

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, FEBRUARY 19, 2019**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, February 19, 2019. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Law Director, Andrea Scassa and Economic Development Director, David Maley. On the wall to the left are agendas if you wish to follow the 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.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan. Jill Creamer, Sarita Cunningham, Mike Gregg, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson and Megan Starrett.

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. All present and accounted for. Councilman Manson.

2. INVOCATION

COUNCILMAN MANSON

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN MANSON

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Manson.

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 additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Then the minutes stand approved as written.

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

COUNCILMAN MANSON – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Councilman Manson.

COUNCILMAN MANSON – We'd like to, before we start into the ordinances, I make a motion that we go into Executive Session pursuant to Ohio Revised Code, Section 121.22(g)2 to consider sale of properties.

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

9 yes to enter into Executive Session – 6:35 p.m.

COUNCILMAN MANSON – I'd like to invite all of Council, Council President, Council Clerk and Safety Service Director Smith, Economic Development Director Maley and Law Director Scassa.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I make a motion that we return to Regular Session.

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

9 yes to exit Executive Session – 6:45 p.m.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We are now back into Regular Session.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 19 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to transfer Parcel No. 4318881, located at 3140 Lincoln Way E., Massillon, Ohio; and Parcel No. 4318333, located at 124 Austin Ave. N. W., Massillon, Ohio, from the City of Massillon to the Community Improvement Corporation of Massillon (CIC), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 19 – 2019 has received first reading. Ord. No. 20 – 2019.

ORDINANCE NO. 201 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to transfer Parcel No. 4318330, located at 323 Marion Ave. N.W.; Parcel No. 4318329, Part of 323 Marion Ave. N.W.; Parcel No. 4318882, Marion Ave. N.W., Parking Lot; and Parcel No. 4309621, Bailey St. N.W., Parking Lot, all located in Massillon, Ohio, for the City of Massillon to the Community Improvement Corporation of Massillon (CIC), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. Thank you, Madam President. It's my intention to waive the rule and bring this forward. I wanted to know if we should have any conversation; if there's anything at all that the Administration would like to say or any questions that anybody has about this? Okay. I make a motion that we waive the rule requiring three separate readings and bring Ord. No. 20 – 2019 forward for passage.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 20 – 2019 has passed. Ord. No. 21 – 2019.

ORDINANCE NO. 21 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the City of Massillon, Ohio, to lease Parcel No. 4318881, located at 3140 Lincoln Way E., Massillon, Ohio; and Parcel No. 4318333, located at 124 Austin Ave. N.W., Massillon, Ohio, from the Community Improvement Corporation of Massillon (CIC), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 21 – 2019 has received first reading. Ord. No. 22 – 2019.

ORDINANCE NO. 22 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the City of Massillon, Ohio, to lease Parcel No. 4318330, located at 323 Marion Ave. N.W.; Parcel No. 4318329, Part of 323 Marion Ave., N.W.; Parcel No. 4318882, Marion Ave. N.W., Parking Lot; and Parcel No. 4309621, Bailey St. N.W., Parking Lot, all located in Massillon, Ohio, from the Community Improvement Corporation of Massillon (CIC), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. Thank you, Madam President. The same thing with this; I intend to waive the rule unless there are any questions that anybody has or comments? Seeing none, I make a motion to waive the rule requiring three separate readings and bring Ord. No. 22 – 2019 forward for passage.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 22 – 2019 has passed. Ord. No. 23 – 2019.

ORDINANCE NO. 23 – 2019

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE repealing Section 509.10, BEGGING, CHAPTER 509 – DISORDERLY CONDUCT AND PEACE DISTURBANCE of PART FIVE, GENERAL OFFENCES CODE of the Codified Ordinance of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Yes. Thank you, Madam President. I've had a number of calls regarding this legislation and I'd like to call Law Director Scassa to the microphone to kind of explain what the City's position and thinking is on this.

COUNCIL PRESIDENT ISTNICK – Thank you.

ANDREA SCASSA – No problem. I received, not many, but e-mails concerned about the repeal of this Ordinance and the "on plot" of begging and panhandling and, I guess just overall harassing nature that they feel the repeal of this ordinance will bring about on the City. My position is, like I said, although I don't handle the day-to-day criminal prosecution because I handle more of the civil aspect of our office, we do not see this charge come across in the volumes that there are a lot of people out committing this violation, I guess, if that makes any sense. The reason I brought this forward, like I said, was due to a letter that a neighboring city received from the ACLU which is the American Civil Liberties Union and the letter that they sent that I gave you all copies, in my opinion, was very well written and explained how Supreme Court cases has been decided and discussed that this type of prohibition restricts a

certain kind of speech and that that is unlawful. I'm not up here saying that I agree with that assessment in the sense that I don't want our citizens harassed or feel that they are going to be harassed by individuals that are perhaps asking them for money, but in the same token, I also am charged with making sure that our ordinances, to be best of our ability, are consistent with the law and within case law that is decided by Appellate or higher courts. So that is the reason for me bringing this forward. Like I said last week, the City of Massillon has not received this letter from the ACLU, but I was trying to be proactive in taking a look at our ordinance and if you look at ordinance, it was enacted in 1946 and I know we had a little bit of a chuckle with some of those provisions within the ordinance. But, as with many of our ordinances, it was enacted a long time ago and hasn't been amended or hasn't been touched since. So, like I said, I was trying to take a proactive approach to this ordinance and I know even the Safety Service Director has talked to me about many of our ordinances that we need to take a look at to make sure that they are in compliance with changes to the Ohio Revised Code or, like I said, changes to Case Law as it come about. So, I understand that this may have upset some residents in thinking that people are maybe going to start knocking on their doors begging or getting more prevalent in intersections. I fall back on my statements that I made last week in stating that we have plenty of other City Ordinances or plenty of other Ohio Revised Code sections that if individuals do start to become menacing, threatening; if they're on your property, there are other violations that they could potentially be committing that are actually more serious than what the begging ordinance is violated which is a misdemeanor which is essentially fine and court costs. So, that's what I'm saying is if it gets to a situation where somebody feels threatened or is feeling harassed, there maybe other violations of the law that are even more serious than this ordinance that I'm seeking to repeal. Again, it's all very fact specific, but, that's my long-winded comment.

COUNCILMAN GREGG – So you don't feel that repealing this would lead to a great increase in panhandling activity in the City?

ANDREA SCASSA – My opinion for what it's worth, I don't think individuals who seek this type of assistance, whether they're doing it legitimately or not, are looking in the papers to see which municipalities are repealing their ordinances and are "Ooo, I'm going to go there". I mean, and again, the letter from the ACLU, it talks about what is the root of this problem? And like I said, it's whether you believe that people are legitimately out there asking for assistance; asking for money or not. But what is the root to that? You see it on the highways, you see it at the entrance to some large shopping complexes. Like I said, whether we have an ordinance or not, I don't think it's going to completely get rid of that problem. So, in my opinion, no. Again, that's just my opinion. I don't think we're going to see an increase in begging if this gets repealed. That's just my opinion based on the cases that I see come through and based on the activity that I see in our City as well.

COUNCILMAN GREGG – Have there been a number of other Ohio cities that have repealed this; similar laws?

ANDREA SCASSA – Yes. I believe, at this point, Canton is the County seat for our County. They are population-wise larger than us. Again, in that letter that I gave you, not only cities within Ohio, but I reference the city of Philadelphia, PA, that they addressed. I believe they were going after the larger metropolitan areas first. Like I said, that's not to say that a small city like ours in relation to those, couldn't get on their radar, but I believe a lot of municipalities do have this type of ordinance on their books. So, it's sort of how far out can they reach. But, no. I guess to answer your question, we're not the only municipality that are taking these steps.

COUNCILMAN GREGG – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you. A couple of things. You had said that you looked at the criminal prosecutions for this particular ordinance. People may not be cited for this, but spend anytime at all at Towne Plaza, McDonald's; anywhere downtown and watch the activity and you'll see our police there several times a day asking people to move on. I've been there and called myself a couple of times when I see people that are harassing elderly people in the parking lots and the reason they're not cited is, if you talk to the officers; our court costs are like \$120.00 plus whatever the misdemeanor fine would be. These people are in bad enough shape as it is. They don't want to stick them with having to come up with that money. So, they tell them to move on; they don't cite them. So, if you're just looking at criminal prosecutions, your numbers are way off. That's the first thing. Second thing, I think you had mentioned that you see people that are asking for money at the entrances to shopping areas and things. I

think I've seen that in Akron quite a bit and if I'm not mistaken, in Akron at one time, before you could do that, you actually had to apply and get a permit from the city to do it and I don't know if that's still in effect or if that was challenged and found out by Akron. But it could be something to be considered and I think the reason they did that was because you had too many people that were actually making their living doing this or making a second income doing it and they were kind of vetted before their permit was given. So, we have other regulations in Massillon that we might be able to amend to do something like that, so if there is somebody is legitimately in need, if they get a permit and they have certain guidelines what they're allowed to do, what they're not allowed to do. That might be a way to approach it. I tell you now, I will vote against this because it's just too ambiguous. That's my reasoning.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I guess my first thing is I think this probably needs to go first reading. Second thing is, the way I look at is a couple of things. The big one is that we may not be on the ACLU's radar now, but a real quick way to get on the radar is to actually prosecute somebody on this and they get wind of that and then all of a sudden we're going to have ACLU come in, defend them and then claim violation of constitutional rights and what started off as a minor misdemeanor if someone was begging on the corner will turn into a major case and I don't think that's a fight that any of us really want to go into when in reality, we're just telling them to move on. But I think we need maybe a couple of more questions answered and maybe first reading is smart.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you. I received probably a dozen phone calls and e-mails of concerned citizens about this that are really up in arms about the safety of our older citizens which we have a lot of them and at this point, I'm not in favor of this either.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Manson.

COUNCILMAN MANSON – I think I was kind of like Milan. Is there any way we could maybe change the language to keep the ordinance, but give ourselves a little cover as far as what we're looking at here?

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Is there anything other than repealing it in its entirety that the ACLU would approve?

ANDREA SCASSA – Well, I haven't reached out to the ACLU. I don't want to necessarily want to get on their radar. But, again, I think Milan brings up a good point of the individuals. Again, there's a couple different schools of thought in the thinking, like you said, there's individuals out there begging either as their second job or not in a legitimate sense. And then you have those individuals that I think are truly are in need. And again, that's where from the ACLU standpoint in the letter they presented, it's looking at "What is the root of the problem and helping those individuals that truly need help?" Because, again, like I said, Milan hit the nail on the head in the sense of the officers they cite these individuals and with it only being a minor misdemeanor, again, we're looking at fines and court costs, they're not going to pay it anyhow. Even if these individuals, I believe, maybe have the means; they're most likely not going to pay that ticket, if you will, or that citation. So, it's how do we patrol that or how do we get to the root of the problem? And like I said, if they truly are harassing individuals or harassing the elderly, then the police, obviously, be involved. Because we have to regulate that kind of behavior and that's not the kind of behavior, I believe, that in the letter that the ACLU is seeking to protect. They're not seeking to protect the individuals who are harassing or menacing elderly or anyone, for that matter. It's just those individuals, it's their speech that they're looking to protect. So that's why I didn't put emergency language on this because I knew it would garner a lot of conversation and I don't think anyone's concerns or issues are going to get squelched. So, like I said, that's why I didn't ask for emergency language and I'm completely fine with us working through this.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Yes. You reference the Ohio Revised Code and Case Law, so, what does the Ohio Revised Code, how does it state this situation? Because I know we've revised some ordinances previously and were basing it upon the Ohio Revised Code.

ANDREA SCASSA – I would have to look. I'm not, off the top of my head, aware of a Revised Code Section dealing with begging or panhandling; I don't know. My colleague is finding one within the Ohio Revised, but off the top of my head, I don't know.

COUNCILWOMAN CREAMER – Can we at least have follow-up at the next Work Session to see if there's something available? Thank you.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – I will say just with a quick look, there is an Ohio Revised Code statute for in traffic section for panhandling vehicles. So, those standing on the sides of the roads, that is against the law against the Ohio Revised Code in a ten second search. So, there's that type of panhandling, but, you know, somebody in a parking lot approaching people at Walmart parking lot or something like that, may not be covered under the Ohio Revised Code; from what I'm seeing here. But that's just, again, not full research.

ANDREA SCASSA – And again, if they're impeding traffic, if they're in an intersection, in addition to that Revised Code Section, again, it's very fact specific. They may be committing other violations if they're actually in traffic.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – My last comment is that the thing that concerns greatest is that from the information we have is that ordinances such as this, have been found by the Supreme Court of the United States of America to be unconstitutional and a violation of people's rights as a citizen of this country. And my question is, how does the City Council in Massillon, Ohio, feel that they would not align themselves as we have been sworn to uphold the Constitution of the United States as we hold these positions, how we would not allow ourselves to have a law that lines up with findings of the Supreme Court in regards to the Constitution. That's kind of what we're talking about here. We can talk about our concerns of what the ramifications may be and that's why we need to go three readings. Because there might be a better way of than repeal. There might be another way we can adjust this ordinance, but as it is written now, it seems that we are in violation of people's constitutional rights which is not a position I'm ever going to support of saying, yes, screw the Supreme Court and the Constitution, we're going to say, no. I'm not going to be able to do that. So, I'm all for going three readings, let's research this and see if there's another way to get to where we need to be. But if there's not, it is what it is.

COUNCIL PRESIDENT ISTNICK – Anyone else?

ANDREA SCASSA – I don't have anything else.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – We'll give this first reading, thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 23 – 2019 has received first reading. Ord. No. 24 – 2019.

ORDINANCE NO. 24 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of the Park and Recreation Department of the City of Massillon, Ohio, to enter into an agreement with Lake Erie Golf Cars for a new lease, including ten (10) additional golf carts for The Legends of Massillon Golf Course, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. First, I spoke to Mr. Pedro. He does apologize, but with us having our meeting on a Tuesday due to the holiday and his family commitments, he was not able to be present tonight. But, are there any questions or discussion. Are we ready to move

forward? The Park and Recreation Board did approve this. It is their lease. The need for additional carts is due to, what did he say; like twelve or fourteen new leagues that they have acquire for the new season. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 24 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 24 – 2019 has passed. Ord. No. 25 – 2019.

ORDINANCE NO. 25 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew the one (1) year Agreement with the City of Canal Fulton, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is a pretty standard renewal for us to be able to represent, essentially, the City of Canal Fulton whenever they have a violation that comes to our courts. Any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 25 – 2019 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 25 – 2019 has passed. Ord. No. 26 – 2019.

ORDINANCE NO. 26 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an ordinance for \$3,580.00 to go to Special Events Programs. This money was raised as a fundraiser as one of the initiatives of the Mayor of City and we are just acting as a pass-thru to pay costs associated with the fundraising effort. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 26 – 2019 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 26 – 2019 has passed. Ord. No. 27 – 2019.

ORDINANCE NO. 27 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3104 Vacant Foreclosure Deposit Fund to cover expenses for the Housing Market Reinvestment Program (HMRP), for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. HMRP is a grant program through the City of Massillon where homebuyers that purchase a home that was either recently foreclosed upon or in a CDBG neighborhood can have their property tax or \$1,000, the lesser of the two, provided to them for up to the first three years of ownership and all of this is funded by banks that have foreclosed on homes in the City of Massillon. So, the program has been in process for a few years now and we are looking to appropriate \$23,939.46 that will go to homeowners this year. And then we have another \$1,600 that are for supplies and costs that are associated with operating this program. 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. 27 – 2019 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 27 – 2019 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A Request for a New Liquor License to 6th St. Market, LLC, DBA 6th Street Market located at 124 – 6th St. N.E., Massillon, Ohio 44646. It is located in Ward 2 and Permit Classes are C1 and C2.

9. BILLS, ACCOUNTS AND CLAIMS

The Repository - \$788.80 Publication of December Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The bills will be paid and charged to the proper accounts.

10. REPORTS FROM CITY OFFICIALS

Auditor's Report - January 2019

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we accept the Auditor's Report.

COUNCIL PRESIDENT ISTICK – Seconded by Councilwoman Starrett. Roll call

9 yes to accept the Auditor's Report – January 2019

COUNCIL PRESIDENT ISTNICK – Thank you. The Auditor's Report has been accepted for January 2019.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session is next Monday, February 25, 2019 at 6:30 p.m. Anyone have anything? Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. I just did want to report that we had a Committee Meeting for Health, Welfare, Bldg. Regs. earlier this evening. We have been able to work through, again, a preliminary request for change in an ordinance and all Council members will be receiving a copy of that via e-mail to make any adjustments to and then in our next meeting, we'll be able to bring it forward, I believe and see if there's any further discussion that needs to be had.

COUNCIL PRESIDENT ISTNICK – Thank you. Any questions or comments on that?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCE AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 14 – 2019

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, 610 – 615 WASTEWATER TREATMENT DEPARTMENT by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES, 610 – 615 WASTEWATER TREATMENT DEPARTMENT and enacting a new 610 – 615 WASTEWATER TREATMENT DEPARTMENT to Section 2(D) OCCUPATION LIST OF CLASS TITLES, in the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. We've had a couple of discussions regarding this ordinance as well as Ord. No. 15 – 2019. Are there any further questions or discussion regarding this ordinance? If not, I plan to move this forward for a vote. Seeing none, I'd like to make a motion that we suspend the rules requiring three readings of this ordinance and bring it forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 14 – 2019 has passed. Ord. No. 15 – 2019.

ORDINANCE NO. 15 – 2019

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, 845 COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES, 845 COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT and enacting a new 845 COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT to Section 2(D) OCCUPATION LIST OF CLASS TITLES, in the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. As in the last ordinance, we've had a couple of discussions regarding this and unless there are further questions or concerns, I'd like to move it forward for a vote. I'd like to make a motion that we suspend the rules requiring three readings of Ord. No. 15 – 2019 and bring it forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 15 – 2019 has passed.

16. **NEW AND MISCELLANEOUS BUSINESS**

COUNCIL PRESIDENT ISTNICK – Mr. Smith, you want to come on up and give us an update on what's going on?

JOEL SMITH – Okay. Update on what's going on; I gave all of you that street list last week and the map and hopefully you've had some time to take a look at it. Mr. Lewis did hand me something that he received, I guess, from some residents. We've received one call asking about a certain street and like I explained last week, we put a lot of thought into this. We looked at the general condition of all streets around the City. We tried to take care of all areas of the City as much as we can, but yet, we have to look at what are the worse streets and like I said last week, for everyone that's on there, probably most of you could come up with five to ten that are just as bad and we looked at that and we try to piece the puzzle together. Legislation will be before you at the next Work Session next Monday night and we would want to move this forward so we can put this out to bid. The total cost of expenditures in the City, again, for paving is just a hair over \$4 million dollars. That's coming from all sources. A little over \$1.8 million from our City dollars for the Streets Resurfacing Program that I've given you on this. Another \$145,000 from CDBG to cover the Target Area streets. Another \$167,000 is being spent from the Municipal Road Fund for Erie Street S. and then \$293,000 is the total project cost for 27th St. N.E and Jackson Ave. That's an OPWC, we're partnering with Perry Twp. and the County of that. And then you have the \$1,587,000 is being spent on Richville Dr. between 16th St. and U.S. Rt. 30. So, all of those projects will be going on this summer. The Richville project is probably the one we're moving the fastest on. They're required by contract to have that done by end of June. The rest of these will go through the whole paving season and probably not wrap up until October. So, and then on top of that, obviously, you have the Streetscape Downtown. Lincoln Way will be repaved as part of that project. So, that'll be kicking off here. We're waiting for Federal approval for the Streetscape Project to move forward. So, we're kind of in a holding pattern before we can bid that out because it's gone through the State process and we're waiting for the Federal approval for because it is a Federal Project. So that's the street piece of it. I'm ready and willing to answer any questions you may have. Go ahead, Sarita.

COUNCIL PRESIDENT ISTNICK – Sarita.

COUNCILWOMAN CUNNINGHAM – Mr. Smith, are we still on target for approximately April for the opening of the fire station?

JOEL SMITH – Yes. We have update meetings every two weeks. I think most of the construction is pretty much complete. We have to wait for the thaw to get the parking lot put in and then the yard and all that work will need to be done. They're doing interview; the Fire Dept. is doing interviews now with the intention of hiring three new firefighters here pretty soon. So, they need a little bit of training, but yeah, we're still looking in the first couple of weeks of April. By the time we get everything moved in there; get the parking lot done; get the furnishings in and get it all set up with the radios and everything.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you. Just one more on the line of the fire station, since we've seemed to move off the streets. We had ordered a couple of new fire trucks from last year. We've already taken possession of those haven't we?

JOEL SMITH – That's correct.

COUNCILMAN CHOVAN – Okay and now we find out that the Quint is shot?

JOEL SMITH – Yes.

COUNCILMAN CHOVAN – So, do we have grant money that the Chief's looking for to replace that?

JOEL SMITH – Yes. The Quint, it's a 21-year-old fire truck. He recently took it up to have some work done up in Akron and they gave us a report that it was unsafe to operate because of the decay in the underbody. We have an estimate between \$300,000 to \$400,000 to fix it. So, realistically, it's out of commission. We have a need for that vehicle to replace. It's probably \$800,000 to \$900,000. The Chief is going to file a grant and he feels pretty good that we can get a grant for that replacement because it is something that if we don't replace it, it would reduce our rating for our Fire Dept. So, he feels pretty good about the grant process. I wouldn't think we would know anything probably until closer to the end of the year on whether we got that grant. But, if we got the grant, we'd have spend about 10% of the purchase price so that would be part of 2020 budget to put that in our capital piece of it. If we don't get the grant, then we've got to figure something out.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I just wanted to confirm that you received a copy of the notification on Woodruff Ave.?

JOEL SMITH – Yes, I did.

COUNCILWOMAN LITMAN – Okay. Will you be going out to access that street?

JOEL SMITH – Yes. I would definitely go out and assess it probably tomorrow and take a look at it. Yes, we will.

COUNCILWOMAN LITMAN – Okay, thank you.

JOEL SMITH – And the money that we've put aside, the \$1,861,000, that's the total money we have available. So, that's what, the list that you have is our engineer's cost estimate. The hope would be that the bids would come in lower than that and we can add projects to it. But this isn't all that we're doing. Keep in mind that we have about \$400,000 put aside in the engineering budget for the other little projects that we're hoping to do. But every day new things pop up. Claudette sent me a notice about a sink hole on Springhaven. I've heard today on Ledgewood that there's a sink hole. We have a pipe that needs to be replaced across Hills and Dales. So, all of those things are popping up that we're going to have to invest money it and that pretty much never stops. So, the monies that we're hoping to do projects with, it gets eaten up pretty quick. What I'm saying is that I'm going to look at these other roads and that's why I gave you this list early on and please, feel free to call me, e-mail me, tell me whatever you think. Tell me I looked at this road, I looked at another road, I think it's a lot worse, would you please look at it? Just like Woodruff, I will definitely go out and look at it. I can stand here and tell you today, honestly, I wasn't on that street so, I didn't see it. But I'm sure it's been rated by our Engineering Dept., so I need to go out and take a look at it myself.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I have a couple of questions.

JOEL SMITH – Go ahead.

COUNCILWOMAN CREAMER – So, in 2018, part of Erie St. was supposed to be paved.

JOEL SMITH – Correct.

COUNCILWOMAN CREAMER – And it was put on hold.

JOEL SMITH – Right.

COUNCILWOMAN CREAMER – My question, what is the timeline for Erie St.? Is it going to be bumped up since it was supposed to be completed last year and it's a mess?

JOEL SMITH – We know it's bad. It will be done as soon as we can get it done. Obviously, there is a number of roads on here. When the paving company comes in, we have some direction on where they should start. But, generally, they like to go to one spot so they don't have to constantly move their equipment all around the City. It was put off because we didn't have enough money to get the job done because of the problems that it has. We got more money in there and that's why it's on there today. Richville is the same way. We've heard complaints about Richville and no doubt, it's bad. Our intent was to pave it last year, but the utilities held us up and we couldn't get it done because we're waiting on AT&T and Ohio Edison to move their poles and some lines. So, we couldn't get it done because we couldn't get them moving. That's why Richville is gone to get done sooner because AT&T and Ohio Edison are working on getting their lines out of there. You'll see some closures of the roads here coming up in probably the next month because they're going to be cutting out part of that hill where Jackson comes into Richville. So, when they start that work, they'll have to close Richville for a time, off and on, for a day or two here or there. So, I agree with you, Erie is bad, but there isn't a road on this list that isn't bad.

COUNCILWOMAN CREAMER – Okay. My next question, previous years regarding the paving project, we received specifics on what was being done on each street. If it was just going to be like different materials that were used and the length of paving for that particular street and the amount of money that was spent on each particular street. Can we have that in the specifics also by the next Work Session?

JOEL SMITH – I can ask our Engineering Dept. I have part of that information that you're asking for, but because we've gone back and forth so many times on what roads we feel we need to do and trying to fit the puzzle in, it's not a completed project. But, I can ask Greg to produce it. They will be here, OHM and Greg from our Engineering Dept., they'll be here next week and I'll ask him to bring that information.

COUNCILWOMAN CREAMER – Great. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – My question is, is this list the streets that are planned for 2019, is that on the City website and if not, can it be put on the website?

JOEL SMITH – I don't think it's on there yet because it's not finalized until we get through this process. But I don't believe it is on there yet.

COUNCILMAN GREGG – So, when it's finalized, do you anticipate putting it up?

JOEL SMITH – Yes, I'm sure we will.

COUNCILMAN GREGG – So, it would save some phone calls?

JOEL SMITH – Yeah, I'll put it on.

COUNCILMAN GREGG – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I'm just going to echo a little bit of what Ms. Creamer said with regards to Erie St. Now, I don't have to drive that street often because I'm on the other side of town and I take the highway to get to that point in town. However, last year, my concern was that section of town seemed to not receive as much attention as maybe other areas of the City and then to find out that Erie St. is being bumped into 2019, so, what attention it was receiving

to even get addressed and then it's not even going to be at the front of the list is just disheartening to me. I feel that if Erie St. was a 2018 project that bumped, it needs to be done as soon as possible because it was planned for last year and that was essentially what one of two or three streets that the southeast side got; where other areas might have been getting four or five streets. So, we need to make that a priority, in my opinion.

COUNCIL PRESIDENT ISTNICK – Anyone else? Thank you, Mr. Smith.

MEMBER OF AUDIENCE – Excuse me. May we speak?

COUNCIL PRESIDENT ISTNICK – You may not, I apologize. But, on the next section, the people may come up and make comments. It is not a Q & A opportunity for the citizens, but at the end of the meeting if you wish to get with Director Smith, I'm sure he'll talk to you. But you may come up No. 17.

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

SYLVESTER MORGAN – 1525 Walnut Rd. S.E., Massillon. I've been approximately 25 years there. Walnut Rd. is horrible, horrible. That has never had anything done to it but patching. Put the patch down, cold patch, hot patch, water comes, it's gone, same hole. There's got to be a solution. It's got to be paved, period. I've been there all this time and never been touch, never even come patch it. Our councilwoman she never been on Walnut Rd. She up there in the Legends. I got a problem with that; me unrepresented. The southeast end is the last place they look and that's sad for a city. Walnut Rd. and the southeast end of Massillon got all these roads full of holes. Haven't nobody come out and looked at them or nothing, that I know of and it's sad. Because we are the last ones to get anything. We can't get a store there. We can't get nothing. A gas station, nothing. That's the sad part about it. So, what's it going to take for the City of Massillon, our Board members, to put anything in the southeast. You'll got to deal with it. Thank you.

COUNCIL PRESIDENT ISTNICK – Sylvester, don't forget to sign the sign-in sheet in front of you.

SYLVESTER MORGAN – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else?

WILLIAM GARNER – 149 Rolling Acres Circle, Massillon, Ohio. My concern was the No. 23 ordinance that was brought up earlier. I go to Trinity Gospel Temple and we have a lot of panhandlers that come up to our church.

COUNCIL PRESIDENT ISTNICK – William.

WILLIAM GARNER – Yes.

COUNCIL PRESIDENT ISTNICK – I'm sorry but this section is for something that **did not** appear on the agenda. At No. 5 is where it did appear on the agenda. I apologize.

WILLIAM GARNER – Alright.

COUNCIL PRESIDENT ISTNICK – But I'll make an exception. Go ahead.

WILLIAM GARNER – Okay. We have a lot of older people that attend our church and we had a guy come up this past Sunday and was begging. He had a pickup truck full of scrap metal and said that he ran out of gas and that's the problem we get. We have out citizens of our church that don't want to come because they're in fear of these people coming up to them all the time. If you know where Trinity Gospel is, we have a problem being an inter-city church. We do help out with people that come there. We give them groceries, we help as much as we can, but they're chasing the people away when they do that. I have a little store over on Cherry St. and I've seen people at the Speedway begging for money for gas or cigarettes. I know a lot of people that are coming to our church that are asking, you can smell the alcohol real bad and maybe that's what they're using it for. And having a business, I don't want nobody coming in my place and asking. If they need help, I might give them some stuff that we have in our store. I apologize for waiting though. But I just wanted to bring that up

because I know what happens in our church and people are complaining, they don't want to come no more because of what's happening. Thank you.

COUNCIL PRESIDENT ISTNICK – If you got me in trouble for letting me speak. Anyone else who would like to come forward?

DIANE ROLLAND – I live at 1505 Gibson Ave., S.E., Massillon, Ohio. I agree with Mr. Morgan; Walnut Rd. is a mess. I will not speak from the Council Clerk podium because I'm speaking as a concerned citizen. And as I look at that map, last year, the last four year, I agree with you Mr. Morgan, Walnut Rd. was not on it. We no longer have grocery store, we no longer have a gas station. So, what does that say about Massillon and its citizens on the southeast side of town? I understand that there was a gentleman that wanted to put a convenient store or just a small confection store in an old church that's located on 16th St. by Franklin School and he was denied a permit to do so. So, I also am speaking for the citizens from the southeast side of Massillon. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Manson.

18. ADJOURNMENT

COUNCILMAN MANSON – I move to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT