

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, MONDAY, NOVEMBER 2, 2015**

COUNCIL PRESIDENT TOWNSEND – Welcome to the Massillon City Council Meeting for Monday, November 2, 2015. We have in attendance with us the following city officials: Law Director, Perry Stergios, Community Development Director, Larry Marcus, Safety Service Director, Joel Smith and Tax Administrator, Ken Koher. On the wall to your left are agendas for anyone who wishes to follow tonight's meeting. Also if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham-Hedderly, Nancy Halter, Ed Lewis, Paul Manson, Andrea Scassa, Megan Starrett and Shaddrick Stinson.

Roll call of 8 present

COUNCIL PRESIDENT TOWNSEND – Okay, I need a motion to excuse and a second to excuse Councilwoman Del Rio-Keller. Who has the motion?

COUNCILMAN MANSON – I move to excuse Mrs. Keller from tonight's meeting.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilman Stinson. Roll call to excuse Councilwoman Del Rio-Keller.

8 yes to excuse Councilwoman Del Rio-Keller

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk.

2. INVOCATION

COUNCILMAN MILAN 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 TOWNSEND – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes they are.

COUNCIL PRESIDENT TOWNSEND – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No there are not.

COUNCIL PRESIDENT TOWNSEND – Then the minutes stand approved.

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

COUNCIL PRESIDENT TOWNSEND – 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. 164 – 2015

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with The Salon House/Genuine Risk Investments to provide an economic development “inducement grant” to assist the business in renovation expenses at 317 Lincoln Way E., and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson.

COUNCILMAN MANSON – Yes, thank you, Mr. President. Mr. Marcus informed that the lady from The Salon House could not be here tonight. We will see about getting her to come in either on the 30th to the Committee meeting or the first Council meeting in December. We’ll leave that open to her, so, first reading.

COUNCIL PRESIDENT TOWNSEND – Thank you. Ord. No. 164 has received first reading. Ord. No. 165.

ORDINANCE NO. 165 – 2015

BY: HEALTH, WELFARE & BLDG. REGS. COMMITTEE

AN ORDINANCE repealing 505.01, Section (a) of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Stinson.

COUNCILMAN STINSON – Thank you, Mr. President. Some information went out to everybody, I don’t know if everybody got it, but it’s the report from the court proceedings, an edited version of Exhibit “A” and so to give you guys time to read over it, I’ll give it first reading.

COUNCIL PRESIDENT TOWNSEND – Okay, first reading?

COUNCILMAN STINSON – First reading.

COUNCIL PRESIDENT TOWNSEND – Thank you. Ord. No. 165 has received first reading. Ord. No. 166.

ORDINANCE NO. 166 – 2015

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the STA US 30 Microsurfacing Project, PID 100276, for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. This is work that’s going to be done on Rt. 30 starting at Rt. 21 and going east. There’s no cost share by the City for this project. It’s 100% ODOT funded and the project is currently scheduled for 2016. Are there any questions or comments? If not, I’m going to bring this forward for a vote tonight.

COUNCIL PRESIDENT TOWNSEND – Are there any questions for Councilwoman Halter?

COUNCILWOMAN HALTER – Thank you, Mr. President. I move to suspend the rules requiring three separate readings and bring Ord. No. 166 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Thank you. Seconded by Councilwoman Starrett. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

8 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ord. No. 166 has passed. Ord. No. 167.

ORDINANCE NO. 167 – 2015 **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 enter into a contract with the lowest and best bidder, upon approval of the Board of Control, for the City of Massillon, Ohio, The Legends Golf Course Turf Equipment Lease, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Can I have the Safety Service Director, please?

COUNCIL PRESIDENT TOWNSEND – Would you please come up, Mr. Smith?

JOEL SMITH – Good evening.

COUNCILMAN LEWIS – Yes, I just had a question that was posed to me that I couldn't quite answer, so I wanted to make sure we got some clarification. When we were talking about the leasing of the turf equipment, what equipment are we leasing?

JOEL SMITH – This would be a set of mowers. I think there's four (4), I believe, but I haven't seen the complete lease, but it is a set of mowers. We've talked at length, I think, in past sessions about how poor the equipment is and how old it is there at The Legends Golf Course. They barely made it through the year because there was constant maintenance on these items. Kim O'Farrell as I'm sure you will remember, she went out and kind of got an overview of the leasing equipment versus purchasing it because of the high expense of purchase. She did include that cost or the approximate cost of what this leasing is going to be into her 2016 budget and it's something that the golf course really, really needs.

COUNCILMAN LEWIS – Any other questions for the Safety Service Director?

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan?

COUNCILMAN CHOVAN – Yes, thank you. I don't have the copy in front of me, but just for the record, do we know what the annual lease cost will be; do you happen to have in front of you?

JOEL SMITH – I don't. It's going to be high that's why they're asking to get to do the advertising and bid process. We can certainly bring those in if you want us to before we sign anything, but I think it's, Ken, do you remember what she budgeted, like \$30,000?

KEN KOHER - \$42,000, I believe.

JOEL SMITH - \$42,000 for the annual lease and I believe it's either a five (5) or six (6) year lease based on cost. So you have a warranty on those items. Once the lease is up, you turn them in and you just get new. These pieces are in the \$50,000 to \$80,000 range to purchase, so, it's just not cost effective to try and purchase and all the mowers out there are really bad.

COUNCILMAN CHOVAN – Do they have service contracts on them, is that what you're

saying?

JOEL SMITH – Yes. For like the first three (3) or four (4) years of it, I believe.

COUNCILMAN CHOVAN – Okay. Thank you.

COUNCIL PRESIDENT TOWNSEND – Are there any more questions for Mr. Smith? Thank you. Councilman Lewis.

COUNCILMAN LEWIS – Thank you. With that being said, I make a motion that we suspend the rules requiring three (3) readings, bringing Ord. No. 167 – 2015 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Scassa. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT TOWNSEND – And for passage.

8 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ord. No. 167 has passed. Ord. No. 168.

ORDINANCE NO. 168 – 2015 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2015, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT TOWNSEND – Thank you. Ord. No. 168 has received first reading. Ord. No. 169.

ORDINANCE NO. 169 – 2015 **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a two (2) year contract with the Board of Trustees of Local Organized Government in Cooperation (L.O.G.I.C.) for fire department and police department dispatch services, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT TOWNSEND – Thank you. Ord. No. 169 has received first reading.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

Request for a New Liquor License for Top of the Viaduct Restaurant located at 607 Lincoln Way. W., Massillon, OH 44647

COUNCIL PRESIDENT TOWNSEND – Did the Council representative receive a copy of that certificate?

COUNCILWOMAN STARRETT – Yes.

COUNCIL PRESIDENT TOWNSEND – Alright, thank you.

9. BILLS, ACCOUNTS & CLAIMS

The Repository - \$ 54.40 – Publication of Notice of Public Hearing
The Repository - \$503.20 – Publication of September Ordinances
Total \$557.60

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Councilman Lewis, I need a motion that we pay the bills.

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

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

8 yes to pay the bills

10. REPORTS FROM CITY OFFICIALS

Mayor's Report – September 2015

COUNCIL PRESIDENT TOWNSEND – Thank you very much.

11. REPORTS OF COMMITTEES

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

Ordinance tabled Oct. 5, 2015 until Nov. 2, 2015 – Public Hrg. Scheduled

ORDINANCE NO. 122 – 2015 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from B-1 Business District to R-1 Residential.

COUNCIL PRESIDENT TOWNSEND – Councilman Manson.

COUNCILMAN MANSON – Yes, thank you, Mr. President. Do we need a motion to bring this on the agenda or is it automatic since we did it to a date?

COUNCIL PRESIDENT TOWNSEND – Yeah, you set it to a date.

COUNCILMAN MANSON – Okay. Well, I recommend that we bring Ord. No. 122 – 2015 forward for passage.

COUNCIL PRESIDENT TOWNSEND – Okay. Was that third reading?

COUNCILMAN MANSON – Yes.

COUNCIL PRESIDENT TOWNSEND – Okay. Can I have a second? Seconded by Councilman Chovan. Roll call for the passage of Ord. No. 122 – 2015.

8 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ord. No. 122 has passed.

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 149 – 2015

BY: POLICE & FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a grant from the Office of Community Oriented Policing Services (COPS) for the City of Massillon, Ohio, on behalf of the Massillon Police Department, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you, Mr. President. We are still trying to figure out if there's a way that we can fit this into the budget. So, I'm going to propose that we table the vote on Ord. No. 149 – 2015 until our meeting on November 16th to give us one more Work Session to hopefully get all our answers here and see if this will fit into the budget before we decide.

COUNCIL PRESIDENT TOWNSEND – Okay. And our last Council meeting I did err on that when Councilman Manson tabled something. We are supposed to vote on that. So, I need a motion, you make your motion.

COUNCILMAN CHOVAN – I moved that we table Ord. No. 149 – 2015 until November 16th.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Halter. Roll call to table Ord. No. 149 – 2015 until the next Council meeting.

8 yes to table Ord. No. 149 – 2015 until November 16, 2015

COUNCIL PRESIDENT TOWNSEND – Thank you. Thank you very much. Thank you, Councilman Chovan. Ord. No. 150.

ORDINANCE NO. 150 – 2015

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 Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 93 Crack Sealing Project, PID 99433, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. This has had three (3) readings. It's a project, again, that's 100% ODOT funded and it's scheduled for 2016. So, I move that we bring it forward for a vote tonight.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilman Manson. Roll call for passage.

8 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ord. No. 150 has passed. Ord. No. 151.

ORDINANCE NO. 151 – 2015

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 Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 172 Resurfacing Project, PID 101268, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. This also has had three (3) readings. This one does have a 20% cost share by the City for this project. It will start from about Third St. N.E. and go just West of 32nd St. This is scheduled for 2019. I move that we vote on this ordinance tonight.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Starrett. Roll call for passage.

8 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ord. No. 151 has passed. Ord. No. 152.

ORDINANCE NO. 152 – 2015

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 Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 93 Resurfacing Project, PID 101417, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mr. President. Again, this one has had three readings. This ordinance has had three readings. There's no cost share by the City for this project. It's 100% ODOT funded and this is scheduled for 2021. I move that we bring this Ordinance No. 152 forward for a vote.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilman Manson. Roll call for passage.

8 yes for passage

COUNCIL PRESIDENT TOWNSEND – Thank you, Madam Clerk. Ord. No. 152 has passed.

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 158– 2015

BY: HEALTH, WELFARE & BLDG. REGS. COMMITTEE

AN ORDINANCE amending Chapter 509 of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilman Stinson.

COUNCILMAN STINSON – Thank you, Mr. President. Second reading.

COUNCIL PRESIDENT TOWNSEND – Thank you. Ord. No. 158 has received second reading. Ord. No. 159.

ORDINANCE NO. 159 – 2015

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE to amend Title Nine, Chapter 181 of the Codified Ordinances of the City of Massillon, Ohio, regarding Municipal Income Tax, and declaring an emergency.

COUNCIL PRESIDENT TOWNSEND – Councilwoman Scassa.

COUNCILWOMAN SCASSA – Thank you. Second reading.

COUNCIL PRESIDENT TOWNSEND – Thank you. Ord. No. 159 has received second

reading.

16. NEW & MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

COUNCILMAN CHOVAN – I move that we adjourn tonight's meeting.

COUNCIL PRESIDENT TOWNSEND – Seconded by Councilwoman Starrett.

DIANE ROLLAND, CLERK OF COUNCIL TONY TOWNSEND, PRESIDENT