

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, FEBRUARY 20, 2018**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, February 20, 2018. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Law Director, Andrea Scassa and Andrea Bartos, Economic Development Director, David Maley and Police Chief, Keith Moser. 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, Ed Lewis, Paul Manson and Megan Starrett.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I make a motion to excuse Councilwoman Litman from tonight's meeting.

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

8 yes to excuse Councilwoman Litman

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilwoman Litman has been excused.

2. INVOCATION

COUNCILWOMAN SARITA CUNNINGHAM - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

4. READING OF THE JOURNAL

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

COUNCIL CLERK ROLLAND – Yes, they are.

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

COUNCIL CLERK ROLLAND – Yes, there is a correction, but we will correct it when we get to the bills.

COUNCIL PRESIDENT ISTNICK – Thank you.

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

CYNTHIA VIGNOS – I live at 732 Commonwealth N.E. That's right across the street from Affinity Medical Center and I moved to Massillon in June and I yet to hear anyone, Mr. Irwin, I believe you're my ward representative. I haven't had any interaction with him and I'm wondering, as far as the decisions being made about the hospital, as elected officials, where you're gathering the information that you're using to make the decisions. I haven't seen a survey, I haven't received a postcard, I haven't received a phone call or an e-mail. I feel like

there's a void and maybe I'm just out of the loop because I'm a new resident, but I'm a registered voter here and I pay taxes here. I'm just wondering how those decisions are being made. If the citizens aren't being consulted if you're representing us. So, I'd appreciate your consideration, thanks.

COUNCIL PRESIDENT ISTNICK – Unfortunately, Cynthia, this is not a “answer and question” time, but at the end of the meeting, perhaps Mr. Smith and Mr. Maley could speak with you.

CYNTHIA VIGNOS – Thank you.

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 20 – 2018

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract upon award and the approval of the Board of Control with the lowest and best bidder for the 2018 Ferric Chloride System Improvements Project.

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN IRWIN – Thank you, Madam President. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Irwin. Ord. No. 20 – 2018 has received first reading. Ord. No. 21 – 2018.

ORDINANCE NO. 21 – 2018

BY: PARKS & RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a grant agreement “Community Recreation Project – Pass Through Grant Agreement” with Ohio Department of Natural Resources per the grant that was awarded and appropriated by means of House Bill 49, Capital Improvement Community Recreation Project to the City of Massillon, Ohio, for the “Massillon Sippo Reservoir Dam Project”, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As we discussed in the Work Session, this ordinance, this piece of legislation is requesting to be entered into an agreement so we can accept the \$250,000.00 that has been awarded to us from the Ohio Department of Natural Resources and this money to be used and is currently, the project is currently ongoing. Are there any questions regarding this piece?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I just wanted to point out that it's the reimbursement because most of that money has already been spent or currently being spent. Correct?

COUNCILWOMAN CREAMER – Correct.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Creamer.

COUNCILWOMAN CREAMER – Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 21 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 21 – 2018 has passed. Ord. No. 22 – 2018.

ORDINANCE NO. 22 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, this ordinance is referencing our share of the repairs and maintenance dealing with the parking garage in downtown Massillon and has been my “soapbox lately, yes, there’s a parking garage downtown Massillon, yes, there’s public parking there. We are all allowed to enter that garage and park freely. Hence, the reason the City will be spending \$37,968.81 for our part of the upkeep and maintenance of that property. If there are no questions or discussion...

COUNCIL PRESIDENT ISTNICK – Excuse me, Councilwoman Starrett, I’m sorry.

COUNCILWOMAN STARRETT – I just wanted to point out, as well, we actually did approve this last year, as well, and the repairs were not finished last year. They were not done last year and that’s why we’re doing it again this year. This is not double paying. If you look back on our records, we did approve this amount before, it never got done, so, 2018 it will be done.

COUNCIL PRESIDENT ISTNICK – So, the money remained in the budget?

COUNCILMAN LEWIS – What’s that?

COUNCIL PRESIDENT ISTNICK – The money stayed?

COUNCILMAN LEWIS – We did not budget for it and that’s why we’re making this appropriation now, correct?

JOEL SMITH – Yes.

COUNCILMAN LEWIS – We did not appropriate at the beginning of the year. That job did not get done by the end of last year, so, now we have to make the appropriation so that they can complete the job.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 22 – 2018 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 22 – 2018 has passed. Ord. No. 23 – 2018.

ORDINANCE NO. 23 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Capital Improvement Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, this ordinance is a little bit more complicated. While I think many of us are in agreement on the purchase and the appropriation of this, it was discussed at last Work Session that the 1401 line item does not have sufficient funds to cover what this is. Now it looks like today that is, requested a little bit over \$92,500.00, 1401, I believe has

\$103,000.00. So, it does have the amount to cover. However, it would leave us only \$10,000.00 left in our Capital Improvement line item at this point and time. The reason I spoke to the Auditor is the reason for that is because we are still so early in the year and we have yet to get passed that tax deadline where people actually pay their income taxes in April. So, that line item has not received its typical pay-in or receipts. That is expected later in the year. Based off of projected numbers, this money will be there this year and can be done. It just makes us "cash poor" for capital improvements and if there are any projects that come out of that line item between now and receipts, they will not be able to actually pay for them and if there are any receipts outstanding right now that do not reflect on our cash statement that we have before us, when they make the P.O. for these purchases, if there is less than \$93,000.00, they won't pay for these vehicles either. With that in mind, I know we have a thirty-day quote, but I'm not comfortable putting the City in a \$10,000.00 capital improvement situation for the short term. I would rather us hold off, allow bill revenue to be generated and fill up that account. What I would liken this to, is spending almost all your paycheck on Friday and having about another nine or ten days before you get paid and you hope you don't have a problem between now and then and that just doesn't make me comfortable. I'm inclined to give it first reading tonight and see what our situation is like in two weeks to see if we've had more receipts come in, if people are starting to pay their taxes and puts us in a healthier position.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. When's this thirty-day window over?

COUNCILMAN LEWIS – It's a thirty-day quote. I don't know when the thirty-day window, you'll have to ask the Chief on that since he was the one that received the quote.

COUNCILMAN MANSON – Can we ask the Chief or the Safety Service Director to come up, please?

JOEL SMITH – Normally when we get quotes from Waikem and the other dealerships, they state that they are good for thirty-days, but generally, they're going to continue it or the difference would be minimal. So, I don't think, I had the same discussion with the Auditor that Mr. Lewis did today. I would agree, just do a first read on it.

COUNCILMAN LEWIS – Just to buy a little more time. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lewis. Ord. No. 23 – 2018 has received first reading. Ord. No. 24 – 2018.

ORDINANCE NO. 24 – 2018

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – To try to give a quick understanding of this as we discussed at our Work Session; whenever there is a fire in the City of Massillon, a bond deposit is made to the City until the structure is brought back up to code, in which then we pay that money back to the depositor. Typically, the amount that we appropriate for that type of spending in our budget is sufficient. But due to the large commercial fire that we've had this year on Erie and some other house fires and then large paybacks that have been required, we just have to increase the appropriations so that we can go ahead and conduct business as we are required to do. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 24 – 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. 24 – 2018 has passed. Res. No. 5 – 2018.

RESOLUTION NO. 5 – 2018

BY: COMMITTEE OF THE WHOLE

AN RESOLUTION to adopt the Stark County Multi-Jurisdictional All-Hazard Mitigation Plan per copy of attached FEMA Region V approval letter.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. I will be moving for passage on this. If anybody has any questions, we can get the Safety Service Director or whoever up here to answer them. If not, this is a routine thing. Seeing none, I make a motion that we waive the rule requiring three separate readings and bring Res. No. 5 – 2018 forward for passage.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 5 – 2018 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS & CLAIMS

The Repository - \$1,142.40 Publication of December Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to pay the bills.

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

8 yes to pay the bills

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

10. REPORTS FROM CITY OFFICIALS

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, February 26, 2018 at 6:30 p.m. Councilman Irwin.

COUNCILMAN IRWIN – Yes. I'll be absent next Monday from the Work Session.

COUNCIL PRESIDENT ISTNICK – Okay. Does anyone else have anything?
Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – I wanted to mention, only somebody will have to help me because I can't remember where it's supposed to be, but, Sunday at 6:00 p.m., there's going to be a prayer vigil...where? Oh, 3:00 p.m. at Joseph's for Officer Morelli, the policeman that was killed.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. I wanted to apologize for not bringing that up last Monday. I don't know why, but it just totally slipped my mind. But, Mr. Morelli was born and raised here in Massillon. His family's still here and there was services down in Westerville last and I believe, like you said, it's 3:00 p.m. Sunday is the service. So, if you want to get out and give condolences, that would be great.

COUNCIL PRESIDENT ISTNICK – Did you attend the services in Westerville, Mr. Manson?

COUNCILMAN MANSON – I went to the calling hours on Thursday night.

COUNCIL PRESIDENT ISTNICK – That was very nice.

COUNCILMAN MANSON – And we had police officers there, I believe, on Friday from Massillon.

COUNCIL PRESIDENT ISTNICK – Anyone else?

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 6 – 2018

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES and Section 5(B) MISCELLANEOUS SCHEDULE of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES and Section 5(B) MISCELLANEOUS SCHEDULE, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES and a new Section 5(B) MISCELLANEOUS SCHEDULE, in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. This ordinance has received three readings. I just move that we vote on that this evening unless there are questions.

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

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 6 – 2018 has passed.

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 12 – 2018

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES OF Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I asked that we give this second reading this evening.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 12 – 2018 has received second reading. Ord. No. 16 – 2018.

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Mr. Smith, please.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith.

JOEL SMITH – Yes sir, Mr. Lewis.

COUNCILMAN LEWIS – Would you have any information you'd want to provide on this particular ordinance?

JOEL SMITH – Well, as we discussed, this ordinance is to appropriate \$100,000.00 for the arbitrator services and legal services. We did discuss this. It's needed.

COUNCILMAN LEWIS – Well, your uncertainty provided me uncertainty. That's why I called you up.

JOEL SMITH – Okay.

COUNCILMAN LEWIS – That's what I thought it was too, but then looked uncertain.

JOEL SMITH – Yes. It's the \$100,000.00 for the legal services which, obviously, we do need.

COUNCILMAN LEWIS – Are there any other questions or discussion? With that, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 16 – 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. 16 – 2018 has passed.

16. NEW & MISCELLANEOUS BUSINESS

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

MARK SILVERMAN – 1827 Wales Rd. N. E., Massillon, OH. Directly across from the church that was earlier requesting another zone change which is, we've been through this road for the last 16 years many times and thankfully, Council has seen fit to abide by the mass majority of the people and especially everyone in that area by not granting that zoning request. And only as a point of history as the pastor was able to tell you that it's been there for over 50 years and it was done by the good, generous nature of the community in allowing for that variance for the church to be built. And that was always under the understanding that it would always remain as a residential property, even though constantly we are back here fighting over portions of it in order to help sustain the congregation and in my twenty-year experience, looking directly across the street, I can tell you that it is a congregation that is dying and they're buying time. And by changing the zoning of that one parcel, now you've destroyed the integrity of the 7½ acres, which, if we are very patient, which as good human beings we should look at avoiding consequences and looking forward to the future. There's nothing better for any community than having people live in the community and we are the most stable of all human beings here. And we live in a good community and we're thankful to pay our taxes and live there, but I'll tell you, all those people you saw are just a portion of what live in that surrounding area and we will all be requesting upon this, if it would to be changed, a minimum of a 15% reduction in our

property taxes because that will be a real reduction. But, back to the 7½ acres of the property there, if we are patient then I see that as being as it is written, a residential space. Which several places could be put in there. Ideal location for a residential community similar to what is down there near the funeral home. And you'd have people living there; it's the most stable environment because businesses come and go and everything changes, but we are the most stable of all people here and it's what we are in Massillon which is a bedroom community. So, thanks.

COUNCIL PRESIDENT ISTNICK – Thank you, Mark. If you could sign the paper, Mark. Thank you. Is there anyone else that would like to come forward and talk on a topic that did not appear on tonight's agenda?

LARRY KRAFT – I live on Windsor and my topic is the same as Mark's.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN MANSON – Street address.

LARRY KRAFT – Street address? 1806 Windsor N. E. I was just wondering what was going to go in there if it was changed to commercial zoning. If there was any plans or if it was just going to be sold as commercial property and whoever buys it, buys it.

COUNCIL PRESIDENT ISTNICK – The meeting that we had prior to this meeting, a representative from Mears Nissan came in and talked to us. So, maybe a Nissan dealership.

LARRY KRAFT – Nissan dealership? Okay.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else? Councilman Manson.

COUNCILMAN MANSON – I'd like to make a motion that we enter into Executive Session to discuss the subject of pending or eminent court action. I would like to include all of Council, Council President, Council Clerk, Mr. Smith, Mr. Maley, the Law Director and Prosecutor, Andrea Bartos.

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

8 yes to enter into Executive Session

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I make a motion that we return to the regular Council meeting.

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

8 yes to exit Executive Session.

COUNCIL PRESIDENT ISTNICK – We have exited Executive Session.

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – I move that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK

CLAUDETTE ISTNICK, PRESIDENT