

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, NOVEMBER 21, 2016**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, November 21, 2016. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Community Development Director, Barb Sylvester, Income Tax/Budget Director, Mike McKee, Law Director, Andrea Scassa, Economic Development Specialist, Dave Maley, Chief Deputy Auditor, Debbie Bonk and Treasurer, Maude Slagle. 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, Paul Manson and Megan Starrett. **(Ward 3 seat is vacant due to Andrea Scassa is now Massillon City Law Director).**

Roll call of 8 present

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 – 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.

GLORIA POPE – Good evening. I'm the Board Chair for the Massillon Museum. I'm here to clarify a couple of points that were raised at the Work Session. I understand that there's some confusion regarding whether we are going to take over the property and change it over to a parking lot. That is incorrect. Our position is that we plan to utilize the property as it stands right now. We plan to maintain it as a park-like atmosphere. To work with the City to utilize it in the same situations that it's being used now. For instance, we have the Christmas tree that is erected in the lawn. We continue to do those types of things for the lawn. I have my Board members here, so I want to make sure that I'm covering all bases. Anything else we need to address?

MUSEUM BOARD MEMBER – The Island Party.

GLORIA POPE – Oh, and we'll continue to have the Island Party just as we have in the past. But, I can't recall a conversation where a parking lot was even entertained, but that is incorrect information and we wanted to clarify that tonight.

COUNCIL PRESIDENT ISTNICK – Thank you, Gloria. If you would sign your name and address on the paper.

GLORIA POPE – Sure. Thank you and Happy Thanksgiving.

COUNCILMAN MANSON – You too.

COUNCIL PRESIDENT ISTNICK – Thank you, you too. Is there anyone else that would like to speak on an item that appears on tonight's agenda?

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 163 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Ohio History Connection, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. Just to give you a heads up here. The subject here is part of three ordinances; No. 163, No. 164 and later on in Finance, we'll be talking about No. 172, they all pertain to this. We are getting a grant for slightly more than half of what the total cost is. Are there any questions, we have somebody here that can answer them. Is there anybody that has a problem with us moving this ahead, since we'd like to get this thing moving? There is funding involved here. Anybody have any problem with that? Seeing none, I'd like to make a motion that we waive the rule requiring three separate readings and bring Ord. No. 163 – 2016 forward for passage.

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. 163 – 2016 has passed. Ord. No. 164 – 2016.

ORDINANCE NO. 164 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Chambers, Murphy & Burge Restoration Architects, Ltd., and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Okay. The first one was to enter into an agreement. This is the cost of what that agreement is going to be, \$6,079 grant and \$6,000 of matching funds from the City. If there are no questions, I will move to waive the rules. I make a motion that we waive the rule requiring three separate readings and bring Ord. No. 164 – 2016 forward for passage.

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. 164 – 2016 has passed. Ord. No. 165 – 2016.

ORDINANCE NO. 165 - 2016

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew a one (1) year contract with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants that are charged under City Ordinances.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This is just a renewal of a contract that we've had in place for quite some time. It is being done knowing that the \$195.00 that we pay to the Public Defender's office is much less than private counsel would be charging for those same services. Are there any questions regarding this legislation? Seeing none, I'd like to waive the rules requiring the three readings and ask for passage, please.

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. Ord. No. 165 – 2016 has passed. Ord. No. 166 – 2016.

ORDINANCE NO. 166 – 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 Statewide Municipal Bridge Inspection Program 2, PID 102554.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance deals with allowing ODOT to come into the City and inspect all the bridges of the City. This is, I believe, a renewal. We've done this before. It just allows them to come in, look at the bridges to see if there are any issues, rate them and point out any problems. This has absolutely no cost to the City at the point for any of the inspections. Any questions at this point? Alright, seeing none, I would ask that we suspend the rules requiring three readings and bring Ord. No. 166 – 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. 166 – 2016 has passed. Ord. No. 167 – 2016.

ORDINANCE NO. 167 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve the prisoner transport agreement between the City of Massillon and political subdivisions using the City's prisoner transport service and authorizing the Auditor of the City of Massillon, Ohio, to deposit said funds into the 1100 General Fund and the 1401 Capital Improvement Fund effective January 1, 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. City Council sees this ordinance on a regular basis. As you are aware, we have a prisoner transport van that is utilized through our Municipal Court system to transport prisoners to the County or what forth and in doing so, there are certain fees that we can charge for that service. So this covers those fees and also covers the deposit of those fees into 85% for transport fees and 15% for a replacement fund for the vehicle so that when the vehicle does become of age, there is an account set aside to be able to replace it at that time. Are there any questions this evening regarding this piece of legislation? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 167 – 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. 167 – 2016 has passed. Ord. No. 168 – 2016.

ORDINANCE NO. 168 – 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 is looking to appropriate \$688,000.00 for various services throughout the City. Some of these services include a new hot box for the Street Dept. which will allow them to take hot asphalt out to do street repairs. It includes a new front loader so that they're able to load the salt into the salt trucks. We have some plows in there, we have Fire Dept. needs in there to improve the equipment that they use as well as Police Dept. needs. So, it is money that is being used throughout the City to improve infrastructure and different capital improvements. This money is the benefit of a recertification that the Auditor has given us a few weeks back in which it was money that was not projected to come into the City, but due to job growth within the City, we did see an influx in our revenues and so this money is now available to use. It does not affect our "rainy day" fund and it also does not affect the recently passed tax levy for street repairs. That will still be on pace for next year as those funds become available to us. We have been discussing this for approximately one month. I know that there is some hesitation by some members of Council and others are ready to move forward. So with that in mind, I felt that it would be agreeable to put it up for a vote and let the Council members decide what they would like to do

this evening. If they would like to move forward and move on it or if they would like to have a second reading. Are there any questions or discussion that would like to be had yet this evening?

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I would just like to make a comment. I am not opposed to spending money for aged equipment, for replacement of vehicles, but I am cautiously hesitant to spend this amount of money with the conditions of our roads, with the hundreds or thousands of catch basins that need replaced along with not knowing the future plans of the fire station on Wales Rd. and, you know, the man hours that need to cover. So, I'm not opposed to it, but I am hesitant on this. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – I would just like to say that I'm in support of all these purchases. I do believe that Mr. Smith has worked very hard in researching them. I do agree that obviously our roads and our catch basins are major issues in the City, but I think if we have tunnel vision and only focus on those things that we then continue to allow other parts of the City fall apart and we get further and further behind in other areas. The explanations we got last week seem to make it look like each one of these purchases will help all of our departments become more efficient and do a lot better in the long run, especially the Street Dept. We're going to have a lot of demands on the Street Dept. when the income tax money starts coming in and this will help them be more efficient in those demands. So, I'm in full support of this.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham-Hedderly.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – I'm also in full support of this and I also understand that it frees up the money. That's not to say that all of the money will be spent, so that there could possibly be money left over. Also, I do agree with Ms. Creamer concerning more information and you know how much I'd loved to have that fire station redone for our citizen's safety. So, I am in full support of this as well.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I just wanted to add that of the \$688,000, the recertification was for over a couple of hundred thousand more than that, so there is still over \$200,000 available for the City's use for these other projects. I've also been receiving word that there could be even more funds that will become available to us by year's end and that would be counted as a carry-over for next year which will put us in a nice position to start next year. We are currently reviewing a budget that would put \$240,000 devoted to catch basins and I know Mr. Manson has been in conversation with the Administration, as well as I and I feel fairly confident that we'll be able to come to some kind of agreement where the overall spending for 2017 will probably be closer to a half of a million dollars for catch basin repair and replacement throughout the course of 2017 and that's why I feel fairly confident in being able to move forward tonight on this piece of legislation.

COUNCIL PRESIDENT ISTNICK – Any other comments or questions? Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 168 – 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. 168 – 2016 has passed. Ord. No. 169 – 2016.

ORDINANCE NO. 169 – 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 – Councilman Lewis.

COUNCILMAN LEWIS – This is in conjunction with Ord. No. 168 that we just passed. This is simply moving \$639,594.14 of that appropriation into the appropriate transfer Advance In account so that it can be utilized for the requested services that were made aware to us at the last meeting. 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. 169 – 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. 169 – 2016 has passed. Ord. No. 170 – 2016.

