children and I attended it with my grandchildren. It was a lovely event as well.

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

13. **CALL OF CALENDAR**

14. **THIRD READING OF ORDINANCES & RESOLUTIONS**

ORDINANCE NO. 149 – 2016

BY: PARKS & RECREATION COMMITTEE

AN ORDINANCE authorizing the Massillon Recreation Center to offer all City employees who are eligible for healthcare benefits a complimentary membership to the Massillon Recreation Center, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. I would like to make a motion to amend Ord. No. 149 – 2016 based on the discussion that we had at the last Work Session. I believe everyone has received a copy of that amended ordinance.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call to amend.

7 yes to amend Ord. No. 149 – 2016

COUNCIL PRESIDENT ISTNICK – Ord. No. 149 – 2016 has been amended.
Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As discussed, there has been some changes to this ordinance. Does anyone have any questions regarding this amended ordinance?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – The only thing I'll have to say tonight is that as I voiced at the last meeting, I'm still at this point and time opposed. I'm not saying that I would never be in favor of it, but, with the information that as was given to me today, I'm opposed primarily because I have not received any numbers showing me the financial benefit to the City through cost projections for decreased in health care cost or what not as is being projected to us that would happen and I also don't see...we tend to like to look at everything now in big packages or big plans and I don't see a wellness plan that the City has developed and put before us. It's just a piece that's being thrown out there and if we're going to do something like this, I'd like to see a wellness plan with ideas of how this would bring savings. So, it's not that I'm necessarily opposed to it right now or forever, I'm just opposed to it currently because I don't have enough information before me. So, for that reason I would be voting "no" this evening.

COUNCILWOMAN CREAMER – Is there anyone else that has any questions? Our Director O'Farrell is here to answer any questions that anyone may have. Seeing none, I'd like to make a motion to waive the rules requiring three readings and bring Ord. No. 149 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call to suspension.

6 yes for suspension; 1 no – Councilman Lewis voted "no"

COUNCIL PRESIDENT ISTNICK – And for passage.

5 yes for passage; 2 no – Councilwoman Cunningham-Hedderly & Councilman Lewis voted "no"

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 149 – 2016 has passed. Ord. No. 150 – 2016.

ORDINANCE NO. 150 – 2016 **BY: PARKS AND RECREATION COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to sell and transfer certain property bounded by 1st St. S.E., Lincoln Way E., the Massillon Museum, and Diamond Ct. S.E. to the Community Improvement Corporation of Massillon (CIC).

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. This ordinance is requesting approval by Council to sell and transfer the lot in front of the Massillon Museum. As discussed at the Work Session last Monday, the Law Director is still working gathering the documents needed for this ordinance. So, I would like to table this ordinance until December 19, 2016. Are there any questions?

COUNCIL PRESIDENT ISTNICK – Do we need a roll call for that?

COUNCIL CLERK ROLLAND – Yes.

COUNCIL PRESIDENT ISTNICK – Roll call to table Ord. No. 150.

COUNCILMAN MANSON – First, I think we need a second.

COUNCILMAN CHOVAN – We need a second.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Chovan.

COUNCILMAN LEWIS – This is to suspend or just to vote on it?

COUNCILMAN CHOVAN – To table it.

COUNCIL CLERK ROLLAND – This is to table it.

COUNCILMAN LEWIS – To table it until the 19th?

COUNCIL PRESIDENT ISTNICK – Yes.

7 yes to table Ord. No. 150 – 2016 until December 19th.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 150 – 2016 has been tabled. Ord. No. 152 – 2016.

ORDINANCE NO. 152 – 2016 **BY: FINANCE COMMITTEE**

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I would like to make a motion that we table this Ord. No. 152 – 2016 until the December 19, 2016 Council Meeting.

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

7 yes to table Ord. No. 152 – 2016 until December 19, 2016.

COUNCIL PRESIDENT ISTNICK – Ord. No. 152 – 2016 has been tabled. Ord. No. 155 – 2016.

ORDINANCE NO. 155 – 2016 **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing credit card use by various departments within the City of Massillon, Ohio, in compliance with the credit card policy established by the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We've been discussing this for about six weeks now. Are there any questions or discussion? The Auditor is on hand. Seeing none, I make a motion that we vote on Ord. No. 150 – 2016.

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

7 yes for passage

COUNCILMAN LEWIS – Madam President?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I miss spoke. My motion for Ord. No. 155. I may have said 152. I just want to make sure that the record reflects that that was my intention.

COUNCIL PRESIDENT ISTNICK – Council Clerk, do you have No. 155?

COUNCIL CLERK ROLLAND – Yes.

COUNCIL PRESIDENT ISTNICK – Yes. Thank you.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 155 – 2016 has been passed. Ord. No. 158 – 2016.

ORDINANCE NO. 158 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE amending Ordinance No. 143 – 1976 by repealing Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and enacting a new Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and repealing Ordinance No. 172 – 2014, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion that we table Ord. No. 158 -2016 until the December 19th Council meeting.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. Roll call for tabling Ord. No. 158.

7 yes to table Ord. No. 158 – 2016 until December 19, 2016

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 158 – 2016 has been tabled.

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 ISTNICK – It’s an awfully big audience. No one wants to come up and talk?

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Litman.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT