

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, NOVEMBER 1, 2021**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, November 1, 2021. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Chief Deputy Auditor, Stefanie Myers, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Economic Development Director, Dave Maley, Income Tax/Budget Director, Lori Kotagides-Boron and Health Dept. Commissioner, Terri Argent. Under #5 on the agenda is where the public can speak on any item that appears on tonight’s agenda and under #17 is where the public can speak on any item that does NOT appear on tonight’s agenda. I’d like to remind everyone keep your mics off until you’re ready to speak, mute your cell phones and anyone calling in, please mute yourself so that we can hold all the background noise to a minimum. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Roll call.

**1. ROLL CALL**

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Ted Herncane, Ed Lewis, Mark Lombardi, Jamie Slutz, Megan Starrett and Jim Thieret.

Roll call of 8 present

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we accept Councilwoman Litman’s absence.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Slutz. Roll call.

8 yes to excuse Councilwoman Litman

**COUNCIL PRESIDENT ISTNICK** – Thank you. Councilwoman Litman has been excused.

**2. INVOCATION**

**COUNCILMAN MARK LOMBARDI**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILMAN LOMBARDI**

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. Just would like to give a shout out to the Massillon Tiger football team for another victory this past weekend; the first playoff victory and they represented the City of Massillon well. I know they’re looking forward to competing this Friday as well. So, go Tigers!!

**COUNCIL PRESIDENT ISTNICK** – 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** – No, they are not. I'm still working on them.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

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

**6. NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. I'd like to bring up this evening a piece of legislation that was defeated on our last vote. I'd like to bring it up for reconsideration as part of the party that approved this measure, I'm within the rules to do that. The reason I want to bring this back up is it is Ord. No. 139 – 2021, regarding the Community Development Block Grant Program Fund for the year ending December 31, 2021. This is a piece that most people recognize as the Getz Building legislation, but it is much more to it than that. There are three other block grants here that really are worthy of our consideration and I don't want to see them go down because of the Getz Building; I'll speak about the Getz Building in a second. But, in the first place, the other three funding pieces' deal with groups in our community that are extremely important; the CommQuest Family Living Center, the Salvation Army and Downtown Street Improvements which I know is being spear-headed by Massillon Main Street. I think these are all very worthy things to consider to fund and I don't want to see one piece of this take those down with it. So, that's one reason why I would like to reconsider. The other reason I want to reconsider is that most people are seeing the Getz Building and they connect that \$250,000 and they think that's \$250,000 for bathrooms. It's much more than that. This is a building that's getting heavy use, it's built for a good purpose, it needs to be remodeled and in addition to remodeling it, we can add some additional much needed bathrooms to supplement what we have for Duncan Plaza. It's important that we do this right. That we keep this building in use while it's being remodeled. It's being used heavily by the court system and they have a big interest in making sure that this building continues to be viable for their use as well. So, the reason that the price tag seems so high is that it's not just adding a couple of bathrooms. It's a complete renovation of a building that was built in a particular way to be secure. It's where our City's servers are located. It's used for emergency management meetings and in a situation if we were to have a disaster, it'd be used for disaster recovery because it's one of the best built buildings in the downtown area. So, that's why the price tag seems so high, but, the other thing to keep in consideration is that the money that's funding this is not coming from our citizen's tax dollars; directly from the City of Massillon. It's from a Community Development Block Grant program funds. It's been approved by that program for this purpose. They see it as a good use of those funds. I see it as a good use of those funds, that's why I support this legislation and I'd like to bring it back forward for consideration. Any other questions or remarks? Mr. Lombardi.

**COUNCILMAN LOMBARDI** – Another thing that we need to consider on this is this is also going to bring this building to ADA compliance which it is not now and we're going to have to do that regardless. So, we may as well use the funds from the Federal government that are already put aside for this rather than in the future. One complaint on ADA compliance and we have to get it resolved. So, let's be proactive, let's get it done while we've got the funding to do it. It's not coming out of the City's checkbook.

**COUNCILMAN GREGG** – I would also mention that if we don't use these funds for this purpose, we lose these funds. So, it's not that they can be taken and used elsewhere. So, that's another reason I support it.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herculane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. May I ask why the ADA compliance issue was not addressed prior? I'm assuming it didn't happen overnight.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Maybe I'm speaking out of turn, but I believe it was. I believe that was part of the original plan to bring the building to ADA compliance. I think what happened here was that the City Administration, in the excitement of what they found out what we could do with this building and making the restructuring of this building, presented it more as bathrooms for Duncan Plaza than restructuring a building for ADA compliance. What we need to do is restructure the building for ADA compliance; while doing that, we get the benefit of adding a couple of bathrooms that are accessible to Duncan Plaza all the time. The actual reconstruction, from what I understand and the Mayor could probably talk better about it, but from what I understand, the actual reconstruction is to make this building ADA compliant and in doing so, we're going to get these benefits out of it.

**COUNCILMAN HERNCANE** – I guess my point is, in years past, why wasn't this an issue last year, the year before, three, five, seven years before? I mean, I just think it's curious that it comes up right now when we're looking at restrooms for Duncan Plaza as well.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – I think the Administration spoke to this last week as well and the Administration in the last couple of years have been taking an initiative to make all of the buildings in the City ADA compliant starting with this building. It was the first one that we did last year, correct? We approved the funds in 2020 to make sure that this building was fully ADA compliant and I believe maybe it was Barb Sylvester last week that had said that they're working on making sure every City building is ADA compliant and this was the next one and I believe the Mayor's office still needs some work as well and they were looking into making sure that that building eventually does as well.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I was just going to recommend before we have continuous discussion, let's make sure we have a motion and a second made and then we can continue to debate.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Lombardi. Anyone else have any questions? Councilman Slutz.

**COUNCILMAN SLUTZ** – I'd like to know if there are other options for this money besides putting it into the Getz Building?

**COUNCIL PRESIDENT ISTNICK** – Mayor.

**MAYOR CATAZARO-PERRY** – Good evening Madam President, members of Council. We think this is the best use for those dollars. So, we did not explore any other options. We did renovate the restrooms in this building as well as the Police Dept. We're working on the Getz Building now and then Barb has restrooms for our office as well. And so, those are all going to be completed. What we're trying to do is do it throughout the City of where we find the restrooms that are non-compliant. We have another area that we'll be working on as well. So, there were quite a few restrooms that were not compliant and it's not appropriate to lift someone from a wheelchair and bring them into the building. So, we put a ramp in that's compliant, both sides and so, we're just looking at that throughout the City because we want to be a disability-friendly City or an ability-friendly City. That's really important. We just worked with a lady that was blind about two or three weeks ago. She did not think that our ramps were accurate and she gave us some more pointers on how to do even a better job. We're compliant, but there's another step we can do to do a better job for her. So, we're just trying. We have a Disabilities Committee in our City and we're trying to do the best we can for our disabled population. If you go into that restroom in the Getz Building, you are entering a closet and it is important, especially if we have a disaster in the City. Just besides all of our meetings, to have compliancy for those people that serve on committees. We do have some disabled on our committees as well; that serve our community. And so, if we have a disaster, we're going to need to have the restrooms in there if we choose to use that building and then we also can use the Wastewater Treatment as well for our disaster recovery plan.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCAINE** – Thank you, Madam President. Madam Mayor, last week we asked John Picard if he had the dollar amounts of the \$250,000 that would just address the ADA compliance matter. Do you happen to have those?

**MAYOR CATAZARO-PERRY** – I know the number; it's \$166,000 just for the restrooms.

**COUNCILMAN HERNCAINE** – Okay. Thank you.

**MAYOR CATAZARO-PERRY** – You're welcome.

**COUNCIL PRESIDENT ISTNICK** – Any other questions for the Mayor? Councilman Gregg.

**COUNCILMAN GREGG** – The motion is already made to reconsider and seconded by Councilman Lombardi.

**COUNCIL PRESIDENT ISTNICK** – Roll call to reconsider.

5 yes; 3 no to reconsider Ord. No. 139 – 2021 – Herncane, Thieret and Slutz voted no

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 139 – 2021 will be reconsidered. Mr. Richard.

**JUSTIN RICHARD** – One moment please.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**JUSTIN RICHARD** – Madam President, Council members. After looking at the rules, it does appear that since a motion to reconsider was made and it passed, it has been reconsidered. So, at this point it is considered new business because it's the newest business that this Council has created. So, now under new business, it has to be voted upon.

**COUNCIL PRESIDENT ISTNICK** – It doesn't go to first reading?

**JUSTIN RICHARD** – No. There can be additional deliberation now that it's new business. So, it would be as third reading. You can certainly ask your questions, deliberate but then it would move two readings; it's at its third reading stage.

**COUNCIL PRESIDENT ISTNICK** – Okay. Thank you. Anymore discussion on this before we vote? Roll call.

5 yes; 3 no for passage – Herncane, Slutz and Thieret voted no

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 139 – 2021 has passed. Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I have a couple of things in New and Miscellaneous Business, as well. My reference is to the second reading of ordinances. Ord. No. 154 – 2021, we have that in second reading. It is the ordinance that two weeks ago was placed on the agenda through the utilization of Rule 28. My understanding of Rule 28 would be that it is not yet at second reading. It seems like it would have to be voted on by a majority of Council members to even reach the second reading stage and then it cannot even be up for second reading until after the second meeting from first reading. So, we're only at the first meeting since first reading and in two weeks we'll have the second reading, so after we get past that meeting, then it can finally be brought up for second. But before that happens, we still have to vote on it, if that makes sense. So, I would say that it probably needs to be in Unfinished Business this evening, not on the second reading stage.

**COUNCIL PRESIDENT ISTNICK** – Any comments or questions on that? Councilman Thieret.

**COUNCILMAN THIERET** – I don't follow your logic. How many weeks ago was this?

**COUNCILMAN LEWIS** – At the last meeting that utilized Rule 28 where it says, "Any two members of Council may sponsor an ordinance or resolution and have it placed on the agenda for Council action. If such legislation is sponsored by two members, both not of the appropriate sponsoring committee, the sponsorship is deemed "non-committee". And then it says these..."ordinances or resolutions appear on the agenda for Council action shall be given first reading only, and, unless otherwise ordered by Council, be referred to the presiding officer" which we said was the President, "to the appropriate committee", which was Rules and Courts, "which shall report on the same with or without amendment, as the committee my

deem best, on or before the second regularly scheduled meeting of Council...". So this is the first regularly scheduled meeting since then and they're reporting on it so they're reporting before they had to. Because they actually didn't have to do this until the 15<sup>th</sup>. And then it says, "A non-committee sponsored ordinance or resolution may only be placed on the agenda for second reading, third reading, and passage by leave of a majority vote of the elected member..." so, we have to vote to put it on at second reading, "...and only after the second regularly scheduled meeting of Council...". Well, the second regularly scheduled meeting of Council since first reading is the 15<sup>th</sup> because that's the second meeting since then. So, we can't have this on our agenda for second reading until after that which would be December something.

**COUNCIL PRESIDENT ISTNICK** – So this would be first reading this evening?

**COUNCILMAN LEWIS** – This evening, I would say that I was planning to make a motion to amend the agenda to put Ord. No. 154 – 2021 in Unfinished Business. That way, if Council so wants to, they can make the vote as to whether or not it even gets to the second reading stage. If Council deems that it is worthy of going to second reading stage, then it has to wait until the December meeting in order to meet the stipulations of this Rule. And the idea, I think, for Council members to understand is that this Rule in place so that someone, if they're being blocked by a committee, can still get something on. It's not meant to just be used just to be used and that is why there these extra steps to secure and keep the sanctity of the committees in the legislative process and that's why it seems a little bit confluid and long, in my opinion. But, at the end of the day, that's what the Rule says. I'm just telling us that we should follow the rules.

**COUNCIL PRESIDENT ISTNICK** – Any questions or comments? Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we amend tonight's agenda to bring Ord. No. 154 – 2021 into Unfinished Business.

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

8 yes to amend the agenda to move Ord. No. 154 – 2021 to Unfinished Business.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I did want to make comments regarding going into an Executive Session, but I believe the President may have comments herself.

**COUNCIL PRESIDENT ISTNICK** – Yes. At the request of the Law Director, tonight's Executive Session concerns more than one dispute involving the City of Massillon that is subject of pending court action. For the record, Councilman Herncane, Councilman Slutz and I, Council President Istnick, will be recusing ourselves from the portion of the Executive Session that pertains to a particular dispute where we are each confronted with a conflict of interest. Councilman Lewis.

**COUNCILMAN LEWIS** – In regards to President Istnick's comments, I would like to, in accordance with Division (G)(3) of Section 121.22 of the Ohio Revised Code, I move that we enter into Executive Session to include all members of Council and the President of Council, the Clerk of Council, the Mayor, Director of Public Service and Safety, Economic Development

Director, the Law Director, Chief Counsel, for the purpose of conferencing with the Law Director and Chief Counsel concerning disputes involving the City of Massillon that are subject to pending court action.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. Will the three of us being going in and then you'll excuse us when you get to that particular topic?

**COUNCILMAN LEWIS** – From my understanding, when we get to that particular topic where members of Council feel that there is a conflict, they can excuse themselves.

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

8 yes to enter into Executive Session.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. We will now enter into Executive Session.

Enter into Executive Session – 7:00 p.m.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion to enter back into Regular Session.

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

8 yes to enter back into Regular Session

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. We are now back to our Regular Session.

Enter into Regular Session – 7:45 p.m.

## 7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

### **ORDINANCE NO. 155 – 2021**

### **BY: PARKS AND RECREATION COMMITTEE**

AN ORDINANCE authorizing the Director of the Park and Recreation Department of the City of Massillon, Ohio, to extend the lease agreement with Lake Erie Golf Cars for The Legends of Massillon Golf Course.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. As stated at the Work Session, Director Pedro was present to explain this request. It is just extending the golf cart lease through November 15, 2022. It has been approved by the Recreation Board. Are there any questions? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 155 – 2021 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 155 – 2021 has passed. Ord. No. 156 - 2021

**ORDINANCE NO. 156 – 2021**

**BY: POLICE AND FIRE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon Ohio, to accept a grant from FM Global Fire Prevention, on behalf of the Massillon Fire Department, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – So, is there any discussion on this, first of all? Seeing no questions, I make a motion that we waive the rules requiring three readings and bring Ord. No. 156 – 2021 forward for a vote tonight.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 156 – 2021 has passed. Ord. No. 157 – 2021.

**ORDINANCE NO. 157 – 2021**

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

AN ORDINANCE authorizing the Auditor and the Mayor of the City of Massillon, Ohio, and the Massillon City Health Department, to enter into a contract with Local Government Services (LGS) to compile the basic financial statements for the Massillon City Health Department for the financial year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. This, as we discussed in our Committee meeting, this is something that we do every year; to enter into contract with Local Government Services and prepare the financial statements for the City Health Dept. It does have emergency language because the contract needs to be signed and returned by November 30, 2021. Is there any discussion? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 157 – 2021 forward for a vote.



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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 157 – 2021 has passed. Ord. No. 158 – 2021.

**ORDINANCE NO. 158 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 158 – 2021 has received first reading. Ord. No. 159 – 2021.

**ORDINANCE NO. 159 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2202 Insurance Fund, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, Madam President. I have one question for the Auditor's office.

**COUNCIL PRESIDENT ISTNICK** – Okay. If you could come up here please, Ms. Myers, thank you.

**COUNCILMAN LEWIS** – Yes. I just want to verify; this is the COBRA match or reimbursement?

**STEFANIE MYERS** – Correct.

**COUNCILMAN LEWIS** – Okay. I would open it up to any other questions or discussion. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 159 – 2021 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 159 – 2021 has passed. Ord. No. 160 – 2021.

**ORDINANCE NO. 160 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3107 Fire Damage Structures Fund, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, I'd like to call up the Auditor's office again.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**STEFANIE MYERS** – Yes.

**COUNCILMAN LEWIS** – On this particular fund, I just wanted to verify with it being the Fire Damage Fund. These are the funds that we receive as part of insurance claims when there's a fire in the City and we may be responsible for some kind of repair?

**STEFANIE MYERS** – Yes. And this money has already been received.

**COUNCILMAN LEWIS** – Okay. I'd open it up for any other questions or discussion.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**COUNCILMAN LEWIS** – Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 160 – 2021 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 160 – 2021 has passed. Ord. No. 161 – 2021.

**ORDINANCE NO. 161 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3104 Vacant Foreclosure Depository Fund, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. These are appropriations for \$64,000 and this is involved when a bank forecloses on a property. They pay monies into the City of Massillon that we keep on hold. Once the property is sold, then a certain amount of that money, \$8,000 to be specific, is able to be paid back to the bank and that is what this ordinance is pertaining to as far as appropriations. Are there any question or discussion? Seeing none, I make a motion that we suspend the requiring three readings, bringing Ord. No. 161 – 2021 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 161 – 2021 has passed. Ord. No. 162 – 2021.

**ORDINANCE NO. 162 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Massillon Fire Department, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – This ordinance works in conjunction with the one that Police and Fire passed this evening. Are there any further questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 162 – 2021 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 162 – 2021 has passed. Res. No. 7 – 2021.

**RESOLUTION NO. 7 – 2021**

**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 ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I’d like to hear from either the Auditor or the Budget Director, whichever one would speak.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**COUNCILMAN LEWIS** – If you just want to give a summary of this again for Council.

**STEFANIE MYERS** – This is just something that the Stark County Auditor sends to our office to pass along to you. It’s something that’s done every year and they just directed us to send it on to you for a resolution and to get it approved and the next meeting.

**COUNCILMAN LEWIS** – Does anybody else have any questions or discussion this evening? It is something that we do have annually and we have done this very year. Alright, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 7 – 2021 forward for vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Res. No. 7 – 2021 has passed.

**8. UNFINISHED BUSINESS**

**ORDINANCE NO. 154 – 2021**

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

AN ORDINANCE to terminate the contract for City Engineer services between OHM Advisors and the City of Massillon, Ohio, effective upon the hiring of a full-time City Engineer, no later than June 1, 2022.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – I’m not sure where we’re at on this. Are we considering this for a vote tonight?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – So, in the process where this is tonight is the vote that would take place is simply Council saying either “yes”, we would like to see this go to second reading, at which time it will become second reading at the appropriate time or you’d vote “no” saying no, you do not want to see this proceed any further through the readings process.

**COUNCIL PRESIDENT ISTNICK** – So, it’s not in the first reading position?

**COUNCILMAN LEWIS** – Tonight it’s not in any readings position, but it has already received first reading.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**COUNCILMAN GREGG** – So, we’re voting tonight as to whether or not to consider it for second reading at the appropriate time. Mr. Herncane.

**COUNCILMAN HERNCAINE** – Thank you, Mr. Gregg. I think the appropriate way to look at it is we are going to make a motion to vote on whether to put it on the agenda for second reading at the appropriate time.

**COUNCILMAN GREGG** – Right.

**COUNCILMAN HERNCAINE** – I know it’s all part of the same thing, but that’s the just of this evening.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – So, I make a motion that we put Ord. No. 154 – 2021 in position for second reading.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Herncane. Roll call.

**COUNCILMAN LEWIS** – Discussion?

**COUNCIL PRESIDENT ISTNICK** – Discussion. Councilman Lewis.

**COUNCILMAN LEWIS** – The only thing I want to point out tonight and I’ll say, I agree with the spirit of what this legislation want to do and that is to spearhead a conversation that addresses the issue with the engineering office in our City. We have waited a long time for a resolution and I think some of us are frustrated that that resolution has not been brought to us. My concern with this specific legislation is that, particularly the part that says “will hire a City Engineer by mid-summer of 2022”, is that we as a legislative body cannot mandate that the administrative body of this, or executive branch, of this City hires anyone. So, it’s a shallow piece of legislation, just by virtue of how it’s been written. A better way to look at it would be if we were to make an appropriation as part of the appropriation as far as the budget is concerned or something like that, fund what we want, unfund what we don’t want. But passing shallow legislation that does not effectively do anything because we cannot mandate this, doesn’t make sense to me. So, for me while I agree with the need to look at the engineer and come up with legislation that actually, effectively accomplishes what we want, I will vote “no” tonight because this legislation does not do that and it really doesn’t accomplish anything in my opinion.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, President Istnick. Mr. Lewis, I understand your comments. I co-sponsored this legislation. I will say that should this legislation go down; I would ask that this Council immediately act on what Mr. Lewis just said that we need to do. Rather than table this again for another year and a half. That's the reason we brought it up because this is just been kicked down the road like a lot of other things coming through this Council and we'd like to see this resolved. So, if this Council is not going to pass this tonight, and I'll understand why it wouldn't pass; I would also employ this Council to get this moving so that we can fund an engineer in the City or resolve what we're going to do as far as hiring a consultation firm in the City.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – Can't we just reword this where it would make more sense or do we have to shoot it down first, turn it down and then bring it back properly worded?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – I think probably one of the more appropriate ways for us to accomplish this if City Council wants to pursue actually hiring a city engineer is that we have the budget before us right now at Work Sessions and things, would be to fund a position rather than services and contracts and then, therefore, if you take the money from services and contracts, you can't pay OHM, you'd put the money into the line item for the position of an engineer. That is different than a contract with OHM. So, if Council wants to pursue this, I think that would be the appropriate way to do it. This, as Mr. Lewis said, this legislation has language in it that we simply cannot do. We cannot force anybody to hire anybody. We have to appropriate the funds.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – To more directly answer Mr. Thieret's question; yes, you could reword it, but to be quite honest, I mean, due to the channel that this piece of legislation went through, you wouldn't be able to change the language until December which would then take it back to first reading and by the time you got to mid-December, you're talking late January before you got to third reading. So, it might just be quicker and easier if you just said, hey, yes we did it, we want to do this, let's start with a fresh clean slate.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. I am intending to vote "yes" on this because I'd like to see it moved forward. If there's any other piece of legislation that may be a better alternative that are presented within the next couple weeks, then we can deal with this then. I agree with Mr. Lombardi's sentiment is that things do get kicked down the curb. They are resolved in one way, shape or form and then nothing ever happens. I think it could probably be amended in a couple weeks or if somebody wants to submit something better, we could certainly table it or pull it at that time. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – I think I agree. I believe to take a stand on moving forward or doing something with the engineering position. If it is with OHM or if it is a stand-alone engineer. So, I believe, I understand Mr. Lewis the wording my not be correct. So, I think it should be a two-step process. If we vote tonight to see where everyone stands and then based on the actions, based on the outcome, we can then take the next step. Thank you.

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

**COUNCILMAN LEWIS** – We already have the motion and second.

**COUNCIL PRESIDENT ISTNICK** – Okay. Roll call.

**COUNCIL CLERK ROLLAND** – Is this to put it on the agenda? What are we voting on?

**COUNCILMAN LOMBARDI** – No. We're voting to put this into second reading.

**COUNCIL CLERK ROLLAND** – Okay.

**COUNCILMAN LEWIS** – To be particularly clear, if you don't mind?

**COUNCIL PRESIDENT ISTNICK** – I don't mind at all.

**COUNCILMAN LEWIS** – It would be to place this on the agenda for second reading at the first meeting in December.

**COUNCIL CLERK ROLLAND** – Okay.

5 yes; 3 no to place Ord. No. 154 – 2021 on the agenda at the 2<sup>nd</sup> Regular meeting of Council

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 154 – 2021 has passed to be placed on the agenda on Council's second Regular meeting in December. I have something. This is just one of those things that just gets pushed down and down and down. I have talked about doing something with Council Chambers probably close to a year now and it just seems to be a very slow process. We did get our first quote, but no diagram. It was from Res-Comm Construction and their quote \$21,750.75. Diane informed me that if the bid was over \$15,000 that we would have to put it out for bid.

**COUNCILMAN HERNICANE** – I believe it is \$50,000.

**COUNCIL CLERK ROLLAND** – Oh, it's \$50,000?

**COUNCIL PRESIDENT ISTNICK** – So you concur?

**COUNCILMAN LEWIS** – That would be my understanding that it's \$50,000.

**COUNCIL PRESIDENT ISTNICK** – So, the magic number is 5-0. Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, President Istnick. I just wanted to suggest that while we're doing this that we look at possibly putting some type of power for each station. So if we used a laptop, like I use a phone, Jim uses an iPad and I believe Ted does to; so that we

would have a means to charge things too. Since we're putting the money into it, running power between the line stations wouldn't be that much more money.

**COUNCIL PRESIDENT ISTNICK** – I can't imagine it would put us over the magic number.

**COUNCILMAN LOMBARDI** – No, I doubt it. If it does, then we need another contractor to look at it.

**COUNCIL PRESIDENT ISTNICK** – I would really like to see a drawing of it and I don't know if we could get someone else to come in. Diane's been trying and trying to get people to come in and give us a price and we just can't seem to go anywhere with it.

**COUNCIL CLERK ROLLAND** – Madam President. When Tim was in here Thursday he even made a comment that we might have to incorporate or utilize our own engineers for the reconfiguration of this. So, I will be getting with Greg McCue.

**COUNCIL PRESIDENT ISTNICK** – Does that sound right to anyone? Because that sure doesn't sound right to me. Councilman Thieret.

**COUNCILMAN THIERET** – This reconfiguration; we're just trying to turn everybody around to face that way?

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILMAN THIERET** – That's what I thought. Thank you.

**COUNCIL PRESIDENT ISTNICK** – So backs aren't towards the audience, the audience can see everybody during the meetings.

**COUNCIL CLERK ROLLAND** – But you have to keep in mind that everybody back is going to be to you.

**COUNCIL PRESIDENT ISTNICK** – Well, I don't think so. Not if we go this way and have that opening there.

**COUNCILMAN LEWIS** – We'd have a better idea when we see a drawing and then we can go from there. I think it's a great idea; let's continue to pursue it. My recommendation is also, let's try to appropriate from the carryover. When it comes time.

**COUNCIL PRESIDENT ISTNICK** – Okay. Jeff Doll, his daughter went to our driving school and I had talked to him about what and he said he could send his guy over, he can give you an idea like that. That's the price range we might be looking at. Mr. Richard.

**JUSTIN RICHARD** – Council, again, the only thing that I would keep in mind is that I know Judge Elum has in the past, prior to when we did have a jury trials, I can't recall us having an actual trial in here. I know we had set up when there's jury selection, they do use it. So, I don't know that it's part of his plan that he has to sign up with the Supreme Court, I wouldn't think so, and I know that he has intentions of actually creating a, he does not look for this as a numbered courtroom. There's courtrooms one and two and then three is our jury room and



he's actually got plans for four over in the Getz Building. So, I don't think it's a problem, but it is something I think that at least I would put on his calendar.

**COUNCIL PRESIDENT ISTNICK** – When you say “I” do you mean you?

**JUSTIN RICHARD** – We!

**COUNCIL PRESIDENT ISTNICK** – We!

**COUNCIL CLERK ROLLAND** – Well, I will say that when they do have the jury trials and there's an overflow, before Joel Fichter became a judge, he was still a magistrate, even Andrea, they would come in here and conduct traffic court or eviction court. So, I do know they have used it, but they haven't recently.

**JUSTIN RICHARD** – I completely forgot about it and the Mayor brought it to my attention so I wanted to bring it to everyone's attention, okay.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Any other discussion on that?

**9. PETITIONS AND GENERAL COMMUNICATIONS**

**10. BILLS, ACCOUNTS AND CLAIMS**

The Repository	-	\$ 418.00	Publication of August Ordinances
Office Depot	-	<u>45.50</u>	Copy Paper
<b>Total</b>	-	<b>\$ 463.50</b>	

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

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

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

8 yes to pay the bills

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

**11. REPORTS FROM CITY OFFICIALS**

Auditor's Report - October 2021

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

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

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

8 yes to accept the Auditor's Report

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. The Auditor’s Report has been accepted.

## 12. REPORTS OF COMMITTEES

**COUNCIL PRESIDENT ISTNICK** – Our next Work Session will be Monday, November 8, 2021 at 6:30 p.m. The Mayor would like to speak.

**MAYOR CATAZARO-PERRY** – Good evening. I'll just give a quick update on our street resurfacing. Contract I is completed. Contract II, they're resurfacing is in progress. The levy project, if you're watching, they've installed to stone on the west back, completed a little over half way and they're going to move to the north end of the east levy and work their way south and in about a week or so, I'm guessing probably next week, they will have a second crew on the east levy. The Erie St. underpass is completed and we are doing a stormwater modeling on Countryview Estates. So that's an area where we're looking at the water and how it's pouring and puddling and that was just approved in Board of Control last week. There is movement on the K-Mart property. So, if you're up and around the northeast end, you'll see movement on the K-Mart property. In one of the buildings out of my report I wanted to share with you is Sleep Outfitters, it's right in front of Target in that little plaza there. So that's a new business that came in there, but there's many more in the report that I submitted last week. The Job Fair that we're doing, we usually do an annual job fair. Last year we did not due to COVID. It will be at the Rec Center. It's a hybrid, so you look on virtually or attend in person from 11:00 a.m. to 2:00 p.m. I do want to share one thing; we have some positions open at the Wastewater Treatment plant and are due to give a test, I think was last week and only one person showed up to test. So, J. David, I'm glad you're here. We do have positions available in the Wastewater Treatment plant. We are going to give a second test, but that's really important for our community members who are looking for a good job that has benefits and the shop does have that. Also holidays and vacation.

**COUNCIL PRESIDENT ISTNICK** – Mayor, what are the qualifications?

**MAYOR CATAZARO-PERRY** – For that job, I don't believe there are; it's just a test.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**MAYOR CATAZARO-PERRY** – Also, Tonya Stuck retired in the Building Dept. and we will be posting that job as well. Right now it's going to be part-time and that position is in place, but we will be testing for that as well and filling that position in the Building Dept. It is full-time. Right now, the parade is coming up on November 20<sup>th</sup>. We have one Council person signed up. All of you are invited to be in the parade. So, you should have received your letter in the mail. Please get that in to my office right away. Terry Rohn has been gracious and he is heading up the holiday parade also. He does the Memorial Day parade and so, if you're going to enter the parade, we need to have time to get a name plate made for your car. So, please do that and if you want to drive your own car, you're welcome to do that too. But we'd like you to be in the parade. The last thing I have is tomorrow, we want everyone to go and vote and you're all on the ballot; some of you are unopposed but I want to say "thank you" to those that have put their name on the ballot. It takes courage to run for office and I want to wish you all the best of luck.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. I have a request. In our packet we receive copies of ordinances, I think that are only on for first reading. My request would be that when Diane prepares the packet and sends it out, if we could get copies of all the ordinances that are listed on the agenda, whether they be first, second or third reading.

**COUNCIL PRESIDENT ISTNICK** – Is that something that you can do, Diane?

**COUNCIL CLERK ROLLAND** – Well, it's something that I can do, but you already have a copy of it from the previous meeting.

**COUNCILMAN HERNCANE** – I'm aware of that and for ease, instead of going back two, three meetings to try to pull the ordinances, I'm asking that, since it's on the agenda, if we could have those ordinances in our packet.

**COUNCIL CLERK ROLLAND** – That's not a problem.

**COUNCILMAN HERNCANE** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?

**14. CALL OF THE CALENDAR**

**15. THIRD READING ORDINANCE AND RESOLUTIONS**

**ORDINANCE NO. 141 – 2021**                      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an annexation agreement with Perry Township, Stark County, Ohio, for the annexation of parcels #4301532, #4301533 and #4301534.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This ordinance is supporting annexation of three parcels on Richville Drive from Perry Twp. into the City of Massillon. It is up for third reading, so, is there any further discussion tonight?

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – Has there been any agreement or disagreement from the public on this?

**COUNCILWOMAN STARRETT** – I have not had any feedback from the public on this at all. That's why I left it for three readings and really have heard nothing. Seeing no further discussion, I would make a motion that we bring Ord. No. 141 – 2021 forward for a vote tonight.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Lewis. Roll call.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 141 – 2021 has passed. Ord. No. 142 – 2021.

**ORDINANCE NO. 142 – 2021**

**BY: ENVIRONMENTAL COMMITTEE**

AN ORDINANCE amending Section 943.05 “STORMWATER FEE COLLECTION” of the Codified Ordinances of the City of Massillon, Ohio.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. This is third reading this evening. We’ve talked about it for several weeks now. This addresses the stormwater fee collection ordinance and makes some changes in terms of billing. Are there any questions or comments tonight? Seeing none, I ask that Ord. No. 142 – 2021 be brought forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Lewis. Roll call.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord No. 142 – 2021 has passed. Ord. No. 143 – 2021.

**ORDINANCE NO. 143 – 2021**

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

AN ORDINANCE amending the rules of Massillon City Council by amending Rule 19 of Section 121.02, “RULES OF COUNCIL” of the Codified Ordinances of the City of Massillon, Ohio.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. This ordinance is to reconfigure our Standing Committees. We’ve discussed this multiple times. It is up for third reading. Is there any further discussion?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I brought this up at the Work Session and I would like us to consider that again this evening. With this current discussion of the engineering dept. and what not, we’ve noticed that nowhere in our committees do we specifically spell out where engineering dept. discussion should be going. So, I’d recommend we just go ahead and add to the Streets, Highway, Traffic and Safety Committee, a line that say “and all matters of engineering”, and that way we cover that for the future. I know a recommendation was made to why not just enter a new separate piece of legislation and do this later. To me that seems wasteful and timely and we have it in front of us. We can make the amendment, suspend the rules and pass it all tonight all at one time.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCAINE** – Thank you, Madam President. Engineering encompasses multiple disciplines in addition to streets and highways. The engineering department deals with the Wastewater Treatment Plant. They deal with other issues. The engineering department could write legislation that could go to finance, streets and highways, environmental and maybe even public utilities to some degree. So I don't know if you can lump all engineering into streets and highways because they deal with multiple disciplines and when they write their legislation, it goes to a committee and our rules state that committees deals with subject matters related to. So, if you put all of engineering in streets and highways, then what do they do? Send environmental pieces to streets and highways? I think it's a separate matter, I really do.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – My amending this ordinance tonight, wouldn't that put it back to first reading?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – To answer your question, yes, but you can suspend the rules and not have to go through all three readings, but I'm considering Mr. Herncane's point at this moment.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – I don't really see any reason to muddy the waters because the subject matter goes to the committee, not necessarily some entity. If we have a streets issue, it goes to Streets, if it's environmental, it goes to Environmental, finance goes to Finance. No matter where it comes from. So, I don't see any reason to change it right now. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Are you done contemplating, Mr. Lewis?

**COUNCILMAN LEWIS** – I'll keep thinking, but we can move forward.

**COUNCIL PRESIDENT ISTNICK** – Okay. Councilman Gregg.

**COUNCILMAN GREGG** – I guess we're at the point where we need to bring this up for a vote.

**COUNCIL PRESIDENT ISTNICK** – That's correct.

**COUNCILMAN GREGG** – I make a motion that we bring Ord. No. 143 – 2021 forward for a vote this evening.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Herncane. Roll call.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 143 – 2021 has passed. Ord. No. 144 – 2021.

**ORDINANCE NO. 144 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1238 Probation Services Fund, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Does anyone have any discussion or questions? Seeing none, I make a motion to bring Ord. No. 144 – 2021 forward for a vote.

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 144 – 2021 has passed.

**16. SECOND READING ORDINANCES AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 145 – 2021.

**ORDINANCE NO. 145 – 2021**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Kristin Murray to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc., for Wolf & Wildflower, located at 54 Erie St. N., Massillon, Ohio.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 145 – 2021 has received second reading. Ord. No. 148 – 2021.

**ORDINANCE NO. 148 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement for a one (1) year renewal with Medical Mutual of Ohio for health insurance coverage for City employees, effective January 1, 2022 through December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is our health insurance. Is there any further discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 148 – 2021 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 148 – 2021 has passed. Ord. No. 150 – 2021.

**ORDINANCE NO. 150 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Massillon City Health Department to accept a Federal Workforce Development grant from the Stark County Health Department, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 150 – 2021 has received second reading.

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

**LARRY STOTTSBERRY** – Thank you, Madam President, City Council Members. I live at 19 Burton Ave. N.E., Massillon, OH. I'm the new commander of the American Legion Post #221 and I thought it was my duty to come and attend Council meetings. So, I want to know what's going on. Things I want to share with you for the Massillon American Legion was that November 6<sup>th</sup> we're having a free breakfast for veterans and their spouses. It goes on from 9:00 a.m. to Noon at the Post and November 11<sup>th</sup>, we're having a memorial ceremony in front of the post and a soup and sandwich dinner in our lower ballroom. We're going to have Judge Elum and our Mayor speaking at that event. And then, December 5<sup>th</sup>, we're having veteran's family game day at the post. You can bring you kids and we're going to have a bounce house, hot dogs, air hockey and we're going to decorate Christmas bulbs for the kids to take home. That's all I have to share with you.

**COUNCIL PRESIDENT ISTNICK** – Thank you so much. Anyone else?

**BARB BERGMAYER** – I live at 1017 – 1<sup>st</sup> St. N.E., Massillon, OH. The topic of traffic control has been brought up numerous times and the issue of speeding and I live on 1<sup>st</sup> St.; it's a very busy street. At one time, it used to be Rt. 21; it's now the old Rt. 21 to a lot of old timers. However, the people drive on that as if it's the new Rt. 21. Last night at 8:00 p.m., I'd just gotten home and I got out of my car and my neighbor poked her head out the door to say "Hi" and I hear this car driving North of 1<sup>st</sup> St. at a high rate of speed. I turned around; I thought it was Massillon Police Dept. running hot and quiet for an emergency. It was a little black car. It went flying up. I took a couple of steps to see what happened up there at 1<sup>st</sup> and Lake, the car was nowhere in sight. I don't know where it disappeared. This morning, I'm driving down 1<sup>st</sup>

heading toward Cherry Rd.; I'm right in the school zone for Massillon, the lights are not flashing anymore, it is 8:50 a.m. I'm in between Willard and Burton and a car passes me really fast right there at the school. It gets up there at Cherry St., it's got a red light. As soon as the light turns green, it takes off continuing South of 1<sup>st</sup> and he's going, I'm surprised he didn't leave peel marks in the road. This afternoon, a car turned off of Lake onto 1<sup>st</sup> St., I'm in front of my house and I pull across so I can back in, before I can back in, this pick-up truck is gone from Lake and 1<sup>st</sup> and he's right there in front of my neighbor's house. That was only a matter of a few seconds, so he definitely was not driving the 25 mph speed limit. There is no enforcement on 1<sup>st</sup> St. at all. The speeders go anytime, day and night and it's really dangerous and I really would like to see some kind of enforcement being done and I don't see speed enforcement, definitely not on that street. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Barb. Anyone else?

18. **ADJOURNMENT**

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, President Istnick. I make a motion we adjourn.

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

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DIANE ROLLAND, COUNCIL CLERK

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CLAUDETTE ISTNICK, PRESIDENT