ORDINANCE NO. 170 – 2016 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance is a breakdown of that \$639,594.14 that we just moved on. What it is entailing is that there is money to go to the Street Dept., the frontend load, hotbox; things that we discussed. The Fire Dept.; these are for power cots that we have a grant for and this is part of our match. We're looking at vehicle purchases for Fire Dept., Safety Dept., Building Dept. We have infrastructure repairs and we Police Dept. cruisers. So the money, this is just detailing how it's being spread throughout the City to improve all departments throughout the City. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 170 – 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. 170 – 2016

has passed. Ord. No. 171 – 2016.

ORDINANCE NO. 171 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is, as you may recall, is part of the grant process that the Fire Dept. applied for for power cots or cots that they would use in their EMS services. It would keep them from manually having to lift up the cot which makes it more efficient and obviously saves our EMS workers from injury from having to do that service and we do have a grant that covers the majority of this cost and this is simply the appropriation of the funds to be able to purchase those cots. Are there questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 171 – 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. 171 – 2016 has passed. Ord. No. 172 – 2016.

ORDINANCE NO. 172 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance works in conjunction with the legislation that was passed under the Community Development Committee earlier this evening. It is the appropriation of the \$6,000 that was discussed earlier. Are there question or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 172 – 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. 172 – 2016 has passed. Ord. No. 173 – 2016.

ORDINANCE NO. 173 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3110 Massillon Museum Holding Fund, for the year ending December 31, 2016, and

declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I would ask that Ms. Bonk, I guess, is she able to speak to this?

DEBBIE BONK – Good evening, Council. This is real estate taxes that we receive from the County. We're a pass-through, so they come into us and go right out to the Museum. So it was just under appropriated for 2016. They got additional money in, so I just need the appropriation so we can cut the check to send to the Museum.

COUNCILMAN LEWIS – I assumed that's what was happening, but because I wasn't here last Monday, I wanted clarification. 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. 173 – 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. 173 -2016 has passed. Ord. No. 174 – 2016.

ORDINANCE NO. 174 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2202 Insurance Fund, for the year ending December 31, 2016, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Again, this was discussed at last Monday's meeting. It would appear to me that this is simply a balancing of accounts and I have an affirmative from the Deputy Auditor. Are there any questions or discussion for this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 174 – 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. 174 – 2016 has passed.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

Request for a New Liquor License for JAD Hospitality, LLC, DBA Jen's Place located at 115 Lincoln Way W., Massillon, Ohio, 44647. Permit Class D1. Located in Ward 2.

9. **BILLS, ACCOUNTS & CLAIMS**

The Repository - \$ 775.20 - Publication of September Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis. I need a motion to pay the bills.

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

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

8 yes to pay the bills

10. **REPORTS FROM CITY OFFICIALS**

Treasurer's Report – October 2016

11. **REPORTS OF COMMITTEES**

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, November 28, 2016 at 6:30 p.m.

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

13. **CALL OF CALENDAR**

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

ORDINANCE NO. 145 – 2016 BY: **PUBLIC UTILITIES COMMITTEE**

AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the period from January 1, 2017 through December 31, 2021.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham-Hedderly.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Thank you, Madam President. We've discussed this and I believe everyone received the updated paragraph 4 that we talked about and I need to make a motion to amend Ord. 145 – 2016.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Irwin. Roll call to amend.

8 yes to amend Ord. No. 145 – 2016

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 145 – 2016 goes back to first reading. Councilwoman Cunningham-Hedderly.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – Yes. And, again, we've discussion of this for a couple of months now. And I would like to see this passed this evening. If there aren't any questions on this ordinance or any discussion. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 145 – 2016 forward for a vote.

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. Ord. No. 145 – 2016 has passed.

15. **SECOND READING OF ORDINANCES AND 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. As previously stated, there's ongoing discussion regarding this ordinance. So I would like to table this until Monday, December 5, 2016.

COUNCILMAN MANSON – All she has to do is to give it second reading, right.

COUNCILMAN CHOVAN – Right.

COUNCILWOMAN CREAMER – Okay. I detract that. Second reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 149 – 2016 has received second reading. Ord. No. 150 – 2016.

ORDINANCE NO. 150 – 2016

BY: PARKS & 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. As previously stated, you all heard Ms. Pope explain the intent of this sale and transfer of this lot. Does anyone have any other questions since she is here?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I agree with this transfer of this property. I have no qualms about it whatsoever and I'm sure that the museum will be a responsible steward of this piece of property within the City. However, I'm kind of a "black and white" kind of a guy and if it's not written down then it's not binding and my two sticky points are, in order for me to agree to it, that this particular space, the sales agreement for me would have to say that it can only be used as its currently being utilized. It cannot have any improvements made to that property and that it would be transferred back to the City upon if the museum were to ever discontinue its services throughout the City. And if that's both in there, then I'm fine. I believe the second one is in there. It's the first piece that say no improvements on that property that I'm not certain of. So, if I can certainty that's in the agreement, written down, then I'm fine. Otherwise, I would be hesitant to move on this this evening.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham-Hedderly.

COUNCILWOMAN CUNNINGHAM-HEDDERLY – And I'd like to push that a little further and have it in writing that it will not be made into a parking lot.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I think this was discussion in our last Work Session as well and it was my understanding that that conversation was going to occur the past week and if it wasn't already in the contract, that it was going to be added. Has that been done so?

COUNCILWOMAN CREAMER – Can we call up Mr. Smith?

COUNCIL PRESIDENT ISTNICK – Mr. Smith, could you come forward please? Thank you.

JOEL SMITH – Good evening. The contract hasn't been written. We have a letter from the museum stating what their plans are. But the formal contract for the sale itself has not been written and I believe the Law Director's office is potentially working on that. Maybe you want to hear from our Law Director.

COUNCIL PRESIDENT ISTNICK – If we could call Andrea.

ANDREA SCASSA – Thank you, Madam President. Correct. I do need to clarify just because in the letter, it was presented from the Museum that they would be handling any cost associated. So that is something that the Law Dept. needs to look into in addition to formally drafting the contract. So at this point, I guess I do not have a formal contract to give you and with wanting those items included in the contract, I guess, at this point if you want to give it second reading so we hammer those issues out.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I have a question. So, is the City going to initiate the legal process of this regarding the transfer and everything that is needed or is the museum going to initiate?

ANDREA SCASSA – Yes. I think we just need to hammer it out. Obviously the Law Dept. can work on the contract, but I think any cost or fees associated with it pertaining to, I mean the property has already been surveyed, but mean transfers, that's what needs to be hammered out between the City and the museum. But the contract itself can be drafted from the Law Dept.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – You wouldn't anticipate there to be any issue with adding both of those stipulations within the contract, would you?

ANDREA SCASSA – Based upon the representation that Ms. Pope has made at all the Council meeting I have been at, I don't want to speak for her or the museum board, but it does seem like everyone is on the same and I understand that although Ms. Pope may represent the board in its desires and wishes today, the board can always change. So I don't think it's a bad idea to memorialize the concerns of Council today. But it does seem like we are all on the same page and it remaining to be used as it current is in a park-like setting, reverting back to the City if for some unfortunate reason the museum ceases to exist and then that issue of the parking lot has been quashed by Ms. Pope tonight. But again, I understand that boards can change and the City or this Council doesn't want another board coming into the museum and then completely changing their direction.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – As far as a timeline, do you think that that contract can be drafted and ready for Council two weeks from now?

ANDREA SCASSA – Well, being my second day on the job and it being a short week, I

guess I don't want to make any absolute promises, but we'll get on it and do the best we can and if there is an issue, I will let Councilwoman Creamer know, so that if we would have to table it, hopefully, it's not tabled too long out.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I was just going to simply state that if there's a clause in there that say "no development that can be made", I think that takes care of parking lots as well because then they can't get rid of the green space usage that it currently is operating as. I'd also say that as far as this legislation is concerned, that once a contract is drafted and agreeable by Council, a simple amendment to Ord. No. 150 that says "Council agrees to sell this property as pertains or within the boundaries, parameters of, such and such contract and then attach that as "Exhibit A", then we can pass it and the Law Dept. can go ahead and continue at getting the signatures or what not and that should cover our basis for us.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILWOMAN CREAMER – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Creamer. Ord. No. 150 – 2016 has received second reading. Ord. No. 151 – 2016.

COUNCILMAN CHOVAN – Ord. No. 152.

COUNCIL PRESIDENT ISTNICK – 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 – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 152 – 2016 has received second reading. 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 – Second reading.

COUNCIL PRESIDENT ISTNICK – Ord. No. 155 – 2016 has received second reading. 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 – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 158 – 2016 has received second reading.

16. **NEW & MISCELLANEOUS BUSINESS**

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

PAULA FINLEY – I'm here to bring up concerns about reinstating our Animal Control Officer. I find it very concerning. Different things that I have encountered living in the City of Massillon. I had in the previous worked with Vickie on different issues who used to be our animal control officer and I find that things are getting worse. I live across from Wampler Park and I find people are taking unwanted animals and depositing them in the hockey rig and leaving them to fend for themselves and citizens around the area and myself, finding homes for these animals and doing some help. The continuing running loose of dogs, preferably, which brought me to this Council meeting was a pit bull had got loose and the stereotype around the pit bull itself, caused a family of children running and screaming, fearing for their lives because it was a pit bull and the father wanting to get a gun and shooting it. Without having the police department, I called the police department, they said they could not help, to call the dog warden or the Human Society and then when I proceeded to call them, and I've talked to other people in my neighborhood and around the City of Massillon and it's been brought to my attention that unless the dog bites someone or the dog is hit or there's something considerably wrong, do they do anything about it? But just for a dog running loose or an animal running, they wait until it actually happens before they can come out and actually do anything about it. And my other concern is too, is about the wildlife coming into the City of Massillon. Not only cats and dogs but raccoons, skunks and other animals that I know, personally, I worked with Vickie on a skunk that had wandered into where I work at R.W. Screw. I've been living in Massillon for 22 yrs. I've worked at R.W. Screw for 26 where a skunk had wandered into the parking lot and was sick and had to be euthanized. We got the animal, Vickie was called, she came and took care of the problem and could get a hold of people that the normal public would not know to get a hold of and she had very many resources and had authority to dispose of that animal and I just find that there's a great need in the City of Massillon to bring the animal officer control back. I could give you many different things that I have encountered. Just wanted to show my concern that now there is a law, Goddard's law, I know that everyone has heard and has passed for the State of Ohio and to have somebody to be able to enforce this. Showing the Police Dept. is unable to use their concerns with other things. I don't know what else to say... this is something new for me, I've never been to a Council meeting. I just, like I said, this new incident has brought me here with the concerns for not only the children... people wanting to harm animals and with the Goddard law, I just feel that there should be a reinstatement of someone in the City of Massillon. I know we were very fortunate to have someone and she has been sadly missed and with the new law, I just figured that there should be somebody to enforce it since I find the police dept. really doesn't have the resources or how to enforce it. So, I'm very nervous. I'd rather have taken a nap and getting up to do a book report than standing in front of a class and here I am 52 years later, well, 52 yrs. old and standing here before you because I'm very passionate about this and I know that there are a lot of people that are with me too. I didn't know... I come here tonight looking for guidance from to whether or not it needs a petition or whether or not it needs on a levy. I'm not sure where I go from here.

COUNCIL PRESIDENT ISTNICK – Paula, for the public to come forward and speak, all they is they give their concerns and before you sit down, write your name and address and at the end of the meeting, perhaps Safety Service Director Smith will come over and talk to you and let you know what you can do from here.

PAULA FINLEY – Yes. I think I had talked to him on the phone about it. But he had said something about not really having the funds appropriate for something like this. That the budget has already been done for 2016 and that there's really no, and I was

just listening to the other comments that were going on about having extra money in the Massillon system as to whether or not anything could be done to bring this back. Not only just for public safety, I know they've a lot of work with the parks. I moved here and lived across from Wampler Park. I know they just put a new park... even though my kids didn't really get a benefit from it because when I moved here, people had destroyed the parks over there and now I see they're redoing that. But then, you still have the fear, like I said, I lived there across the park; the dogs come through and it scares the children too. So, we need a little bit more, someone out there that can go to these people that the dog is constantly being left loose. There was, like I said, talking about the pit bull, I had later seen posting where it had gotten loose like three more other times. Been seen at Fast & Friendly, at Wampler Park, you know, different areas in Massillon and the woman who owns and has the dog lives on 14th St. between Lincoln Way, 105 – 14th St. I did not talk to her personally, I texted her and showed my concerns. The dog was very friendly and enjoyed the treats. I went after him only for the concern of only not for him causing an accident, but the fact that the children were and I just feel that having someone to be able to come get this dog before it gets hit or before it causes a bite or before it causes someone to actually want to shoot or harm an innocent animal just because the people that own it shouldn't otherwise not own and I feel that having an officer like that; I've worked with Vickie before in later years and I just think that it's becoming more and more. People are not affording their animals and just opening the door and letting them out. I think she had more to get a hold of different people whereas myself, I didn't even know about the Council. I'm learning, I've been 22 yrs. in the area, I moved here to live in Massillon. I enjoy Massillon and I'm proud to be a Massillonian and I just think it's a very important issue to be brought up tonight. Thank you for listening and I appreciate your time that you've given me.

COUNCIL PRESIDENT ISTNICK – Okay; write your name and address and Paula, I appreciate you coming forward and speaking in spite of your fears and at the end of the meeting, Councilman Lewis said he would come and talk to you.

PAULA FINLEY – Okay, thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else that would like to come forward? Please state your name and address for the record.

JIM WALKER – Good evening. I live 1326 Main Ave. W., the corner of 14th St. Just a few houses from where that lady returned the dog, as a matter of fact. I guess I'll consider this the second in my series of three back to the future appeals to our City Council. You might remember last summer, I spoke at some length about retaining Station No. 3 because of the response times to the northeastern part of the City and it's nice that that hasn't gone forward with selling that station. I'm here to speak about, low and behold, the reinstatement of an animal control officer. Less than one year ago, some of you may remember, on Christmas day I was attacked walking my dog by two pit bulls in an alley right across the street from my house and they did an article on the front page in The Inde that some of you may have seen, walking the dog and talking about the attack with the pit bulls. Three days later, I wrote a four page letter to our Mayor. I have a copy of it here, but if anybody wants to have their own copy, we can arrange that. Listing eight prior attacks since March 2013. I have two dogs. I walk each of them in the morning; each of them in the evening. So, that's four dog walks times 365 days, you know, do the arithmetic; it's about 15,000 dog walks. So I'm out there a lot in Ward 5. I received no response whatsoever from our Mayor or anyone in the Administration. No response from anyone on Council after the newspaper article, no response from the Ward 5 council. I've had to ward off several more dogs in the eleven months since I wrote that letter. Massillon, of course, has ordinances. Leash ordinance restraint and also a vicious dog ordinance which our Police Dept. has been instructed by their Chief, not to enforce. I know exactly what happens when the call comes in; the police are told that unless it's an active attack, this is what you get from the dispatcher; believe me, I've called them plenty of times with all these listed attacks that I've had... I only had to have my dog sewed up on time. Only had my arm bit one time. That's pretty good for about twenty attacks in three years. At any rate, they're told unless it's an active attack to call the Dog Warden which is, of course, which is

dispatched through the Sheriff's Dept. and is over on Mahoning Rd., about thirty minutes from here if you don't catch too many lights. Not enforcing our ordinances is called, the legal term for that is nonfeasants. The City can be sued for not enforcing their ordinances, especially, all it's going to take is somebody like her children or like me, if I decide to press the issue, to go to court and charge Massillon with not enforcing its leash law or its vicious animal law and you will lose, automatically. It is nonfeasant, is the term and this comes directly from the current dog warden whom I talked with this afternoon. Animal control for the City is all to be referred to the Stark County Sheriff, as I mentioned before in one of their four wardens. Thus, has this City decided that it's up to the County to enforce Massillon's dog ordinances? On several occasions I have been informed that only an attack in progress will elicit a police response. I do not know whether any of you have ever defended yourself and your dog from one or two vicious animals, but my experience is that it's a busy time and you don't really think much about making a phone call in the middle as that attack is in progress, which is the orders of the Chief. Attack in progress. I was even told by a Massillon Police dispatcher last December 8th, listen to this if you have children, to notify the Sheriff's Dept. after I ran home to report a loose pit bull which was approaching several students waiting on their school bus at 12th and Tremont S.W. I told the dispatcher that there was a white pit bull approaching; it's been loose in the City and I know that pit bull, eventually, got rounded up and wandered away from that house. Eight days ago on Sunday morning, I was once again attacked by a loose pit bull in the same garage alley across from my home. Stark County responded on Monday, no one is there on Sunday to come, right? The police wouldn't come. By my count, there are 10 pit bulls within one block of my home, right now. 10. Three at one house, two at another, one, one, one, one, one. 10. If you enlarge it by two more blocks, I can count 16 pit bulls or pit bull mixes. I don't what the attraction is with those dogs. The Stark County Dog Warden told me today that the reason was, they took the pit bull off the vicious animal list as a breed and you have to prove that particular pit bull is a vicious to have it considered a vicious animal these days. There's something wrong with that. Additionally, there are several Rottweilers, a couple of German shepherds, boxers, Dobermans, two or three mastive breeds. I don't call about any of these when they roam roam around my house. I've only called on attacks. Several years ago, I spent over \$7,000 to fence my property for the protection of my dogs. But I can't walk my neighborhood. I was recently informed by one of the County dog wardens that pepper spray is ineffective on pit bulls and I should consider carrying a handgun when I walk my dogs. I really don't want to shoot a bunch of dogs. The Stark County Dog Warden, John Barber, today told me that they had 170 specified dog calls to Massillon between January and November of this year and approximately 1,100 additional calls that were not specific but not specific to Massillon, but he said you can bet that at least a third of those were Massillon. So he said you can count on 400 to 500 calls to Massillon in the first eleven months of this year. I spoke with Director Smith earlier this week. He hasn't been in our City too long and I don't think he knows a lot of the history of this. He did tell me that he thought it was a luxury for this City to have an animal control person. I do not consider it a luxury. I'm sure this lady doesn't consider it a luxury and anyone that's been chased by a pit bull would not consider it a luxury. I don't know what it is with the people that own these dogs. They think they can turn them out. The two that attacked my last Christmas, they had radio collars on them. They said, our batteries went dead. We bad. So, I don't know what it is with these folks. They do open their doors and let them run. Thursday, last Thursday, I was attacked again by two different pit bulls in the same alley, near 14th St., behind 14th St. and since all of that happened and one person got a couple of tickets, that person now is taken to chasing me around in his big black suburban and telling me not to walk my dogs in that alley and don't walk your dogs near my house; you stay off of 14th St. and I told that gentleman that I live there and it was his responsibility and he had colorful language for me. So now it's spreading not only to the dogs, but to the owner of the dogs that wants to keep me from walking my animals. Yes, the problem is growing. It has grown since the loss of our animal control officer before and this Council better take it seriously. I don't know if you attach it a sense of the Council resolution to your budget so that when the money goes to the Police Dept., they say, well, you get this money but make sure you have some kind of animal control built into the City of Massillon, going forward. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Jim. If you would write your name and address there.

JIM WALKER – It's on.

COUNCIL PRESIDENT ISTNICK – And please give a copy of your papers to our Clerk.

JIM WALKER – You mean the letter?

COUNCIL PRESIDENT ISTNICK – Come forward. Name and address?

SUE KIRKPATRICK – 33 Rolling Park Dr. N., Massillon, Ohio. I'm a retired Stark County Deputy Dog Warden. I do know that Massillon needs one out where I live, but, I know you have a problem with money and I'm asking if maybe we could have three hours a day for maybe three days a week, part-time. But we have to have something. I know the budget is rough, but to start with, we have to have somebody to call. Even if it's just part-time to start with and I think a lot of people in Massillon will understand this. I was attacked by a dog. So, I'm asking if we could just have a part-time to start with and then work our way from there.

COUNCIL PRESIDENT ISTNICK – Thank you, Sue, for your comments. Please make sure your name and address is on the paper. Is there anyone else from the audience that would like to come forward? Seeing none.

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN IRWIN – I make a motion we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE ISTNICK, PRESIDENT