

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, JULY 17, 2017**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, July 17, 2017. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Law Director, Andrea Scassa, Economic Development Specialist, David Maley and Income Tax/Budget Director, Barb Sylvester. On the wall to your left are agendas for anyone who wishes to follow tonight's meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham, Yvonne Daniels, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson and Megan Starrett.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I make a motion that we excuse Councilwoman Creamer.

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

8 yes to excuse Councilwoman Creamer

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilwoman Creamer has been excused.

2. INVOCATION

COUNCILMAN LEWIS - Gave the invocation for tonight.

3. 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 – No, they are not. I'm still transcribing them. They should be posted on the website first thing in the morning.

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

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 76 – 2017

BY: HEALTH, WELFARE & BLDG. REGS. COMMITTEE

AN ORDINANCE amending Chapter 1331 "REGISTRATION OF VACANT BUILDINGS" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This indicates that we are recommending some changes to Chapter 1331 that would pertain to definitions of abandoned and vacant buildings. It would also recommend a registration fee as well as penalties that would be incurred if a registration of vacant and abandoned buildings would not occur. We all received an Exhibit "A". As you can see by Ord. No. 76 – 2017, it refers to an Exhibit "A". Dave Maley provided that to us in our last Work Session as well as noted in red and blue, the

changes that were recommended. I was actually going to just request first reading this evening. Would anyone like any discussion today?

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. I strongly encourage you to go with first reading. I have some, a number of questions about this.

COUNCILWOMAN LITMAN – I would agree. We'll just go ahead and just give first reading this evening.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I was wondering if we should have maybe some people here from the Code Enforcement area or some of those areas that would be related to this stuff. Or is the Safety Service Director satisfactory. I think we need to have some serious discussion about this.

COUNCILWOMAN LITMAN – Well, I would think that at our next Work Session that that would certainly be an appropriate time to do so. We can speak with Dave and Joel and if you'd like other members to be present, we can certainly arrange for that too. Okay then, we'll just request first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 76 – 2017 has received first reading. Ord. No. 77 – 2017.

ORDINANCE NO. 77 – 2017

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE accepting the replat and dedication of easements plat located at the intersection of Erie St. S. (Route 21) and Warmington Rd. S.E.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance deals with accepting the replat of easements in the area of Friends & Family Credit Union over by Menard's, in that area. I do believe this is, as was indicated at the last Work Session for a possible Dunkin' Donuts that will be going in in the future. This was approved by the City Planning Commission on June 14th. Any questions or discussion? Seeing none, at this point I would ask to waive the rules requiring three readings and bring Ord. No. 77 – 2017 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 77 – 2017 has passed. Ord. No. 78 – 2017.

ORDINANCE NO. 78 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1202 State Highway Fund, for the year ending December 31, 2017.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance, as discussed at our last Work Session, is in regards to the controllers where the light boxes at certain intersections, the intersections were described to us in the list that was provided. One light was from 1945 and then we have some newer ones. I did make a recommendation that '45 might want to go into the possession of the museum since it's been around for so long. It's something to us, I don't know what, but it's something. Is there any other discussion? I intend to move it forward for a vote this evening. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 78 – 2017 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 78 – 2017 has been passed. Ord. No. 79 – 2017.

ORDINANCE NO. 799 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2017 appropriations from within the 1100 General Fund, for the year ending December 31, 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is a transfer within the appropriations with our Clerk of Courts. It is to balance their budget with a new hire that they have throughout the course of the year for \$1,150 balancing. They're just putting money into, essentially, the benefits line item for that person. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 79 – 2017 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 79 – 2017 has passed. Ord. No. 80 – 2017.

ORDINANCE NO. 80 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell city owned vehicles that are no longer needed for any municipal purposes.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is fairly standard. We do it, it seems like we do it at least once a year where we have older vehicles that we need to unload from the City's asset list. Are there any questions or discussion? There was a list provided at the last Work Session of exactly what vehicles were being considered. Seeing no questions or discussion, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 80 – 2017 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 80 – 2017 has passed. Res. No 8 – 2017.

RESOLUTION NO. 8 – 2017

BY: FINANCE COMMITTEE

A RESOLUTION directing the Stark County Board of Elections to conduct an election at the General Election on November 7, 2017, for the purpose of providing the question of the approval or disapproval of the issue of a renewal of a one (1) mill operating levy and a half (.5) mill additional increase to the operating levy to provide funding for the Massillon Museum which is operated by the Massillon Museum, Inc., a non-profit corporation, commencing January 1, 2018, first due in calendar year 2019, for a period of five (5) years, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the second piece we have done now for this particular levy for the benefit of the local museum. As discussed at the Work Session, we had to first do the tax evaluation piece which we passed at the last Regular Meeting. Now, this is to permit the museum to place the initiative on the ballot for this fall. It is time sensitive. Are there any questions or discussion this evening? I do know there were some minor adjustments made by the Law Director to make sure everything was in compliance with the requirements of the Board of Elections, but the basic language has remained the same. Seeing no questions or discussion, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 8 – 2017 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 8 – 2017 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

Request for a New Liquor License by Family Dollar Stores of Ohio, Inc., DBA Family Dollar 1280 located at 2200 Lincoln Way W., Massillon, Ohio 44647. Permit Class is C1 and is located in Ward 6.

9. BILLS, ACCOUNTS & CLAIMS

| | | | |
|---------|---|-----------|---|
| Copeco | - | \$ 293.27 | Contract Base Rate 06/01/17 to 08/31/17 |
| Norlson | - | 39.50 | Old Invoice for Cassette Tapes |
| | | \$ 332.77 | |

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

8 yes to pay the bills

10. REPORTS FROM CITY OFFICIALS

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session is going to be next Monday, July 31, 2017 at 6:30 p.m. We will be off the week of July 24th. Councilman Lewis.

COUNCILMAN LEWIS – Yes. I do want to make a report from the Finance Committee. I did hear from the City Auditor today and she is recertifying more dollars for our 2017 appropriations. It is \$260,000 for the 1201 Street line item and \$275,000 to the 1100 General Fund. So, I'm sure we'll be receiving other notices in reference to that. But those monies have been recertified.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else? Councilwoman Litman.

COUNCILWOMAN LITMAN – I just have a question. Is there any audit meeting tomorrow at 10:00 a.m.?

COUNCILMAN LEWIS – Not that I was made aware of. Oh, the Safety Service Director is saying "yes".

COUNCILWOMAN LITMAN – Thank you.

COUNCILMAN LEWIS – That is with the State Auditor and it will be in the Council Chambers.

COUNCIL PRESIDENT ISTNICK – Any other questions or concerns?

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 55 – 2017

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the donation of parcel #600750, located at 248 Erie St. S., Massillon, Ohio, from property owner, Shirley Green, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. Thank you, Madam President. We've been discussing this now, I think, four or five weeks, maybe six. This is being given to us. There are two pieces down there that we're going to be acting on. One that is being given to us and the other one we're purchasing. I just recommend that we bring this forward for passage.

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

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam President. Ord. No. 55 – 2017 has passed. Ord. No. 56 – 2017.

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to purchase vacant land located on Erie St. S., parcels #609306, #609307 and #609308 from property owners Donald Peters and Gregory Pedrotty, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. Thank you, Madam President. We've had a lot of discussion about this. We talked about the price and the value and I don't think it's way out of the ball park or anything like that. It's not like we're paying \$200,000 for a tenth of an acre downtown. So, I will be encouraging everybody to pass this.

COUNCIL PRESIDENT ISTNICK – Any questions or concerns? Roll call.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 56 – 2017 has passed. Ord. No. 61 – 2017.

AN ORDINANCE amending Section 2 (D) OCCUPATION LIST OF CLASS TITLES – of Ordinance No. 127 – 1997 by amending Section 2 (D) OCCUPATION LIST OF CLASS TITLES – 210 INCOME TAX DEPARTMENT and eliminating positions in Section 2 (D) OCCUPATION LIST OF CLASS TITLES – 610-615 WASTEWATER TREATMENT DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Daniels.

COUNCILWOMAN DANIELS – Thank you, Madam President. There's been a lot on this, so, I'm going to ask Mr. Smith to come up.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith.

JOEL SMITH – This amendment was brought forth by the Administration and a request to change the Occupational List of Job Class Titles. Since we originally proposed it, we did offer an amendment to this legislation as was discussed in our Work Session with Council. We did follow Council's recommendations on this and made the changes that Council members were asking for. So, I believe we have to vote to amend the form as it currently exist.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Just as a brief overview. From looking over the document that the Safety Service Director provided us at the last Work Session, from my understanding, the position of Budget Director is now wholly contained in the Income Tax Dept. and we have eliminated the roles that are covered under the Wastewater Treatment and we have eliminated that 25S position that was under the Mayor's item and that is all now consolidated in the Income Tax Dept. There will also be a financial piece that I'm sure the Safety Service Director will be getting to us shortly, as well. Because by taking this position out of Wastewater. Wastewater was contributing in part to the salary and now the General Fund will have to make up that difference. So, that's kind of the breath of that. But yes, we would absolutely have to make a motion to amend to meet the change to the exhibit that was provided by the Safety Service Director and if no one has questions and if Yvonne doesn't mind, I'll let that stand as my motion.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – (Inaudible).

COUNCIL PRESIDENT ISTNICK – Do we need a second for third reading of ordinances?

COUNCILMAN LEWIS – I snuck an amendment in there. A motion to amend.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – I'm seconding the motion to amend.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Chovan. Are there any questions? Roll call for the amendment.

8 yes to amend

COUNCIL PRESIDENT ISTNICK – Ord. No. 61 – 2017 has been amended. Are there any questions or concerns? Councilwoman Daniels.

COUNCILWOMAN DANIELS – Thank you, Madam President. I'd like to make a motion that we waive the rules requiring the three readings and bring Ord. No. 61 – 2017 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 61 – 2017 has passed. Ord. No. 66 – 2017.

ORDINANCE NO. 66 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to establish salary and wage schedules for the MASSILLON POLICE DEPARTMENT, UNCLASSIFIED EMPLOYEES and SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) – CLASSIFIED EMPLOYEES, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is reference to the 2% pay raise for all employees within the City of Massillon. This is a direct response to the arbitration that our unions went into with our Administration and the arbitration did side with the 2% raises for our employees. So, we are somewhat obligated to do this. We did let it go for three readings that way we could have public input if needed. Is there any question or discussion this evening?

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I would just like to clarify that if that's full-time employees versus part-time?

COUNCILMAN LEWIS – Yes, full-time employees.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd like to make a motion that we bring Ord. No. 66 – 2017 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Roll call.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 66 – 2017 has passed.

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

ORDINANCE NO. 67 – 2017

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract along with OHM Advisors for engineering services for the design through the public bidding process for the Lincoln Way Streetscape Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 67 – 2017 has received second reading. Ord. No. 68 – 2017.

ORDINANCE NO. 68 – 2017

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from B-3 General Business District to I-1 Light Industrial District, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. Will be having a hearing on this on August 7th. I don't anticipate a lot of problems here, so I was going to set the time at 6:10 p.m. if that's okay with everybody. We'll go with 6:10 p.m. for the public hearing and we will probably move forward on it that night, but not the following meeting. Second reading.

COUNCIL PRESIDENT ISTNICK – Ord. no. 68 – 2017 has received second reading. Ord. No. 70 – 2017.

ORDINANCE NO. 70 – 2017

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Sections 2 and 4 of Ordinance No. 1 – 2017, appointing the City Records Custodian, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Daniels.

COUNCILWOMAN DANIELS – Thank you, Madam President. I'm going to ask for second reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Daniels. Ord. No. 70 – 2017 has received second reading. Ord. No. 72 – 2017.

ORDINANCE NO. 72 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1241 Enterprise Zone Fund and the 1100 General Fund, for the year ending December 31, 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 72 – 2017 has received second reading. Ord. No. 74 – 2017.

ORDINANCE NO. 74 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2017.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 74 – 2017 has received second reading.

16. NEW & MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – I think this might be where I make my pitch for the 10th Annual Amanda Cunningham Memorial Band Scholarship Benefit which will be next Wednesday the 26th from 4:00 p.m. to 9:00 p.m. at BW3's. I'd like to see everybody there and if you want to wear your badges that you're running for Council, that's okay with me too. But we had over 400 people last year. So, it could be the place to be. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

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

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Seeing none, Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK

CLAUDETTE ISTNICK, PRESIDENT