

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, MAY 16, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, May 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, and Police Chief, Keith Moser. 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, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson, Andrea Scassa and Megan Starrett.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I make a motion that we excuse Councilwoman Cunningham-Hedderly.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call to excuse Councilwoman Cunningham-Hedderly.

8 yes to excuse Councilwoman Cunningham-Hedderly

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham-Hedderly is excused.

2. INVOCATION

COUNCILMAN CHOVAN - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN MILAN CHOVAN – Chairperson of the Police & Fire 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 – No they are not.

COUNCIL PRESIDENT ISTNICK – Will they be by tomorrow?

COUNCIL CLERK ROLLAND – Yes, they will be by tomorrow.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCIL CLERK ROLLAND – And I'd like to make also a note for the record for the Journal. I had put on the results when I sent out the agenda, the 9 votes for revisiting Ord. No. 52, it should have been 8 "no's" and 1 "yes".

COUNCIL PRESIDENT ISTNICK – Thank you. That will be reflected in the minutes?

COUNCIL CLERK ROLLAND – Yes ma'am.

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.

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 67 – 2016 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE accepting the dedication of ingress/egress easements and storm sewer easements adjoining the Federal Avenue pump station property, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is just a simple acceptance of a dedication of ingress/egress easements and storm sewer easements down in the Tommy Henrich Blvd. area where the new construction for the new restaurants is. This has already been approved by the Planning Commission and just needs Council's approval. Is there any question, any comments, any concerns? Seeing none, I make a motion that we waive the rule requiring three readings and bring Ord. No. 67 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. 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. 67 – 2016 has passed. Ord. No. 68 – 2016.

ORDINANCE NO. 68 – 2016 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE accepting the vacation of a 12 ft. wide alley located between Thorne Ave. N.E. and Chestnut Ave. N.E. and in an east/west direction between 1st St. N.E. and Conrad Place N.E., and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance deals with an alley that the City is looking to vacate. At this point, the property would be divided evenly down the middle to each of the neighbors. All the neighbors are in agreement with this and this has also been approved by the Planning Commission and just needs approval of City Council. Any questions, comments, concerns on this ordinance? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 68 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. 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. 68 – 2016 has passed. Ord. No. 69 – 2016.

ORDINANCE NO. 69 – 2016 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund and the 1205 Safety Forces Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance has two pieces to it. The first piece is \$91,000 as the first phase of our radio upgrades throughout the City for our Safety Forces. This one particularly for the Police. It will provide new mobile units for them as well as putting relays on the vehicles so that they can be able to communicate with each other throughout the City as they going about their job. Are there any questions about that? The second one is \$15,000 coming out of the Municipal Court dollars. These are dollars that they have and they just use us as, essentially, a pass-thru and it is for the purchase of a vehicle for the bailiffs. As discussed at the last Work Session, the bailiff is responsible for going throughout the City and assisting with the evictions in the City that come through the Court. So that is why they do have a vehicle. Is there any discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 69 – 2016 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. 69 – 2016 has passed. Ord. No. 70 – 2016.

ORDINANCE NO. 70 – 2016 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1419 Marketplace Infrastructure Fund and the 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 70 – 2016 has received first reading. Ord. No. 71 – 2016.

ORDINANCE NO. 71 – 2016 **BY: FINANCE COMMITTEE**

AN ORDINANCE amending Ord. No. 151 – 1999, passed August 2, 1999, as previously amended by Ord. No. 90 – 2015, passed on July 27, 2015, amending Ord. No. 90 – 2015 as so passed relating to the Marketplace Development and Public Infrastructure Improvements; authorizing related matters, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 71 – 2016 has received first reading. Ord. No. 72 – 2016.

ORDINANCE NO. 72 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2016 appropriations from within 2105 Stormwater Utility Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is \$1,500 being transferred. This is to cover the cost of County Collection fees. These fees are associated with the collection of property tax that would come towards the City as done by the County Auditor's office. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 72 – 2016 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Scassa. 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. 72 – 2016 has passed. Res. No. 11 – 2016.

RESOLUTION NO. 11 – 2016

BY: COMMITTEE OF THE WHOLE

A RESOLUTION expressing support for Ohio House Bill 292 and Senate Bill 27, which would create a statutory presumption that firefighters who are disabled as a result of specified types of cancer incurred the cancer while performing their official job duties, for purposes of Workers' Compensation and Ohio Police and Fire Pension Fund disability.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you. This is a Resolution that we've been discussing for the last several meetings. By passing this, we show our support for Ohio House Bill 292. Senate Bill 27 is already passed, so, this now resides in the House and this is the one that has to do with the firefighter who's disabled as a result of incurring cancer that is traced back to being on the job and would be covered under Worker's Compensation and would also be able to claim disability under the Ohio Police and Fire Disability Fund. Are there any questions or comments about this? If not, I'm going to request that we waive the requiring three readings and bring this forward for a vote tonight.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Irwin. 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. 11 – 2016 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

Request for New Liquor License by Patrick Emmert, DBA Emmert's, 1107 Erie St. S., 1st Floor only, Massillon, OH 44646. Permit Class C2.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I received a copy of them.

COUNCIL PRESIDENT ISTNICK – Do you have anything comments on that?

COUNCILWOMAN CREAMER – No comment.

COUNCIL PRESIDENT ISTNICK – Any discussion? Okay.

9. BILLS, ACCOUNTS & CLAIMS

The Repository	-	\$564.40	-	Publication of March 2016 Ordinances
U.S. Postal Serv.	-	47.00	-	100 Postage Stamps
		\$611.40		

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd like to make a motion to pay the bills.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. Roll call to pay the bills.

8 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Let's pay the bills.

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report – April 2016

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Tuesday, May 31, 2016 at 6:30 p.m. Next Monday is the fourth Monday and there are five Mondays this month and since Memorial Day is on Monday, we will have it on Tuesday, May 31, 2016 at 6:30 p.m.

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 54 – 2016 BY: FINANCE COMMITTEE
Section 1: Items #3 and #4 only

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. The two items that are up for discussion and third reading, so most likely we'll vote this evening, will be first the payment of funds to bond counsel to pay for the work that they have given us over the last few years. We are well acquainted with that. We have seen the reports and the invoices, I do believe. I will say that I do know or from my understanding that they are still utilized in the City. We had passed an ordinance years ago that allowed that to be the case. So they continue to be utilized. My only statement to that effect is I would hope that any utilization of bond counsel would remain within the budgeted amount for Services/Contracts and if it's going to exceed that, I'm sure the Administration will keep us apprised as we go and it won't build as high as it has in this particular case. The other section under this would be for the payroll change to a different payroll outsource in that service. As we discussed, it gives us or prevents the liability to the City. It allows for increased efficiency. There is some cost savings associated and allows us to move into a more electronic format compared to a paper format for our payroll services. Is there any discussion or questions on either of these issues this evening? I make a motion that we move Ord. No. 54 – 2016 up for vote.

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

7 yes for passage; 1 no – Councilwoman Creamer voted “no”

COUNCIL PRESIDENT ISTNICK – Ord. No. 54 – 2016 has passed.

15. **SECOND READING OF ORDINANCES AND RESOLUTIONS**
16. **NEW & MISCELLANEOUS BUSINESS**
17. **REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**
18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILWOMAN STARRETT – I move we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by all. Meeting adjourned.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT