

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, MAY 21, 2018**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, May 21, 2018. We have in attendance with us the following city officials: Law Director, Andrea Scassa, Community Development Director, Lori Boron, Community Development/Housing Assistant, Samantha Walters, Economic Development Director, David Maley and 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**

**COUNCILWOMAN MEGAN STARRETT**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILWOMAN STARRETT**

**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** – No, they are not. I am still working on them.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

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

**6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 49 – 2018**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, thank you, Madam President. I apologize for that other meeting (Public Hrg.-CDBG) running over. Is there anybody that has any questions? I made it known, I mean, if you want to comment and say you don't want to let it go for first reading, that's what I've been thinking though. Anybody want to comment? First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 49 – 2018 has received first reading. Ord. No. 50 – 2018.

**ORDINANCE NO. 50 -2018**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

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

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes. This one we're going to give first reading because of the Law Dept.'s request. We have some good language, but all the holes are not plugged legally. They want to do a little more work on this, so, we'll bring it back and amend it then when they're finished with that, so, first reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 50 – 2018 has received first reading. Ord. No. 51 – 2018.

**ORDINANCE NO. 51 – 2018**

**BY: PUBLIC UTILITIES COMMITTEE**

AN ORDINANCE repealing Ordinance No. 145- 2016 and enacting a new Ordinance that provides for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio, and the habitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio, for and during the period of June 1, 2018 through December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Cunningham.

**COUNCILWOMAN CUNNINGHAM** – Thank you, Madam President. Normally when I get to speak on public utilities it's because we're having a price increase. But this time, when Mr. Nutter was here last week for our meeting, he gave us the good news that we're going to have a reduction for the next six months and each resident's average reduction will be about \$1.35. So, that's good news for the citizens. So, at that point, are there any questions or concerns on this legislation? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 51 – 2018 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Lewis. 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. 51 – 2018 has passed. Ord. No. 52.

**ORDINANCE NO. 52 – 2018**

**BY: POLICE AND FIRE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the city of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the addition and renovations for Fire Station No. 3, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Chovan.

**COUNCILMAN CHOVAN** – Thank you, Madam President. Just as it was read, this ordinance would give the Safety Service Director the authority to go out and get bids for the renovation of the fire station and then to enter into that contract with the lowest bidder. I think we're assuming that this is going to be somewhere in the \$713,000 to \$715,000 range and we're looking at a possibility of like a 5% leeway there. So, that's the anticipated expenditure, but we won't know for sure until he gets the bids. So, does anybody have a question or a comment about any of this? Sarita?

**COUNCILWOMAN CUNNINGHAM** – My only comment is that I'm very grateful that we're going to be doing this in opening Station No. 3.

**COUNCILMAN CHOVAN** – Amen. Anything else? Seeing no other comment or hearing no other comment, I move that we waive the rule requiring three readings and bring Ord. No. 52 – 2018 forward for a vote.

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

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 52 – 2018 has passed. Ord. No. 53 – 2018.

**COUNCILWOMAN CUNNINGHAM** – Excuse me.

**COUNCIL PRESIDENT ISTNICK** – Yes, Ms. Cunningham.

**COUNCILWOMAN CUNNINGHAM** – May I be excused?

**COUNCIL PRESIDENT ISTNICK** – Yes, thank you. Councilwoman Cunningham has been excused. Ord. No. 53 – 2018.

**ORDINANCE NO. 53 – 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 with the lowest and best bidder, upon the approval of the Board of Control, for the 2018 CDBG Target Neighborhood Resurfacing Program in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This ordinance is just allowing the City to receive bids to enter contract to start paving the target streets in the target neighborhoods for the HUD resurfacing program. Now this is money that will be being used from last year's grant money. Not from the grant money that we're currently talking about in the 2018 fiscal year. So, it's says 2018 resurfacing which is being done in 2018, but for clarity purposes it is money being used from 2017 CDBG funds. Any questions or concerns? Seeing none, I make a motion that we waive the rule requiring three readings and bring Ord. No. 53 – 2018 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – For suspension?

**COUNCILWOMAN STARRETT** – Yes.

**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. 53 – 2018 has passed. Ord. No. 54 – 2018.

**ORDINANCE NO. 54 – 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 with the lowest and best bidder, upon the approval of the Board of Control, for the Richville Drive S.E. Improvement Project in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This is for the Richville Dr. Project which is \$1.5 million-dollar project. At this point, the City share is \$253,000 which a percentage will be coming from Freshmark and University Village TIF's and the rest is from the Municipal Road Fund. Any questions or concerns about this? I believe this project set to start this summer. Seeing no comments, I make a motion that we waive the rules requiring three readings and bring Ord. No. 54 – 2018 forward for a vote.

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

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 54 – 2018 has passed. Ord. No. 55 – 2018.

**ORDINANCE NO. 55 – 2018**

**BY: FINANCE COMMITTEE**

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

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is just our agreement with the County as to if we were to charge someone on local ordinance what the fees would be that the City would incur if those charges were to result into any time spent at the County Jail, but, as discussed last week, we charge most of our offenses on State statute which avoids us having to pay these fees, but we still have to have this agreement with the County just in case. Are there any questions or further discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 55 – 2018 forward for a vote.

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

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 55 – 2018 has passed. Ord. No. 56 – 2018.

**ORDINANCE NO. 56 – 2018**

**B : FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with DeHoff Realtors to represent the City of Massillon, Ohio, as our exclusive agent for the sale of commercial properties, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. We'll be hearing more about this next week. We are still in discussions with DeHoff on some finer points of the agreement and so, they will be presenting next week on whatever that results in, so tonight, I will be giving it first reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Ord. No. 56 – 2018 has received first reading. Ord. No. 57 – 2018.

**ORDINANCE NO. 57 – 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 is the \$650,000 funding for the fire station on the east side. Any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 57 – 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. 57 – 2018 has passed. Ord. No. 58 – 2018.

**ORDINANCE NO. 58 – 2018**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1238 Probation Fund, for the year ending December 31, 2018, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. These dollars were generated within the Court as part of their day-to-day process and are intended to be used to fulfill any expenses that they may have in order to properly operate. So, the dollars of \$35,000 that they are wanting to appropriate is for services/contracts and equipment such as copiers and other office equipment that they need and leases that they may incur in order to keep themselves operating every day. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 58 – 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. 58 – 2018 has passed. Ord. No. 59 – 2018.

**ORDINANCE NO. 59 – 2018**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1429 Inn at University Village Infrastructure Fund and the 1424 Freshmark Infrastructure Fund, for the year ending December 31, 2018, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. These two TIF's will be giving some of their dollars that are held in those accounts for the purpose of the Richville/Southway Project that we just passed. Are there any questions or discussion? Seeing none, I make a motion that we, just one second please. There is a typo in Section 1 of this legislation that we won't point out. It says "There is hereby appropriated from the unappropriated balance of the 1429 Inn at University Village Probation Fund". So, that's a typo that can be corrected.

**COUNCILWOMAN LITMAN** – So it should be Infrastructure Fund?

**COUNCILMAN LEWIS** – Yes. There's just an extra word there. Seeing that's just a typo and it falls under Section 3 of the ordinance that allows our Clerk to be able to make that correction, I will continue to make the motion that suspends the rules requiring three readings, bringing Ord. No. 59 – 2018 forward for a vote.

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

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 59 – 2018 has passed. Ord. No. 60 – 2018.

**ORDINANCE NO. 60 – 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** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is a total of \$12,300 that is going to accounts that will assist with insurance and Worker's Comp. claims. It's just an adjustment to make sure that they're able to make it through their current commitments at the Parks and Rec. Dept. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 60 – 2018 forward for a vote.

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

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 60 – 2018 has passed.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMINGATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS  
Treasurer's Report - April 2018
11. REPORTS OF COMMITTEES

**COUNCIL PRESIDENT ISTNICK** – Our next Work Session is next Tuesday, May 29, 2018 at 6:30 p.m. because of Memorial Day. I am not certain that I will be able to attend that. I will let Diane know. Anyone else?

**COUNCILMAN IRWIN** – I will not be here.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Lewis.

**COUNCILMAN LEWIS** – Being that that has changed to a Tuesday, I would have work commitments as well.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes. I just want to comment, I should have done this back when I was on the first ordinance on the CDBG, but, I would like everybody to over this next Committee meeting, for sure, to come in and discuss this. I don't know if we really feel that we have to have an emergency meeting, we could do it like we said. But, I believe part of this is communications and saying that because there might be a great plan as far as the people that are working on this, but the people that I've talked to that are merchants and property owners, I don't feel that they've gotten the information that they should have gotten. Their businesses, their streets are going to be shut down next summer. Did everybody get a copy of the letter as far as shutting down Lincoln Way and Erie? Okay. And that's part of what I'm talking about here. I don't believe they are getting the communications. So, I think, as always, I do believe the people in the area are the most important people involved in most of these things and I think we've fallen short on that. So, that's what I want to focus on as we talk about this. And part of it is the plan too, not just the communications as far as how it's going to happen, but the plan itself. There's a lot of criticism of the plan out there. There are a lot of people supporting it but there's a lot of criticism by the people that are in business down there. I'm done.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?

**COUNCIL CLERK ROLLAND** – Excuse me, Madam President. Is that going to be Irwin out, Lewis out and yourself out from the next Work Session?

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCIL CLERK ROLLAND** – Okay, thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – And I will not be able to attend on Tuesday also.

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER**

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCE AND RESOLUTIONS**

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 44 – 2018**

**BY: RULES, COURTS & CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997 by enacting an increase to the Class Grade pay schedule within the 415 BUILDING DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. Yes, we gave this first reading at our last regular session. Since then, I've heard no comments or questions regarding it. If there's no objections or questions regarding it now, well, first of all, I'll ask if there are any questions regarding this ordinance? Seeing none, since there are none, I believe I don't want to stand in the way of allowing the department to move ahead with offering the position or increase to the person they have in mind so they can keep them. So, I'd like to move that we waive the rules for three readings of this ordinance and bring it forward for a vote.

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

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 44 – 2018 has passed.

**16. NEW AND MISCELLANEOUS BUSINESS**

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

**18. ADJOURNMENT**

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – I make a motion that we adjourn.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT