

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, FEBRUARY 7, 2022**

COUNCILMAN LEWIS, PRO TEM – Welcome to the Massillon City Council Meeting for Monday, February 7, 2022. We have in attendance the following City officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Chief Counsel, Bill Bartos and Economic Development Director, Dave Maley. Under #5 on the agenda is where the public can speak on any item that appears on tonight’s agenda and under #17 is where the public can speak on any item that does NOT appear on tonight’s agenda. I’d like to remind everyone keep your mics off until you’re ready to speak, mute your cell phones and anyone calling in, please mute yourself so that we can hold all the background noise to a minimum. Thank you.

COUNCILMAN LEWIS, PRO TEM – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Julie Harwig Smith, Ted Herncane, Ed Lewis, Mark Lombardi, Jamie Slutz, Mike Snee, and Jim Thieret.

Roll call of 9 present

2. INVOCATION

COUNCILMAN MIKE GREGG

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN GREGG

4. READING OF THE JOURNAL

COUNCILMAN LEWIS, PRO TEM – Thank you, Councilman Gregg. Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

COUNCILMAN LEWIS, PRO TEM – Are there any corrections or additions to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCILMAN LEWIS, PRO TEM – Thank you. Then the minutes stand approved as written.

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

6. NEW AND MISCELLANEOUS BUSINESS

COUNCILMAN LEWIS, PRO TEM – Before we move into Introduction of Ordinances and Resolutions, I do have one motion that I'd like to make and that is that we have Ord. No. 30 – 2022 tonight that is the appropriation related to something that falls in the second readings with Economic Development. So, I would be looking to move this Ord. No. 30 – 2022 to the end of the second readings so that we are coinciding. With that said, I'd like to make a motion that we amend the agenda moving Ord. No. 30 – 2022 to the end of Section 16. Seconded by Councilman Gregg. Roll call.

9 yes to ament the agenda to move Ord. No. 30 – 2022 to the end of the second reading of ordinances

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. The agenda has been amended.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 10 – 2022

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Parks and Recreation, on behalf of the Massillon Recreation Board and the City of Massillon, Ohio, to extend the Lease Agreement with Municipal Asset Management for fitness equipment at the Massillon Recreation Center, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – This ordinance is to extend the lease and not to exceed \$14,747. It's for the yearly lease. Did any of the committee members have any questions? Does anybody on Council have any questions. That being said, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 10 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilwoman Creamer. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 10 – 2022 has passed. Ord. No. 11 – 2022.

ORDINANCE NO. 11 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE amending Chapter 920 "Erosion/Sediment Control", Sections 920.01(b), 920.07(a), and 920.10(b) of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – So this is just an ordinance to amend Chapter 920. I'd like to open up to Council for discussion. Seeing none, move to first reading.

COUNCILMAN LEWIS, PRO TEM – Thank you. Ord. No. 11 – 2022 has received first reading. Ord. No. 12 – 2022.

ORDINANCE NO. 12 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the Sippo Sanitary Sewer Replacement Project, all in accordance with Section 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – Thank you. So, this is just for the design and inspection of the Sippo Sanitary Sewer Replacement Project. I'd like to open this up to you, Council for any discussion. Seeing none, first reading.

COUNCILMAN LEWIS, PRO TEM – Thank you. Ord. No. 12 – 2022 has received first reading. Ord. No. 13 – 2022.

ORDINANCE NO. 13 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL 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 with the lowest and best bidder, upon the approval of the Board of Control, for the Sippo Sanitary Sewer Replacement Project, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – Again, this is part two for the Sippo Sanitary Sewer Replacement Project. Any discussion open up to for Council members? First reading.

COUNCILMAN LEWIS, PRO TEM – Thank you. Ord. No. 13 – 2022 has received first reading. Ord. No. 14 – 2022.

ORDINANCE NO. 14 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the 26th St. N.W. Area Storm Sewer Improvement Project, all in accordance with Section 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – This is for the bidding on 26th St. Again, I'd like to open it up for Council for any discussion. Seeing none, first reading.

COUNCILMAN LEWIS, PRO TEM – Thank you. Ord. No. 14 – 2022 has received first reading. Ord. No. 15 – 2022.

ORDINANCE NO. 15 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL 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 with the lowest and best bidder, upon the approval of the Board of Control, for the 26th St. N.W. Storm Sewer Improvement Project, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – This is for the design and inspection of the 26th St. Storm Sewer Project. I'd like to open it up to Council, again. Seeing no discussion, first reading.

COUNCILMAN LEWIS, PRO TEM – Thank you. Ord. No. 15 – 2022 has received first reading. Ord. No. 16 – 2022.

ORDINANCE NO. 16 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the 20th St. S.E. Area Storm Sewer Improvement Project, all in accordance with Section 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – This is one is for the first part of the two-part 20th St. Storm Sewer Improvement Project. I'd like to open it up for Council; any discussion? Seeing none, first reading.

COUNCILMAN LEWIS, PRO TEM – Ord. No. 16 – 2022 has received first reading. Ord. No. 17 - 2022.

ORDINANCE NO. 17 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL 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 with the lowest and best bidder, upon the approval of the Board of Control, for the 20th St. S.E. Area Storm Sewer Improvement Project, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – Yes, this is part two for the 20th St. S.E. Area Storm Sewer Improvement Project. I'd like to open it up to Council for any discussion. Seeing none, first reading.

COUNCILMAN LEWIS, PRO TEM – Ord. No. 17 – 2022 has received first reading. Ord. No. 18 - 2022.

ORDINANCE NO. 18 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the North Erie Canal/Burton Ave. N.E. Storm Sewer Improvement Project, all in accordance with Section 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – Once again, this is for the North Erie Canal/Burton Ave. for the design and inspection contract. I'd like to open up to Council for any discussion. First reading.

COUNCILMAN LEWIS, PRO TEM – Ord. No. 18 – 2022 has received first reading. Ord. No. 19 – 2022.

ORDINANCE NO. 19 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL 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 with the lowest and best bidder, upon the approval of the Board of Control, for the North Erie Canal/Burton Ave. N.E. Storm Sewer Improvement Project, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – This is part two for the North Erie Canal/Burton; for the bids to enter into contract. I'd like to open it up to Council for any discussion. Seeing none, first reading.

COUNCILMAN LEWIS, PRO TEM – Ord. No. 19 – 2022 has received first reading. Ord. No. 20 – 2022.

ORDINANCE NO. 20 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the Tuscarawas River Protection Project, all in accordance with Section 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – This is a contract for the inspection of the Tuscarawas River Protection Project. I'd like to open it up to Council for any discussion. Seeing none, first reading.

COUNCILMAN LEWIS, PRO TEM – Ord. No. 20 – 2022 has received first reading. Ord. No. 21 – 2022.

ORDINANCE NO. 21 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL 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 with the lowest and best bidder, upon the approval of the Board of Control, for the Tuscarawas River Protection Project, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – Believe it or not, this is part two for the Tuscarawas River Protection Project. I'd like to open it up to Council for discussion. Seeing none, first reading.

COUNCILMAN LEWIS, PRO TEM – Ord. No. 21 – 2022 has received first reading. Ord. No. 22 - 2022.

ORDINANCE NO. 22 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL 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 with the lowest and best bidder, upon the approval of the Board of Control, for the Hills and Dales Road Pipe Replacement Project, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – Thank you, Councilman Lewis. Again, this is for the Hills and Dales Road Pipe Replacement Project. I'd like to open it up to Council for any discussion. Seeing none, first reading.

COUNCILMAN LEWIS, PRO TEM – Thank you. Ord. No. 22 – 2022 has received first reading. Ord. No. 23 – 2022.

ORDINANCE NO. 23 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL 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 with the lowest and best bidder, upon approval of the Board of Control, for the 2022 Annual Removal and Disposal of Anaerobically Municipal Sludge at the Wastewater Treatment Plant, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Snee.

COUNCILMAN SNEE – This one is a little different. It is not part of the other ones and this is something that we've done every year. This is basically just removing the sludge down at the

Wastewater Treatment Plant, so, I'm going to bring this forward. I'd like to make a motion to waive the rules requiring three readings and bring Ord. No. 23 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilman Slutz. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 23 – 2022 has passed. Ord. No. 24 – 2022.

ORDINANCE NO. 24 – 2022

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 agreement with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants that are charged under City Ordinances, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Councilman Lewis. As we discussed in Work Session, this is a contract that we do every year with the Stark County Public Defender's office to cover the cost of indigent defendants that are charged under City Ordinances. It saves us the cost of private counsel for these individuals. Are there any questions or concerns from the Rules and Courts Committee? Anybody else on Council? Seeing none, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 24 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilman Herncane. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 24 – 2022 has passed. Ord. No. 25 – 2022.

ORDINANCE NO. 25 – 2022

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending the Rules of Massillon City Council by enacting Rule 1.1 of Section 121.02 "RULES OF COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio.

COUNCILMAN LEWIS, PRO TEM – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Councilman Lewis. This is something that we had extensive discussion on this rule change to add a parliamentarian as a resource for Council for questions of Rules of Order and Robert’s Rules of Order. So, any further discussion or questions, first from Rules and Courts Committee? How about from the rest of Council? Seeing none, I’d like to make a motion that we waive the rules requiring three readings and bring Ord. No. 25 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilwoman Harwig Smith. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

7 yes; 2 no for passage – Creamer and Herncane voted “no”

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 25 – 2022 has passed. Councilman Gregg.

COUNCILMAN GREGG – President Pro Tem, in the passing of this ordinance, I’d like to nominate an individual for this position.

COUNCILMAN LEWIS, PRO TEM – Go ahead.

COUNCILMAN GREGG – I’d like to nominate Mark Lombardi as Parliamentarian for City Council.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilman Thieret. Roll call for nomination.

7 yes; 1 no; 1 abstention

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Mr. Lombardi has been chosen as Parliamentarian for Massillon City Council. Ord. No. 26 – 2022.

ORDINANCE NO. 26 – 2022

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY 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 with the lowest and best bidder, upon the approval of the Board of Control, for the Erie Street South Improvement Project, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Councilman Lewis. I believe that we can proceed with this one because this one is not part of the funding. So, are there any questions on this? This will be spending \$690,000.00 plus; it’s an 80/20 split with the Ohio Department of Transportation. The City is responsible for 20% of the cost and I understand that we want to get ahead of the bidding process. Any questions you can bring them up now; I open up to

Council. Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 26 – 2022 forward for a vote.

COUNCIL PRESIDENT ISNTICK – Seconded by Councilman Snee. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 26 - 2022 has passed. Ord. No. 27 – 2022.

ORDINANCE NO. 27 – 2022

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY 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 with the lowest and best bidder, upon the approval of the Board of Control, for the purchase of fuel for City vehicles at an off-site location, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Councilman Lewis. Again, this is something that the City needs to do so that we can get the best pricing for fuel for our City vehicles. Are there any questions from Council? Then I want to make a motion that we suspend the rules requiring three readings and bring Ord. No. 27 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilwoman Creamer. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 27 – 2022 has passed. Ord. No. 28 – 2022.

ORDINANCE NO. 28 – 2022

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY 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 with the lowest and best bidder, upon the approval of the Board of Control, for the City Streets Pavement Marking Project, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Councilman Lewis. Again, this is another project that the City needs to get involved with early. Our Street and Sign Dept. can only do so much, so we need to get in line for the longer surface street marker personnel. So, the sooner we get out for bids the better. Any questions or discussion from Council? Mr. Snee.

COUNCILMAN SNEE – This lane marking, if we put this forward today, are we able...my concern is that there's a certain turn lane in my ward that's causing quite a problem and I don't want to re-mark it and waste the money on it. I guess my question is, are we able to hold that off before we re-mark it and then, if possible, re-strip it and then re-mark it again?

COUNCILMAN THIERET – I'm not sure if anyone from the Engineering Dept. is here tonight. They probably won't begin any of that until spring. These are the bigger projects. The City has some of their own that they can do; just lane changes. This is the big ones.

COUNCILMAN SNEE – Okay. That's all I needed to know.

COUNCILMAN THIERET – Mr. Gregg.

COUNCILMAN GREGG – I was just going to mention that this is just to go out to bid. This isn't any specific part of the project.

COUNCILMAN THIERET – Any other questions?

COUNCILMAN LEWIS, PRO TEM – Councilman Thieret.

COUNCILMAN THIERET – I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 28 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilwoman Creamer. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 28 – 2022 has passed. Ord. No. 29 – 2022.

ORDINANCE NO. 29 – 2022

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the Erie St. S. Improvement Project, all in accordance with Section 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Councilman Lewis. This is one of the larger projects that will be going through the American Rescue Plan expenses account. So, until we pass that, first reading.

COUNCILMAN LEWIS, PRO TEM – Thank you. Ord. No. 29 – 2022 has received first reading. Ord. No. 31 – 2022.

ORDINANCE NO. 31 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1433 Parks and Recreation Capital Improvement Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Yes. Ord. No. 31 – 2022 is referencing the funding needed to complete the water in the pool section of the Rec. Center that we just discussed last week. It was approved by the Recreation Board already. Are there any further questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 31 – 2022 forward for a vote. Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 31 – 2022 has passed. Ord. No. 32 – 2022.

ORDINANCE NO. 32 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for funding to the Ohio Public Work Commission for the funding year 2023, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Thank you. This is a pretty standard thing that we do every year; go to OPWC to see if we can get assistance in funding. I do have a question for the Administration, whether it be the Mayor or the Safety Service Director; if they'd be willing to come forward.

BARB SYLVESTER – Good evening.

COUNCILMAN LEWIS, PRO TEM – Thank you. If I remember correctly last week when we discussed this, there is enough of a window here that if we wait and give this first reading, it doesn't make them miss their deadline for submission; is that correct?

BARB SYLVESTER – That's correct. We did want to get it out earlier. As Greg said, they've moved it up and you have to do the electronic filing now, but he wanted to bring it to Council early enough so they can have some time.

COUNCILMAN LEWIS, PRO TEM – Thank you. Mr. Herncane.

COUNCILMAN HERNCANE – Thank you, Mr. Lewis. Mrs. Sylvester, I have a question about the Warmington Rd. improvements. I feel like we've seen this a couple of time in prior OPWC applications. Has the project not been awarded funds or is it a big project that's getting funded over a couple of years?

BARB SYLVESTER – It has not been awarded.

COUNCILMAN HERNCANE – Can you explain what that project is, if you know?

BARB SYLVESTER – Well, it's been out there for a while, but that entire road needs to be done.

COUNCILMAN HERNCANE – Thank you.

BARB SYLVESTER – You're welcome.

COUNCILMAN LEWIS, PRO TEM – Any other questions? Thank you, Mrs. Sylvester.

BARB SYLVESTER – Thank you.

COUNCILMAN LEWIS, PRO TEM – First reading. Ord. No. 32 – 2022 has received first reading. Ord. No. 33 – 2022.

ORDINANCE NO. 33 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one-year contract between the City of Massillon, Ohio, and the Board of Stark County Commissioners for the housing of City of Massillon, Ohio, Codified Ordinance prisoners at the Stark County Jail, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Yes. This ordinance is our agreement with the County so that when we have any offenders that need to be housed under Massillon City ordinances, we will cover that cost of their housing while they're over there at the County Jail. 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. 33 – 2022 forward for a vote. Seconded by Councilman Lombardi. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 33 – 2022 has passed. Res. No. 5 – 2022

RESOLUTION NO. 5 – 2022

BY: COMMITTEE OF THE WHOLE

A RESOLUTION appointing Jim Thieret to the Historical Preservation Commission as a Council representative for the term January 1, 2022 to December 31, 2023.

COUNCILMAN LEWIS, PRO TEM – Is there any discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 5 – 2022 forward for a vote. Seconded by Councilman Snee. Roll call for suspension.

8 yes; 1 abstention for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

8 yes; 1 abstention for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Res. No. 5 – 2022 has passed. Congratulations Mr. Thieret.

COUNCILMAN THIERET – Thank you.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 1,131.76	Publication of November Ordinances
Bonnie’s Engraver’s Gallery	-	293.50	Name Plates and Rubber Stamp
Office Depot	-	130.12	Office Supplies
The Repository	-	64.12	Publication of Public Hearing
Corporate Credit Card	-	<u>21.25</u>	Webex Subscription – January
Total	-	\$ 1,640.75	

COUNCILMAN LEWIS, PRO TEM – Councilman Gregg

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

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilman Lombardi. Roll call.

9 yes to pay the bills

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. The Clerk will pay the bills and charge them to their proper accounts.

11. REPORTS FROM CITY OFFICIALS

Auditor’s Report	-	January 2022
Treasurer’s Report	-	December 2021

COUNCIL CLERK ROLLAND – I did not e-mail the Auditor’s Report to everyone this past Friday because we were having issues and still have issues with our e-mail. So, I do have a copy of the Auditor’s Report here if you want a copy of it. I’d be glad to make you a copy or if you just want to look through it.

COUNCILMAN LEWIS, PRO TEM – Okay. Can we have the Auditor’s Report put on the next agenda as well? I can’t get a motion if they have seen it; they can’t vote to approve it if they haven’t seen it yet. So, just put it on the next agenda as well.

COUNCIL CLERK ROLLAND – Okay.

COUNCILMAN LEWIS, PRO TEM – Thank you.

COUNCIL CLERK ROLLAND – Sure.

12. REPORTS OF COMMITTEES

COUNCILMAN LEWIS, PRO TEM – Our next Work Session will be Monday, February 14, 2022, at 6:30 p.m. At that time, we will be also discussing ARPA funding more, so please come. We had a lot tonight that did involve that. So, we want to be able to have a good conversation, get questions answered. If you have any questions leading up to that and you feel you need a more detailed explanation needed, please feel free to reach out to the Mayor or Mrs. Sylvester. I’m sure they’d be willing to find out any information you need to assist in getting this moving forward.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 1 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from R-1 One Family Residential to B-3 General Business District.

COUNCILMAN LEWIS, PRO TEM – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Mr. Lewis. As this states, this is a rezoning request of Parcel 610533 at 723 Lincoln Way N.W. It is an R-1 One Family Residential going to B-3 General Business District. Are there any questions regarding this? We do have a public hearing scheduled for February 22nd at 6:00 p.m. here in Council Chambers, but does anyone has any questions this evening? Seeing none, second reading.

COUNCILMAN LEWIS, PRO TEM – Thank you, Mrs. Creamer. Ord. No. 1 – 2022 has received second reading. Ord. No. 2 – 2022.

ORDINANCE NO. 2 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Jennifer Perko to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Luvih Yoga Studio, located at 15 Federal Ave. N.E., Massillon, Ohio.

COUNCILMAN LEWIS, PRO TEM – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Mr. Lewis. As the Clerk mentioned, this for an economic development inducement grant for Luvih Yoga Studio. The dollar amount is \$2,500. Are there any questions from Council? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 2 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilwoman Harwig Smith. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 2 – 2022 has passed. Ord. No. 3 – 2022.

ORDINANCE NO. 3 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Joyce and Judy Phillips to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for The Good Way to Shop, located at 104 Cherry Ave. N.W., Massillon, Ohio.

COUNCILMAN LEWIS, PRO TEM – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Mr. Lewis. As the Clerk mentioned, this is an economic development inducement grant for The Good Way to Shop in the dollar amount of \$2,500. Are there any questions from anyone on Council? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 3 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilwoman Harwig Smith. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 3 – 2022 has passed. Ord. No. 4 – 2022.

ORDINANCE NO. 4 – 2022

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of a sanitary sewer easement for Candell St. S.E., Massillon, Ohio.

COUNCILMAN LEWIS, PRO TEM – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Councilman Lewis. This is just a standard dedication that we just need to approve so it can enter into the books. Is there any questions or discussion from Council? Then I move that we waive the rules requiring three readings and bring Ord. No. 4 – 2022 forward for a vote tonight.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilwoman Creamer. Oh, Mr. Thieret, it looks like the Law Director would have something to say.

COUNCILMAN THIERET – Please.

JUSTIN RICHARD – May I approach?

COUNCILMAN LEWIS – Yes, Law Director.

JUSTIN RICHARD – Good evening. As far as ordinances No. 4 thru No. 6, all of these, ultimately, are replatted. They have plans and the Law Dept. has to sign off on them. The developers have to do their due diligence as far as before, ultimately, when my office signs off on something, we're declaring that all lands offered for public are free from any encumbrances. They have not, the developers and/or their attorneys to this point for the parcels included in ordinances No. 4 thru No. 6, have not yet done that. They haven't been vetted yet. We've been working with them and they're better than they were, but it's not our standard yet that I'm willing to sign on it and that somebody doesn't come down two years down the road and say "Hey, we have a right to your public land" and then they start to build into it. So, I'm requiring certification and/or insurance from all of these developers to clear us so just in case if somebody is to come and say that they have title, have an encumbrance, have an easement; so, we're just not at that point yet. Thank you.

COUNCILMAN THIERET – Thank you very much for clearing that up. I will move for a second reading then, on all three. Thank you.

COUNCILMAN LEWIS – Are you withdrawing your motion then, Mr. Thieret?

COUNCILMAN THIERET – Yes, I'm withdrawing my motion, please, yes and second reading.

COUNCILMAN LEWIS, PRO TEM – Ord. No. 4 – 2022 has received second reading. Ord. No. 5 – 2022.

ORDINANCE NO. 5 – 2022

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of road right of way and approve the Replat of Out Lot 927, Massillon, Ohio.

COUNCILMAN LEWIS, PRO TEM – Councilman Thieret.

COUNCILMAN THIERET – Second reading.

COUNCILMAN LEWIS, PRO TEM – Ord. No. 5 – 2022 has received second reading. Ord. No. 6 – 2022.

ORDINANCE NO. 6 – 2022

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of sanitary sewer easements in the City of Massillon, Ohio.

COUNCILMAN LEWIS, PRO TEM – Councilman Thieret.

COUNCILMAN THIERET – Second reading. I just have a question, not on this one, second reading on this ordinance. I want to, first of all, thank the Administration and everyone who had anything to do with the crosswalks signs in downtown; getting those up and operating. It's very much appreciated and I've gotten a lot of positive feedback on that. And several questions from citizens about why the traffic lights at the Sarta facility, well, the old Sarta facility and the hotel are still there and interrupting the flow of traffic? Maybe we need to contact the engineer or somebody to come to the Work Session about those questions, but I didn't want to forget to bring them up. Thank you.

COUNCILMAN LEWIS, PRO TEM – Madam Mayor, can you have an answer for next week maybe?

MAYOR CATAZARO-PERRY – We will. We'll talk with engineering and we'll give an update next week.

COUNCILMAN LEWIS, PRO TEM – Thank you. I'd appreciate it.

COUNCILMAN LEWIS, PRO TEM – Ord. No. 6 – 2022 has received second reading. Ord. No. 9 – 2022.

ORDINANCE NO. 9 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to exercise the option to renew for the fifth year under the terms of the Agreement originally effective January 1, 2013, with Kimble Recycling & Disposal, Inc. for the collection of residential and commercial refuse and recycling for the 2022 calendar year, and declaring an emergency.

COUNCILMAN LEWIS, PRO TEM – Thank you. We've had this around for a couple of readings now. I just wanted to make sure that everybody had time to review and to reach out. Are there any questions or discussion this evening before we attempt to move forward?

Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 9 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM - Seconded by Councilman Lombardi. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 9 – 2022 has passed. Ord. No. 30 – 2022.

ORDINANCE NO. 30 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2022.

COUNCILMAN LEWIS, PRO TEM – This is the funding piece for the two economic development grants that were approved earlier in this meeting. Are there any questions of discussion? Seeing none, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 30 – 2022 forward for a vote.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCILMAN LEWIS, PRO TEM – And for passage.

9 yes for passage

COUNCILMAN LEWIS, PRO TEM – Thank you, Madam Clerk. Ord. No. 30 – 2022 has passed.

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

18. **ADJOURNMENT**

COUNCILMAN LEWIS, PRO TEM – Councilman Gregg.

COUNCILMAN GREGG – I move that we adjourn.

COUNCILMAN LEWIS, PRO TEM – Seconded by Councilman Snee. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT