

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, APRIL 2, 2018**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, April 2, 2018. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Law Director, Andrea Scassa and Economic Development Director, David Maley. On the wall to your left are agendas for anyone who wishes to follow tonight's meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 9 present

2. INVOCATION

COUNCILMAN ED LEWIS IV - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

4. READING OF THE JOURNAL

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

COUNCIL CLERK ROLLAND – Yes, they are.

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

COUNCIL CLERK ROLLAND – No, there not.

COUNCIL PRESIDENT ISTNICK – Then the minutes stand approved as written.

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

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 35 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE adopting the recommendations of the Massillon Tax Incentive Review Committee (TIRC) with regard to the renewal and termination of Massillon Enterprise Zone (EZ) projects.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. Thank you, Madam President. Unless there's an absolute emergency here, I'm going to give this first reading. I'll let it go at least two, maybe three. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 35 – 2018 has received first reading. Ord. No. 36 - 2018.

ORDINANCE NO. 36 – 2018

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to approve the vacation of a 15-foot-wide by 54-foot-long public alley lying west of 3rd St. N.W. and north of State Ave. N.W. and running in a northerly direction approximately 54 feet north of State Ave. N.W., Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is just an ordinance asking to vacate an alley in the area of 3rd and State St. When alleys are vacated by the City, they are then replatted into the nearby property owners. I believe in this case, it is actually just one property owner that owns both parcels. Any questions, any concerns? I would ask Mr. Maley to come up if he could.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Maley.

DAVE MALEY – At the Work Session, I think Milan, you brought the issue. This was passed in 2012 by the previous owner. It went through Planning, through Council and they never recorded it. That's why we're back here doing the same thing. Now, the new owner wants to do it.

COUNCILWOMAN STARRETT – Okay. All the way back in 2012, wow.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Just to make a comment on this. Quite often, people want to vacate these alleys around town and take over for themselves. But, then when it comes time to pay for a survey which they have to do to survey and bring into the parcel that they have, they don't want to pay the money. So, that happens sometimes. Even after they get it, they don't realize it's going to cost them maybe \$500 or a \$1,000 for a surveyor to clear these things up. So, that's why a lot of times, this has happened numerous times over the years. We approve it and then they never move on it.

COUNCILWOMAN STARRETT – Okay. Anybody else? Seeing no more discussion or questions, I make a motion that we waive the rule requiring three readings and bring Ord. No. 36 – 2018 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 36 – 2018 has passed. Ord. No. 37 – 2018.

ORDINANCE NO. 37 – 2018

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE accepting the dedication of a 20-foot-wide water line easement, as shown on Exhibit "A".

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance is just to approve an easement for Aqua Ohio for a water line. This water line was there before, but there was never an official easement and, at this point, we would just like to make official that they do have an easement with this City property for their water line. Any questions or concerns? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 37 – 2018 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 37 – 2018 has passed. Ord. No. 38 – 2018.

ORDINANCE NO. 38 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund and the 1219 WIC Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is an adjustment to our annual budget to cover the cost of insurance that we provide the employees within the City. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 38 – 2018 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 38 – 2018 has passed. Ord. No. 39 – 2018.

ORDINANCE NO. 39 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1201 Street Construction M & R Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is to appropriate the funds that would cover the unemployment compensation of \$11,139.96 that is owed by the City. Are there any questions or concerns? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 39 – 2018 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 39 – 2018 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

Request for a New Liquor License to Tiger Town Grille, LTD, located at 45 First St. N.W., Massillon, OH 44647. Permit Class is D3 and is located in Ward 2.

COUNCIL PRESIDENT ISTNICK – Councilman Irwin, did you get a copy of this?

COUNCILMAN IRWIN – Yes, I have it.

COUNCIL PRESIDENT ISTNICK – Thank you.

9. BILLS, ACCOUNTS & CLAIMS

The Repository - \$ 727.60 - Publication of February Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

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

10. REPORTS FROM CITY OFFICIALS

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, April 9, 2018 at 6:30 p.m. Does anyone have anything?

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 34 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew the one (1) year contract with the City of Canal Fulton, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We received the contract from the Law Director, I believe, today. Unless there's any objections, I was going to go ahead and just give it second reading and give everyone time. Law Director notes that that would be okay. So, second reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lewis. Ord. No. 34 – 2018 has received second reading.

16. NEW & MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Madam President. Could I have Mr. Smith come up, please?

COUNCIL PRESIDENT ISTNICK – Yes you can. Mr. Smith.

COUNCILWOMAN CUNNINGHAM – Thank you, Mr. Smith. I meant to ask at the last Committee meeting and I forgot. Could you give us an update on the Fire Station No. 3 on Wales Rd., please?

JOEL SMITH – We had a meeting today, in fact, with Harris-Day; timely request.

COUNCILWOMAN CUNNINGHAM – Yeah.

JOEL SMITH – They're moving along pretty well. They have the plans pretty much drawn. We met, myself and the Fire Dept., met with them for a final review of the plans and kind of just an overview. On our side, we also working with the asbestos and lead issue. I have one more contractor coming out Thursday to quote it for us to get that alleviated. So, I think we're still on course. Harris-Day, I believe they said probably in May, they would bid out the construction piece of it and that was part of the session. I'll ask this Council, those of you who have been here for a while, that was a question that came to me. We contracted to Harris-Day to run, basically, from start to finish. So, they're going to handle the contractor or bid process. We're not doing that. So, I think I'm right in this, but I'm going to ask this Council, I'm glad you brought me up. I don't think I have to come to you to go out for bids since they're handling it and we're not committed until the bids come in, they give us a price and at that point, the City has the right to say "no" or "yes" and as you know, we did encumber \$200,000 to kick off the project. Once we have the bids out or back, that's when I would come for approval to sign the contract and then ask for the rest of the money. Does that sound reasonable or do you want me to get legislation forward to allow them to go out for bid and that was the debate at today's meeting.

COUNCILWOMAN CUNNINGHAM – Mr. Smith, I think I have a little bit of a back story on that. The reason that you contracted with Harris-Day was probably a number of years ago, the City contracted with them to give us an update on what would it cost either raze it or remodel it or whatever. Correct?

JOEL SMITH – Well, I'm not familiar with that. What Harris-Day did back in 1990 is they put together this drawing that actually they've just updated for us. It's primarily the same. We've made some modifications and they updated it for today's standards and to meet current ADA compliance. We did take the architectural piece out for bid and they were awarded the bid at that time. But the contract with them is basically start to finish. They're going to supervise every piece of this other than this preliminary work that we said we could do with getting the asbestos, the lead and the mold.

COUNCILWOMAN CUNNINGHAM – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I would say the scenario as you painted it seems to be accurate. Of course, just double check with our Law Director to make sure that there's nothing that we're overseeing or not seeing. But, yeah, we're not committing to anything. They're essentially taking it out to bid in order to fill the contract and the estimated cost for us to agree to later.

JOEL SMITH – Right.

COUNCILMAN LEWIS – So, I don't see where the issue is.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Are we going to ask the Law Director to give her opinion on this? I think we should.

COUNCIL PRESIDENT ISTNICK – You can.

COUNCILMAN MANSON – I personally don't have a lot of problems with it or anything, but, I'd just like to hear if the Law Director agrees or disagrees or has any short comings with it.

COUNCIL PRESIDENT ISTNICK – Ms. Scassa. Thank you.

ANDREA SCASSA – I will take a look at it. This was the first that I was hearing of this question. So, I haven't researched this topic, so I don't feel comfortable giving an answer right off the cuff tonight, but, I'll take a look at it and see what we need to do to make sure we're doing this properly.

COUNCIL PRESIDENT ISTNICK – I would assume that if you don't have a problem with it, Joel can go right ahead and do what he stated.

ANDREA SCASSA – Well, I didn't say I didn't have a problem with it. I'm just saying that I haven't looked at this issue.

COUNCILMAN MANSON – Well, if you do or don't.

ANDREA SCASSA – If I don't have a problem with it, correct.

COUNCILMAN MANSON – Right, that's what I'm saying.

ANDREA SCASSA – Correct.

COUNCILMAN MANSON – If you don't have a problem with it, whatever he said is fine.

ANDREA SCASSA – Yes. I will take a look at it and let the Safety Service Director know.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I have a question for Joel, please.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith.

COUNCILWOMAN LITMAN – So, Harris-Day, the services that they're providing, what cost is associated with that? Has that been paid or will it be ongoing?

JOEL SMITH – No, the cost, if you remember, we passed legislation to contract...

COUNCILWOMAN LITMAN - \$100,000.

JOEL SMITH – No, there was a separate legislation to hire them and I think their bid was \$59,000 with the contingency of 10%. So, a possible of \$64,000 total and that money has been encumbered and that's part of the \$200,000. Their fee is a part of that \$200,000.

COUNCILWOMAN LITMAN – Okay. And they will complete the project?

JOEL SMITH – Correct. They're doing the architectural drawing. The plans, they'll bid it out, they'll supervise the work. They'll do the final inspections; that's all part of it and basically turn over the keys to us when it's done.

COUNCILWOMAN LITMAN – So they're not providing updated drawings? They're just using past drawings?

JOEL SMITH – No, they did update. The 1990 drawing, they updated.

COUNCILWOMAN LITMAN – It just seems like a long time ago.

JOEL SMITH – Right. They updated that with current standards, ADA compliance and then they did throw something out to me today that was unexpected. Apparently, the State has passed a law that says any public building that you do an addition or if you build one, you have to create a tornado shelter for the people that occupy the building. So, there's standards and there's a section and it's based on how many people occupy the building, but it has to be like six-foot thick walls and an extra level of concrete on the roof, basically to withstand a tornado. So, he said that could potentially add \$40,000 to \$50,000. They're researching that right now. I told him, you know, they said they just got wind of it and they're researching it. But it is something new. All the new schools now have to have this and he said, I think, Tallmadge is dealing with \$400,000 to \$500,000 additional cost on a school that they're building because of this law. So, potentially, we're going to have some extra cost because of that.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Was there something about storage of the firemen's equipment in a separate room also that there's some...

JOEL SMITH – Yes. That's a new standard as well.

COUNCILMAN MANSON – Will it be in the same room?

JOEL SMITH – Well, there's a separate...

COUNCILMAN MANSON – They won't use it a whole lot.

JOEL SMITH – Well, like the tornado space, it's part of the construction. In fact, it has to have a bathroom and so the locker room and the bathroom that's part of the addition would be this designated specially built room where the employees could retreat to if they had to. Any public building has to have this. So, that is out there.

COUNCIL PRESIDENT ISTNICK – Anyone else? Anything else?

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

GEORGE GLIBA – 222 Lake Ave. I just want to make a couple of comments about the road consultant that was here last week. You had a great conversation about the roads and how they don't last as long as they should. The two things I want to address and is one is you don't know the people that are working for him. They could be having troubles at home, might not be conscious of what they're doing, there's other elements involved in which he didn't address and which he was probably better off with. That's why I mentioned two weeks ago that it might be a good idea to check on the work that people do for the City because you never know who's working for you and what kind of work ethics they have, so on and so forth. And my other comment is last year I mentioned the fabric they put between the coatings. Now they did that over on Amherst Rd. when they chipped it. They put that fabric down to make the road last longer. Now Jill was pretty adamant about revisiting road failures and Ms. Litman mentioned well, everybody did to a certain extent, but, it got to the point where there were so many variables that it's something you look at. That's all I wanted to say was because I know if you remember me mentioned that fabric about the road over in Orrville that they did where a high volume of trucks go on that road with flatbeds out of Orrville that hit Rt. 57 and that road hasn't crumble or cracked since. But I just wanted to you to rethink what I'd said before that this fabric, which that guy didn't even mention, that consultant and that's all I wanted to say. And then you know I mentioned the last time I spoke about maybe an open forum. I know there's nine great minds here, but they don't think of everything that should be said. I wanted to say something, but I couldn't. So, I just wanted City Council to maybe think about when you bring in somebody, somebody in the audience might have a question. I just wanted to leave it at that and I think I kept it under three minutes.

COUNCIL PRESIDENT ISTNICK – Thank you, George.

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Lewis, I'm sorry, Councilman Manson.

COUNCILMAN MANSON – Yes. I'd like to make a motion to go to executive session to discuss pending court action. Specifically, Case No. 2018 CV 00316. I need a second.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett.

COUNCIL CLERK ROLLAND – Who are we inviting?

COUNCILMAN MANSON – Mr. Smith, Mr. Maley, the Law Director and all nine Council members, Council President and Clerk.

COUNCIL PRESIDENT ISTNICK – Roll call.

9 yes to enter into Executive Session

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. I make a motion to exit Executive Session.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call

9 yes to exit Executive Session

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We have exited Executive Session.

COUNCILMAN LEWIS – I make a motion that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK

CLAUDETTE ISTNICK, PRESIDENT