

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, OCTOBER 21, 2024**

COUNCIL PRESIDENT SLATER – Good evening. Welcome to the Massillon City Council Meeting for Monday, October 21, 2024. We have in attendance the following City officials: Mayor, Jamie Slutz, Safety Service Director, Renee Baker, Law Director, Justin Richard, Chief Counsel, Earle Wise Jr., City Engineer, Alex Pitts, Director of Development, Ted Herncane and Police Chief Jason Saintenoy. 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 you that if you have a cell phone, please set it to mute, vibrate or turn it off. Thank you.

COUNCIL PRESIDENT SLATER – Roll call, Madam Clerk.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Holly Bryan-Huth, Jill Creamer, Sarita Cunningham, Mike Gregg, Julie Harwig Smith, Ed Lewis, John Paquelet and Eric Ray

Roll call of 8 present

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I’d like to make a motion that we excuse Councilman Lombardi.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Cunningham. Roll call, please.

8 yes to excuse Councilman Lombardi

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Councilman Lombardi has been excused. Councilman Paquelet.

2. INVOCATION

COUNCILMAN JOHN PAQUELET

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN PAQUELET

COUNCIL PRESIDENT SLATER – Thank you, Councilman Paquelet.

4. READING OF THE JOURNAL

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

COUNCIL CLERK ROLLAND – Yes, they are.

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

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT SLATER – Then the minutes stand approved as written. Thank you, Madam Clerk.

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

DAN FONTE – I reside at 4415 Dawnwood Circle, Canton, Ohio, and I live in Ward 8. I'm here to speak in opposition to repealing Ord. No. 31 – 2011. What I'm going to speak on is basically what I read in the newspaper and what I know about this ordinance. This ordinance was passed in 2011 and now this is 2024 and we're going to repeal the ordinance. To my understanding, this was only used a few times and another thing from reading the papers, this ordinance is costing the City money because of the reading of the attachments to it to what contractors have to adhere to. Well, that's basically not true. If you've only done it on a few projects, you should be able to list the projects that come in higher because of this and some that didn't come in. Because a number of factors enter into a public position here or a building or what you're going to build. Number one, you got to have prevailing wage. That's State law. So, everybody has to make the prevailing wage for the protector of the trade they're working in. Number two, you have to have licensed contractors and journeymen in the plumbing and pipefitting field and the electrical field. So you just can't bring anybody in here. So to me, I think this resolution here is trying to find a solution for a problem that doesn't exist because number one, I don't think there was enough research done or that should be done to Council to say "Here's eight projects that we could have brought in under what should be because of what this ordinance says". So I think, to me, I think you're not making any suggestions on anything and you're not going solve the problem. Because there's so many things that's going on here that goes into a construction project. All your apprentices are all registered and trained. You don't know if that's going to happen if you get somebody in here. Who's going to police that? You have to appoint a prevailing wage coordinator. That's your job as the owner of the project; you have to appoint somebody to be the prevailing wage inspector and adhere it on this project or any project that you do to make sure everybody is getting the right pay. So to me, I would hope Council would look at this, look at any information the author has of where he or she can prove that this cost the City money and if you can't do it, let's just move forward and let's do some more project labor agreement jobs and the City and the citizens would be better off. Thank you for your time.

COUNCIL PRESIDENT SLATER – Yes sir.

DANA SHANOWER – I live in Marlboro Twp. which is a township in Alliance, but I work in Canton. I am the current President and also the Training Director of Local #94. I'm glad that Dan didn't hit on it, but what I'm here to talk about and I'd be more than happy to speak more in private, public, whatever; is registered apprenticeships. Dan brought that up. A registered apprenticeship, which I can tell all the different labor locals that are here, we are registered apprenticeships. We are registered with the United States Dept. of Labor. All the way up there. In Ohio, we're governed by what's called OSAC. They give us our guidelines of what we have to do with apprentices. Every year I have to submit to OSAC that my apprentices are going to school "X" amount of hours a year. They're going to get "X" amount of on-the-job

training to become skilled journey people. They work hand-in-hand with journey people out on the job. OSAC and the Dept. of Labor is a good way of looking at it is that those apprentices' watchdogs. Unlike other entities out there that claim to have an apprenticeship, they really aren't. If you're not registered, you do have an apprenticeship. Our apprentices get pay raises that are governed by the State. I submit to them. If an apprentice "a" does this and this, in this timeframe, guaranteed, that apprentice is going to move up to the next pay level, the higher benefits and a following year of school. It's a win-win for everybody. As our older people retire out, we have younger people coming up to replace them and I hate to say it and I wish I would've had more time to prepare, I'm here to tell you that out of my ninety apprentices, easily, 40% of them live in Massillon. So not only are they working on these PLA jobs, they're getting an honest paycheck. They're putting money back into the City by doing this. Just a little bit of the time involved, Local #94, our apprenticeship program, they are required to get 1,500 hours a year work experience. That's on-the-job work experience. But also, in turn, they're required to get 252 hours a year of schooling. Myself, I don't want to speak for the other trades here; we all have buildings that we train our apprentices in. Other entities, I know for a fact because we've called them out on jobs, they're paying these young people either 990's or they're paying them cash under the table. You guys aren't seeing a dime of it. We are the real deal. Mr. President, thank you for your time and allowing me to speak.

COUNCIL PRESIDENT SLATER – Yes sir. Thank you.

BRYAN WILLIAMS – Mr. President, thank you for the opportunity to present to Council. I am a representative of the Associated Builders and Contractors. This is commercial construction association. It's been in existence for 75 years throughout the country. There are three chapters in Ohio and we are the Northern Ohio ABC area which is celebrating its 50th Anniversary this year as a chapter. Our organization recruits and trains the commercial work force of today and tomorrow and like the previous speaker said, we too have programs to over twenty-eight apprenticeship programs that are certified by the U.S. Dept. of Labor of the Ohio State Apprenticeship Council to provide those. So, the training that the folks who work in our members has is certified by the identical certification organization that the unions use. Project labor agreements are not in the City of Massillon's best interest. They're never in the city's or communities best interest in our view because they do essentially three things. Number one, they reduce competition and studies have demonstrated that they increase cost by nine to twenty percent. I'm going to give you three recent nearby examples in Ohio to demonstrate that. But PLA's also discriminate against the contractors in your city. Most people are very surprised to understand and to learn that eighty-five percent of the commercial construction workforce. That's the workers that do the work. Our employees in companies that are called merit shop, they aren't in a company that is labor affiliated or union affiliated. When you enact a PLA, you're telling eighty-five percent of the construction workforce that are located here in Stark County and Massillon or wherever they come from, you're telling them, essentially, that they can't bid on the work that their taxes, in many cases, help to support. And the other thing that you're saying that by denying by having a PLA you're effectively making it impossible for a merit shop or non-union companies to bid because of all of the barriers they must confront and therefore, they don't bid and what you're also telling them is that not only can they not work where their taxes may or may not be going towards that project, but you're also telling the fifteen percent that can bid that the bidding is going to be limited. Therefore, they can raise their price and that's exactly what happens. Proponents of PLA's like to claim that they have a high quality of work and I'm not going to dispute that. But that doesn't mean you can't have a high quality of work without a PLA. That is a red herring. Twenty-six states in the United States actually prohibit the use of PLA's as a part of their public construction and you couldn't

guess which of the twenty-six states they are because the quality of their public construction isn't any better or any worse than it is here in Ohio and here in Massillon. So, Ohio's public bid law has many layers and we heard a couple of them from previous speakers in terms of prevailing wage and other requirements that OSAC and Dept. of Labor certification. Let me give you three examples of recently. In 2013 and I'm going to leave this for you for Council Members to read and it's the second page; in 2013 the City Lorain which enacted a PLA ordinance in 2011, repealed it for the very same reasons. In fact, the Lorain Journal said, "The Mayor's plan helps Lorain by encouraging more companies, both union and non-union, to bid. This increases competition for the city's work and for using local labor force." That's the other thing that many people don't understand. When PLA's are required, not only does the number of bidders go down, but the likelihood that you're going to be using out of area contractors goes up. In 2010, Ohio put out a multi-million dollar bid for the School of Deaf Dormitories. When the bids were over eleven percent over the bid amount which meant by law, they had to be re-bid, the State put that same project out to re-bid without a PLA. Instead of getting four bidders, they got thirteen and the cost of the bidding, the first time was thirteen percent over budget and when they did it before, it was seven percent under. That was a twenty-point swing and they got fourteen bidders the second time. In 2021, just nearby Akron was redoing the Akron Fulton Airport lighting project; they had a PLA assigned to it. They put it out to bid, it was eleven percent over bid cost. They re-bid it without the PLA; a \$547,000 project which was re-bid. Came in at \$456,000. The first time when there was a PLA attached to it, \$622,000. That is a thirty-point savings; thirty percentage point savings of the cost of doing that project for the City of Akron and that job has since been completed. It's clear. It's actualmatic. Whenever you reduce the number of people that are allowed to make a bid, you are going to have fewer bidders and you're going to have more expenses. That is not in the tax payers best interest in Massillon or anywhere. Note, it is no uncommon for communities who enact PLA's to later come back and realize that they've tied their hands and they're not serving the local tax payers best interest and they get repealed. The most recent repealed that I know of in this region is the City of Lorain and I encourage you to talk to your neighbors so that they can tell you what their shared experience has been. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

WILLIAM SHERER – My address is 4670 Frazier Ave. N.W., Canton, Ohio 44709. Mayor Slutz, it's an honor for me to be in your Council Chambers. I'm the Mayor for the City of Canton. What I want to do tonight is just tell the Council Members what our experience has been over in Canton with PLA's. For well over the last sixteen or seventeen years we've been doing PLA's and we've done hundreds of PLA's in the City of Canton. While I appreciate all of the comments by some of the speakers, I do disagree with the previous speaker that PLA's are in the best interest of any community that uses them. When you talk about how a PLA is structured, this is not the building trade's PLA that we utilize over in Canton. It is the City of Canton's PLA and we can cater that and craft that PLA anyway that we want. We want to make sure and I want to make sure that we're getting the best contractors out there that are going to give us our biggest bang for the buck. PLA's can be crafted. You can have certain local participation, minority participation, making sure everybody is drug tested. Making sure that the workers working on that project went through a bonafide apprenticeship program and the list goes on and on. Currently right now with the City of Canton, any project over \$75,000 is PLA with the City of Canton. Just to name a few, we're working on a new sanitation building which is under a PLA. It's a \$6.7 million-dollar project. Our water back shot renovation and expansion for our water department is \$4.6 million under a PLA. Our water department Sugarcreek Twp. where we pump the water up eighteen miles to the City of Canton from

Sugarcreek Twp. is a \$37 million-dollar project under a PLA. Our health department renovation is \$1.7 million which is also under a PLA. The Allen Ave. and 4th St. S.E. sanitary sewer is a \$7 million-dollar project and even alone just a paving contract that we have for the City of Canton, and by no means I would never come over and try to compare the City of Massillon to the City of Canton. But our paving contract alone is \$5 million-dollars which is all under a PLA. All these projects have been completed on time and under budget. One thing that is good for the City of Canton is that when we bid these projects there's no work stoppages at all. So let's just say that a labor union would happen to go on strike during negotiations. And I want to stress this, that there are no work stoppages under any PLA that we've done in the City of Canton and I would imagine the language would be the same. Now I want to address some comments that I have heard that it alienates certain contractors from bidding work. We have never had an issue getting contractors to bid over in the City of Canton. That has not been an issue at all for us and I want to also stress as to give an example. So we did have one project which was a park shelter down at the Southeast Community Center. We had numerous projects where union contractors were successful in bidding that job and non-union contractors and it's been seamless for us. So we had our park shelter down at the Southeast Community Center that was a \$450,000 park shelter that we literally just couldn't get anybody to bid on. Even the bigger contractors said that they were busy. Maybe it was low hanging fruit for them. A non-union contractor was successful in bidding that job and it's one of the best park shelters that we've ever built in the City of Canton and it's been seamless for us. If any Council Member would have any questions, I would be more than willing to sit down with any of you to answer any questions about how the experiences have benefitted the City of Canton and the projects that we have worked on and I just want to thank you for your time. Thank you.

COUNCIL PRESIDENT SLATER – Appreciate it. Thank you.

MIKE MCELFRISH – I reside in Jackson Twp. currently. My wife, Becky, and I raised our four sons here. Three of them are here in the room. Three of them are building trades members and they're a product of Washington High School and Washington High School stands for the best of the best. Just like our city police force here, our fire department, our street department. They're all unionized and I'm sure you can all say, they're the best of the best. So to say that you unionize isn't necessarily a dirty word. It just shows that we put our full faith effort and full training of our apprenticeships and they bring out the best of the best and that's what this City deserves and I think it would be good if Council would table this at this time so that you can do more research and talk with the folks. You can talk to the folks or maybe see, if you like. You can talk with all the business managers and training directors that are here. I'd love to take you to the training facilities so you can get a clear background of what the building trades bring to the City. You've only used it three times. It really hasn't been tested in the City. It was back in 2011. Give it a chance to work. Go back and see how it works out. Once again, please table this so that you can get a full, clear picture and understanding. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

JAKE CROSTON – Thank you, Mr. President and Council for letting me speak. I live at 2951 Richmond Ave. N.E., Canton, Ohio. I'm the business manager of Laborers Local 1015 and I represent hundreds of men and women, working men and women that work right here in Stark County and Massillon. I'm not going to take a lot of your time and repeat the same things that everybody has repeated, but I want to drive the fact home that this does not lessen competition; it increases competition. Any union or non-union contractor has been said here

already is welcome to bid. Our bidding trades that we're granted through the City of Canton like Mayor Sherer said, we sign as many for non-union as union. Everybody has the same opportunity. What it does, though, it increases the productivity and the craftsmanship on the job. There are certain requirements. Apprenticeship requirements, standards. You have to be trained. You have to be qualified. It does do that. You're right about that. It does do that. I think that's a good thing, though. Any customer, any city ordinance, anybody doing any project, I would certainly think that you'd want the most qualified workers on that project that you could have. It is not out-of-town contractors most of the time. In fact, there are local contractors that employ local men and women that live here, pay taxes here, raise families here, vote here; they have their lives here, this is what they do. That's who most of these are employed by. PLA's are a great thing as it has been said. We've done hundreds with the City of Canton. It's benefitted everybody. As it's also been pointed out, Massillon hasn't done many PLA's. So, the rush to have this resolution to make it to where you can never do PLA's or something, I don't understand. I agree; I think it should be tabled and more research done. I'm sure anybody in this room would be happy to answer any questions and I think you guys will find that it's a great thing for the City, a great thing for the community and a great thing for the men and women that work in that community and live there every day. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

PAUL BRITTON – I live 701 Shari Ave. N.E., Massillon. Just to give a back story; I went out of high school and then went into the military. Did ten years. Got out. Subcontracted for a long time for like twelve years and really never got direction. I got a degree. Did some electronics repair. That wasn't me. I was an infantryman. Office work, not my thing. I had a friend from the Rec. Center where that's my place now. That's my home away from home. He introduced me to Local #94 and said maybe this is for you. It gave me the ability to learn the basics of my job and over five years, it taught me how to do my job, not completely. Because at the end of five years, you always have more you can learn, every day. I don't get on a job and think I know everything. I got on a job and prepare for the day and see what unfolds. I'd never owned a house before, but when I decided to, this was my decision, Massillon. So, that's why I'm here, because of Massillon. It was never on my radar. I grew up in Zanesville, New Concord. A little bit away from here, but as life unfolds, things happen. I was brought here and when I bought my house, I bought it here. I didn't buy in Canton. I didn't buy in Brewster. I bought in Massillon because this is my home. Unions bring a lot. I'm able to afford my home because I'm in this union. Because I have a job every day. If I get laid off, I'll go somewhere else, but at no point was my training ever good enough. You don't just get training and you're good enough. You can do this part of your job. It's an overall whole job and that's all I have to say. Thank you folks.

COUNCIL PRESIDENT SLATER – Thank you.

JERRY DUREUX – I'm President of East Central Ohio Building and Construction Trades and Business Agent for Local #33 at 1840 Venture Cir., Massillon, Ohio. I just want to tell you, first of all, I believe there's some advantages to being old because you remember a lot of things. So when you do some comparison about things...one of the previous speakers was talking about the airport job, the lighting job. So, when you do a PLA, sometimes I go back in when their over budget after the initial bids go out, they come back in. They do what's called value engineering. That's not good for the end user which is you. That usually gets you under a number, a budgetary number, but you can do it, which you want to do it. If you do value engineering, there's certain areas to do value engineering. It's not in the high tech inspected

places. It's places where they're low hanging fruit that you can go back and take out things. So, what I would tell you is that you want to do that with the most experienced person you can. I would tell you that at 1890 Venture Cir. and I invited you all up there, I expect a phone call or a knock on the door one day to come up and see it. We have 101 apprentices right now who represent 700 area workers here. They're not transient work. They're not coming in from all over the place; they're here. This is their home. We believed enough in Massillon and it was Mayor Cichinelli that made it all happen for us at that time and I will tell you, it was one of the best moves we've ever made. It's a great place to be. The police force has always been supportive. We're a part of the community up there. We let all the boosters come in. We've had proms at our hall. You really need to come and see our hall. This is a major investment that's tucked away back in a corn field. But the training that gets put there is just what the gentleman before me said, it enhances your life, the young people's lives. We did three days at Summit County Fairgrounds, Akron-Canton builds. We had twenty-five hundred students go through; fifty-three schools. That's what it's all about. We want to make sure that everybody has the opportunity to come in and earn a good living. Because you don't just get a union job. You get a job that supports your whole way of life. It's not just one person, it's your whole family. So, the healthcare is a big problem. It's solved with us. You don't have to worry about any of that. So, I would tell you that I think you do need to look at all of it, but please, table it and if you haven't utilized it yet, let's try not to utilize it now or let's sit down a craft legislation or a PLA that's comfortable for the City of Massillon and let's try one out. Let's kick the tires on this thing. Because I would tell you, you're not going to lose. The residents are not going to lose on this. Thank you very much.

COUNCIL PRESIDENT SLATER – Thank you. Anyone else?

HANNAH KEBBINS – I'm the Legislative Director for Americans for Prosperity Ohio, AFP for short. We're a nationwide organization that believes in empowering the individual their version of the American dream. I want to thank the Council for the opportunity to provide positive or supportive testimony on Ord. No. 99 – 2024. Usually, my work is in the State House, keeping those folks in line down in the House and the Senate. But there hasn't been the leadership or initiative to take on this issue. So, I commend the Council for having this discussion at the local level because I do think it's important to tackle the anti-competitive, costly policies to the tax payer. So, our objective in the employment space other than just being very rude in the free market, is to advance policies that best advances labor freedom and we want to increase personal choice for workers to stop limiting these type of mutually beneficial relationship between businesses, employees, consumer. I could go on and on about how governmental laws and regulations hinder innovation or are harmful to the employment space, but in the interest of time, I'll just stick to three points we take issue with in term of PLA's. As one of the former speakers stated that these government mandated PLA's exclude roughly 85% of the U.S. construction work force. And so they really do discourage competition. The numbers are there. They maintain protection as over some of those who do belong to a union. Thus, hindering competition. If a private company does want to bid or submit a bid on one of these PLA's, they can, sure. But, the dues, the taxes, the pension contributions, all dried up cost for them making it not a super wise business decision. So, I'm in the opinion that government should always be looking for ways to be more responsible stewards of tax payers dollars and I think taking a closer look at this system and potentially getting rid of it would be a great service to make sure those dollars are spent wisely. I will keep it short and sweet and leave it at that. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

BRETT MCELFRISH – I was here a couple of weeks ago. I'm a Massillon Jackson resident. Graduated from Washington High School. I had e-mailed out to the City Council which I know they all received, a comprehensive document regarding PLA's and is actually where we resource our information from; Case Study, legal law. First and foremost, yes, this should be tabled. Secondly, I just want to clear the air. Collecting union dues from someone who does not want to have union dues taken from them would be a Federal crime. We do not commit Federal crimes in those capacities. So, I would encourage everybody to do their due diligence and actually show where their resource and information from as we have. Thank you.

COUNCIL PRESIDENT SLALTER – Thank you.

CONNOR LOY – President, Council. Thank you everybody for allowing us to speak here. I'm not going to act like I'm a professor in economics. I'm a young guy. I'm 30 years old. I've been in building trades since I was 18 years old; that's all I know. I've worked for many contractors throughout the years and I definitely think that this should be tabled because of my experience working through contractors versus union. The safety aspect, the career, the brotherhood; it's unmatched. So if you get...I understand that when it comes to bidding. It may be cheaper. You may get just as good product when it comes to the construction, but what we provide is safety. Just in the last couple of weeks, I've done fifty hours of OSHA training. Everybody that I work with by my side looks out for me and I look out for them. I don't think you can get the same from non-union contractors. I think that they look to make their money on the top end and then people like me, the worker, don't get the benefits. We don't get the good pay rate. This is what has given me a life. Allowed me to buy a house. Allowed me to live here in the great City of Massillon where I also pay taxes. Like I said, I can't speak professionally. I do a lot of business here. I'm also a bondsman here. So, I love this place. I'd love to be able to continue to work here. I'd love for fair wages for everybody as well. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

LANCE HOLMAN – I'm a lifetime resident of Massillon, Ohio. Played football for Massillon. Went to school with some people here and I worked for seventeen and half years at a non-union shop in my trade and then I was wise enough to switch over to union fourteen years ago. I'm not going to get into the bidding or what makes money or what don't. But the previous gentleman said that the working environment, the brotherhood, the safety, being taken care of, not having to worry about your family having insurance. It's all covered under our union agreements. I just wanted to speak my piece and that's about it. Thank you.

COUNCIL PRESIDENT SLATER – Thank you. Anyone else?

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I just wanted to take a moment and thank everyone for their comments tonight, but also out of respect of everybody's time, I don't know what people's schedules are. I just wanted to assure everybody that no action will be coming tonight. So if you did have a prior commitment, we will not be insulted, but you're also welcome to stay the entire meeting. But I wanted to assure everyone in this room tonight, no action will be taken with issue Ord. No. 99 – 2024.

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT SLATER – Ord. No. 101 – 2024.

ORDINANCE NO. 101 – 2024

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending PART FIVE – “GENERAL OFFENCES CODE”, Chapter 505 – “Animals and Fowl” of the Codified Ordinances of the City of Massillon, Ohio, by enacting Section 505.18 – “Enforcement by Animal Control Officer; Powers and Duties”, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. President. This is a piece we discussed once in Work Session. Its purpose is to fully explain the actions and responsibilities of the Animal Control Officer. Is there any discussion or questions on this this evening? Seeing none, I move that we waive the rules requiring three readings and bring Ord. No. 101 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Harwig Smith. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 101 – 2024 has passed. Ord. No. 102 – 2024.

ORDINANCE NO. 102 – 2024

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Project Agreement with the Board of Stark County Commissioners for the Cherry Road N.W. Bridges Rehabilitation and Improvement Project.

COUNCIL PRESIDENT SLATER – Councilman Paquelet.

COUNCILMAN PAQUELET – Yes, I’d like to bring up Mr. Pitts to discuss the ordinance.

ALEX PITTS – Good evening, Council. So this is, as the ordinance states, to enter into a project agreement with Stark County for the improvement on Cherry Rd. for the two bridges along there. So, our involvement will be at the intersection of Third St. and Cherry, including widening of that intersection. New curb ramps, sidewalk, guardrail, just improvement of Third St. So, that’s where our involvement lies; not with the bridges themselves, but mainly at that intersection.

COUNCILMAN PAQUELET – Thank you. Does anyone have any questions?

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Essentially what this is saying is that we’re coming along side with the County as far as being financially partners for the portions of the project that would be our responsibility as compared to them being responsible for the bridges?

ALEX PITTS – Correct; yes.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – So we’ll be getting our own estimates for this or they’ll be bidding the whole project and doing all that and we’re just part of it? They’re the ones seeking it or would we be having to get bids for our area of it on Third St.?

ALEX PITTS – They’re going to be taking care of it as one unified project.

COUNCILWOMAN HARWIG SMITH – We’re just going to have to pay the money towards that, so, they’re running the whole project?

ALEX PITTS – If the project goes over, that’s when we will. As long as it’s a part of Third St., that intersection then we will reimburse the County at that point, according to the project agreement.

COUNCILWOMAN HARWIG SMITH – I’m just wondering, is this going to be a PLA?

ALEX PITTS – I do not know.

COUNCILWOMAN HARWIG SMITH – I mean, it’s a huge project, huge. It’s like, whole countywide.

ALEX PITTS – I don’t know. It’s not out for bid and it’s also not completely our project, it’s Stark County. So I don’t know how their contracts are set up. So, that would be a question for them. I can ask them, but we are at 90% design with that project; well, Stark County is. We are at stage three review. But when they go out to bid I can surely ask.

COUNCILWOMAN HARWIG SMITH – Thank you.

COUNCILMAN PAQUELET – I would like to make a motion to waive the rules requiring three readings to bring Ord. No. 102 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Creamer. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 102 – 2024 has passed. Res. No. 26 – 2024.

RESOLUTION NO. 26 – 2024

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 2025 fiscal year, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an annual resolution that we complete. It essentially just asking the Stark County Treasurer to pay us the real estate taxes that we are to be owed and to do so in advance of collection so that we can use it for our budgetary and expense purposes. Are there questions this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 26 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Gregg. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Res. No. 26 – 2024 has passed. Res. No. 27 – 2024.

RESOLUTION NO. 27 – 2024

BY: FINANCE COMMITTEE

A RESOLUTION accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor as listed on the attached Exhibit “A”, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – This again is a resolution that we do near the end of every year. It’s just us certifying our tax levies and sending them to the County Auditor so they have record of what we stating that we need to levy. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 27 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Gregg. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Res. No. 27 – 2024 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for a Transfer of a Liquor License from Tamarkin Co., DBA Get Go #3152, located at 2046 Lincoln Way E., Massillon, Ohio 44646 to Get Go Operating LLC, DBA Get Go Massillon #3152, located at 2046 Lincoln Way E., Massillon, Ohio 44646. Permit Classes are C1 and C2 and is located in Ward 3.

COUNCIL PRESIDENT SLATER – Councilman Gregg, did you receive a copy of this?

COUNCILMAN GREGG – Yes, I have. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

10. BILLS, ACCOUNTS AND CLAIMS

LocaliQ – Ohio Gannett	-	\$ 807.20	Publication of July & Aug. Ords.
LocaliQ – Ohio Gannett	-	111.68	Pub. of NOPEC (to be reimbursed)
Bonnie’s Engravers Gallery	-	<u>118.80</u>	Name Plates & Rubber Stamp
Total	-	\$1,037.68	

COUNCIL PRESIDENT SLATER – Councilman Lewis.

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

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

8 yes to pay the bills

COUNCIL PRESIDENT SLATER – The Clerk will pay the bills and charge them to the proper accounts.

11. REPORTS FROM CITY OFFICIALS

Mayor’s Report - September 2024

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT SLATER – Our next Work Session will be Monday, October 28, 2024, at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

COUNCIL PRESIDENT SLATER – Ord. No. 75 – 2024.

AN ORDINANCE amending Section 509.12 “Noise-Making and Noise-Amplifying Devices; Variances” under CHAPTER 509 “DISORDERLY CONDUCT AND PEACE DISTURBANCE” of PART FIVE – GENERAL OFFENSES CODE” of the Codified Ordinances of the City of Massillon, Ohio.

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Mr. President. Everybody, I believe, received from the ordinances from Canton on the noises. As we discussed last week at Work Session, Mr. Ray was kind enough to volunteer to look up and speak with and ask questions for companies that would come into the City and do a noise analysis and thank you for that. At this time, because we’re going to be studying this and because it’s such an important issue, I believe at this time we should table it indefinitely. Did you have a question?

COUNCILMAN RAY – Yes, thank you. I just wanted to follow up with you. I did reach out to both of the companies that would organize this study that was provided in the e-mail. They both said that they would have no problem with no charge to file a plan because they have to come up with a plan and then also give us a quote. But that would take about three weeks for both companies. So, by tabling it indefinitely would probably be a good idea.

COUNCILWOMAN CUNNINGHAM – Thank you. Ms. Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, Mrs. Cunningham. If we table it indefinitely, can we still put forth or do we need to put forth some legislation to go out to bid? How are we going to pay for this or the funds or where it’s going to come from? If we are going to do a noise study to get that started, what the next step is to bring forth to the next meeting?

COUNCILWOMAN CUNNINGHAM – Mr. Lewis, would have a comment on that?

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – If Mr. Ray is able to ascertain quotes from two different companies and he’d be able to bring that to a Work Session and have it discussed during the Committee and if we decided we wanted to go with one of those then we would just have to pass an ordinance or something appropriating the dollars and opening up for the administration to do so.

COUNCILWOMAN CUNNINGHAM – Thank you. Mrs. Harwig Smith.

COUNCILWOMAN HARWIG SMITH – I don’t know but, wouldn’t it be, I mean, we research and look things up, but we’re a legislative body as far as who would be running the project and everything else; wouldn’t it be more proper to have like the Safety Service Director be the one attaining the bids and bringing forward to us?

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I don't want to answer for the Administration. We could request that of them, but in no way would they be obligated to do so.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I just have a suggestion. Prior to reaching out and getting quotes from these two companies, I think we should have an outline of what we want this plan to look like so that it is consistent across the board before we start reaching out and getting quotes from companies. So I think we need to have a clear definition of what we want to take place for this study. Thank you.

COUNCIL PRESIDENT SLATER – Councilman Ray.

COUNCILMAN RAY – Yes, I did go in to receive the estimates with that in mind. We had that completely covered, but by them being the specialist who conducts the study, they would know which businesses to test or to gather the information so that we could create the baseline. So what they would do is go to the certain areas and certain residential areas and take their readings and all they will be providing us with is a baseline. Because I've e-mailed both of them our ordinance that we wrote and, actually, Bill Keiser said that he was the guy that wrote this one for Canton. So, he would be more prone to having understanding as to what we would be needing in all these areas. Thank you.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – So just to clarify, they will be submitting their quotes and they will define the criteria that they are going to use. Two different companies may have two different sets of criteria. We look at the low bid and we come to find out after we except that low bid that they're only going to take one reading per twenty-four hours for a company that's open 24/7 versus the other company that maybe higher in price, but they're going to be having more of an extensive study like multiple reads throughout the day, multiple days of the week. So I guess we're going to just compare apples to apples to have a better understanding what these companies are going to do for us and choose moving forward. Just my thought.

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – I make a motion that we table Ord. No. 75 – 2024 indefinitely.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Lewis. Roll call.

8 yes to table Ord. No. 75 – 2024 indefinitely

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 75 – 2024 has been tabled indefinitely.

COUNCIL CLERK ROLLAND – And may I say something, Mr. President?

COUNCIL PRESIDENT SLATER – Yes.

COUNCIL CLERK ROLLAND – As far as, Mrs. Harwig Smith, as far as the quote and how we would appropriate that, I think this would kind of fall under like we did our sound system. We did that on our own through Claudette. So he (Slater) would have to enter into the agreement since it's our entity.

COUNCILWOMAN HARWIG SMITH – Thank you.

COUNCIL PRESIDENT SLATER – Good.

15. **THIRD READING ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT SLATER – Ord. No. 81 – 2024.

ORDINANCE NO. 81 – 2024

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain properties from B-1 Local Business District and RM-1 Multiple Family Residential to B-3 General Business District.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Mr. President. There's five parcels under consideration for rezoning which are located on First St. N.E. The parcels are owned by C.J. Mack Enterprise, LLC. The proposed use is a car sales lot. There will be a public hearing on November 4, 2024 at 6:15 p.m. here in Council Chambers. So with that said, I would like to make a motion to table Ord. No. 81 – 2024 until November 4, 2024.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Gregg. Roll call.
8 yes to table Ord. No. 81 – 2024 until November 4, 2024

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 81 – 2024 has been tabled until November 4, 2024. Ord. No 82 – 2024.

ORDINANCE NO. 82 – 2024

BY: PUBLIC UTILITIES & ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into the Northeast Ohio Public Energy Council (NOPEC) and execute and deliver the Agreement establishing NOPEC and approving the By-Laws of NOPEC.

COUNCIL PRESIDENT SLATER – Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – Thank you, Mr. President. This ordinance and Ord. No. 83 – 2024 go hand in hand. We did hold two public hearings this afternoon. One at 3:00 p.m. and one at 6:00 p.m. They were not attended by any community folks raising any concerns, pro or con. We do have the Safety Service Director, Renee Baker here if anybody has any additional questions before we bring this forward. We're on third reading this evening. Mr. Lewis.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes, Ms. Baker, I know that some Council Members have mentioned, I don't know if they've mentioned it directly to you, so if not, I'll do so. Have there been efforts made to bring the current broker to Council to discuss what they would be offering in a renewal?

RENEE BAKER – So I have mentioned to individual Council Members that that is possible. I just did not invite them to any yet. They'd be willing to as well. I just did not feel it was appropriate, necessarily, to invite them to a Council when I'm proposing legislation for somebody different. I thought that was a little awkward, but I most certainly would do that if that's what's recommended or they also offer to answer any other questions that you might have of them.

COUNCILMAN LEWIS – My opinion is that given some of the sentiment that I've heard come through these Chambers, that, and please Council, I'm just speaking from what I'm hearing. So tell me if I'm hearing you incorrectly. But that might be appreciated and if so, then our best course of action may be a two-week table so that can happen. But, I don't want to speak for anybody, but that's what my understanding is.

COUNCIL PRESIDENT SLATER – Councilman Paquelet.

COUNCILMAN PAQUELET – I would appreciate that. It doesn't hurt to have two options, potentially two options.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – I think I would support that as well. But are we in any type of time crunch on making this decision?

RENEE BAKER – So, honestly, two weeks is not going to make a difference, that big of a difference. I mean, I did not have emergency language. That's why I brought it forward when I did so that we have plenty of time to make that decision. I would just ask that you let me know if you want them at Work Session and maybe prepare them a little bit for they're coming for and what may be asked of them because they know that, obviously, I've looked elsewhere, but I don't know that they necessarily brought legislation forward or anything like that. So I want them to be prepared as to why they're coming and what's expected.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I just did some research on the PUCO site and I saw contracts, different vendors and I know consultants ICS and with NOPEC. But I saw contracted prices nine-month, twelve-month and twenty-four month prices on the PUCO website. So I guess that's kind of where I'm trying to determine where we're going to fall. Because there are some prices with that extended term. So, thank you.

COUNCIL PRESIDENT SLATER – Anyone else? Councilman Gregg.

COUNCILMAN GREGG – I was just going to that I think given the fact that we don't have a time crunch that it is probably due diligence that we should entertain to hear another opinion, another quote; another presentation of what else could be offered. Thank you.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – I just want to clarify too, the agreement that we're in, because NOPEC is in current contracts and when ours runs out in July, if we do do something, it would only be for six months until they renegotiate? Maybe the lady from NOPEC, if she's still here, she could maybe answer that. I'm just wondering where would stand. It's only for six months because we'd be getting in on the existing one or we're not locking in for an extended period. But I do think it would be beneficial to just to hear what our previous one would have to offer, just to have a comparison.

RENEE BAKER – Understood. Brenda is here. She might be able to answer the six-month time frame a little bit better. If you want to come up, Brenda. Basically they're always looking at the rates and it kind of helps that you can actually get it lower than after that six-month, but she can talk better to that.

BRENDA FARGO – Thank you. The way that it works, NOPEC has 240 communities and so we put the opt outs to all the communities at the same time and all end at the same time and then the opt outs go back out. So it's this ongoing three-year cycle that's the maximum term you can have for an opt out period for electricity. So what happens is, ours is coming up in January 2026 for the three year opt out for everybody. So if you join in July of 2025, your term would be through the balance of the remaining term with NOPEC for that three years.

COUNCILWOMAN HARWIG SMITH – Which would only be six months.

BRENDA FARGO – Correct. And then a brand new opt out would go out in January for the next three years with a new price.

COUNCILMAN PAQUELET – So then that rate is already established for that remaining six months, right? Do you have that rate right now?

BRENDA FARGO – I don't have that rate right now, no. No one has that rate because starting in July of this coming year, 2025. Remember when we talked about everybody is going to see an increase no matter what? That's why you're not seeing a lot of rates starting in July. When you go out for an aggregation program, your current one, you signed a four-year agreement, but you have a year to opt out during that term. And then you went for another one-year opt out. So, the maximum you can do is three years. It doesn't mean you have to do three years. There may be other terms that are better; that are cheaper, but most aggregations go out for a three-year term because that we you only have to mail to all the participants one time and you've got that mailing fee.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you. So, if there's six months left and everybody's in a current three-year term, why wouldn't for that last six months, we get the same rate that they're getting in that current?

BRENDA FARGO – You will. You will.

COUNCILWOMAN HARWIG SMITH – So why is it so high? When you were giving us those numbers and that it could be up to 8.5 or more were you talking about in June?

BRENDA FARGO – Yes. That starts for the next year.

COUNCILWOMAN HARWIG SMITH – In June?

BRENDA FARGO – June 2025 through July 2026. But what we're talking about is you would join May or June and then you'd fall into that next period where everybody is going to be high. That's the period that we don't know the price for.

COUNCILWOMAN HARWIG SMITH – Even though everybody else in your program are in it for six months at a lower fixed rate just like we're with a different company with a fixed rate right now?

BRENDA FARGO – Right. What's going to happen...

COUNCILWOMAN HARWIG SMITH – I was just wondering if you guys are at that for six months, why couldn't you roll us over into the same program as everyone else at the lower rate they're getting and then when things go up in 2025 or in 2026 then we'd be at that point.

BRENDA FARGO – You will get the exact same rate that everyone else gets. We only have one rate that every community gets with NOPEC. But what happens with the NOPEC price is that it resets every six months. So, when we're looking at our current rate of 6.49, that goes through December 2024 and it's already been announced that it goes through May of next year. But we don't have the rate that starts May through the end of the year. That's the one we're talking about that you would fall in under that rate. So I don't have that rate right now. Does that answer your question?

COUNCILWOMAN HARWIG SMITH – Yes. But, when would you have it then?

BRENDA FARGO – They're looking at it. They're looking at it now. They're trying to minimize it and as Renee mentioned, we're going out every single day in the market place and buying low cost power when we can get it so that we can avoid as high a bump as we're hoping to. To keep that low.

COUNCILWOMAN HARWIG SMITH – And if we lock in with you, how long would the term be?

BRENDA FARGO – Again, the way it goes is we ask that communities join for whatever the opt out period would be. So if the opt out period is three years, your commitment would be three years. But really, in your situation, it would be for six months, to be perfectly honest. Because you would join in June of 2025 and then you would have the opportunity for January of 2026 to say you wanted to do something different.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – So, let's talk about January 2026. So it's a three-year opt out agreement?

BRENDA FARGO – Probably, yes.

COUNCILWOMAN CREAMER – Did you state that there was increases every six months?

BRENDA FARGO – No.

COUNCILWOMAN CREAMER – Or is it a fixed rate for three years?

BRENDA FARGO – The rate can change every six months. That’s the way that the NOPEC process works.

COUNCILWOMAN CREAMER – So it’s not fixed?

BRENDA FARGO – It’s not fixed. It is not fixed and we do that so that we avoid having a rate that is set higher than the market. Typically, or a lot of times what has happened with aggregation programs is they’ve gone upside down. Because they lock in a low rate or they lock in a rate for three years and then because the price to compare can wildly adjust, a lot of programs have end up where their residents are paying more because they locked in a long term rate. Right now that’s a little different because the pricing is a little odd. So, what we’re definitely doing is looking at “Are we going to do a three year, are we going to do a two year, are we going to do a one year?” Because there’s a lot of things going on in the regulatory market that may push us to a one year because of the way that FIRK is deciding how to handle this capacity issue. So it’s not locked right now that it’s going to be a three-year term going forward and I think when you hear from the other consulting firm, if you want to do that, is they will probably tell you that it might be a one-year contract. Because there’s so much uncertainty and it’s not just for NOPEC. It’s for every supplier. We’re facing, everyone is facing exactly the same thing and what we’re trying to do is buy power now low so we can avoid that really steep ramp up that will happen in June of next year.

COUNCIL PRESIDENT SLATER – Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – Thank you, Mr. President. Thank you Safety Service Director and Ms. Fargo. In light of the continued conversation this evening, I would like to make a motion to table this ordinance and we’ll continue discussion at Work Session.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Sorry, technicality. You’d like to table that until the 4th of November?

COUNCILWOMAN BRYAN-HUTH – Yes, please.

COUNCILMAN LEWIS – I second that.

COUNCIL PRESIDENT SLATER – Thank you. Seconded by Councilman Lewis. Roll call.

8 yes to table Ord. No. 82 – 2024 until November 4, 2024

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 82 – 2024 has been tabled until November 4, 2024. Ord. No. 83 – 2024.

ORDINANCE NO. 83 – 2024

BY: PUBLIC UTILITIES & ENVIRONMENTAL COMMITTEE

AN ORDINANCE approving the plan of operation and governance for the Northeast Ohio Public Energy Council (NOPEC) electricity aggregation program for the purpose of jointly establishing and implementing an electricity aggregation program.

COUNCIL PRESIDENT SLATER – Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – Thank you, Mr. President. I would like to table this ordinance as well until November 4, 2024.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Lewis. Roll call.

8 yes to table Ord. No. 83 – 2024 until November 4, 2024

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 83 – 2024 has been tabled until November 4, 2024. Ord. No. 84 – 2024.

ORDINANCE NO. 84 – 2024

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to accept and enter into a collective bargaining agreement between AFSCME, Ohio Council 8, Local 996, AFL-CIO, Streets and Parks Department, and the City of Massillon, Ohio, effective April 1, 2024 through March 31, 2027, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. President. This legislation, as well as Ord. No. 85 – 2024 and Ord. No. 86 – 2024, all deal with collective bargaining agreements with our City Unions. The first one, Ord. No. 84 – 2024 is the Streets and Park Department. I plan to move this forward for a vote. If there is any discussion, we would need to go to Executive Session. No questions, no discussion? We're at third reading, so I move that we bring Ord. No. 84 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Harwig Smith. Roll call.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 84 – 2024 has passed. Ord. No. 85 – 2024.

ORDINANCE NO. 85 – 2024

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to accept and enter into a collective bargaining agreement between AFSCME, Ohio Council 8, Local 996, AFL-CIO, Wastewater Treatment Department, and the City of Massillon, Ohio, effective April 1, 2024 through March 31, 2027, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. President. Likewise, I move that we bring Ord. No. 85 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Harwig Smith. Roll call.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 85 – 2024 has passed. Ord. No. 86 – 2024.

ORDINANCE NO. 86 – 2024

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a collective bargaining agreement with the Massillon F.O.P. Henderson Lodge Police Officers Association, Blue Unit, effective July 1, 2024 through June 30, 2027, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. President. I move that we bring Ord. No. 86 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Bryan-Huth. Roll call.

8 yes for passage

16. SECOND READING ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT SLATER – Ord. No. 89 – 2024.

ORDINANCE NO. 89 – 2024

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE repealing Section 2 of Ordinance No. 15 – 2019 and enacting a new Section (2) D OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, 845 COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT, in the City of Massillon, Ohio.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. President. This ordinance is requesting to change the job description, Community Development Administrative Assistant to Community Development Coordinator. It's been given a reading. Any further discussion or questions? Seeing none, I move that we waive the rules requiring three readings and bring Ord. No. 89 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Harwig Smith. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 89 – 2024 has passed. Ord. No. 99 – 2024.

ORDINANCE NO. 99 – 2024

BY: FINANCE COMMITTEE

AN ORDINANCE repealing Ordinance No. 31 – 2011, which establishes procedures to determine the lowest and best bid for the construction of public improvements in the City of Massillon, Ohio, and to allow the use of project labor agreements for the construction of certain public improvements in the City of Massillon, Ohio.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT SLATER – Ord. No. 99 – 2024 has received second reading.

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

MICHAEL ANTHONY MITCHELL – Former resident at 135 Wales Rd., now I'm homeless. I've been homeless since February when my landlord there terminated my lease in the middle of winter and told me to vacate his property and I paid my rent every month, on time like I was supposed to and I'm in the criminal network system now for a loitering violation. Massillon Police arrested me; put me in jail for one day. This was like a couple of weeks ago and because of that, I've got a criminal record now with Massillon. I have perfect U.S. Navy record. I served on the USS New Jersey battleship; U.S. Navy's most decorated war ship. I'm a graduate of Massillon City Schools and I went right into the U.S. Navy in 1982 and never came back until four years ago this January and I lived in Alma, Michigan and I owned a trailer there and I sold it for a loss move down here because I was tired of Michigan and they screwed me over. Took my right to drive, permanently. I haven't had a license since 2014. I'm sad that Massillon Police kind of picked on me because, being homeless. One officer told me to leave the state or leave the City of Massillon when they came and approached me when I was sleeping on the benches downtown Massillon and before, when I lived on Wales Rd. I used to ride my peddle bike downtown Massillon. Never had any problems with Massillon Police telling me to leave or violation of local ordinance. I just want to know why they passed that law because they're discriminating on homeless people, I think, and it's not right. I worked on the mental health field in Michigan for over eight years. On the executive board. We made the financial decisions. People with mental illnesses have problems sometimes and I know the issues where they used to defecate in public, some of the people. But I always kept my place in order. I'm homeless because of my landlord, Rinehart, I used to rent from and I was there for three and half years and he did me injustice by telling me to leave his property and terminated my lease and I don't think it's right and because of that, I go in front of the judge tomorrow for this loitering law violation. I'm going to be fined \$500, I believe. I don't mind if it was real or was I picked on. And then another Massillon Police officer approached me by the Massillon Post Office where I have a P.O. Box and get my mail every month and he told me to move on from the place where I was sitting and I don't think that's right. Just because I'm homeless. It's not right and I'm just bringing it up to the City and I don't think that ordinance should be in effect. I think they should rescind it. People like me, it's not my reason I'm homeless. I paid my rent. He committed fraud by kicking me out, that landlord did and it's just

not right. Because of that, I'm sleeping on the ground out there in Perry Twp. and I told some people in Perry Twp. because of this ordinance which I'm in limbo about because it doesn't say in the law that there's certain hours you can't be in downtown Massillon and sit on the benches. That's what I thought those benches were for to sit down. But yet, I got arrested and told to go to jail because I was sitting on a bench and I wasn't even sleeping. I was just sitting up. That's not right. I just wanted to voice my opinion. And I just want to thank you guys for all you do for our community. I hope that something's done. Because I don't deserve having a criminal record when I had a perfectly clean record. Six years in the Navy and having my license suspended in Michigan, permanently. I can't drive. Not right.

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, President Slater. We all know what week this is and if you don't, Mr. Gregg and I would be glad to tell you about it, but I want to give a shout-out to the Tigers. Go Tigers and Mr. Gregg would like to say a word or two.

COUNCIL PRESIDENT SLATER – Mr. Gregg.

COUNCILMAN GREGG – Thank you. Thank you, Ms. Cunningham. I'm never shy about saying a word or two about the Tigers, but they played a great game this past Friday against Warren Harding. Our second longest rivalry team and they got a big game coming up, obviously, Saturday and all I want to say is "Go Tigers".

COUNCIL PRESIDENT SLATER – Go Tigers. Beat McKinley. Yes, sir.

JUSTIN RICHARD – I just wanted to bring a couple of things to Council's attention, President, Council; you may or may not have seen the Council, so, there's been some news articles about Canton City Council and some text messages, maybe e-mails between Council Members that create a quorum and certainly, all meetings of deliberation where you're deciding on what you should vote on should be public. This is a public meeting and we have to follow those rules. And it kind of leads me into the second thing, so I just want everybody to be mindful of that. If you are discussing Council business you certainly can do it one-on-one. When you kind of look around and you're like well, I'm in this Committee with these two or three people, if you have a quorum in that meeting, you shouldn't be doing that. So, you can talk to a person individually, but don't hear it from me, hear it from the Attorney General. I want to remind everybody that Section 109.43 requires everybody that's either elected or appointed, Mr. Paquelet, 109.43, Public Records Training Programs for the model public records policy, essentially requires everybody to go to Sunshine Training within your two years. Are there any questions about that? Yes, sir. No questions? Go Tigers.

18. ADJOURNMENT

COUNCIL PRESIDENT SLATER – Councilman Paquelet.

COUNCILMAN PAQUELET – I make a motion to adjourn.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Bryan-Huth. Roll call.

8 yes to adjourn

COUNCIL PRESIDENT SLATER – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

MIKE SLATER, PRESIDENT