

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, AUGUST 6, 2018**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, August 6, 2018. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Law Director, Andrea Scassa, Community Development Director, Lori Brown, Economic Development Director, David Maley and Parks & Rec. Director, Steve Pedro. 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.

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, Linda Litman, Paul Manson and Megan Starrett.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes, Madam President. I'd like to make a motion that we excuse Councilman Lewis.

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

8 yes to excuse Councilman Lewis

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilman Lewis has been excused.

2. INVOCATION

COUNCILMAN DAVE IRWIN

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN IRWIN

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

COUNCIL PRESIDENT ISTNICK – Are there any corrections or additions 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

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 80 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE directing the Director of Public Safety and Service of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Block Grant Programs for the FY 2018/2019, which the City has provided through the CDBG Program funding, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. We discussed this at last week's Committee meeting. We had Lori here and if there were any questions, she could answer them. We approved this budget. So, if there are no questions or anything, I'd like to move this forward. I make a motion that we waive the rule requiring three separate readings and bring Ord. No. 80 – 2018 forward for a passage.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 80 – 2018 has passed. Ord. No. 81 – 2018.

ORDINANCE NO. 81 – 2018

BY: HEALTH, WELFARE, & BUILDING REGULATIONS COMMITTEE

AN ORDINANCE amending Chapter 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon, Ohio, by repealing certain Sections of Chapter 505 "ANIMALS AND FOWL", and enacting new Sections within Chapter 505 "ANIMALS AND FOWL", and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This is an ordinance change due to changes within the Ohio Revised Code and I'm requesting first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 81 – 2018 has received first reading. Ord. No. 82 – 2018.

ORDINANCE NO. 82 – 2018

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the replat of Out Lot 893 and the dedication of a portion of Lincoln Way East, Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance just deals with the replat of an area between actually 23rd and 27th St. N.E. near the Oakwood Shopping Center. It's just replatting a section of the street actually sitting in back. Any questions? Seeing that no questions or concerns, I make a motion that we waive the rules requiring three readings and bring Ord. No. 82 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 82 – 2018 has passed. Ord. No. 83 – 2018.

ORDINANCE NO. 83 – 2018 **BY: STREETS, HIGHWAYS, TRAFFIC & 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 upon award and approval of the Board of Control with the lowest and best bidder for the City of Massillon 2018 SR21/Lincoln Way Pedestrian Bridge Replacement Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance deals with the replacement of the pedestrian bridge that goes over SR 21 along Lincoln Way there on the bridge. This would only be about a \$30,000.00 to the City, out-of-pocket. The rest would be covered by the insurance company and grant received. Any questions or concerns? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 83 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 83 - 2018 has passed. Ord. No. 84 – 2018.

ORDINANCE NO. 84 – 2018 **BY: STREETS, HIGHWAYS, TRAFFIC & 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 upon award and approval of the Board of Control with the lowest and best bidder for the purchase of various materials, chemicals and fertilizers for the Street, Legends of Massillon Golf Course, Parks and Wastewater Treatment departments, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance is something that we do every year. It allows these departments that were listed to receive bids and enter into contract for various materials, chemicals that they use. Any questions or concerns? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 84 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 84 – 2018 has passed. Ord. No. 85 – 2018.

ORDINANCE NO. 85 – 2018 **BY: STREETS, HIGHWAYS, TRAFFIC & 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 contract upon award and

approval of the Board of Control with the lowest and best bidder for the City of Massillon 2018 Springhill Settlement Underdrain Project (Phase I), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance deals with the Springhill Settlement and starting to get that project underway in order to replace all the drainage and issues there, so we can eventually repave that settlement area. Any questions or concerns about this project? Mr. Smith, is it correct that we want to get this project started as soon as possible in 2018?

JOEL SMITH – Yes. The hope would be that we could get this project started and this phase done, if not by the end of the year, certainly by the first quarter of next year.

COUNCILWOMAN STARRETT – Just to reiterate, for the record, because of the microphones, hopefully this year and if not, possibly first quarter of 2019. Any questions? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 85 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 85 – 2018 has passed. Ord. No. 86 – 2018.

ORDINANCE NO. 86 – 2018 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3107 Fire Damage Structures Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance is merely to appropriate \$56,000 in funds to be distributed to customers waiting for the release of those funds. Any questions or concerns about this ordinance? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 86 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 86 – 2018 has passed. Ord. No. 87 – 2018.

ORDINANCE NO. 87 – 2018 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1201 Street Construction M & R Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. We are appropriating \$17,500 of funds in order to buy a traffic control device. Funds were appropriated last year, but never spent. We're just re-appropriating it here and these funds come from an insurance settlement for a damaged traffic control device on SR 21. Any questions? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 87 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 87 – 2018 has passed. Ord. No. 88 – 2018.

ORDINANCE NO. 88 – 2018 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1212 Summer Concert Fund, for the year ending December 31, 2018.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance is just asking for an appropriation of \$12,000. This is all donated money. We're just a pass-through of City Council. Any questions or concerns? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 88 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 88 – 2018 has passed. Ord. No. 89 – 2018.

ORDINANCE NO. 89 – 2018 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 FY 2018/2019 CDBG Program Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is the payment piece for Ord. No. 80 – 2018. It is just appropriating funds to the various community entities and program funding for 2018-2019. Any questions or discussion? I make motion that we waive the rules requiring three readings and bring Ord. No. 89 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 89 – 2018 has passed. Ord. No. 90 – 2018.

ORDINANCE NO. 90 – 2018 **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept a grant from Ohio and Erie Canalway to be used towards the costs to replace the steel truss pedestrian bridge crossing over State Route 21 at Lincoln Way.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance is just to accept the grant from the Ohio and Erie Canalway that I mentioned earlier. It is a \$50,000 grant that will go towards replacing of the bridge on Lincoln Way and State Route 21. Any questions or concerns? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 90 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 90 – 2018 has passed. Just for the record, we now have in attendance with us, Economic Development Director, David Maley. Ord. No. 91 – 2018.

ORDINANCE NO. 91 – 2018 **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Parks and Recreation of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract upon award and approval of the Board of Control with the lowest and best bidder for the Reservoir Reclamation Resurfacing Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. I would ask Mr. Pedro to speak on this to explain what his plan is regards to the Reservoir Reclamation Project.

STEVE PEDRO – As I stated last week, we want to clean up the west bank, clear all the brush, all the dead or diseased trees and in the basin, the former reservoir, we're going to take all of that out of there, as much as we can; it's very soft still. But, we're cleaning that all up and plant some grass to make it look better. We'd like to put this out to bid so they can get started on it, hopefully, this fall. We all know that it looks bad up there. We've tried to keep the barrier on the west bank to keep people out of there. I don't want to say I want to take the barrier down and then they're going to go back in there, but we need to clean it up. So, I think that's there's some preliminary bids that we received and we just got an idea of what we would want. Originally, we were talking about filling that west bank and making it mow able, but that doesn't make a lot of sense, economically. We can clean it up and plant some ground covers and wildflowers and things like that.

COUNCILWOMAN STARRETT – Councilman Chovan.

COUNCILMAN CHOVAN – My only concern and I think you're addressing it, I'm not sure. When we were at the meeting last week, you said that you let the stuff grow up on the west end as a safety reason to keep people from going down onto the flat. Isn't it kind of contradictory, now they want to cut that down and then try and, I don't how they're going to get down onto the flat and thin all that out because it's soft and if you do do that, let's say that it does dry and you can cut down brush and all of this stuff and down to the soil, I would imagine that seat bank that's in that silt would be down many, many feet. So, what's going to keep it from growing back up again? So, I guess my question is two things. If we can down the brush to make that look nice, people are going to walk down that bank to try to get on the flat and if

you specifically put the grass down there and clean it up and the stuff grows back up anyway, are we just wasting money to do that? It's a \$150,000, right?

STEVE PEDRO – Yes.

COUNCILMAN CHOVAN – To me, that would be a temporary fix, I mean, that's a lot of money.

STEVE PEDRO – I did have Stark Soil and Water come out last week. I'm awaiting their written response, but they agreed with what we're talking about and I agree with what you're saying. This is not a final solution. We can leave it the way it is right now for two or three years until it solidifies and then go in there and do something. Or we can start trying to do something now.

COUNCILMAN CHOVAN – I just don't want people to think that everything is good and then you walk down there and people could get hurt down there.

STEVE PEDRO – Yeah. I mean, the one thing we did is we put the fence up and as you know, they cut the fence and I don't know that it was children that cut the fence. We had signs up saying "Please stay out of the basin". They took those down and I can put more signs up. We can do a lot of different things. I'm not disagreeing with what you're saying. I think our community wants to see some progress up there and we don't want to do it hasty fully and make it dangerous for our community. But, that was our idea with the Park Board to clean it up and to start moving forward.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Legally you have to have that signage up about the danger down there.

STEVE PEDRO – We've already addressed that with the Law Dept. And we can tell them to not go down there, but, either way, if you put signs up, they take them down. They go down in there. I can tell you, there are spots that you might sink in and I don't know if you could get out. Look at a big guy like me; I went down one day and I got out, but I was down pretty deep. There are pros and cons to this. Again, do we want to leave it this way? I think progress in some fashion is desirable.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Is it starting to firm up any at all?

STEVE PEDRO – Somewhat.

COUNCILMAN MANSON – I mean, we've got it running straight through now. It's not going all over.

STEVE PEDRO – It's more firm this year than it was last year. Obviously, we've had a very dry couple of months. I go out there about every two or three days just take a walk. It's really not a difference in the last month or two. It's just kind of there. But, there are some spots that have cracks in them in some spots. If you fall in one of those cracks, honestly, I don't know what would happen. But, there are pros and cons to this and you're absolutely right, Councilman Chovan. But my idea was to start cleaning up and showing some progress for our community. I don't mean that in a negative way, I'm not disagreeing with what you're saying, but we wanted to start moving and at least show them that we're doing something.

COUNCIL PRESIDENT ISTNICK – Councilman Creamer.

COUNCILWOMAN CREAMER – Do you have the square footage or acreage?

STEVE PEDRO – It's about 230,000 sq. ft. 230,000 to 300,000, approximately. Depending on how far they go on either side for the basin and then the west bank as well. All the way up to Hankins.

COUNCILWOMAN CREAMER – Just so we know, when you start comparing footage.

STEVE PEDRO – I will tell you, you know, we're going to put it out to bid. So, I don't know if we want to give that number, obviously, they know it now. But, that was our Board approving up to that number only because of those three preliminaries that we got and those were back in December and I just told three guys that I knew to give me something. Show me what we might be able to do up there. And that included filling that west bank to a mow able slope. After talking about that with several people, I don't think that's an economical thing to do. We can keep the slope, plant something to make it look good so you don't have to mow it. The amount of the fill is tremendous to make that slope mow able.

COUNCILWOMAN STARRETT – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – When you spoke with the Soil and Conservation people and you said they thought it was a good idea, did they suggest that maybe we should wait a while longer to have it get harder?

STEVE PEDRO – Their perfect antidote would be to do nothing at all. Nothing at all; leave it natural.

COUNCILWOMAN CUNNINGHAM – Forever?

STEVE PEDRO – Leave it natural. That is what they told me. They said, "But if you're going to do something", we talked about taking the west side down; all of stumps and everything out of there, planting grasses and going forward. But their perfect solution would be just to do nothing. To leave it as a natural area. Now, that's not coming from the Parks and Rec. Director, that's coming from Stark Soil and Water experts in the field.

COUNCILWOMAN CUNNINGHAM – Another question. Could we invite somebody from the Soil Dept. to come and talk to us about it?

STEVE PEDRO – I'd be glad to.

COUNCILWOMAN CUNNINGHAM – I think maybe that would be a wise decision.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Personally, I feel that the west side looked horrible for a long time and I understand why you left it alone. But, personally, I'd like to get into it and start cleaning it up, little by little. It's probably going to be a two to three-year project when we get into it really good. But, I think it's time we do something with that west side.

COUNCILWOMAN CUNNINGHAM – I agree with you too, Paul. But I really think I'd like to hear someone to come and speak from the Soil and Water Conservation Dept.

COUNCILWOMAN STARRETT – I think we have additional discussion we have here and hopefully we can have a meaningful discussion at our Work Session and we can all be reported to better. So, I think at this point, I'm going to just give this first reading and hopefully, Mr. Pedro can see if somebody from Stark Water and Soil can come and then can get some questions answered. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 91 – 2018 has received first reading. Mr. Gregg, did you want to say something?

COUNCILMAN GREGG – I didn't.

COUNCIL PRESIDENT ISTNICK – Resolution No. 7 – 2018.

RESOLUTION NO. 7 – 2018 **BY: ENVIRONMENTAL COMMITTEE**

A RESOLUTION approving the Stark-Tuscarawas-Wayne Joint Waste Management District's Amended Draft Solid Waste Management Plan.

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN IRWIN – Thank you, Madam President. As we discussed last week at our Work Session, this is a resolution for the Stark-Tuscarawas-Wayne Joint Waste Management District's Amended Draft Solid Waste Management Plan. Any concerns?

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – Thank you. My concern is that I have no idea what this is. We're agreeing to something, but I have no idea what this Waste Management Plan is. I know it's a huge document, but what does the City contribute to this? What does the City get out of this? I have no idea.

COUNCILMAN IRWIN – Joel, can you answer to this?

JOEL SMITH – I would say that I do not have the answers to your question, sir. It's a 344-page document, that why it was included in your documentation. It is something that you'd probably all would want to go through and take a look at. There is the 3-page summary that was provided in the documentation that you had last week. But, it is a 344-page document. And I really don't have the answers that you're seeking.

COUNCILMAN IRWIN – With that said, I'd give this first reading and give us a chance to go through it. The City has no money in it, right, Joel?

JOEL SMITH – No. We have no financial piece to this and they wanted the resolution by September 15, 2018. So, you do have time to wait.

COUNCILMAN IRWIN – I'll give this first reading and discuss it more at Work Session.

COUNCIL PRESIDENT ISTNICK – Resolution No. 7 – 2018 has received first reading. Resolution No. 8 – 2018.

RESOLUTION NO. 8 – 2018 **BY: FINANCE COMMITTEE**

A RESOLUTION approving the 2019 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit "A", and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is something that we are required to submit to Stark County every year. It is what we usually refer to as our "Wish List" for taxes. I do believe that this has a time constraint on it which is August 20, 2018. So, I hope everybody has had a chance to look over this. Are there any questions or discussion tonight that we need to deal with? Seeing none, I make a motion that we waive the rule requiring three readings and bring Res. No. 8 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 8 – 2018 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 71.40	Publication of Notice of Public Hearing
The Repository	-	476.00	Publication of June Ordinances
		\$547.40	Total

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – I make a motion that we pay the bills.

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

8 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Clerk will pay the bills and charge them to their proper accounts.

10. REPORTS FROM CITY OFFICIALS

Mayor's Report	May 2018
Auditor's Report	May 2018
Mayor's Report	June 2018
Auditor's Report	June 2018
Treasurer's Report	July 2018

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – I make a motion that we accept the Auditor's Report for May 2018 and June 2018.

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

8 yes to accept the Auditor's May 2018 and June 2018 reports

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Auditor's Report for May 2018 and June 2018 has been accepted.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session is Monday August 13, 2018 at 6:30.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCE AND RESOLUTIONS

ORDINANCE NO. 50 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Chapter 521 "HEALTH, SAETY AND SANITATION" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. What I'd like to do with this because we have a lot of questions over the last few weeks. I would like to have some more discussion with the businesses at hand. So, I would like to table this until the second meeting of September which will be the 17th. I'd like to make a motion to table Ord. No. 50 – 2018 until September 17, 2018.

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

8 yes to table Ord. No. 50 – 2018 until September 17, 2018

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. NO. 50 – 2018 has been tabled until the second meeting, September 17, 2018. Ord. No. 71 – 2018.

ORDINANCE NO. 71 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending section 1151.02 of the Massillon Code of 1985 by rezoning a certain tract of land from R-1 One Family Residential to R-T Two Family Residential, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. This was the subject of our meeting here at 6:00 p.m. today to discuss if there was anyone for or opposing to this zoning change. There has been no objections on this; the Zoning Board of Appeals, as far as the next meeting. So, it's my intention to move for passage on this.

COUNCIL PRESIDENT ISTNICK – Any comments or questions? Roll call.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 71 – 2018 has passed.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 77 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is an ordinance for the Parks and Recreation Dept. I believe, Mr. Pedro, do you want to speak on this one? I don't remember what this all entails.

STEVE PEDRO – This is for the golf course the \$18,000. \$7,000 for the Food and Beverage line, \$4,000 for the Pro Shop and \$7,000 for the golf Services and Contract line. It should take them through the end of the year.

COUNCILWOMAN STARRETT – And I would like to point that this was already approved by the Park and Recreation Board. Any questions or concerns? Seeing none, I'd like to make a motion that we waive the rule requiring three readings and bring Ord. No. 77 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISNTICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 77 – 2018 has passed. Ord. No. 78 – 2018.

ORDINANCE NO. 78 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1204 Municipal Court Capital Improvement Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance is dealing with the resurfacing of the parking lot outside and then I also believe some maintenance work in the area where the dumpsters are in this building. Correct, Mr. Smith?

JOEL SMITH – Yes.

COUNCILWOMAN STARRETT – Thank you. Did Mr. Lewis say he was going to have someone speak on this from the court on this one or not?

COUNCIL CLERK ROLLAND – Yes. It is to also help with the audio visual and the P.A. system for the Courts.

COUNCILWOMAN STARRETT – Mr. Smith, is this something that if we wait another meeting that maybe to see if Mr. Lewis had any other additional contact; would that be necessary? Oh, Ms. Scassa is ready to speak on this.

ANDREA SCASSA – The network is done. That was completed, but that was needed to be done so that then the resurfacing could be done. I would point out that I know, I don't recall Mr. Lewis saying what he was doing with this last week, necessarily. But, I would point out that this is not from the General Fund. This is from the Court's Capital Improvement Fund that they get. So, I know when I spoke to Judge Elum, I think he would, obviously, prefer to have the funds passed and available sooner rather than later and since, again, these are funds that are generated through court costs. You're the body that has approve this.

COUNCILWOMAN STARRETT – We're the pass through.

ANDREA SCASSA – Yes, you're the pass through.

COUNCILWOMAN STARRETT – Any other questions or concerns? My intention is to be bring this forward for vote tonight, unless I have any objections. Okay. Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 78 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 78 – 2018 has passed.

16. NEW AND MISCELLANEOUS BUSINESS

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

BILL WEAVER – I live at 28 Lincoln Way E., Massillon, OH. I've talked to Mr. Manson a little bit about this, but I'm not sure that I'm talking to the right body. But, I think that you should all be aware. When the streetscape thing happens downtown, many of the downtown businesses are very, very worried that they're not going to survive the three-month shut-down of the road and it makes very little since for you all to create ordinances, basically, fining building owners for unoccupied spaces when the City is going to be causing this. There are at least six businesses downtown that probably will not survive it at all. I'm putting \$200,000 into the Sugar Bowl and I'm not sure that we're going to survive it. Something has to be done. There has to be a way to either compensate for business loss downtown, because you're not even giving us egress into our businesses once this happens. You're going to be shutting down everything and there's no place for anybody to park because our entire parking lot behind our flower shop; Shearer's has taken it over. Something's got to be done about that, too. We need to send Shearer's over to the old post office lot. Because we have no place for customers to park at all; none. But, my big concern is about the businesses. What's the point of having a new streetscape that costs millions of dollars if we're going to have a town full of empty buildings again? It's like 1989 all over again when Sugar Bowl closed and there was

nothing downtown. Something has to give here. I don't know what the answer is. I don't know that I'm speaking to the right people to make any kind of a decision or recommendation or anything like that. But, something has to give because we can't survive. Daugherty's Hair Care has a back entrance. Most of the people park in the back lot and go in through that way. They can survive it. But, like Sugar Mama's, they're going to be dead in the water. Duncan's, dead in the water. Their clientele is older people, seniors. They're going to be dead in the water. Smiley's is going to be hurting terribly. Sugar Bowl is going to hurt. Remax is going to hurt, Jen's Place, Sangria Stand. We're in jeopardy of losing all these downtown businesses and I don't know what the answer is, but I would sure like some input from some people and from the City to try to find a resolution that we can help these people, these stores because if you have no income for three months, you're done. My flower shop, thank God, most of it comes in from the phone and the internet. I think it could survive only because I live there. But, Sugar Bowl cannot survive. Smiley's cannot survive. All these other businesses; you're going to kill the downtown. So, something somewhere has to give. Whether it's the City, whether it Council, I don't know; Community Development, I don't know. Because, like I said, what's the point of putting all this money in downtown if you're going to have an empty downtown. And you certainly can't turn around and find building owners by shutting roads down. Thank you.

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

GEORGE GLIBA – 222 Lake Ave. N.E., Massillon, OH. To follow-up on what he just said, the right thing to do would be to waive the rent. To me, if you're going to destroy downtown and create a disruption in people's business, I think this body will come to the right conclusion because that would be wrong. People put their heart and soul into a business and this comes from the top, of course, the Imagine Massillon thing and that probably wasn't even thought of because he's addressing it now and I think it's a valid point. So, moving forward, this Ord. No. 91, I had a chance to talk to Steve today. It was a good talk and we had a good discussion. He has a good vision for the park. Like he said, it's going to take a while, but piggy backing on what Milan said, he did kind of contradict himself. He said he wanted to leave it the way it was so nobody will go down there. He wants to clear it out which might present a problem because you can't be down there at night taking or patrolling the park. So, something could happen. I don't know what the rush is. He said that there's people in his ear. There's other ways to clean up that park. I'd mentioned to him, Ms. Cunningham mentioned the park lot a couple of years ago being paved. I don't know if that's part of his thought process. I've been asking them about the pavilion down there. He said he's going to lay some concrete. That was last year, it's not done yet. But I understand that it takes time. He's doing a good job, I think you picked the right man for the job because he's got a good vision for stuff going on down there. But, like I say, I'm with Milan on part of this. \$150,000, should we put that west bank on the shelf for a while and address it later? I think that would be probably a good idea. The discussion about the fence situation downtown last week. The best comment I heard out of this body was from Ms. Starrett. Shelf it until next year. Because, first of all, I don't know if you had to have a permit to put up a fence down there because I'm putting up a fence at my house and I have to have a permit. So, I don't know if they're breaking the law or they need to pay for the permit or did something they weren't supposed to do. But, I'm against the fence. I'm not on the fence about the fence; I'm against the fence, I'll tell you that. Because that fence down there looks like a train wreck. I don't think it's nice at all. I think if you ever go to any other states and visit them, I'd mentioned the park a couple of weeks ago. Let's get an ordinance, and I'm know this county is probably against this, but let's have an open container law down there one the weekends where you open up the streets and have free flowing beer, free flowing food. You get people out of Smiley's outside, you shut-down the street; put up some picnic tables. I mean, let's open it up and if people want to drink, they're going to drink, but right now, everyone goes to there own watering hole. They're all regulars. If you walk into, I don't drink, but I know when you walk into a bar and everyone's a regular, they start staring you down like, "What are you doing in here?". It's not very inviting. So, anyways, that's my thought, let's open up downtown, let's get the beer flowing and get people spending some money and you know, it's going to take a long time to get an ordinance because they did it over in Canton and it took nine months. But, it's free flowing beer over there, so, I think this body ought to think about it, shutting down. Because they do it in Austin, Texas on the weekends; they shut down the streets. You go to Canton, shut it down. Let's open it up and then you might meet somebody you never met before, you never know. That's all I got. Thank you for listening. I know sometimes I get long winded up here. I just got a lot to cover in three minutes. It's not right because nobody else is going to talk, so, why not give me six minutes. I hope I make sense with some valid points here. Let's open up the City. Because I looked at Imagine Massillon film again and that fence situation is not going to look good down there and

that lady that was up here two weeks ago and said she's losing revenue; I go down through downtown Saturday and there's nobody outside. I go downtown Sunday, there's nobody outside. I go down there at lunch today, there's nobody outside. So, I don't know what she's talking about that it's ruining her business. Let's open up the books and see if she's on the up and up about losing business. You could go back to last year. That's all I got. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, George. Is there anyone else that would like to speak to Council?

SMILEY RODA – I own Smiley's Restaurant. I won't take too long. I've been there 23 years. I bring a lot of people into downtown Massillon. I follow Bill with what he said. I'm not going to take to long. We have to do something about keeping the road open. Did we need the construction in downtown? Did we need the construction in downtown or not?

COUNCIL PRESIDENT ISTNICK – Mr. Manson.

COUNCILMAN MANSON – Yeah, I think we need the infrastructure upgraded.

SMILEY RODA – Okay. But don't you think you have to open the road for the business guys over there?

COUNCILMAN MANSON – I understand where you're coming from.

SMILEY RODA – If they closed the road, I don't have a back door, all is in the front. I have 15 employees there and I have a lot of equipment and everything is paid out. I make \$40,000 on credit card on the machine. That's going to be gone. Just the credit card. Who's going to pay for that. And I can show everything on the books what I make over there and I'm paying everything. Taxes and I pay everybody, I don't have no problem showing my books. Let's do something about it and maybe keep everything open. That's all I'm going to say and I appreciate your listening.

COUNCIL PRESIDENT ISTNICK – Thank you. Is there anyone else that would like to address Council? Councilman Manson.

COUNCILMAN MANSON – I know we're scheduled to shut down the street. Do we have a firm date when that's going to happen or if it's not going to happen until next March, we have time?

JOEL SMITH – The closure of the one block area from Erie to First St. E. is scheduled to be approximately three months. The sidewalks would remain open. The roadway itself would be detoured for that one block area. The remainder of Lincoln Way will remain open and I would anticipate that it would not occur before March. The water company will start doing the water lines on the north side. They're replacing that main water line on the north side. So, that construction will be ongoing and there will be lane closures for that. But that's the preliminary work that will be starting on the north side of the road. The closure is anticipated to avoid this project going six to seven months where we did contemplate that. Where, could we leave lanes open for travel, but it would extend the project completion by a significant amount of time and the costs factors would go up because the work would be spread out further and couldn't all be done at once. So, that's why we decided the three-month closure, but the sidewalks would remain open. So, we're talking one block there.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Will the sidewalks eventually be done?

JOEL SMITH – The sidewalks will be improved on both sides, but, again, the sidewalk access to the businesses will remain open throughout this project.

COUNCILMAN MANSON – The water lines and the other stuff will be in the streets?

JOEL SMITH – The water lines are along the north side where the parking area is in the right lane.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – I don't think the issue is so much keeping the sidewalks for the business owners. I mean, yes, people have no where to park and anybody that's ever had a business downtown that has folded, people aren't willing to walk one block from a parking area to get to a building. But, I think that's the concern from Smiley and Bill and some of the others is that even if you can get down the sidewalk, there's still no where even reasonable close to park. Just like Bill's point, the parking lot that Shearer's has now, that's a lot of downtown parking there. You could use the parking deck, but people are not going to walk through there, even around the corner. It's sad, but that's the fact.

JOEL SMITH – The parking would be restricted even if we left a lane or two open in the middle. You're probably going to have parking restrictions.

COUNCILMAN CHOVAN – That's my point.

JOEL SMITH – Right. So, do you extend it out for six to eight months or do you try to close it for three; get it knocked out and it's done. Those were the things that were discussed at length throughout this two-year process when we discussed this at public meetings, before this body. It's not like this is a new thing that just popped up. This has been known for a long time.

COUNCILMAN CHOVAN – I just don't remember having business owners involved in these discussions.

JOEL SMITH – They were all invited to all the meetings. Invitations were sent out to every meeting we had. Every public meeting that we had, they were all invited.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – So that three-month period, are they working just set hours. Can we reduce that time frame and have them work around the clock? So, it won't be a three-month period; it may be shut-down for a month.

JOEL SMITH – Probably at a significantly higher cost.

COUNCILWOMAN CREAMER – Maybe that's something you need to look at because of the alternative cost. That's just my thoughts.

COUNCILMAN CHOVAN – I don't see if there's any way to subsidize for the businesses. I understand their concern, losing three months of revenue for a small business can be fatal.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Would it be possible to try to find what the cost would be if we could do it based on the twenty-four hours? Because there are construction people that work with those big lights.

JOEL SMITH – This is an ODOT project and we do have our engineering firm involved and obviously, those questions can be asked.

COUNCIL PRESIDENT ISTNICK – Anyone else?

BONNIE FALL – I own Engraver's Gallery, 10 Lincoln Way E., Massillon, OH. I'm right on the corner of Lincoln Way and Erie and I guess, maybe we need to get a meeting together because this is like the third plan that I have personally heard. I've never been actually invited to a meeting. I've never gotten a letter. I've talked to the City. Mayor Kathy has come and talked to us at a Mainstreet Meeting about the function, but, it's like the third different type of shut-down where I have personally heard now. So, I'm thinking maybe we need an updated meeting with the businesses that are going to be involved in the shut-down so that we can all be on the same page. Because I did not hear that the sidewalks were going to be open. When the plan was laid out, if I'm not mistaken, everything was shut-down, including the sidewalks. That was first and only meeting that I was ever at that I saw that at. So, there's definitely miscommunication and I think once we get that information with the businesses downtown, I think we'll all feel a lot better about it. I support all of our businesses downtown and they support me too. So, we're all in this together and we all have to work together.

COUNCILWOMAN LITMAN – Was there a compromise suggestion?

BONNIE FALL – Well, in talking with them, everybody is worried about a three-month shut-down. I have a side door, I have repeat business, I do a lot of internet business. I'm not sure how much, I also have a lot of walk-ins so, I don't know how much it's actually going to affect me. It is a fact that if they can't park right in front, they don't come in. They drive past and I've even had my customers tell me that, "Well, there wasn't a parking spot out front, so I came back". You can park on both sides of Erie. Now, is Erie going to be open? I've also heard that Erie is going to be closed until they put in the big "M" where they're supposed to put it in the road. So, again, we're hearing different closures now of what's going to be and what isn't going to be. I heard Erie Street is going to be one-way. There's a lot of rumors going around and so, I guess maybe another meeting should be called with business owners to state exactly what's going to happen. Thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else?

SMILEY RODA – Also I have across the street a business. A Tiger guy and he makes tee shirts and have people that live upstairs across the street too. His business is going to shut-down and that guy, he already told me "If you shut-down, you're not going to get anymore rent". Well, I agree with that guy 100%. I cannot shut a business down. He's telling me ahead. We have to do something about this. Not just the three-month are going to close. You got a rainy day, you got Saturday and Sunday, you got those days you cannot count. Not just the three-month shut down. It's going to take more than three-month. We have to work together and do something about it. It's no good. Or you want me to move out of town? I don't want to move. I've been there 23 yrs. And I bring a lot of people into downtown Massillon. I appreciate your business from everybody. There's a lot of support in downtown Massillon. We should get some more businesses in downtown, not do construction and do this and do this for nothing. That's my opinion. I don't know, maybe I'm wrong. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN GREGG – I make a motion that we adjourn.

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

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT