

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, JANUARY 16, 2018**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, January 16, 2018. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Joel Smith, from the Law Director's office we have Bob Cyperski and Andrea Bartos, Economic Development Director, David Maley, Fire Chief, Tom Burgassar, Income Tax/Budget Director, Barb Sylvester. 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, Linda Litman, Paul Manson and Megan Starrett.

Roll call of 9 present

2. INVOCATION

COUNCILMAN MILAN CHOVAN - 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 – No, there are not.

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

COUNCILMAN MANSON – Excuse me. I'm sorry for interrupting, but, we have two things to talk about. We have an ordinance we have to add to the agenda which will be No. 10. We can do that at any time. But also, it does pertain to what we're going to be talking about, plus I want to go into Executive Session. Should we do now or should we do it after No. 5 on the agenda?

COUNCIL PRESIDENT ISTNICK – Well, if we do it after No. 5 on the agenda and anybody here may want to leave, they could. But, that's up to you.

COUNCILMAN MANSON – How's everybody else feel? We'll do it after No. 5 on the agenda.

COUNCIL PRESIDENT ISTNICK – Okay. If anybody would like to come forward and speak on any topic that does appear on tonight's agenda, please come forward. State your name, address and topic you wish to discuss and then before you return to your seat, please sign the sign-in sheet. Thank you. Councilwoman Starrett.

COUNCILWOMAN STARRETT – Why don't we amend the agenda first and then let people talk and then Mr. Manson can make his motion to go into Executive Session?

COUNCIL PRESIDENT ISTNICK – I am fine with that. Councilman Manson.

COUNCILMAN MANSON – I'd like to make a motion that we amend tonight's agenda and Ord. No. 10 – 2018 to the agenda which does pertain to the hospital.

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

9 yes to amend the agenda for tonight's meeting to add Ord. No. 10 – 2018

COUNCIL PRESIDENT ISTNICK – Ord. No. 10 – 2018 has been added.

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

STEPHANIE STILL – I'm a resident of Massillon for 28 years. I live at 729 Bernard Ave. S.W. I'm also a nurse in the orthopedic unit at Affinity Medical Center. I'm talking about Res. No. 4 on the agenda, the hospital. We all know that this hospital is critical to our community. Not only does it employ over 800 people but it gives lifesaving care to residents in Massillon and the surrounding rural areas. My family alone has utilized the hospital for emergency care several times. Twice saving the life of my son and two of my daughters. That is why I've been working tirelessly with my union to help keep this hospital open. Mayor and City Council, I know that you know the value of this hospital in our community. I perceive the steps that you're taking to protect the hospital. That is why I want to reiterate how important it is that all options stay open where the public remains control on one of the most valuable assets it has. A hospital and the health of our community. Long ago, it was the intention of the founders of Massillon Community Hospital that a community hospital remains in our community. Dr. and Mrs. Poco and other community founders understood the incredible value and need for a full-service hospital in Massillon and Western Stark County. Unfortunately, these efforts were undone and our health security was handed to the control of corporations who have also used this community to line their pockets with little regard of the people who depend and have depended on this hospital for over one hundred years. Now we have the chance to resuscitate that mission of this hospital. To protect it from ever facing the same situation with another operator. We've already been through this with Doctor's Hospital and now Affinity. The only way to ensure that this never happens again is for this city to take ownership of this hospital. Returning it to the community hospital that it once was and thereby, making sure that this doesn't ever happen again. I certainly perceive the work that everyone has done to keep our hospital open. Would you please share the plan you and the City Council have to keep the hospital open? Would you please describe the meetings that have been taken place between the public officials and potential buyers and Quorum and what was the outcome? Please let us know what steps the city has taken to explore taking over the hospital through eminent domain and what that process will be. What is the plan for public oversight? As a mother of six children and as a nurse, I have invested my life and vocation in this community. I take very seriously the need to advocate for my patients and that is why I am here. Like so many other nurses at the hospital, we are not giving up on our hospital. Because nurses do not give up on their patients. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Stephanie.

MICHELLE MAHON – I'm a registered nurse and I'm a national representative for National Nurses United, the representative union for the nurses of Affinity Medical Center. I'm here to speak to agenda Ord. No. 10. Our union, National Nurses United, is the largest professional organization of nurses in the United States. Affinity nurses have chosen to be represented by the largest professional association and union of nurses in this country for a reason. We represented nurses throughout the United States including throughout the State of Ohio. Of course, we also represent the nurses of Affinity Medical Center. I'm here today to tell you that we are, unfortunately, in this situation because of incompetence and greed. And at last week's City Council meeting, it was repeatedly testified to of the incompetent management that Quorum has left this hospital to deal with and the state of ruin that it's left. This type of testimony goes right to the heart of what the nurses here of Affinity Medical Center have been saying in regards to community health systems and Quorum Hospital Corporation since the beginning. Since the very beginning, all of these things. We heard about the dysfunctional Cerna program. The last time nurses were here at City Council, we warned that there would be impending disaster. That there would be patient harm and that the way Quorum, a community health system, has implemented this system was extremely a deviation from the norm of what our organization had witnessed in the past and now, here we are. But irrespective of how we got here, what I want to say to you is healthcare is our business and it

is the only all healthcare union in the AFL-CIO. We deal with hospital closures, mergers, acquisitions, sales and all other manner of situations on behalf of our nurses all over the country on a daily basis. We are experts in this. We have from the minute that we learned about this hospital closure implemented immediate rapid response from our legal teams, communication teams and you saw some of the fruits of that through the press conference and all the attention that was brought in this struggle and media outlets throughout the State. Through all of these processes when we are working with different communities, one thing always happens. We work hand-in-hand with city officials. Our union representatives of nurses meet with potential buyers. We also meet with the sellers and we will be meeting with one on Thursday and Friday. So, the working hand-in-hand, helping to write the ordinances needed to insure healthcare security for communities is something that we've done in the past. Facilitating and meeting with buyers and new owners, a peaceful transition and a smooth transition of the workforce is something that we've negotiated at the table with city and county officials. We have facilitated securing capital for acquisitions, both through private and Wall Street investors. This is an incredible asset in your community that the nurses of Affinity chose to bring to you. And I am here today to tell you that we have provided already to the Mayor's attorney a vast amount of research. We've already, the nurses through their, at the most trusted profession in the nation and through their immense credibility and trust in this community, have secured people to sign on over 14 businesses. AFSME went in and working to finalize, having the Massillon Education Association as well as the firefighter's local union to sign on to a TRO. We filter through many, many, many comments through our hotline to find the best evidence from patients in this community. Nurses have been working from the very moment they learned of this closure. What I have here is a relatively accurate sampling of hospitals that were successfully taken back by their city. Through the work of outreach to county officials and joint acquisitions through city and county. As well as other methods and I have a sampling here available to you of those variety of methods that have worked with other communities throughout the United States who are faced with the problem that you're faced with right now. We know as nurses our experience here that Affinity Medical Center is valuable. It absolutely is valuable. We know that Quorum has taken their cut off the top. We know that they've mismanaged it terribly. We've heard evidence of that here. The nurses have been witnessing that. So, we know that the hospital is valuable and we know that it is needed. So, what I'm here to say to you is that the nurses, through their union, will continue to support the efforts of the city and one of the most important things that we are able to do when we are included in this discussion, when we are equal partner as we have been in every other community where we have faced this situation, that we can work with you to do one of the very important jobs right now, which is keep the workforce in place. Quorum does not want that. There's no workforce, there's no fight. There's no workforce, there's no value and they're able to do that. So, we are here. Our offer remains. We are continuing to gather the evidence needed to support an injunction to be granted by a judge. We already knew from day one what evidence that would be. And nurses are very passionate about this fight and they're not going to quit. And they are here and will continue to do this work, but they do need to be an equal partner in this decision. This will be worked well. We've had such success negotiating with the new buyer what types of things will need to be transferred. Even finding new buyers; our union has done that for other city and community hospitals. So, I do have this information here with some examples. We know that because of the greed of the corporations, first Tri-Ad, then CHS and Community, then Quorum. Many of them with Board of Directors that are intermingled and some of the same actors throughout all of that, that if you really want to secure the healthcare that your community needs which is a public good and a public asset, then you really do need to have public oversight of this facility and if there's a will, there's a way and we're here to help.

COUNCIL PRESIDENT ISTNICK – Michelle, if you'd give that copy to President Pro Tem Manson, he'll get it to the proper people. Thank you.

BARBARA MILLER – I live at 453 – 17th St. N.E. and a resident of Massillon for 47 years or more. I had no intention of speaking tonight. I have nothing prepared, but, I'm approaching this much more from a personal aspect than a business. Our family has a long history with the hospital. I graduated from Massillon City School of Nursing in 1970 and I've been an active nurse ever since. Worked at the hospital, worked at the Health Dept. and I have also worked at Akron Children's and I finally have just retired, for the third time. My point is, this hospital, I'm not going to reiterate. We all know the importance of the quick response for cardiac care. We all know the importance of the closeness in the neighborhood. I can't talk highly enough about the caring, the empathy that we get at that hospital. I'm old enough now to know that I no longer know the people that work there. So, I'm not getting good care because I know people. As recently as today, we were at the hospital for something Ted had done. I can't

strive to say enough about the care they give, the compassion. This is an asset to this city that we cannot replace. We need to keep it and protect it at all cost. And I'm representing a lot of people that I know in saying that. A lot of former nurses, a lot of neighbors, the city people. So, I appreciate all that you are doing to try. I will appreciate all of the efforts and we're behind you all the way and if there's anything we can do to help. The Mayor knows where we live. So, give us a call. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Barbara. Is there anyone else that would like to come forward to speak? Seeing none, Mr. Manson.

COUNCILMAN MANSON – Yes. I'd like to make a motion that we go into Executive Session to discuss the hospital and some legal information surrounding it. All of Council, President, Clerk, Mayor, the Prosecutor's office.

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

9 yes to enter into Executive Session 6:50 p.m.

COUNCIL PRESIDENT ISTNICK – The Massillon City Council meeting for Tuesday, January 16, 2018 is now reconvened. For the people in the audience we had, as you know, a lengthy Executive Meeting. Mr. Manson.

COUNCILMAN MANSON – I move that we come back to order.

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

9 yes to exit Executive Session 7:45 p.m.

COUNCIL PRESIDENT ISTNICK – Thank you. We have exited Executive Session and reconvened our Regular meeting. I would like to have the Mayor come up and talk for a minute and she will introduce the lawyer for the City to tell you what we can at this point.

COUNCILMAN LEWIS – Point of Order. You have to do an introduction of the ordinance in question, then we can invite the Mayor up.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 10 – 2018 we're going to bring forward first.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 10 – 2018

BY: HEALTH, WELFARE & BLDG. REGS. COMMITTEE

AN ORDINANCE enacting a new CHAPTER 777 "HOSPITALS", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This ordinance falls under the Health, Welfare and Building Regulations Committee. So, I will ask if David Dingwell from the law firm is able to come up and discuss a little bit about what this ordinance is pertaining to and what it contains. Would you please step up to the mike?

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Dingwell.

DAVE DINGWELL – Thank you for having me. The ordinance that is before you contains a provision which, I believe, is responsive to any situation where we are dealing with a hospital closure within the City of Massillon provides for notification requirements in order that the community and, most importantly, the City's safety forces, police and fire, emergency medical response forces are able to adapt to and transition as a result of the closure, which obviously impacts their ability to do their job and be responsive to the citizens of the City of Massillon. The provisions in the ordinance, as you can see, require a 120-day advance written notification from certain officials of a hospital organization to be the City Law Director so that the city's Law Director can notify appropriate department staff. Regard to that an appropriate action can be taken, again, to transition and be prepared to handle the closure of hospital and acute care facilities within the City of Massillon.

COUNCILWOMAN LITMAN – Are there any further questions from Council for Mr. Dingwell? Thank you. Mayor, I'll ask if you have any further comments you'd like to make regarding this ordinance?

MAYOR CATAZARO-PERRY – Good evening Council, Madam President. I would just like to say that this has been a decision that we heard from Quorum on January 5th. We believe it's a reckless decision for our community and we would appreciate your support.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILWOMAN LITMAN – Are there any further questions for either the attorney or the Mayor regarding this ordinance?

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Just a comment. Is everybody aware that it's going to be going to court tomorrow morning? Is everybody aware of that? Could you relay that?

COUNCILWOMAN LITMAN – Mr. Dingwell.

DAVE DINGWELL – The City of Massillon has retained our law firm in order to evaluate all legal options that are available. Based upon our review of the matter and the status as we understand it now, our intent, based upon what we understand is an unwillingness to extend the time in which the community and the physicians can transition patient care, we will be filing a law suit in the morning seeking an injunction to temporarily suspend cessation in closing of the hospital facility. We'll be filing that in the morning. We hope to have an audience with the assigned judge tomorrow, but that's our intention to proceed with that tomorrow morning.

COUNCIL PRESIDENT ISTNICK – Thank you. Thank you, Mr. Manson. Councilwoman Litman.

COUNCILWOMAN LITMAN – Yes. I'm actually looking at the Request for Legislation and it is to be considered an emergency for the reason of "For the immediate care, critical and vital importance to the healthcare, safety and welfare of the citizens of Massillon and Western Stark County" and for that reason, I make a motion that we wave the rules requiring three readings and bring Ord. No. 10 – 2018 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. 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. 10 – 2018 has passed. Ord. No. 6 - 2018. Councilman Manson.

COUNCILMAN MANSON – Probably you and the Mayor should sign that and they can carry it out here with them for tomorrow.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Manson. Ord. No. 6 – 2018.

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 – Yes. We discussed this in Work Session last week and there were quite a few questions and I spoke with Safety Service Director Smith. He's willing to talk about it in our next session. So, I'm going to give this first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 6 – 2018 has received first reading. Ord. No. 7 – 2018.

ORDINANCE NO. 7 – 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 ISNTICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is asking for an appropriation of \$500,000 for street resurfacing. My intent this evening is to give it first reading and to have the Safety Service Director present at the next Work Session to give us more detailed understanding of what projects the \$500,000 will be going toward funding. With that said, first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 7 – 2018 has received first reading. Ord. No. 8 – 2018.

ORDINANCE NO. 8 – 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. Madam President, I'd like to call forward the Safety Service Director.

COUNCIL PRESIDENT ISTNICK – Mr. Smith, if you'd come forward.

JOEL SMITH – Good evening.

COUNCILMAN LEWIS – Good evening. So, in here we have four different pieces and I just kind of want to look at them individually for a second. First off, is the \$140,000 to the Sippo Dam Project, I seem to recall that we discuss this at the end of 2017 and I thought that was handled. So, can you give me some clarification?

JOEL SMITH – We did talk about it. We had potential pricing, but we never appropriated the money to pay for this segment. So, what the \$140,000 will pay for is we do have...the low bidder was at \$115,000 for the actual construction and then we have the inspections and oversight from AECOM is approximately \$25,000. So, this \$140,000 we're appropriating to move forward with the actual construction. We're asking Council to move on this tonight because the construction company is prepared to start work on January 29th, weather contingent and we have to have this done by June. So, we want to get this project moving.

COUNCILMAN LEWIS – So last year when we talked about it, I do remember there was discussion about it coming out of Park & Rec. and that the grant dollars, or the dollars coming out Columbus to assist with this would go to reimburse Park & Rec. directly. Did that never occur?

JOEL SMITH – Park & Rec. paid for approximately, and I'll bring Barb up, I don't know if she has those numbers in front of her, but she would be more familiar. She actually filed for the grant. I'll let Barb speak to that.

BARB SYLVESTER – Park & Rec. portion of it is \$96,000 is what they paid in 2017. The City Engineering Dept. paid \$19,000, that's \$115,000 total that we've already spent to get reimbursed and this \$140,000, that would take it to \$255,000 and \$250,000 is what the State is giving us. Up until June 30th reimbursement.

COUNCILMAN LEWIS – Well, this is correct. This is the same \$140,000 we discussed three or four months ago or maybe not even that far ago. It is just now able to be appropriated and spent?

BARB SYLVESTER – It is. Because, if you remember, we had to apply to ODNR by December 27th. Yes, so, that was the same time period.

COUNCILMAN LEWIS – Are we all clear on that? I just wanted to make sure you knew that because that can get confusing a little bit. Thank you. And then on here we also have Storm Sewer Repair of \$240,000. I assume that this is to bring us up to about that \$500,000 number we want to be at?

JOEL SMITH – That's correct. We have \$260,000 in the current budget. This \$240,000 would bring us to the \$500,000 figure that we did put in for 2017. That would match that for 2018.

COUNCILMAN LEWIS – Okay. We ideas yet of which projects? Well, you'd have to come to us because those are larger projects typical around \$50,000 or so and you would come to us for approval at that point?

JOEL SMITH – Well, we have, as you've heard and probably read in the paper, we are waiting to meet on the street projects. Now last year, about half the money went on the storm sewer, went into those street projects to supplement the total project. The other half was spent on projects outside of the street projects. That's kind of the intent this year, as well, but then we have a new element that we are actually going to have our own employees on a crew doing projects as well. So, we feel the money would go further this year because of the new crew that we're instituting. But, yes, it brings it up to a \$500,000 total.

COUNCILMAN LEWIS – And then the Fire Dept. repairs?

JOEL SMITH – The Fire Dept. repairs is what I've come to you for is the \$200,000 and I know that our Council President asked me what have we done so far? And what we have done and what I've talked about to this body in the past is that we did in late 2016, we contracted with Harris-Day to update plans they had done in 1990. They did produce a diagram or a drawing of a total rehab of the station with a small addition on the back. That also paid for structural engineers to go into the building. Assess to make sure it's structurally able to accomplish those repairs. You've heard the Mayor in her State of the City state between \$600,000 and \$800,000. We have in 2017, Harris-Day did update their estimates of what a rehab would be and at that time it was about \$566,000. We know that construction prices are rising rapidly because of the improved economy and we know that price is going to go up. So, where we are right now, today, is we've already got a time schedule for the mold and the asbestos remediation. That's a process. If we can get this \$200,000, the reason I came to Council for the \$200,000 is to get us kicked off. We've already done our selection process for the engineer and Harris-Day, or the architectural piece and Harris-Day has been selected as that architect. So, I spoke with them today and I'm sure you've heard or seen the articles where the Fire Chief has conservative said "Beginning of mid 2019". Certainly, we'd like to get that done sooner and if we can get this kicked off with the asbestos, the mold, the clean-out of the building and in that same period of time, this four-month time, Harris-Day is now working on the architectural plans, once they get that done, then they can give us a better assessment of what the construction cost is going to be. So, at that time, I would be able to come in here and speak more intelligently on exactly how much more money we need. So, this \$200,000 gets us going and it gets us moving as soon as tomorrow with moving forward with signing contracts with Harris-Day for the architectural piece, signing contracts for the mold and asbestos removal, the clean out of the building. What we're told by Harris-Day, the more we can clean it out and gut it, the better off we'll be for the construction piece and the more money we'll save. So, we're kind of two-pronged to move forward immediately. The hope would be to have it done by the end of the year.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – I've been contacted by a construction company and a remediation company wanting to know, it sounds like it's too late, but, how they would bid on these jobs. Who hires them? Do we hire them? Does the engineer hire them?

JOEL SMITH – No. That's what I've said. We're going to move forward with the bid process or the remediation almost immediately.

COUNCILMAN CHOVAN – Will that be something that we advertise for public bid on that?

JOEL SMITH – We would, and I'm not sure that I can answer that. Dave might be able to answer that.

COUNCILMAN CHOVAN – I just want to be able to answer the guy who called me, that's all.

JOEL SMITH – It's kind of the same process we're dealing with with the NIP properties, currently. The properties that we're tearing down. We have, actually Josh Whitacre in our Community Development Section, he's been coordinating the remediation and clean-outs of those homes. So, we knew we already have a process in place and I don't think it's a formal bid because it wouldn't go over \$50,000. It would be, they seek out cost factors. Dave, do you have more information?

COUNCILMAN CHOVAN – Well, why do we need \$200,000? I thought that's what this covered. The remediation for the fire station.

JOEL SMITH – Well, it's not going to be anywhere close to that. The \$200,000 will cover the architectural piece for Harris-Day, the remediation, the clean-out. We've got that huge tree beside it. We were going to go ahead and get that removed. I don't believe we'll spend close to \$200,000. It'll clearly be between \$100,000 and \$200,000, but I wanted enough in there that we can start going down this path to get everything we can get done, initially. As long as we're all committed to this project, this is going to give us that ability to move forward. So, as far as the remediation, they have a contact list that they're using for NIP. Dave, am I speaking correctly? They seek out those companies and you might be able to add a little more to this.

COUNCILMAN CHOVAN – Who is it handling it for us, Josh?

DAVE MALEY – Josh Whitacre in our Community Development. We actually work with Habitat too. We partnered with them and they seek out and get bids for surveys, for removals and clean-outs, that sort of thing. So, we work in conjunction with Habitat.

COUNCILMAN CHOVAN – Okay. Well, I just want to tell this construction company to get on a list.

DAVE MALEY – They can call me or call Josh.

COUNCILMAN CHOVAN – And then when it comes for the construction piece, that will have to be bid out, correct?

DAVE MALEY – That's correct.

COUNCILMAN CHOVAN – Alright. Thanks.

COUNCILWOMAN CREAMER – Back again regarding removal of this asbestos. You have to be a licensed company, you have to discard it properly. So...

JOEL SMITH – That's all part of the contracting piece of it. You have to have a study done. You have to have someone come in there and identify what it is and then you get the bids for the actual job. And you're right, you'd have to have those certifications and we have that list of contractors that we're using for these NIP properties. We've already taken down ten properties. We already have a system in place and that's why we wanted to try and kick this off with that. And Harris-Day, they agree with us. They said, "Yeah, if you can start this, we can get this moving". I tried to press him today, "Can we get it done by the end of the year?" Maybe.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – So, I have a couple of things that we're going to do with this tonight, just so that everybody's aware. I haven't addressed the street resurfacing aspect because I look at the same way I look at Ord. No. 7. We want more detail as to exactly what streets we're resurfacing. In light of the fact that the other pieces, the Sippo Dam projects; we're all very familiar with. We did get a lot of good questions answered with the Fire Dept. But, I think I want to say, the conversation kind of points to Council wanting to know more and normally we

do have that information. But, we have a shorter timeframe on some of this stuff. So, I understand why it may have not been presented in the form that we typically would. But we have all our spreadsheets and everything else that you guys usually provide.

JOEL SMITH – Are you talking about streets?

COUNCILMAN LEWIS – No. I mean for any of this. Like the Fire Dept. I think what brings me to this question is normally we would have had invoices and stuff like that.

JOEL SMITH – Right. We don't have any of that currently. All we're trying to do is get the \$200,000 encumbered so we can start moving forward with contracting the architectural. Contracting the asbestos. Contracting the mold removal. Contracting the clean-out of the property. Which once we get the contract with Harris-Day, they'll kind of oversee for us.

COUNCILMAN LEWIS – Okay. So, with all that said, I was just going to go ahead and divide the question this evening. The dividing of the question would allow us to vote on the Fire Dept., Sippo Dam and Storm Sewers this evening. That it would leave the Street Resurfacing on its own and then my intention would be to give that first reading and we can address that when we address Ord. No. 7 as well. I will let that stand as my motion.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman, did you have a question prior to that?

COUNCILWOMAN LITMAN – I was going to ask what streets for resurfacing as well. I second.

COUNCIL PRESIDENT ISTNICK – Okay. So, we have a motion and a second. Roll call for the division.

9 yes to divide the question on Ord. No. 8 – 2018

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 8 – 2018 has been divided as stated by Mr. Lewis. Councilman Lewis.

COUNCILMAN LEWIS – Yes. So, the first piece which would be the Fire Dept. for \$200,000, the Sippo Dam for \$140,000 and Storm Sewer Repair for \$240,000, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 8 – 2018, the three sections that I just stated, 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. 8 – 2018 has passed. Ord. No. 9 – 2018.

COUNCILMAN LEWIS – On the remaining piece.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN LEWIS – I'm going to say for the record tonight, first reading. But I would also advise that maybe Ms. Rolland, we should consult with our Law Director, because with it both being in the same section, I'm not 100% positive that the division of the question is the proper Robert Rules of Order. It may have been to just strike out that and then this one piece resubmitted as a new ordinance. So, we might want to check with the Law Director to make sure we're doing it properly. Does that make sense, Ms. Rolland?

COUNCIL CLERK ROLLAND – Yes.

COUNCIL PRESIDENT ISTNICK – Do you want to call up somebody from the Law Dept. or do you just want Diane to handle that?

COUNCILMAN LEWIS – It doesn't need to be handled at this moment. We can handle it during typical business.

COUNCIL PRESIDENT ISTNICK – Okay. Mr. Cyperski is going to come up.

BOB CYPERSKI – Yes. I believe you can split it out in the manner and form. I think that's an acceptable way to do it.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Cyperski. Councilman Lewis.

COUNCILMAN LEWIS – First reading on the remaining portion of Ord. No. 8 – 2018.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 9 – 2018.

ORDINANCE NO. 9 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE amending Ordinance No. 170 – 2017 to change the year ending date for certain appropriations from the unappropriated balance of the 1237 Economic Development Fund to December 31, 2018, instead of the year ending December 31, 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – My first question is why wasn't this just taken care of in a clerical error that we have in every ordinance that we pass?

COUNCIL CLERK ROLLAND – Because Debbie Bonk, it was one of those ordinances that went three readings. It was the economic development grant for Paradigm and by the time we passed it, it was 2018. So, it has to come out of 2018 funds because it was not passed until 2018. This is the one that went three readings. So, it had to reflect December 31, 2018.

COUNCILMAN LEWIS – Oh. Thank you. Any other questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 9 – 2018 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. 9 – 2018 has passed. Res. No. 1 – 2018.

RESOLUTION NO. 1 – 2018

BY: COMMITTEE OF THE WHOLE

A RESOLUTION appointing Diane Rolland as Administrative Assistant/Clerk of Massillon City Council and establishing salary for said job.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. Thank you, Madam President. It's my intention to move this forward unless somebody has any questions or anything they would like answered. I make a motion that we wave the rule requiring three separate readings and bring Res. No. 1 – 2018 forward for passage.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISNTICK – Thank you, Madam Clerk. Res. No. 1 – 2018 has passed.
Res. No. 2 – 2018.

RESOLUTION NO. 2 – 2018

BY: COMMITTEE OF THE WHOLE

A RESOLUTION appointing Linda Litman to the Historical Preservation Commission as a Council Representative for the term of January 1, 2018 to December 31, 2019.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Are there any questions? Seeing none, I make a motion that we waive the rule requiring three separate readings and bring Res. No. 2 – 2018 forward for passage.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage; 1 abstained – Litman

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 2 – 2018 has passed.
Res. No. 3 – 2018.

RESOLUTION NO. 3 – 2018

BY: COMMITTEE OF THE WHOLE

A RESOLUTION commending Yvonne Daniels as a Member of City Council of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Mahson.

COUNCILMAN MANSON – Thank you, Madam President. I made a comment at the last Committee meeting and I'd like to say it again that I've been here a while and I've watched people that lost their primary election that were sitting on Council and some of them, we hardly ever saw them again. I don't believe anybody's attendance surpassed Ms. Daniels' attendance since that happened and she should be commended for that. I make a motion that we waive the rule requiring three separate readings and bring Res. No. 3 – 2018 forward for passage.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISNTICK – Thank you, Madam Clerk. Res. No. 3 – 2018 has passed.
Res. No. 4 – 2018.

RESOLUTION NO. 4 – 2018

BY: COMMITTEE OF THE WHOLE

A RESOLUTION expressing firm support and hope for the continuation of services of Affinity Medical Center in the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I was going to intend to make a motion to move this forward unless anybody has any comments. I make a motion that we waive the rule requiring three separate readings and bring Res. No. 4 – 2018 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. Res. No. 4 – 2018 has passed.

7. **UNFINISHED BUSINESS**

8. **PETITIONS & GENERAL COMMUNICATIONS**

9. **BILLS, ACCOUNTS & CLAIMS**

Walter H. Drane Co.	-	\$ 390.00	Hosting Code on the Internet 1/1/18-12/31/18
The Repository	-	1,176.40	Publication of November Ordinances
Bonnie's Engravers	-	127.00	
Keller's Office Furniture	-	95.70	
Total		\$1,789.10	

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

10. **REPORTS FROM CITY OFFICIALS**

11. **REPORTS OF COMMITTEES**

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. I'm going to ask Mrs. Sylvester to please come up. We need to have a meeting in February and she can explain it.

BARB SYLVESTER – Thank you, Paul. A few of you are aware, the Administration's been working diligently on getting our Massillon downtown onto the National Register of Historic places. And so, in going through this process, one of the next steps that we need to do is to have a public meeting and the public meeting will be held, of course, in the City of Massillon. It will be conducted by the Ohio State Historic Preservation office. But, provide the proposed district itself with the listing of all of the buildings and locations as well as it will get information on the National Register of Historic Places Program. How their program works and they will also give information on the Federal and State Historic Tax Credits that will be made available then to property owners and developers once the City is then listed on the National Register. So, I talked with Paul and also coordinating this with the Ohio Historic Preservation Office because they do have to come here to do that, of course. The date that works out right now for everybody is Monday, February 12th, which is a Work Session. So, Paul just wanted me to address it with everyone this evening and see if we could come up with a time. They're telling me that it takes anywhere from an hour to hour and a half. Depending on if people have questions for the presentation. I talked with Diane; they will be doing a PowerPoint presentation is what they'll be doing. So, just wanted to get a time so I

can give it back to them tomorrow. They will actually, the State Office, will put this in our local newspaper under the Legal Notices. It will be there as well. So, they wanted to get a time narrowed down here so they can include it with that.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I asked that we bring this here. This will be a Committee meeting night. Do we want to do it right at 6:30 p.m.? It may be an hour or an hour and a half. Where do we want to start, earlier?

COUNCILWOMAN LITMAN – Start it earlier.

COUNCILMAN MANSON – Okay. We'll start at 5:30 p.m. then.

BARB SYLVESTER – Okay. The people coming from Columbus will probably appreciate that as well.

COUNCILMAN MANSON – Maybe we'll be finish by 6:30 p.m.

COUNCIL PRESIDENT ISTNICK – Will that be here?

COUNCILMAN MANSON – Yes.

COUNCIL PRESIDENT ISTNICK – So, February 12th; 5:30 p.m. before our Committee meeting we will have a meeting. Our next Work Session will be Monday, January 29, 2018 at 6:30 p.m. We are off next Monday the 22nd.

12. **RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS**

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. A couple of months ago, I requested that we get numbers for the conglomerate income revenue or tax revenue for the area around The Legends Golf Course and University Village and Drage and that would be for residential or commercial properties. Whatever tax revenue whether that be income tax or whatever. I know we're close, last time spoke close to getting that number. So, a little bit of patience, but I would request that we have some kind of number to look at by February 20th, if at all possible, please. But, I do know that Barb has researched it. She has worked on it. So, she didn't forget about us, but I just wanted to kind of note that out to everybody else as well. That's it.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCIL CLERK ROLLAND – Madam President. I would like to announce that John Simpson will be retiring this coming Friday, if anybody is interested in coming for his luncheon; Friday at noon to 2:00 p.m. and he's been with us for 33 years.

COUNCIL PRESIDENT ISTNICK – Anyone else? I will not be at the meeting on February 12th, I will be in Florida.

13. **CALL OF CALENDAR**

14. **THIRD READING OF ORDINANCES & RESOLUTIONS**

ORDINANCE NO. 167 – 2017

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE amending Chapter 163 "PARK AND RECREATION BOARD" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Subsection 163.02 "MEMBERS", and enacting a new Subsection 163.02 "MEMBERS", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. We had multiple discussions regarding this ordinance. What we're requesting is to align the subsection 163.02 with the Ohio Revised Code. There's some differences in what our current ordinance states and with the Ohio Revised Code states. So, with this ordinance, we're going to be aligned and to move forward. Are there any questions or any specifics that we need to go over prior to putting this up for a vote? I make a motion that we vote on this ordinance.

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

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 167 – 2017 has passed and Councilwoman Creamer, we know that you have put a lot of time in this and we appreciate that.

COUNCIL CLERK ROLLAND – I have a quick question on this ordinance.

COUNCIL PRESIDENT ISTNICK – Yes, Diane.

COUNCIL CLERK ROLLAND – This is another one that went three readings and it's dated 2017. Bob (Cyperski), can I just change that to 2018?

BOB CYPERSKI – No, you can change it as a typo. That should be okay.

COUNCIL CLERK ROLLAND – Thank you.

15. **SECOND READING OF ORDINANCES AND RESOLUTIONS**

16. **NEW & MISCELLANEOUS BUSINESS**

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

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – I move that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK

CLAUDETTE ISTNICK, PRESIDENT