

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, OCTOBER 17, 2022**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, October 17, 2022. We have in attendance the following City officials: Safety Service Director, Barb Sylvester, Chief Deputy Auditor, Stefanie Myers, Asst. Law Director, Edmond Mack, Chief Counsel, Tim Piero, Economic Development Director, David Maley and Income Tax/Budget Director, Lori Kotagides-Boron. Thank you. We have a very large audience tonight and a good number of them are from Central Catholic fulfilling one of their homework projects. So, welcome to all of you. Under #5 on the agenda is where the public can speak on any topic that appears on tonight’s agenda and under #17 is where the public can speak on any topic that does NOT appear on tonight’s agenda. I’d like to remind everyone keep your mics off until you’re ready to speak and please, mute your cell phones 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, Mike Gregg, Julie Harwig Smith, Ted Herncane, Ed Lewis, Mark Lombardi, Jamie Slutz, Mike Snee and Aaron Violand.

Roll call of 9 present

2. INVOCATION

COUNCILMAN MIKE GREGG

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN GREGG

COUNCIL PRESIDENT ISTNICK – If you’d like, Mr. Gregg, you can still have the floor.

COUNCILMAN GREGG – Thank you, Madam President. I just wanted to give a shout-out to the Massillon Tigers. I think as we all know, this is Beat McKinley Week. They did not have a varsity game this past Friday, but the JV game was very good. They showed themselves well; beating a varsity team from Canada. But, as I said, we’re in McKinley Week. A lot of festivities taking place and I invite all of the residents of Massillon and anybody else that would join us to get involved in it and enjoy it and Beat McKinley. Thank you.

COUNCIL PRESIDENT ISTNICK – Beat McKinley. Thank you.

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.

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

FRED BUTLER – I live at 48 – 6th St. S. E., Massillon, Ohio. Many have been here and said no more than what I would have said that I'm against the changing of the zoning, but I would certainly look into the idea of having it as a single family residence there.

COUNCIL PRESIDENT ISTNICK – Thank you, Fred. Anyone else?

GAYLE DANZY – I need to refute something and then say something different that I forgot to say. When I was the director of Neighborhood Housing Services of Massillon, that's exactly what it was. It was for the whole City of Massillon. It was not for any specific neighborhood. So, I represented Massillon. Also I wanted to say that it was the people that lived in the neighborhood that I just happened to be working in, those were the people that were totally against me; everything that we did. So, those are the people that benefited at the end when we did what we did. Now, I want to play devil's advocate and speak against the project. The only way that I would speak against the project is that if you of Council do not manage the changing of the zoning to make sure that no one can put in rental properties that does not meet code and you've all heard me talk about that many times. So, that's the only way I would be against it; as long as Council makes sure that the person who builds in the changed zoning does the right thing, it'll be alright. Go Massillon.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

ERIC RAY – Ray's Roof Conditioning. I live at 26 Goose Ave. N.W. and I also own the property at 56 – 5th St. S.E., Massillon, Ohio. The reason why I'm so adamant about trying to readapt this building is because the fact that it has that historical factor. If no one remodels it or if we don't put our hands to it, it'll just sit there. We want to just go ahead and restore the classic view of and bring out all of the elements that we cherish in the building itself and also bring more character to the neighborhood. Ultimately, the reason why I believe most of my people spoke on my character is because most of the time you really don't know people and you don't have a relationship, you can make decisions. At this point, the reason why I'm extending this offer is because of the fact that I seem as if I'm being compared to the rental...other people who have rental properties in the area. I am very, very adamant about the parking situation. I totally agree about the parking situation. I have come up with a plan that would give us adamant parking space and if we want to check the measurements, I measured City Hall to make the parking space only on my property. So, I'm not borrowing any land, I'm not moving anything else. I also offered to give up a portion of my sidewalk to help that street, that curb where the building sits. So, I'm definitely pliable and open to any suggestions with the neighborhood. I just want to restore the neighborhood, put a beautiful fixture in a spot that looks like a hole. Thank you.

CHRISTINA RAY – 26 Goose Ave. N.W., Massillon, Ohio. I'm Eric's wife. I know one of the residents had mentioned that we talked about putting our business there. What had been mentioned about that was there, there's currently an addition on the back of that building that we had mentioned of possibly making that our rental office. We don't really like the addition, so, when they didn't like that, cool. We can tear it down. That's neither here nor there. So, it's already an eye soar in the back of the building and in our opinion, that can come down. That's not for our business. Our business that we operate have been operating for four and a half years. So that would not be our business office. As my husband spoke on the parking...any adjustments that were initially brought up concerns, we have worked diligently on trying to rectify and make those accommodations to the neighborhood. I can respect all of their concerns. We're just looking to make this building beautiful again and I know there was concern about us making it a three unit versus a two unit and that's an option we're willing to look at; making it a two unit versus a three unit. If somebody were to buy this property, my husband and I, between the two of us, we have eight children. If I were to move my family in there and all of my children drive cars, my husband and each have a vehicle. We have company vehicles. If all of my children drove vehicles, there is a parking problem. Except now it's not just six people with six vehicles. You're looking at ten vehicles. I'm just saying a hypothetical situation. Is parking the big concern? I understand it is a major concern, but we're also willing to work on making accommodations for parking. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

KATHY SOMMERS – 51 – 5th St. S.E. I just want to say last time I spoke, I felt like this got missed and I'm going to reiterate it again. Parking is just a small piece of it. It's the rentals in the community. That community is probably 75% plus rentals. And I mean, believe me, I did the research. I brought it in and I know who owner occupies and who rents. That's the issue. It's not, for a lot of people the zoning is the issue. But for me, it's the neighborhood is depreciating and devaluing because there are too many rentals. We need no more. That's the issue.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

FRED BUTLER – I want to raise the question that no one has raised before. What do you tell the next guy? Let's say we approve the rezoning and now next week somebody else comes. Have you already set the precedent that you have to say "yes" and where does it end? You know, there's one person can do it and I was told twenty-five years ago that I couldn't do it. So, is everybody getting equal treatment? If somebody comes the week after you approve this and says that they want to rezone this property they own, what are you going to do?

COUNCIL PRESIDENT ISTNICK – Anyone else?

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I believe at last week's Work Session, there was a discussion or at least it was brought up that with the addition of Mr. Violand in Ward 2 that he does have to be placed on committees. There was discussion last week so I figured we'd pick that up again tonight and we would have to vote to place Mr. Violand on committees. So, with that

said, I would like to open it up for any conversation or discussion regarding what was first introduced last week.

COUNCIL PRESIDENT ISTNICK – Anyone on Council?

COUNCILMAN LEWIS – From my understanding, the discussion or proposal that was brought forward was that Mr. Violand would chair Public Utilities, sit on Economic Development and sit on Streets and Highways and Mr. Snee would chair Streets and Highways, sit on Community Development still and sit on Police and Fire. I'm prepared to make a motion for that. Does anyone want to make any corrects or changes to that?

COUNCIL PRESIDENT ISTNICK – Councilman Herculane.

COUNCILMAN HERNCANE – Thank you, Madam President. I just have one question. It sounds like we're moving around some committee assignments. When Councilman Slutz was appointed to Mrs. Halter's spot, he assumed her committee seats. I guess I'd like to ask why the change now?

COUNCILMAN LEWIS – It was requested.

COUNCIL PRESIDENT ISTNICK – I would like to read something from Councilman Lewis talking about what Mr. Herculane talked about; "Councilman Lewis – Overall I think that there is no reason to cause this much of a shake-up on committees simply because a member of Council resigned from their position and that position was filled in the past by example of a previous session of Council. It was in which we had the death of a Councilman and that position was filled by Councilman Harris; he simply just stepped into the role that was vacated". I guess I was wondering the same. Prior to this meeting, Ed and I did have a discussion and he said that we waited until January because it was the January when committees would have changed. Is that correct, Mr. Lewis?

COUNCILMAN LEWIS – I'm assuming you're asking me a question. I'll go ahead and answer even though according to the Rules of Council, we only have to answer to the other voting members of Council. But the question you're asking is that particular session that you're referencing was before the seat was filled by Mr. Slutz. So, Council at that time was attempting to fill slots of committees without the replacement member of Council yet seated. In this case, a member has been seated in the vacant seat and we're simply placing them on seats. Another member of Council has asked for an adjustment which their right to do so, according to the Rules of Council and if five or more members of this Council agree with those adjustments, it passes. If not, we take a new vote and move into a different direction.

COUNCIL PRESIDENT ISTNICK – Well that wasn't my comment. My comment, I was actually agreeing with you.

COUNCILMAN LEWIS – Oh. Well, it sounded like a question.

COUNCIL PRESIDENT ISTNICK – It would have been January 2022, which would have been when we changed committees. And this January is not when the change is made?

COUNCILMAN LEWIS – Correct. We won't change committees until 2024.

COUNCIL PRESIDENT ISTNICK – That’s when we normally would?

COUNCILMAN LEWIS – Yes.

COUNCIL PRESIDENT ISTNICK – So, I was kind of agreeing with you.

COUNCILMAN LEWIS – Okay. I apologize, I didn’t hear it that way.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – I’ll work on that.

COUNCIL PRESIDENT ISTNICK – Any other questions? Councilman Lewis.

COUNCILMAN LEWIS – I will make a motion as previously stated for the committees.

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

COUNCILMAN GREGG – I just need to clarify. The motion is to accept the committees as the list we just received with the changes included?

COUNCILMAN LEWIS – I have not seen that document, so I cannot verify what you’re saying.

COUNCILMAN GREGG – You’re saying with the changes of the committee chairs?

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN LEWIS – The seven members of Council will not be impacted. Only Mr. Violand or Mr. Sneer would be impacted.

COUNCILMAN GREGG – Okay. Then my vote is “yes” for this.

8 to accept the Proposed 2023 Massillon City Council Committees; 1 abstention

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The changes have been accepted. Anything else under New and Miscellaneous Business?

COUNCIL CLERK ROLLAND – Yes ma’am. I have an appeal that I received Friday, October 14, 2022 from Richard and Charlene Willey. They “hereby wish to appeal to Massillon City Council the variance request approved by the Massillon Board of Zoning Appeals on Thursday, October 13, 2022, regarding Variance Case #2022-16, because it establishes a precedence by allowing people to build structures that are too large for the available space. We are appealing the variance request for the structure in Case 2022-16 as the dimensions are 26’ x 40’ which is a detached garage in the rear yard. In addition, the Massillon Board of Zoning Appeals allowed for a variance of the structure with the height of 17’ 6”, whereas the legal limit is 14’. We are requesting that Massillon City Council reverse the approval of Case # 2022-16.” Signed Richard Willey, 838 Matthias Ave. N.E., Massillon, Ohio and Charlene Willey, 838 Matthias Ave. N.E., Massillon, Ohio. And that will be prepared in a request for legislation at our next Committee meeting.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 145 – 2022.

ORDINANCE NO. 145 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Eugene Lingenhoel to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Legacy Project located at 708 Tremont Ave. S.W., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. Last week at the Work Session, Mr. Maley spoke on this matter and we had Mr. Lingenhoel here to talk about the expansion project at 708 Tremont for Legacy Project, a non-profit. Are there any questions or comments from any members of Council on this matter? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 145 – 2022 forward for a vote tonight.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Harwig Smith. 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 – 2022 has passed. Councilman Violand, when we ask for “seconds”, it’s usually from someone on the committee. So, anytime your committee comes up, you just jump right on in there.

KATHY SOMMERS – Can I ask a question?

COUNCIL PRESIDENT ISTNICK – No. I’m sorry but there’s no questions during the Council meeting.

KATHY SOMMERS – Okay.

COUNCIL PRESIDENT ISTNICK – Ord. No. 146 – 2022.

ORDINANCE NO. 146 – 2022

BY: HEALTH, WELFARE AND BUILDING REGS. COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed Request for Qualifications (RFQ) for the City’s Information Technology Support Managed Services, all in accordance with Sections 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection

(QBS) Process, to negotiate and to enter into a contract, upon the approval of the Board of Control, with the most qualified selected vendor, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – Thank you, Madam President. Mrs. Sylvester, the Safety Service Director, spoke to us last week about this. This is just to advertise and receive sealed bids for the City’s information technology support managed services. Are there any questions? Okay, therefore, I make a motion that we waive the rules requiring three readings and bring Ord. No. 146 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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 – 2022 has passed. Ord. No. 147 – 2022.

ORDINANCE NO. 147 – 2022 **BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio to advertise for and receive sealed bids and enter into contract with the lowest and best bidder, upon the approval of the Board of Control, for the Disposal of Municipal Solid Waste and Recycling Services for residential customers in the City of Massillon, Ohio, from January 3, 2023 to December 31, 2027, and an option for an additional five (5) – one (1) year renewals at the election of the Safety and Service Director of the City Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Violand.

COUNCILMAN VIOLAND – Thank you, Madam President. I would just ask that this be put up for first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 147 – 2022 has received first reading. Ord. No. 148 - 2022.

ORDINANCE NO. 148 – 2022 **BY: POLICE AND FIRE COMMITTEE**

AN ORDINANCE amending Section 303.08 “Impounding of Vehicles; Redemption” under Chapter 303 “ENFORCEMENT, IMPOUNDING AND PENALTY” and Section 761.09 “Schedule Rates” under Chapter 761 “TOWING COMPANIES” of the Codified Ordinances of the City of Massillon, Ohio, and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. This is to update some language in our Code and also change the schedule of rates to be more competitive within today's market. This was submitted by the Law Director, Mr. Richard. Could we please have somebody from the Law Dept. come up to speak to this, President Istnick?

COUNCIL PRESIDENT ISTNICK – If you could come up, Mr. Mack? Thank you.

EDMOND MACK – Thank you, Chairman. This ordinance actually changes the codified ordinances of the City of Massillon. Our rates are actually in line item identified in that ordinance, so we took the lead in preparing that ordinance but we worked in conjunction with Patrolman Davis of the Massillon Police Dept. and also the Safety Service Director. So, we're certainly recommend the policy to you and we just put that in the ordinance to make that happen, but they should be good to go on your approval.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you. I would like to go ahead and move this forward if anybody has any questions? Then, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 148 – 2022 forward for a vote this evening.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Snee. 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 – 2022 has passed. Ord. No. 149 – 2022.

ORDINANCE NO. 149 – 2022

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Auditor, the Mayor and the President of the Health Department Board of the City of Massillon, Ohio, to enter into contracts with Local Government Services (LGS) to compile the basic financial statements for the City of Massillon Health Department for the financial years ending December 31, 2022 and December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. As we discussed in the Work Session, this is something we do each year to contract with the Local Government Services to compile the basic financial statements of the City of Massillon Health Dept. I plan on moving this forward this evening. Are there any questions?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I need clarification. One, I believe that this probably should have been under Finance and two, I also, from my conversation with the Auditor, she made it

sound like this was not only for the Health Dept., but for the whole City. So, I was wondering if somebody from the Auditor's office could clarify that for us.

COUNCIL PRESIDENT ISTNICK – Thank you.

STEFANIE MYERS – Yes. It is for the whole City. In my request for legislation I had in there for the City of Massillon and the City of Massillon Health Dept.

COUNCIL PRESIDENT ISTNICK – Anyone else? Thank you, Stefanie.

COUNCILMAN LEWIS – Well, with that said then, I would want to make sure that the legislation, does that need to be amended or would that fall under the typographical errors portion in which we can just updated and two, this certainly should be under Finance and not under Rules and Courts since its an entire City, especially.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – I have no problem with moving it to the other committee and I have the same question; does it need to be amended or can we use it under typographical errors?

STEFANIE MYERS – I think it can just go under typographical error.

COUNCILMAN LEWIS – I think so, but that might be more of a Law Dept. question.

STEFANIE MYERS – Yeah, I don't know the answer to that.

COUNCIL PRESIDENT ISTNICK – Mr. Mack. Thank you.

EDMOND MACK – Thank you, Members, thank you, Chairman. We would agree with that given that the actual document is identified as an exhibit to the ordinance itself and it seems about as clear under the ordinance and the typographical error exception will fly.

COUNCIL PRESIDENT ISTNICK – So, Councilman Gregg.

COUNCILMAN GREGG – So, given all of that, I turn control over to Mr. Lewis on this piece of legislation.

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 149 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. 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 – 2022 has passed. Ord. No. 150 – 2022.

ORDINANCE NO. 150 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Do we have a member from the Administration that would like to come forward and speak?

COUNCIL PRESIDENT ISTNICK – Thank you, Lori.

LORI BORON – Good evening.

COUNCILMAN LEWIS – Yes. Could you just give us a summary for need for this appropriation for L.O.G.I.C.?

LORI BORON – This is an appropriation to pay for L.O.G.I.C. for the rest of the year. There was an ordinance passed on April 4, 2022. It's Ord. No. 66 – 2022 that was the new contract for L.O.G.I.C. That contract was set before the budget was set. There was an increase. So, this is to pay for L.O.G.I.C. with the increase through the rest of the year.

COUNCILMAN LEWIS – Follow-up question; would this number represent a best estimation as to what the increase of that contract would be year-over-year? Does that make sense?

LORI BORON – It does make sense, but I really can't talk to that because this was a little larger increase than the year before and I can go back a couple of years and take a look at it.

COUNCILMAN LEWIS – So budgeting for 2023...

LORI BORON – I already have that, yes. Actually, 2023 has the number for both police and fire.

COUNCILMAN LEWIS – Okay. That's what I meant.

LORI BORON – Okay.

COUNCIL PRESIDENT ISTNICK – Any other questions? Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion that we suspend the rules requiring three readings, bringing Ord. No.150 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. 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. 150 – 2022 has passed. Ord. No. 151 – 2022.

ORDINANCE NO. 151 – 2022

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, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$15,000.00 for refunds to income tax. 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. 151 – 2022 forward for vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. 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. 151 – 2022 has passed. Ord. No. 152 – 2022.

ORDINANCE NO. 152 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2022 appropriations from within the 1100 General Fund and the 2101 Wastewater Treatment Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. These transfers are adjustments to cover our hospital/eye/dental/life. 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. 152 – 2022 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 152 – 2022 has passed. Res. No. 12 – 2022.

RESOLUTION NO. 12 – 2022

BY: COMMITTEE OF THE WHOLE

A RESOLUTION appointing Julie Harwig Smith to the Historical Preservation Commission as a Council representative for the term ending December 31, 2023.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion we suspend the rules requiring three readings, bringing Res. No. 12 – 2022 forward for a vote.

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

8 yes; 1 abstention for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes; 1 abstention for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 12 – 2022 has passed. Res. No. 13 – 2022.

RESOLUTION NO. 13 – 2022

BY: HEALTH, WELFARE AND BUILDING REGS. COMMITTEE

A RESOLUTION in support of the adoption of the Stark County 2022 Multi-Jurisdictional Hazard Mitigation Plan, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – Thank you, Madam President. Chief Heck from the Fire Dept. spoke to us last week about this. This is a resolution in support of the adoption of the Stark County 2022 Multi-Jurisdictional Hazard Mitigation Plan which is updated every five (5) years. Are there any questions? Seeing none, I make a motion that we waive the rules requiring three readings and bring Res. No. 13 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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. 13 – 2022 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

US Bank Equip. Finance - \$127.00 October payment for Copier

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills.

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

11. REPORTS FROM CITY OFFICIALS

Mayor's Report - September 2022

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, October 31, 2022, at 6:30 p.m. We are off next week because there are five Monday's in the month.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

COUNCIL PRESIDENT ISTNICK – Ord. No. 126 – 2022.

ORDINANCE NO. 126 – 2022 **BY: COMMUNITY DEVELOPMENT COMMITTEE**
Tabled October 3, 2022 until October 17, 2022

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from R-1 One Family Residential to RM-1 Multiple Family Residential.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As stated, this request is to rezone Parcel No. 604597 which is located at 56 – 5th St. S.E. from R-1 One Family Residential to RM-1 Multiple Family Residential. We did have a public hearing this evening and we heard from those individuals in favor of this request along with those that were opposed to this request. Are there any other questions from Council regarding this request? Seeing none, I make a motion to move forward with Ord. No. 126 – 2022.

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

9 no for passage

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 138 – 2022.

ORDINANCE NO. 138 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon Ohio, to enter into an agreement with Israel Robinson to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Israel Katina located at 256 Erie St. S., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 138 – 2022 has received second reading. Ord. No. 144 – 2022.

ORDINANCE NO. 144 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2022, for the purpose of paying Assessment Taxes in the Building Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Over the past few weeks in discussion of this, it was brought to Council’s attention that some of the contracts that need to be paid out of this ordinance and the other transfers is due to the employees of this City not having the certifications required in order to do proper inspections on particular items such as maybe plumbing or other items. So we contract out with other inspectors in order to fill that need within our City. Hearing that, I do still have a question for the Administration regarding what efforts are being made to fill those deficiencies within our Building Dept.

COUNCIL PRESIDENT ISTNICK – Would you like to speak on that, Mrs. Sylvester?

BARD SYLVESTER – Good evening.

COUNCILMAN LEWIS – So, essentially from my understanding, I forget the one gentleman’s name, I believe he also works in the City of Canton, his name is not important, but we have two contractors that hold certifications that are own employees do not. Is that correct?

BARB SYLVESTER – That’s correct.

COUNCILMAN LEWIS – So, what efforts are being made for our employees to be able to have those certifications.

BARB SYLVESTER – Well, I think I'll refer that to the explanation that was given last week from Frank Silla. It is very difficult for us even as a City to put that as a requirement. Even if we bring someone on board and hire them and say that that is a requirement that they need to accomplish in a certain time period because the way to get those certifications now through the State of Ohio is that you have to have five years of experience in that particular field. So, that's just not happening with inspectors right now because they've got full-time jobs that they're doing as inspectors and then to get, let's say, the plumbing piece of it, they call them "tickets". To get the plumbing piece of it you have to have five years of experience as a plumber. So, you're doing a full-time job there and it's difficult to get that piece of the requirement that the State requires. So, again, as you said, who can't use as another city. So, it's not just the City of Massillon that's faced with that.

COUNCILMAN LEWIS – Then, I guess I would follow-up; if we are having to use contractors because of the regulations set by the State, what efforts are being made to limit the amount of influence that these contractors have on the City's citizenry and policy? Because I think what some of the members of Council; the question comes is that one of these particular contracts, the person has presented as if they are a full blown employee of the City, they're doing customer service, relations with citizens, relations with members of Council and here they're a contractor. Other contractors don't present themselves that way. Does that make sense? So, what are we doing to make sure that the head of the department is taking on that role and fulfilling the responsibility and not someone that we are contracting and paying at an hourly rate?

BARB SYLVESTER – Again, I'm not one hundred percent sure as to what you're saying there, but again, contracted employees do still have someone to report to. They're being paid through a contract.

COUNCILMAN LEWIS – But, I think the debate is as long as we have to pay for these, there's no question about that and what it did though, is it exposes to open a can of worms that we have a contracted employee that will speak to members of the community or present at this Council in trying to tell the Council how it should move or react or govern and they're not an actual employee of the City. I think that is what's rubbed some members of the Council wrong. So what efforts are we making to make sure that the contracted employees are simply contracted employees fulfilling the role they need, so, whatever that certification is and nothing more and we allow the department head fulfill that role of communicating with the citizenry and City Council.

BARB SYLVESTER – If that's what City Council prefers, we could do it in that manner. Again, a lot of it has to do with the expertise that these contracted employees have versus City employees just because of lack of time that they've been with the City; experience.

COUNCILMAN LEWIS – I would open it up if anyone else has any questions.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. I believe, and correct me if I'm wrong, but I believe the question what it comes in to, do we have contracted employees managing our departments? Because that's what it does appear to be.

BARB SYLVESTER – No, we do not. They're not managing departments, no. The employees in the department do still have the administration that they are to answer to.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I was going to follow-up on Mr. Lewis' first question regarding efforts being made to find individuals. I understand that it's not possible or not easy to find younger people that have the required experience that might want to be inspectors, but my question is, is there a national posting of that job so that anybody that's already got those certifications, that's already an inspector in another community that may be interested in moving to Massillon could be found? I'm not saying that there is such a person, but if nobody's aware of the opening that we have, the need that we have, it would make it more difficult to be filled. So my suggestion is if there isn't some type of national or at least statewide posting of that, that we look into that.

BARB SYLVESTER – Okay. I believe that with how many cities that were made aware of, that Frank's made aware of as he said, there are openings, he said last week at least over in Canton as well that they cannot fill.

COUNCIL PRESIDENT ISTNICK – Mrs. Kotagides-Boron do you have something?

LORI BORON – Also I believe the questions that you're asking would to create and add to staff, does contracted employee does buffer that piece of it, so, if you were to go out and get a plumbing inspector or say, down the road when Mr. Silla is not here, he is also electrical inspector, you would actually have to add to the staffing of the Building Dept. so there would be a cost, which would be up to you, but that would be a cost to add. Ernie Sellers the one I believe Mr. Lewis was talking about; he's certified in like four different areas which I think there's only like a handful in Ohio now. Those double certifications just don't happen. So, to get a plumbing inspector you would have to add that particular job grade to that department. That's the benefits and everything else that come with it as well.

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – Thank you, Madam President. My question is these contracted employees and it may not be for you, maybe for the Law Dept., I don't know who can answer this, but if Seller were to file a lawsuit against these contracted employees, who they be responsible for defending themselves or would the City take on the responsibility to defend these contractors?

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Mack.

EDMOND MACK – Thank you, Councilman. That's a really specific inquiry and would depend on exactly what the person was doing when they incurred liability on behalf of the City or would be claiming identification from the City. Most often, there isn't that type of relationship with an independent contractor, but, is this person acting as an independent contractor? We'd have to look at the specific arrangements in order to be able to give an opinion as to any particular

person, but certainly, somebody has to approve the actual permitting, City dues; we understand it. Contracted for those specific services, but what they're doing representing the City's interest, whether it exceeds that authority that's been given to them by the City; all of that would come to play and so, specifically what's in that agreement, how those terms are administered, certainly that's something we'd be happy to look at if that's what this body would like us to do. But to answer your question, it really would depend on each factual circumstance.

COUNCILMAN SLUTZ – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I guess my last statement, it's not a question as much as it's a comment and hopefully the Administration can hear this and look at ways to address it; I think what brought this to such an upswing of discussion and debate is that we have learned that we have a contracted employee within this department that I think many members of Council have received or heard many complaints about and concerns about in our community. And then we find out that we have to increase the spending in order to continue to utilize this person for services and that why we want to know, what is being done to mitigate that so we do not have to continue to use people that our community has voiced concerns about on numerous occasions and what are we doing to make sure that the actual head of the department who is being paid to manage these people and is being paid to be aware of their actions and recommendations is the one that is actually representing that department in front of Council and members of our community instead of using a contracted employee to do that. That's what a head is supposed to do. You know I run my own department and I have a couple of other heads with me since it's such a large department in my day work job and those are who represent the direction and needs of the department, not a contracted person that fulfills the role for me. With that said and if there's no other questions or discussion, it's still a bill that needs to be paid so I will be moving it forward tonight so we can get this off the agenda.

COUNCIL PRESIDENT ISTNICK – Any other questions or concerns? Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – I guess moving forward and I agree to pay the bill and we get it going, but moving forward in order to manage things properly, would it be possible for us to see like which employees have which certifications and where we have deficits and then we can start looking forward in the future on how we're going to solve this. Because we're missing things now and then people retire or they're not going to do it anymore, then what do we do? So, rather than, this obviously is going to come up in the future again, see where we're lacking and what we need to do about it in the future. If we could see that, I think it would be helpful.

COUNCILMAN LEWIS – Good idea.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Herculane.

COUNCILMAN HERNCANE – Thank you, Madam President. I got a couple of comments here. I guess the first thing would be on the contract nature. We've had contracted employees acting as department heads and they have addressed Council in past. I guess the language that is stated in the contract would guide whether that person could address us or not. Those

duties are specified in the contract, I don't have a copy, I don't know what it says. If the Administration makes a contract with an employee or entity or person to do a slew of duties and one of those is addressing or coming to Council, then that would be covered under the contract. The second thing is I think in this instance and I'm not in favor of all contracts; I think in this instance if you looked at, if we want the Administration to draft legislation to create new positions that have plumbing certifications, that's a very expensive proposition because those folks are making a lot of money out there in the real world. So, I think each situation is a little different. I would support this approval.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I do apologize; I was on vacation last week, so, we have not received the contract or an amount for how much the contract is for? Because we did have that discussion if its greater than \$50,000.00, it had to come before Council. Has any more discussion gone on about that? Mrs. Sylvester can you speak to that?

BARB SYLVESTER – Yes, those were e-mailed out to all members of Council. I believe Wednesday after that meeting.

COUNCILMAN LEWIS – Do you know what the amounts are, by chance?

BARB SYLVESTER – I do not.

COUNCILMAN LEWIS – Is the contract open-ended?

BARB SYLVESTER – No. It does have amounts on them.

COUNCILMAN LEWIS – Okay. Has the Law Dept. looked at it?

BARB SYLVESTER – Yes.

COUNCILMAN LEWIS – Can I please have a representative from the Law Dept.?

COUNCIL PRESIDENT ISTNICK – Mr. Mack.

EDMOND MACK – We did receive a copy of the contracts. We don't know if it's going to exceed \$50,000.00 in the performance of the contract. We have to rely on the representation that is made, but if it's not going to, then fine. But, as we said last time, if the contract ever does exceed \$50,000.00, to exceed it and pay it, it needs this body's approval.

COUNCILMAN LEWIS – And then in which way? In approval of the contract or an approval of such legislation.

EDMOND MACK – Approval to pay anything in excess of \$50,000.00.

COUNCILMAN LEWIS – Does it have to clearly state that it is above \$50,000.00 or is the emphasis on us to ask and inquire?

EDMOND MACK – The contract itself wouldn't have to necessarily state that. But, to the extent that there's an appropriation or a payment that's made by the Auditor on a purchase

order, if that total amount to that entity on that contract exceeds \$50,000.00, that would have to have legislative approval.

COUNCILMAN LEWIS – Okay. Madam President, can I have a representative of the Auditor or Budget Director’s position that can speak to that?

COUNCIL PRESIDENT ISTNICK – Thank you.

LORI BORON – Yes, I know it’s being monitored and I can tell you that it will not be over \$50,000.00 and I did go back and check 2021; it was not over \$50,000.00 that year as well.

COUNCILMAN LEWIS – For either contractor?

LORI BORON – I did not check Mr. Sellers; I can do that. He was not used as much until recently because we lost our plumbing inspector. So, he was used a little bit less. I can go in and pull him and see exactly how much he’s been paid year-to-date, but he hadn’t, it was not an exurban amount before this year.

COUNCILMAN LEWIS – With that said, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 144 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. 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 – 2022 has passed.

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

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – I make a motion to adjourn.

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

9 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT