

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, TUESDAY, JULY 5, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, July 5, 2016. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Services Director, Joel Smith, Economic Development Specialist, Dave Maley, Income Tax/Budget Director, Mike McKee and Robert Zedell, representing the Law Director. 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. We also have in attendance with us Mayor Kathy Catazaro Perry and Safety Service Director, Joel Smith.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham-Hedderly, Dave Irwin, Linda Litman, Paul Manson, Andrea Scassa and Megan Starrett.

Roll call of 7 present

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. I make a motion that we excuse Councilwoman Creamer and Councilman Lewis.

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

7 yes to excuse Councilwoman Creamer and Councilman Lewis.

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 corrections or additions?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Thank you.

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.

BILL WEAVER – 28 Lincoln Way E., Massillon, Ohio. I want to talk to you about my case that's been before all of you for 6½ months. On December 18, 2015, I installed a storage barn behind my store located at 28 Lincoln Way E. in downtown Massillon. At the time, I thought the location of the barn that it was placed on belonged to Fuzzy Kowell. I was later informed by the City Dept. that the barn was, in fact, on the City's property. I immediately began looking for a resolution to this matter. I offered to rent the space from the City and was denied. I was informed that I needed to go apply for a variance. I paid the \$75.00 for the variance hearing, at the hearing I was denied the variance after hearing the Committee talking about how Council wanted this one sent to them, very important. Mr. Mason had already gotten to those people. He was in attendance at that meeting. I have since spent the last 6 months trying to make this situation right. But it has been met with continuous public ridicule and public chastation at these meetings from Councilman Paul Manson. Mr. Manson had made it his mission to try to make sure that this situation is not resolved in my favor. At the last Work Session meeting, the Safety Service Director, Joel Smith, jokingly asked me if I would pay more than \$60,000 for the closed Wales Rd. fire station, to which I answered "No". But not before Mr. Manson said "Don't ask him". Actually, it was an appropriate question because I had approached the City Government about using that building to store the holiday Christmas lights, tables and chairs for the Downtown Massillon Association and I was told that that building was uninhabitable and that we could not use it for that reason. That is what made it necessary to get the storage barn. The holiday decorations are now stored in a different City facility and the tables and chairs are in my storage barn. I'm shaking, I'm so angry. Mr. Mason has made it his mission saying that the Historic Preservation Commission will never allow this structure downtown and that Council should also talk to the Massillon Fire Dept. concerning whether or not this all steel structure would be some sort of a fire hazard. I would think that the all wood storage barn located behind the fire station would be a bigger fire hazard. I pointed out that there are more than 8 wooden storage buildings in downtown Massillon already. After speaking with the Historic Preservation Commission, they met and voted unanimously in my favor and that's when Mr. Manson said publicly at a City Council meeting that I have entered into a \$50.00 per month lease for the proposed space to put the storage barn and then adding that the City should be charging me for the time the storage barn has been sitting on City property. If that were the case, I would be willing to pay approximately half of the rent for the last 6½ months as it has been Mr. Manson's fault for delaying this process at every turn. This could have been settled months and months ago had Mr. Manson even been willing to compromise. So Mr. Manson, if you cough up \$150.00, so will I. At one Council meeting, Mr. Manson publicly chastised me for sitting on an office chair near the Council Clerk's desk after I'd had permission from that Council Clerk to sit there. Mr. Manson accused me of costing the City money and taking up a lot of time with the City Council when, in fact, it has been Mr. Manson who has pursued this action for more than 4 months. For my part in this whole thing, I apologize to everyone involved, but I strongly feel that it is Mr. Manson who owes an apology to City Council, the City Administrators and to me for dragging out this whole process for his own vindictive reasons. I am respectfully asking City Council to reverse the decision of the Variance Committee and allow the storage barn to be moved to the leased lot behind Duncan's Jewelers. Whether I prevail on this action or not, no citizen deserves to be treated like this by an elected councilman who instead of working for resolution, uses his powers to both hinder and drag out the process for his own reasons. Thank you.

COUNCIL PRESIDENT ISTNICK – Mr. Weaver?

BILL WEAVER – Yes ma'am.

COUNCIL PRESIDENT ISTNICK – Do you have a copy of that to give to the Council Clerk?

BILL WEAVER – Yes ma'am.

COUNCIL PRESIDENT ISTNICK – Did you sign sheet?

BILL WEAVER – No, I'm sorry.

COUNCIL PRESIDENT ISTNICK – Is there anyone else that would like to speak on something on tonight's agenda?

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 90 – 2016 BY: **STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Dept. of Transportation (ODOT), for the STA-30/627-6.70/0.17 fine graded polymer AC overlay project, PID 84627, for the year ending December 31, 2016; and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is an ordinance allowing ODOT to do some work on SR 30 in the City of Massillon. This project would be 100% funded by ODOT; no City funds would be used in this project. It's just to do some repaving work on that area of SR 30. Are there any questions or concerns about this ordinance tonight? We had a couple of these about a month ago, same thing. They just need permission in order for ODOT to move forward. Seeing no questions, seeing no concerns, at this time I would ask that we waive the rule requiring three readings and bring Ord. No. 90 – 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 – Ord. No. 90 – 2016 has passed. Ord. No. 91 – 2016.

ORDINANCE NO. 91 – 2016 BY: **FINANCE 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 purchase of various materials, chemicals and fertilizers for the Streets Dept., The Legends of Massillon Golf Course, the Parks and Recreation Dept. and the Wastewater Treatment Dept., and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you, Madam President. As was discussed at last week's Work Session, this ordinance is to authorize the Safety Service Director to go out to bid and then to enter into contract for these materials. It was discussed that the reason why it's for The Legends, Park & Rec. Dept., Wastewater Treatment and the Street Dept. is we get a better rate when we go out to bid in bulk like this. So if anyone has any further questions, I will call up our Safety Service Director. Does anyone have any further questions or concerns? No, okay. Seeing none, I would make a motion that we waive the rules for three readings, suspend the three reading and vote for passage on Ord. No. 91 – 2016 this evening:

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 – Ord. No. 91 – 2016 has passed. Ord. No. 92 - 2016.

ORDINANCE NO. 92 – 2016 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you, Madam President. This is from the Park & Rec. Fund. That's where the money is coming out of and again, the Safety Service Director explained to us that this \$25,000 is to go to sand traps to revamp them and make them on par with where our golf course needs to be. Does anyone have any questions for the Safety Service Director concerning this? It was approved by the Park & Rec. Board and they also would like for us to pass it on first reading, I would imagine. I'm not a golfer, but so that this can be done during golf season. Does anyone have any questions, concerns?

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I don't know if you want to ask Joel to come up for me? I'm sorry, I wasn't here last week to know what you were actually purchasing with this. What are you doing with the sand traps?

JOEL SMITH – The purpose of this \$25,000 that the Board approved is to improve the sand traps on the golf course. The Legends Golf Course, as I explained last year, is in tremendous condition. Greg Myers and Carrie Lowery have done a tremendous job of bringing that golf course up to really one of the finest courses in the County; public courses. The sand traps are in really bad condition. I've played it a couple of times in the last couple of weeks and I can attest to that. If you're not a golfer, maybe you don't totally understand this, but the traps are really bad to the point where we were lifting our balls out of the traps rather than play them. What they want to do with this money is put about three inches of sand and it's a specialty sand for the sand traps and all the green side bunkers and then they'll grind them up and make them more playable. So if you're a golfer, you truly understand what I'm talking about. But this a necessary investment in the course. The Park Board agrees with that. Obviously, Greg Myers, our course management person and then Carrie Lowery, the course supervisor and manager, they both feel that this is really needed. So that's what the money is paying for.

COUNCILWOMAN LITMAN – Do we actually bid out this kind of service?

JOEL SMITH – It's \$25,000. You're not required to bid out unless it gets to the \$50,000. There's not many companies that can provide this sand that they use for the golf course bunkers. I would say there's a very limited number of companies that provide it. But I can't answer if they got multiple bids. I don't know the answer to that. I'm assuming that they did, but again, I would say there's very limited number of companies that would provide this.

COUNCILWOMAN LITMAN – So you feel it's a reasonable cost for the services that they'll be providing?

JOEL SMITH – I absolutely do. I think that this is needed to make our course as good as it can be and again, these sand traps are really in poor condition.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith.

COUNCILWOMAN SCASSA – Did anyone else have any concerns or comments? Okay. I would also be making a motion here to suspend the rule requiring three readings and bring forward Ord. No. 92 – 2016 forward for passage.

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 – Ord. No. 92 – 2016 has passed. Ord. No. 93 – 2016.

ORDINANCE NO. 93 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a grant from Walmart for the Massillon Police Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you, Madam President. The next two ordinances are related. This first ordinance is allowing the Police Dept. to accept a local grant. The \$1,500 from Walmart. We have accepted this grant in the past from Walmart and it's always been to purchase cameras. So, Chief Moser was here last week and explained to us that the goal is to get a camera in each officer's vehicle so that they have that when they go out on calls. They go out on accidents that they have that camera there so that they can take pictures, if necessary, for evidence in their cases. So, again, like I said, we've accepted this grant from Walmart in the past, that's what this first ordinance does is simply accepting the grant from Walmart for the cameras. So, if anyone has any questions, I can call up the Safety Service Director. Seeing none, I make a motion to suspend the rule requiring three readings and bring Ord. No. 93 – 2016 forward for passage.

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 – Ord. No. 93 – 2016 has passed. Ord. No. 94 – 2016.

ORDINANCE NO. 94 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1215 Law Enforcement Local Grant Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you, Madam President. This is the second component. This is legislation that allows the Police Dept. to appropriate the \$1,500 from that grant that was just passed. And again, so that they can purchase the digital cameras for the officers. Does anyone have any questions about the second piece?

Seeing none, I make a motion to suspend the rule requiring three readings and bring forward Ord. No. 94 – 2016 forward for passage.

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 – Ord. No. 94 – 2016 has passed. Ord. No. 95 – 2016.

ORDINANCE NO. 95 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2016 appropriations from within the 1100 General Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you, Madam President. This transfer is in the amount of \$23,200. If you look at your legislation that was presented to us, you can see the accounts that it is being transferred from. The Mayor's line item, Fire's line item to Safety Service Director and to the Building Dept. This request is being needed to realign funds to pay for health benefits for the end of this year. So, unless anyone has any questions on this legislation, I will be making a motion to suspend the rule requiring three readings and bring forward Ord. No. 95 – 2016 forward for passage.

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 – Ord. No. 95 – 2016 has passed.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

9. **BILLS, ACCOUNTS & CLAIMS**

The Repository - \$ 571.20 - Publication of April Ordinances

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – I make a motion to pay the bills.

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

7 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Then we should pay the bills.

10. REPORTS FROM CITY OFFICIALS

Mayor's Report – May 2016

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, July 11, 2016 at 6:30 p.m.

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 74 – 2016

BY: PARKS & RECREATION COMMITTEE

AN ORDINANCE approving the proposed rate increase for Massillon tax payers and non-tax payers for the regular and deluxe birthday party packages at the Massillon Recreation Center, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham-Hedderly.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – This is third reading this evening. We have discussed this at several Work Sessions on the proposed price hike. So, I'd like to bring forward. If there aren't any questions or concerns, Mr. Smith can report on them since Ms. O'Farrell is not here. Are there any questions or concerns? Seeing none, then we'll vote for passage this evening.

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

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 74 – 2016 has passed. Resolution No. 12 – 2016.

RESOLUTION NO. 12 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 28, 2016, wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code on a storage building location which does not meet the minimum side setback of ten (10) feet, on property known as Parcel No. 601879 in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes, thank you, Madam President. We have this before us for third reading. I would like to make a couple of comments on what Mr. Weaver said here. His is a little off on some of his timing here. But, early on I advised him to go to the Historic Preservation Committee to get approval and he just chose to ignore it. Then he went to the Zoning Board of Appeals and still nothing was done about it. Mrs. Starrett asked that that go to the Historic Preservation Committee for their consideration and I think that was good advice right from the very beginning, he should have done that. He should have taken out a building permit to even start with this in the first place and they probably would have advised him of that. But Mr. Weaver just tends to want to do things his own way. Having said that, I'm recommending that we bring this forward for passage. He is going to be moving the building. It will be, if we approve the variance, they can put it on that spot that we have been talking about. It will be off of the City's property and it'll be on private property. It's third reading.

COUNCILMAN CHOVAN – We don't need a second.

COUNCIL PRESIDENT ISTNICK – We don't need a second?

COUNCILMAN MANSON – You don't need a second.

COUNCIL PRESIDENT ISTNICK – Roll call for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Res. No. 12 – 2016 has passed.

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

ORDINANCE NO. 82 – 2016

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the AFSCME, Ohio Council 8, Local 996 Collective Bargaining employees, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. These are, the next four ordinances are related. The first, No. 82 – 2016 is for the contract that has already been negotiated and agreed upon by Administration as well as the Union for the American Federal of State, Council and Municipal Employees. This is the second reading, but I would like to ask if there are any additional questions or concerns that are related to specifically the AFSCME contract? If so, Mr. Smith is here to assist us with that conversation. No? Seeing none, and I really have had no questions or concerns from the citizens or the public as well, I would like to try to make a motion to waive the rule requiring the three readings and bring Ord. No. 82 – 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 – Ord. No. 82 – 2016 has passed. Ord. No. 83 – 2016.

ORDINANCE NO. 83 – 2016

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Wastewater Treatment Department Collective Bargaining employees, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This also was an ordinance that was discussed previously and I will ask again if there are any questions or concerns related to this agreed upon contract by the Union as well as the Administration? Seeing none, I would make a motion that we waive the rules requiring the three readings and bring Ord. No. 83 – 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 – Ord. No. 83 – 2016 has passed. Ord. No. 84 – 2016.

ORDINANCE NO. 84 – 2016

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATIONAL LIST OF CLASS TITLES – PUBLIC WORKS DEPARTMENT 435 of Ordinance No. 7 – 2013 and Ordinance No. 127 – 1997, by removing the job classifications contained in Attachment “A” and change the department name from Public Works to the Streets Department, and adopting the pay scale on Attachment “B”, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This, again, was reviewed previously. This is just a reclassification of positions within the Streets Dept. as well as adjustments of the pay scale. Are there any questions that are associated with this reclassification? Seeing none, I again would make a motion that we waive the rules requiring three readings and bring Ord. No. 84 – 2016 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Ord. No. 84 – 2016 has passed. Ord. No. 85 – 2016.

ORDINANCE NO. 85 – 2016

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATIONAL LIST OF CLASS TITLES – WASTEWATER TREATMENT of Ordinance No. 7 – 2013 and Ordinance No. 127 – 1997, by removing the job classifications contained in Attachment “A” and inserting the newly created job classifications on Attachment “B” and adopting the newly created pay scale on Attachment “C”, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This too had been reviewed previously at Work Session and prior meeting. This is the reclassification of positions within the Wastewater Treatment facility. Are there any questions related to the reclassifications? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 85 – 2016 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage.

COUNCIL PRESIDENT ISTNICK – Ord. No. 85 – 2016 has passed. Ord. No. 89 – 2016.

ORDINANCE NO. 89 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE amending Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" OF CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you, Madam President. Second reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 89 has received second reading.

16. **NEW & MISCELLANEOUS BUSINESS**

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

COUNCIL PRESIDENT ISTNICK – Mr. Smith.

JOEL SMITH – I just want to real quick approach Council. I passed out to all of you including, I think, the Council President, this item related to OHM Consulting Company that the Mayor and I have decided to hire as our city engineer. I also gave a copy to Steve from the press. I just wanted to kind of clarify for you to remind you that we did post the job for hire. We had no applicants, so we began talking about what the best course of action would be. Through the engineering group that we have in the office, the Mayor and I, we met extensively and discussed options. We looked at several companies that provide a particular of what they provide to other cities including ours if we would hire them for any project. We ranked the companies and OHM ranked second in our rankings and the reason we went to the second person is because the first company that we ranked internally is currently doing business with the City of Massillon. They can't act as the City Engineer while they're doing business for projects. So we wanted a company that currently is not doing business with the City. What I gave you kind of gives them detail. I had asked David Krock who is going to be our City Engineer to provide this to me to assist Council and the press on what this company offers us. We did sign a contract for the remainder of this year. Beginning tomorrow when we do our Board of Control on this issue, the amount of the contract did not require us to come to Council. It was a number that we felt was fair. We have had several meetings with them including Friday and today. They came in for preliminary meetings with our staff. The Mayor and I are extremely impressed with this company and what they offer and if you read what I gave you, you can see they offer a wide variety of services. The contract that we signed with them, we believe is very fair to the City of Massillon and obviously, as we move into 2017, we will review this. We know we have a short window because we have by October 15th, we have to provide our budget for 2017 to this Council. But I can tell you that this contract is about half of what we were paying Mr. Dylewski. So, we're paying half of what we were paying him and if this works, we feel this is the way to go for us in the future. They do represent 10 other cities around Ohio and offer this service to those cities. The city that's probably closest in population to us would be the city of Garfield Heights. They represent them and then, like I say, 9 other cities around the state. Again, we are very impressed. If any of you have any questions of me, I'd be happy to answer those. Yes sir?

COUNCILMAN CHOVAN – Just one. In the transition time between our own engineer and this out-source company, are we going to notice a delay in any of the projects that we had going like any of the street projects or sewer replacement projects or anything?

JOEL SMITH – No. It couldn't have happened at a better time for us, you know, this unfortunate set of circumstances with Keith resigning. But, we were in a good place with the ongoing projects. We needed to get them in here quickly and that's why that was part of the reason why we decided not to post it a second time and try and reach a candidate. We knew we're starting to get critical. There was a couple of things that for probably the last week or two that we needed the City Engineer to sign. We have a very strong staff in the Engineering Dept. They've been with the City for a long time; 27, 25, 19 years. And even Mr. Krock, the leader of our group, he expressed to us today that we are very fortunate to have the people we have in place and that's why his contract level is so low. Because he feels that what we have on staff, he can guide and direct using the contract hours we gave them. But so, that was a longer answer that maybe you needed, but nothing has been delayed to the point that it was critical. Main St. has kicked off, our priority streets, we were already down the road for. As you know, we've already started Southway and the Richville project, that's started. There's some minor things that we needed the City Engineer sign, legally, and so there's a couple of things that have been waiting about a week. But again, he's already been in the office. He's met with the staff and tomorrow after we do Board of Control, he'll be able to start signing those documents. So he's already on board. We're really excited about this moving forward. Anyone else? Thank you very much.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith. Is there anyone else that would like to speak on a topic that does not appear on tonight's agenda?

KIM KOCHER – Thank you for the opportunity. You have a lot of people back here and nobody's speaking up. I live at 822 Windsong Cir. And I was quite impress tonight. After the last few meetings, I thought this administration wasn't approving anything and Mr. Weaver, I'm glad to see that had that. I didn't think his building was bad and Joel made a comment on the golf course and they do need it. I do play and there's all rocks in there and that was pretty neat and I was excited about that. And the Police Dept. and the radios and the Fire Dept. to radios that possibly will move in for the other fire departments that everybody was concerned about safety and etc. I thought that quite neat and I was thinking we had a bunch of negative nellies here. Nobody wants to approve this administration had and I'm contradicted. My point was just on the fire department, itself that I've been attempting to purchase along with Sam Thomas and his bid was there to change it to commercial and I haven't seen anybody bring any paper work or the proper procedures that I kind of read to promote this forward. Such as the signatures, have a meeting, pay the dues to have it come before the board and I think it's getting lost. I was also unable to attend a meeting because I was out of town, that it wasn't posted 5 times in the newspaper, but I'm under the understanding that that came from your legal counsel and that the legal counsel you represented myself, that I asked for help, Rex Miller, said that that is an option, not an obligation or mandatory. That can be waived by the Council, that it doesn't have to. But, it just amazes me that it started in January where you approve the sale of it, then you approved the bidding of it and an appraisal of it. It was advertised in the paper for open house and you had many people go through it, but yet you only got two bids. And I think the one bid by Mr. Thomas is unfair because it isn't commercial. It's like betting the lottery after you have a ticket. He wants you to change it to commercial before he buys it. Why don't he buy it and then apply to you, the City, to see if you'll change it? And I think it's good, I'd like to see another fire station too. But from sitting here in the meetings the last two months, it doesn't seem that there are appropriate funds for this at this time. I'm offering a fair offer. The price of the homes there in the particular neighborhood, I don't think go for \$130,000. I haven't researched that and I don't have legal accessibility and know how to get online to do that. I'm in that age group you know. Let's take it to our grandkids, they'll get on for us. But, I just think that Council has the right to accept or reject any one of those bids that they advertised. I thought that did a nice job of it. They promoted it as a residential from day one, when I called in and inquired with the city to the time that it was in the paper. All the controversy now over whether should it be commercial or not I think should be irrelevant and the point of order should be which bid is suitable and adequate and in the best interest of the community. I had offered to match his bid, but I was told that that was not legal.

because it's supposed to be a sealed bid. I proposed a sealed bid that was really not a sealed bid. They had me open this bid and time-stamp it at the meeting. I asked if Mr. Thomas' bid was time-stamped and I understand that it wasn't. So, with these few things, then I received an opportunity to speak with Mr. Stergios and he said he couldn't represent me or help me because it would be a conflict of interest. But I understand he is the representative for Mr. Thomas' business. I think that's a conflict of interest. I don't have all the facts, this is just what I've heard and these are just situations, I think. And that's just about all I have to say, but I think the parks down there other than the duck feces and we can't get rid of that unless we get rid of the ducks, I mean, it's inevitable that it isn't going away. But the mowing looks great. I take my hat off to you. I think it's a fine job. Thank you for your time.

COUNCIL PRESIDENT ISTNICK – Please make sure you sign your name and address.

KIM KOCHER – I did.

COUNCIL PRESIDENT ISTNICK – Thank you for your comments. Is there anyone else in the audience that would like to speak on an item that does not appear on tonight's agenda?

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN IRWIN – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT