MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, NOVMBER 4, 2019

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, November 4, 2019. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Andrea Scassa, Economic Development Director, Dave Maley, Income Tax/Budget Director, Lori Boron and from the Engineering Dept., Jason Popiel. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. **ROLL CALL**

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

Roll call of 9 present

2. **INVOCATION**

COUNCILWOMAN LINDA LITMAN

3. **PLEDGE OF ALLEGIANCE**

LED BY COUNCILWOMAN LITMAN

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Litman. Before we proceed, I'd like to call on Sarita Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Madam President. I just wanted to give a shout-out to the great Massillon Tigers on their wonderful win on Saturday and for another win coming up Friday night against Warren (applause).

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 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. 144 – 2019 **BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, to enter into a Contract with Clark, Schaefer, Hackett and Company to provide services for the annual audits of the City of Massillon for a period of January 1, 2020 through December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. This is a piece of legislation we just received in Committee last Monday. We had some additional questions about it and they were answered this evening with a phone call to the Auditor. It's a good standard contract and is there any additional discussion? Seeing none, I make a motion that we waive the rule requiring three readings and move Ord. No. 144 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Did you have a question?

COUNCILWOMAN LITMAN – I was just going to remind Mike that we had the adjustments of the date on the actual ordinance. It says December 31, 2020, 2021, 2022 and then 2021, again. It should be 2023. I didn't know if you wanted to make note of that.

COUNCILMAN GREGG – Thank you.

COUNCIL CLERK ROLLAND – I've already corrected that as it was a typo.

COUNCIL PRESIDENT ISTNICK – Okay. 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. 144 – 2019 has passed. Ord. No. 145 – 2019.

ORDINANCE NO. 145 – 2019 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1235 Community Health Services Fund, for the year ending December 31, 2019.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of a $1,000 grant that the Health Dept. received. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 145 – 2019 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 145 – 2019 has passed. Ord. No. 146 – 2019.

ORDINANCE NO. 146 – 2019 **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, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This comes from the Parks and Recreation Board. They approved this prior to sending it to us. It is for an $150,000 appropriation of the unappropriated dollars going into Services/Contracts, Supplies and Postage to get them through the end of the year budgeting. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 146 – 2019 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 146 – 2019 has passed. Ord. No. 147 – 2019.

ORDINANCE NO. 147 – 2019 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1225 Indigent Driver Alcohol Treatment Fund, for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance is coming from the Municipal Court requesting a $30,000 appropriation for their Indigent Driver Alcohol Treatment. This would go to assist in paying for a counselor so that people can receive treatment for their services. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 147 – 2019 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 147 – 2019 has passed. Ord. No. 148 – 2019.

ORDINANCE NO. 148 – 2019 **BY: FINANCE COMMITTEE**

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is a $75,000 appropriation into the hospital fund to help pay for utilities and other needs to keep the hospital maintained. As many of us here received an e-mail earlier this week that showed that we are still to the good. We have some $500,000 that we are still receiving from Aultman Hospital for that deal which keeps us at least $500,000 to the good plus we still have proceeds from the online auction coming and by my calculations, that will put us at a total of around one million dollars or something still to the good before we start to exhaust any of the City's funds. Are there any questions or discussion about the appropriation this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 148 – 2019 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 148 – 2019 has passed. Ord. No. 149 – 2019.

ORDINANCE NO. 149 – 2019 **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Auditor to pay various 2019 bills that have been received and that will be received by her office between January 1, 2020 and March 31, 2020, out of the 2020 appropriations within the various departments of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This is an ordinance that we do every year. It simply allows us to pay end of the 2019 year bills out of 2020's money. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 149 – 2019 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 149 – 2019 has passed. Ord. No. 150 – 2019.

ORDINANCE NO. 150 – 2019 **BY: FINANCE COMMITTEE**

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 150 – 2019 has received first reading. Ord. No. 151 – 2019.

ORDINANCE NO. 151 – 2019 **BY: FINANCE COMMITTEE**

AN ORDINANCE amending Ordinance No. 143 – 1976 to enact a new Section "ALLOCATION OF FUNDS – INCOME TAX" by repealing Section 13 – "ALLOCATION OF FUNDS – INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS – INCOME TAX and repealing Ordinance No. 147 – 2017.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Giving that this particular ordinance most likely will not be passed until the last meeting of 2019, we will have to pass it under emergency because we will not have the days left in the year before it would take place and this current ordinance, as it

stands, does not have emergency language in it. So, I am going to make a motion to amend Ord. No. 151 – 2019, adding the emergency language.

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

9 yes to amend Ord. No. 151 – 2019 to add the emergency language

COUNCIL PRESIDENT ISTNICK – Ord. No. 151 – 2019 has been amended to include emergency language. Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 151 – 2019 has received first reading. Res. No. 8 – 2019.

RESOLUTION NO. 8 – 2019 **BY: FINANCE COMMITTEE**

A RESOLUTION requesting the Stark County Auditor and Stark County Treasurer to make an advance payment to the City of Massillon, Ohio, of real estate taxes collected by Stark County on behalf of the City during the 2020 fiscal year.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Again, this is a resolution that we pass every year just requesting that the Auditor and the Treasurer gives us the money that we will be due in 2020. Any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 8 – 2019 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 8 – 2019 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMINCATIONS

COUNCIL PRESIDENT ISTNICK – I'd like to call on my Clerk, Diane Rolland.

COUNCIL CLERK ROLLAND – (Read Thank you card from the family of Milan Chovan)

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILWOMAN LITMAN – I'd also like to remind everyone that on November 12th we are going to have a Special Meeting that we'd discuss further the temporary ban of fencing at 6:30 p.m. It was discussed a little bit earlier. I just want to confirm that that would be of record and that everyone would be able to be in attendance.

COUNCIL PRESIDENT ISTNICK – So it is going to be at 6:30 p.m.?

COUNCILWOMAN LITMAN – Yes, at 6:30 p.m.

COUNCIL PRESIDENT ISTNICK – And then the regular Work Session will follow?

COUNCILWOMAN LITMAN – Yes, then the regular Work Session will be thereafter.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILWOMAN LITMAN – One more reminder. On November 25th we will have a Committee meeting again prior to the Work Session that we'll discuss the Airbnb and further fencing discussion as well and that will be at 5:30 p.m. So, again, November 12th will be a Special Meeting at 6:30 p.m. and November 25th a Committee meeting to discuss the Airbnb issue as well as more of a permanent fencing discussion.

COUNCIL PRESIDENT ISTNICK – At 5:30 p.m.?

COUNCILWOMAN LITMAN – At 5:30 p.m.

COUNCIL PRESIDENT ISTNICK – And you'll remind us again of that?

COUNCILWOMAN LITMAN – Yes.

COUNCIL CLERK ROLLAND – And for clarification, Councilwoman Litman, you might want to say a Special Committee meeting and not a Special meeting; a Special Committee meeting.

COUNCILWOMAN LITMAN – No. We'd actually like to have a Special meeting on November 12th. That we'd be able to pass the temporary ban on fencing.

COUNCIL CLERK ROLLAND – Oh, okay.

COUNCILWOMAN LITMAN – You do have a draft of an ordinance from Andrea?

COUNCIL CLERK ROLLAND – Right.

COUNCILWOMAN LITMAN – She'd like to make some tweaks to it, but, it then will be out prior to that.

COUNCIL CLERK ROLLAND – Okay.

COUNCIL PRESIDENT ISTNICK – So that's going to be a Special Council meeting.

COUNCIL CLERK ROLLAND – Okay.

COUNCILMAN MANSON – That'll be at 6:30 p.m.

COUNCILWOMAN LITMAN – Yes, at 6:30 p.m. prior to the Work Session.

COUNCIL CLERK ROLLAND – Okay. Thank you.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

Mayor's Report - September 2019
Auditor's Report - September 2019

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to accept the Auditor's Report

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Auditor's Report has been accepted. At this time, I would like to call Jason Popiel up for an update. Thank you, Mr. Popiel.

JASON POPIEL – Hello everybody. I'm here to give you a quick update on the Streetscape project. Enviroscapes is doing the brick work for the cross walk they started today and they're expected to be done Wednesday or Thursday, weather dependent. That's the last piece. The only remaining part of the project is the light poles and traffic mast arms which are coming from Union Metal and they're expecting delivery, hopefully, by the end of next week; maybe as soon as the end of this week. I'm supposed to get an update from Union Metal tomorrow, but, I'm assuming they're going to be delivered the end of next week.

COUNCIL PRESIDENT ISTNICK – And that would take how long once they're here?

JASON POPIEL – Once they're here then Central Allied takes over. They've given times anywhere from two to three days to up to a week, a week and a half. It all depends on when they get here and how the weather is when they do arrive. But, that's up to the contractor. I wouldn't expect more than…if they get here on a Friday and they start on a Monday, it would be done by that Friday. It has to be installed, wired, tested, timed to put in service.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Two questions.

JASON POPIEL – Sure.

COUNCILMAN LEWIS – The first one is, is this still they're running clock then?

JASON POPIEL – You mean for, I assume you're talking about for liquidated damages?

COUNCILMAN LEWIS – Yes.

JASON POPIEL – No. This is not at the fault of the contractor or the City. This is a materials and demand issue from the metal company. We were told lead-times of twelve to sixteen weeks. We put in our order twenty weeks ahead of time. I did get notice that this is a problem throughout the country; adding twelve to twenty-four weeks lead time just because the material is in high demand. So, it's not anyone's fault up front, so we can't access liquidated damages on this issue.

COUNCILMAN LEWIS – What about the bricks?

JASON POPIEL – The bricks.

COUNCILMAN LEWIS – The bricks that aren't done yet. You said that Enviroscapes has to still do that.

JASON POPIEL – The middle of the cross walks?

COUNCILMAN LEWIS – Yeah. So, that's still; that's not the metal, so, is that damages?

JASON POPIEL – No. Well, I'd have to look into that because we did have some delays on our crush storm sewer. So, I'd have to see what the time addition was on in replacing our sewer and putting everyone on hold to see if there's liquidated damages assessible on that. See how far back they are from October 31st until they complete which would be seven days. So, I'd have to see what the damages were on that, yes.

COUNCILMAN LEWIS – It's getting to the point where it's like what's the point of having a contract with a deadline if they're going to be able to extend weeks at a time with no penalty.

JASON POPIEL – I understand.

COUNCILMAN LEWIS – I mean, our downtown businesses are still not getting traffic. True, that have foot traffic, but they're not getting street traffic, still, and we're now going to be, what, four months at least, five months closed.

JASON POPIEL – And ninety-days, I think we're at day 116. But, again, once the project is complete, we'll have to see what lead times were caused by our changes and see what the difference is, and if there is a difference, then yes, we can pursue with liquidated damages.

COUNCILMAN LEWIS – I think we definitely need to. I mean, this whole time.

JASON POPIEL – Right.

COUNCILMAN LEWIS – I've been supported of this adventure, but this whole time the whole premise was that we told the City, we told the businesses was, "Hey, if they're not done by this

date, we're getting $1,500 a day". Now, I'm getting nothing and we're still not done. Luckily it could be the end of the month.

JASON POPIEL – I can't give you a definite answer until the project is complete and then we can go back and go through the timeline and find out what our delay was and that's when we can determine liquidated damages, but, we'll definitely be looking at it.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes, you were talking about poles from Union Metal are for the traffic lights, right?

JASON POPIEL – And the streetlights.

COUNCILMAN MANSON – Streetlights, they're doing those also?

JASON POPIEL – Yes, and the pedestrian crossing light poles.

COUNCILMAN MANSON – Alright.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – My question is last time we talked about the delay and I think you mentioned unforeseen circumstances as being the problem with that collapsed drain?

JASON POPIEL – Correct. A change in condition it's called.

COUNCILMAN GREGG – Right. So, when you put together a contract like this, don't you include a little bit of a buffer for unforeseen circumstances?

JASON POPIEL – In monies, yes. In time, no, we don't put it in the contract for time. If there's an unforeseen circumstance and the cause is time, then they get an extension. They request an extension and we grant it if it's an unforeseen circumstance that was beyond the contractor's control, yes. But, we don't account for it in the pre-bid for time, just money. We have a 10% contingency for unforeseen circumstances, but not for time.

COUNCILMAN GREGG – Not for time.

JASON POPIEL – Because we don't what it's going to be, if there's anything.

COUNCILMAN GREGG – So, the deadline was not really a "hard" deadline?

JASON POPIEL – It is when you start, but if there's unforeseen circumstances that are, again, beyond the control of the contractor, then we have to grant them a little bit of time; an addition for that problem.

COUNCILMAN GREGG – I would think that at the front in that we would build that into the contract to assume that you're going to have unforeseen circumstances and that you should build some extra time into the contract so that we're not promising a "hard" date of October 31st

and then unforeseen circumstances carry it pass that date. I'm from the thought that we should under promise and over deliver.

JASON POPIEL – Okay.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I guess the only probable point I want to make and this is something for this Council to consider as we move forward with other projects. We know that there's other projects coming. The frustrating thing to me is that I sat there and I watched this project get started and I saw very little work being done for like over two months. You'd go there every day and see very few crewmen, very little work being done and then all of a sudden at the end, they pump out great work really fast, which we're extremely appreciative of. But if I was having a bathroom remodeled and my contractor promised me a seven-day deadline and days one through five I don't see him and day six he shows up and "Oh, I didn't realize you had old lead pipes, this is going to take a couple extra days". Well, I don't care, you said you were going to be done in seven days. That's not unforeseen circumstance if you spent your first 75% of the contract not working at your full capacity. And I know it's high demand, but, it just seems like a lot of work was put off until the end and then all of a sudden "Look what we found". Well, you'd have found that two-months earlier if you would have brought that same vivacious nature two months previously. So, when we look at future contracts, I think we need to examine that and see what we can do to protect ourselves against something like this; making sure that we don't find ourselves in that same position.

COUNCIL PRESIDENT ISTNICK – Councilman Harris.

COUNCILMAN HARRIS – Mr. Popiel, when you said during the last meeting that you, I just read it a minute ago from the transcripts, "We still plan to be completed October 31st"; you really meant for the parade?

JASON POPIEL – Yeah, the road and pavement to be completed, yeah.

COUNCILMAN HARRIS – Not for people actually driving on it?

JASON POPIEL – Right. Yeah, the poles and the lights and traffic signals need to be installed for that.

COUNCILMAN HARRIS – Gotcha. And, I guess the next question which isn't for you, it's for everybody else, is what do we plan to do with the penalty money, if collected.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I can tell you that my proposal would be that if there is any penalty money that we somehow turn it into some kind of grant and return it to the businesses that have suffered through all this. Even it's a $100 per business. It's not about the amount, it's about the jester and principal of the fact that they've had to deal with this longer than they were sold. There were sold one thing; it's gone longer, they've been understanding. They've been toughing it out, we appreciate them. I don't see why the City would keep that money.

COUNCIL PRESIDENT ISTNICK – How many businesses are we talking about?

COUNCILMAN LEWIS – Probably at least 10, right? Just those one's in that block, it's probably about 10 businesses.

COUNCIL PRESIDENT ISTNICK – Anyone else? Mr. Popiel, I was downtown Friday for the parade and the second "M" that just got finished, is it finished?

JASON POPIEL – No. They still have to sand it and water that down.

COUNCIL PRESIDENT ISTNICK – Okay. Because a lot of those bricks weren't even…someone said something to me and I said it can't possibly be done because they're not.

JASON POPIEL – It could have moved a little bit because they did not have the sand in place but, there's also, and you have to remember when we do this that we're going to go through with crayon and more every brick that's off a little and they'll have to replace.

COUNCIL PRESIDENT ISTNICK – Okay.

JASON POPIEL – So, they'll come back to do that.

COUNCIL PRESIDENT ISTNICK – And someone asked me if it was possible to take those bricks and have people buy them like they do at the stadium.

JASON POPIEL – I don't know. I can't comment on that, I don't know how that works. You mean the bricks that are coming out?

COUNCIL PRESIDENT ISTNICK – No; the bricks that are there. Are they cemented in?

JASON POPIEL – The ones in the first "M", definitely are and half of the second "M" are.

COUNCIL PRESIDENT ISTNICK – Okay. Never mind.

JASON POPIEL – Okay, sorry.

COUNCIL PRESIDENT ISTNICK – Anyone else? Thank you.

JASON POPIEL – Thank you.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Tuesday the 12th because of Veterans Day at 6:30 p.m. and at 6:30 p.m., as Linda reminded us, we will have a Special Meeting to discuss the fencing.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCE AND RESOLUTIONS

ORDINANCE NO. 126 – 2019 **BY: POLICE AND FIRE COMMITTEE**

AN ORDINANCE amending Chapter 32 of the Massillon Code of 1968 by repealing existing Section 32.14 "Personnel of the Police Department" and enacting a new Section 32.14 "Personnel of the Police Department"; and also repealing Section 2 of Ordinance No. 126 - 1977.

COUNCIL PRESIDENT ISTNICK – Councilman Harris.

COUNCILMAN HARRIS – Thank you, Madam President. It was requested last week by the Police Chief that we table this. I'm just going to verify with Diane, the 18th of November is a regular meeting, correct?

COUNCIL CLERK ROLLAND – Yes, sir.

COUNCILMAN HARRIS – I'm going to make a motion that we table this until November 18th and, hopefully, I can get something back from the Police Chief as far as amending this by then.

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

9 yes to table Ord. No. 126 – 2019 until November 18, 2019

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 126 – 2019 has been tabled until November 18, 2019.

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

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

JEFF BOERNER – 409 – 3rd St. N.E., Massillon, Ohio. As you stated that $1,500 a day, but it was in The Independent and it might be a typo, but when I read it, it was $2,500 a day, per day, every day that the company will pay the City of Massillon. If I'm saying this correctly, Friday, the 25th of October, not $1,500. And also too, as I make my rounds, as I walk downtown to do my shopping and going back home, it's just within minutes where I live, they have not worked, I don't know if any of you noticed, it was either the last week of March or the first week of April, they did not work one Friday. This is now the 4th and tomorrow is Election Day, I'd say within the last two weeks, they actually worked a Friday and I really feel that the "Mom and Pop" businesses downtown, that they had to layoff their people, their employees due to construction because nothing's been happening. And, of course, the people that own those businesses, they are really hurting, big time and if you're suggesting that the money that you would get that you would receive from the company, if you get that from the company. Yes, I strongly will, as a nice jester, as Ed said, that you give that to the businesses because they need it. Because I see what goes on here in town. We need to pump our City back full till. We need to compete. So, genuinely and sincerely, I'd like to see "Mom and Pop" businesses and businesses coming into town where people can actually make a living. Since the 80's, 90's, 2000's, even this decade here, I don't see my kid or my grandkid or my niece or nephew or great niece or great nephew. The only time I get to see them is the holidays because if they stick around long enough to get a trade or degree or if they just have a

diploma, they leave this area, northeast Ohio, altogether and they go south or west. It would be great that we could see our kids and our grandkids on a regular basis. Seeing your nieces and nephews and your grandkids growing up and you could see and take pictures and socialize with them and interact with them on a regular basis. It would be great. But, the main concern, no one's not really focusing on, this City along with other cities and the townships, the population is aging and our generations underneath us are leaving the state to go out west or down south. I'm just letting you know what I see.

COUNCIL PRESIDENT ISTNICK – Thank you. Mr. Popiel, could we get clarification on the number that was in the paper?

JASON POPIEL – I need to ask again, what the comment was. I'm not sure.

COUNCIL PRESIDENT ISTNICK – He said that what he read in the newspaper was $2,500 a day and you said it was $1,500.

JASON POPIEL – It's $1,500 a day for every day that the job is not substantially complete, I'm sorry. It's $2,500 a day for every day if the job is not substantially complete and an additional $1,500 for every day beyond 90-day closure.

COUNCIL PRESIDENT ISTNICK – So the $2,500 was correct?

JASON POPIEL – Correct. And then when, if they are both beyond the closure date and beyond the substantially complete date, every day after that is actually $4,000 a day because it's $2,500 plus $1,500.

COUNCIL PRESIDENT ISTNICK – Thank you. Did that clarify?

JEFF BOERNER – Yes.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILWOMAN LITMAN – I'll ask a question, if you don't mind?

COUNCIL PRESIDENT ISTNICK – Linda.

COUNCILWOMAN LITMAN – Who will then decide what is substantially complete?

JASON POPIEL – That's a good question. Substantially complete is actually decided by the City and the City Engineer and we consider substantially complete when it is open and when it serves its purpose.

COUNCILWOMAN LITMAN – Okay.

JASON POPIEL – I guess the definition is "When does the project serve its purpose?" and the project like this one when the traffic is going down it. So, that's substantially completion.

COUNCILWOMAN LITMAN – But if there would be hesitancy for them to pay these costs, what would be our legal means thereafter?

JASON POPIEL – That's when we go into litigation.

COUNCILWOMAN LITMAN – So, it's not arbitration, it's litigation?

JASON POPIEL – Yes.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else from the audience?

18. ADJOURNMENT

COUNCILWOMAN LITMAN – I make a motion we adjourn.

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

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT