

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, TUESDAY, FEBRUARY 16, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, February 16, 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, Perry Stergios, Chief Engineer, Keith Dylewski, 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 Andrea Scassa.

Roll call of 7 present

COUNCIL PRESIDENT ISTNICK – I need a motion to excuse Councilman Manson and Councilwoman Starrett and a second. Councilwoman Litman. Seconded by Councilman Irwin. Roll call to excuse Councilman Manson and Councilwoman Starrett.

7 yes to excuse Councilman Manson and Councilwoman Starrett

2. INVOCATION

COUNCILMAN IRWIN - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN DAVE IRWIN – Chairperson of the Environmental 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 additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Then the minutes stand as approved.

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.

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 24 – 2016

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract upon award and approval of the Board of Control with the lowest and best bidder for the removal and disposal of sludge at the Wastewater Treatment Plant, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN IRWIN – Yes. We discussed this last week. I guess it's an ongoing thing. The contract is due to expire, so, I would like to waive the rules requiring three readings and bring it to vote today. Any questions? Okay.

COUNCIL PRESIDENT ISTNICK – Is there a second? 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. Ord. No. 24 – 2016 has passed. Ord. No. 25 – 2016.

ORDINANCE NO. 25 – 2016

BY: PARKS & RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract upon award and approval of the Board of Control with the lowest and best bidder for the repairs of the men's and women's locker rooms at the Massillon Recreation Center, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As previously discussed, we received a list of repairs for the men's and women's locker rooms at the Recreation Center that need to be repaired. Is there any discussion? Anyone? Well, seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 25 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. 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. 25 – 2016 has passed. Ord. No. 26 – 2016.

ORDINANCE NO. 26 – 2016

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Sections 2 and 4 of Ordinance No. 47 – 2013, appointing the City Records Custodian, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Yes, thank you, Madam President. This is just legislation to amend the appointment of Ken Koher as the City Records Custodian to appoint Mike McKee, who is here with us tonight, to be the City Records Custodian and we would ask that if there's no discussion on that then we would waive the three readings as well.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILWOMAN LITMAN – Oh, you have a question.

COUNCILMAN LEWIS – Yes, just a quick question. It's a formality for Mr. McKee or Mr. Smith, whoever wants to answer. Mr. Smith. As records, Mr. McKee would then be responsible for all public records requests?

JOEL SMITH – That's correct.

COUNCILMAN LEWIS – Has he in his past or will he be in the near future going under any training to make sure he's up-to-date with current standards?

JOEL SMITH – He just went to a seminar last weekend where he got quite a bit of information related to public records and I can't answer for his previous positions what training he had. We could bring him up and he could talk about it.

COUNCILMAN LEWIS – I just wanted to make sure that's at least in the forefront of our minds that if there is anything that maybe he's not up-to-date on that we, as a City, get him the tools that he needs to do his job.

JOEL SMITH – We absolutely will and again, he just went to a seminar last weekend and that was one of the topics that went to that seminar for was the public records section. We're confident in his ability to take the job.

COUNCIL PRESIDENT ISTNICK – Are there any other questions or comments for Councilwoman Litman? Do you have a second? 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. 26 – 2016 has passed. Ord. No. 27 – 2016.

ORDINANCE NO. 27 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE accepting the dedication of road right of way and easement areas for Westbrook Estates Phase 4, Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As previously discussed, this is to accept the dedication of the road right of way and easement areas for Westbrook Estates Phase 4. It was approved in January by the City Planning Commission for the dedication and the replat for the property located on Alpha Street, Millrace Street, as well as new streets, May Avenue and Samuel Court. Approximately it's going to creating 29 new residential lots. Does anyone have any questions or discussion? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 27 – 2016 forward for a vote.

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. 27 – 2016 has passed. Ord. No. 28 – 2016.

ORDINANCE NO. 28 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE accepting the dedication of road right of way and easement areas located at the end of Vista Drive S.E., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As previously discussed, this legislation is to accept the dedication and replat for the property of the Massillon Cemetery Association in the State of Ohio located at the end of Vista Dr. S.E. Is there any question or discussion regarding this ordinance? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 28 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. 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. 28 – 2016 has passed. Ord. No. 29 – 2016.

ORDINANCE NO. 29 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE amending Ordinance No. 88 – 2014 to reflect the correct attachment for the Salary and Wage Schedules for the Non-Bargaining Unit, Classified and Unclassified Employees and Supervisors, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is what we discussed at the Work Session where we were trying to fix up some errors that were in the classification schedules that we're supposed to be using and this would make the corrections. We did have questions as to whether or not we should be amending or repealing. I believe we settled and, correct me if I'm wrong, to just go forward with the amendment. Is that correct? Okay. With that being said, are there any questions or discussion over this piece of legislation this evening? Alright. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 29 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Scassa. 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. 29 – 2016 has passed. Ord. No. 30 – 2016.

ORDINANCE NO. 30 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. There are three appropriations within this ordinance. The first one is \$60,000 to Storm Sewer Repairs throughout the City. Then we have a \$30,000 for catch basins and storm sewers as they become needed throughout the City, repairs throughout the City. And then we have a third one for \$9,650 and this is specifically for the storm sewer located at 8th St. N. E. Are there any questions or comments this evening? Seeing none, I make a motion that we suspend the rules requiring three readings bringing Ord. No. 30 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Scassa. 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. 30 – 2016 has passed. Ord. No. 31 – 2016.

ORDINANCE NO. 31 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1414 Collection System Improvement Fund and the 1421 Wastewater Treatment Upgrade Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd like to call the City Engineer forward please.

COUNCIL PRESIDENT ISTNICK – Thank you. Keith Dylewski.

KEITH DYLEWSKI – Madam President, Council, Mr. Lewis.

COUNCILMAN LEWIS – Yes, thank you. The \$15,000 for sanitary sewer improvements, would you like to briefly detail what the improvements would be?

KEITH DYLEWSKI – Sure. There's a sanitary sewer issue that has been brought to our attention on Pearl Ave. on the southeast side that needs some attention. So, that's going to be going towards that project.

COUNCILMAN LEWIS – Thank you. And then the \$975,000 in Section 2 of this ordinance is simply acting, essentially, as a pass-thru so that we can pay the consultants, correct?

KEITH DYLEWSKI – Correct. It's for the portion of the upgrade project for the

treatment plant.

COUNCILMAN LEWIS – Are there any other questions or comments from members of Council for the City Engineer? Thank you.

KEITH DYLEWSKI – Thank you.

COUNCILMAN LEWIS – Are there any questions or comments in general pertaining to this ordinance? With that, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 31 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Scassa. 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. 31 – 2016 has passed. Ord. No. 32 – 2016.

ORDINANCE NO. 32 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept a private donation for snow removal and to be deposited into the 1201 Street Department Fund, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance pertains to the donation that the City has received from private citizens in the amount of \$562 to go towards snow removal in our City. That money will be deposited into an account line item that only allows for it to be used for that purpose. It is not earmarked for any specific area of the City, but for general snow removal throughout the City. Are there any questions or comments? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 32 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Scassa. 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. 32 – 2016 has passed.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

9. **BILLS, ACCOUNTS & CLAIMS**

The Repository - \$1,502.80 – Publication of December Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Scassa. Roll call to pay the bills.

7 yes to pay the bills

10. **REPORTS FROM CITY OFFICIALS**

Treasurer's Report for January 2016

11. **REPORTS OF COMMITTEES**

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. There will be a Parks & Recs. Meeting next Thursday, February 18, 2016 at 6:00 p.m. at the Rec. Center.

COUNCIL PRESIDENT ISTNICK – Anyone else? Our next Work Session will be Monday, February 29, 2016 at 6:30 p.m. because there are 5 Mondays in this month.

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

13. **CALL OF CALENDAR**

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

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

16. **NEW & MISCELLANEOUS BUSINESS**

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

JOHN MUHLBACH – Thank you. I live at 2714 Millridge Path N.E., Massillon, OH and I'm here tonight on behalf of the Better Massillon Committee and just wanted to thank you for your support on Issue #4 and your unanimous endorsement at your last meeting. We sure do appreciate that. The committee is working very hard and anything that you could do, any suggestions you may have, we would sure appreciate it. We need the help of everybody on this and this is something that we can do, but it's going to be a real challenge. I know all of you are busy, but please take time to think about this and give either Tom Ferrero or myself a call and we would love to hear your thoughts and try to really do a nice job with this. So, I thank you for your support and we look forward to this and thank you for all the good work you do for our City. We appreciate that and may God bless all you and thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Muhlback. Is there anyone else that would like to get up and speak on something not on the agenda? Councilman Irwin.

18. **ADJOURNMENT**

COUNCILMAN IRWIN – I make a motion that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Meeting adjourned.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT