

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, FEBRUARY 3, 2020**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, February 3, 2020. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Interim Law Director, Justin Richard and also from the Law Dept., Andrea Bartos, Chief Engineer, David Krock and Jason Popiel, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley, Income Tax/Budget Director, Lori Boron, Health Dept. Commissioner, Terri Argent, Code Enforcement Officer, Jimmy Johnson and from the Engineering Dept., Greg McCune. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

2. INVOCATION

COUNCILMAN TED HERNCANE

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN HERNCANE

4. READING OF THE JOURNAL

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

COUNCIL CLERK ROLLAND – Yes, they are.

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

COUNCIL CLERK ROLLAND – No, there are not.

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

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

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 14 – 2020

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an Agreement with the Massillon Board of Health, the Massillon City Health Department and the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. This ordinance is actually a formalization of the Agreement that's already been in place for some time now. We went over it in Work Session; had some questions and had them answers. Are there any members of Council that have any further questions or comments? Seeing none, I move that we waive the rules requiring three readings and move this legislation, No. 14 – 2020 forward for a vote.

COUNCIL PRESIDENT ISNTICK – 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. 14 – 2020. Ord. No. 15 – 2020.

ORDINANCE NO. 15 – 2020

BY: STREETS, HIGHWAYS TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the 2020 Target Area Street Resurfacing Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Yes, again, we discussed this at the Work Session and everyone has a list, I believe, of the target streets. Are there any questions at this time? If not, I make a motion that we waive the rule requiring three readings and move Ord. No. 15 – 2020 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. 15 – 2020 has passed. Ord. No. 16 – 2020.

ORDINANCE NO. 16 – 2020

BY: STREETS, HIGHWAYS TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the 2020 Street Resurfacing Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Once again, this is the first contract to go out for bids and the sooner we get moving on this the better chance we have of getting a good contract bid out and received in time to get the resurfacing started. So, if there are no further questions at time, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 16 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Halter. 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. 16 – 2020 has passed. Ord. No. 17 – 2020.

ORDINANCE NO. 17 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2202 Insurance Fund, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance will appropriate \$7,500.00 to the Insurance Fund and this is to pay for retiree's life insurance and COBRA insurance. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 17 – 2020 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISNTICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 17 – 2020 has passed. Ord. No. 18 – 2020.

ORDINANCE NO. 18 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance would appropriate \$205,547.00. This is to cover the services and contracts with the related property that was formerly Affinity as well as utilities costs. With this, this still puts us a little over \$1 million dollars to the good that we have from revenue that the property has generated for the City and this is to get us through April 2020. Are there any questions or discussion this evening?

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – I thought we were going to curtail, roll back, somehow, limit our spending on this. Because we're getting over with it. We're just throwing money down the hole. Wasn't that what we discussed last week or in the last couple of meetings?

COUNCILMAN LEWIS – It has been discussed as to what level we need to keep the hospital as far as functioning properly. But as far as the utilities, I would have to ask the Administration. I would assume many of these bills are from the past. Like many of our households, we get a bill after the usage. So, I would assume we would not see any savings immediately, but, I'm more than welcome to ask one of the members of the Administration to come forward if that would please Mr. Thieret.

COUNCILMAN THIERET – That would be great.

COUNCIL PRESIDENT ISTNICK – Who would you like, Mr. Thieret?

COUNCILMAN THIERET – Whoever has the answer.

COUNCIL PRESIDENT ISTNICK – Thank you, Ms. Boron.

LORI BORON – Good evening, everybody. Yes, we have discussed that we are starting to cut back on our spending at the hospital. But in that process, there are some bills that need to be paid and there are some things that are here and there are some services and contracts that we have to give a time limit for, thirty-day notice. So, this is for whatever may come up within the next, through April, four months.

COUNCILMAN THIERET – Thank you.

LORI BORON – You're welcome.

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Lombardi.

COUNCILMAN LOMBARDI – So, we should not be seeing anymore of these types of expenditures until after April; that's what you're saying?

LORI BORON – That is my plan. You never know what might happen on an emergency type basis. But that is the plan and that's why we ask to go through April. Also, as we discussed before, I did not put anything in the 2020 budget for the hospital. I didn't want to tie that money up as we go through the process to minimize what we're doing there.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I would just also add, just to make sure that we're all on the same page. We're still in discussions and specifically with the County Auditor to see exactly where we land in the issue regarding the property taxes. We have filed to have some exemptions there and there was an agreement that was brought with other parties that are interested and that still has not flushed out, and that's not included in this. So, until all that flushes out, there could be the potential for another appropriation request if there is some obligation that the City has regarding that.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – So, how long are we talking then, Mr. Lewis, as far as when that's going to get flushed out?

COUNCILMAN LEWIS – I don't know the timeline, but I would hope that it would be soon and then there's also the potential that there could be a credit. We could get a credit or something when that all gets flushed. We can ask the Administration if they have a specific idea of when that timeline would be.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Maley.

COUNCILMAN LEWIS – Thank you, Mr. Maley.

DAVE MALEY – I do not have a timeline, specifically. The agreement was reached between the school board's quorum and the City, obviously, you guys passed that. You probably read where the tax bills are going to be a little late because they're transferring into a new system at the Auditor's office and I know, based on my conversations with the prior Law Director, there is still a case with regards to the hospital for 2017 down at the State Board of Appeals. These were all kind of mixed in together. They were trying to finalize that case and I've had conversations with Auditor Harold about this. I feel confident that we will probably get this, but I'm not sure when the timing is going to be based on what you said. But, we should, based on when it all flushes out, we should be getting some type of credit at some point in time. Even if we have to come up with some money, initially. Once they credit what the Board values, we should be getting some money back. So that should be a credit or they'll cut us a check. If I do get more information, I'll let you know. But right now, I'm not sure based on what they're doing over at the Auditor's office.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. I just wanted to remind everyone that we had received an e-mail from Lori Boron giving us the overall revenue and expense over this past week. I know that was a request of last week and according to her number, we are still profitable with this transaction to the point of over \$1.3 million dollars.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 18 – 2020 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes; 2 no for passage – Herncane and Thieret voted “no”

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 18 – 2020 has passed. Ord. No. 19 – 2020.

ORDINANCE NO. 19 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3104 Vacant Foreclosure Deposit Fund to cover expenses for the Housing Market Reinvestment Program (HMRP), for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation, as we discussed last week, that assists us in helping new homeowners within the City of Massillon. It is an appropriation of \$18,938.50. This is money that is raised through banks that have caused foreclosures within the City. Are there any questions or discussion related to this this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 19 – 2020 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. 19 – 2020 has passed. Res. No. 7 – 2020.

RESOLUTION NO. 7 – 2020

BY: COMMITTEE OF THE WHOLE

A RESOLUTION appointing Linda Litman to the Historical Preservation Commission as a Council representative for the term expiring December 31, 2020.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Madam President, I’d like to abstain from that vote please.

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Lewis.

COUNCILMAN LEWIS – Yes. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 7 – 2020 forward for a vote.

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

COUNCIL CLERK ROLLAND – And before that, Madam President, I’d like to say that I did omit that this was through the Committee of the Whole on the agendas that were sent out Friday. I apologize.

COUNCIL PRESIDENT ISTNICK – Thank you.

8 yes; 1 abstained – Litman abstained

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes; 1 abstained – Litman abstained

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 7 – 2020 has passed. Congratulations, Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

Keller’s Office Furniture	-	\$ 11.84	Office Supplies Ordinances
Walter H. Drane	-	<u>390.00</u>	Hosting Code for Online Codified Ordinances
		\$ 401.84	Total

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. The Clerk will pay the bills and charge them to their proper accounts.

10. REPORTS FROM CITY OFFICIALS

Council approval for the Mayor's Appointments:

Health District Board	-	Ann Palaski	4 years
Tax Incentive Review Committee	-	Brock Herring	2 years
Historic Preservation Commission	-	Mandy Pond	1 year
	-	Fred Horner	"
	-	Bob Richards	"
	-	Jeff Doll	"
	-	John Picard	"
	-	Jeff Day	"

COUNCIL PRESIDENT ISTNICK – Did you say that needed Council approval?

COUNCIL CLERK ROLLAND – Normally, Council's approval is only required for the Council appointment of the Historic Preservation Commission and anyone to the Park and Rec. Board. But since I did receive this in memo form, I went on and put it on the agenda. So, I'm not sure. Does Council need to approve this or just be notified of it?

COUNCILMAN LEWIS – I would have to review the rules, but if the Mayor's put it forth for Council approval, I'd say that it doesn't hurt to vote on it and double check the box.

COUNCIL CLERK ROLLAND – Okay.

COUNCIL PRESIDENT ISTNICK – Roll call. Any questions or comments first? Roll Call.

9 yes to approve the Mayor's appointments to all said committees

COUNCIL PRESIDENT ISTNICK – All of the Mayor's appointments have been approved. Congratulations if any of you are here.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, February 10, 2020 at 6:30 p.m. Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. I'd also like to remind everyone of the Police and Fire Committee meeting. That will be held Monday, February 10, 2020 at 5:30 p.m. and it will be here in Council Chambers.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Community Development will be planning on requesting a Special Meeting this Thursday. I'll ask Council members if 6:00 p.m. or 6:30 p.m. which would be better, due to one piece of legislation that was brought before Council in December that was never signed off on and it is to enter into contract or receive sealed bids for the construction and redevelopment of Duncan Plaza. I believe I've signed off on this and Ms. Halter has signed off on this and would like to get this before Council for discussion so we can have discussion started on that on Thursday and when we get to third reading of Ord. No. 1, it'll be amended, I'll be requesting an amendment, bringing it back to first reading and I will ask that that be on the agenda for the Special Meeting as well to continue discussions with that. So, Community Development will be requesting that meeting. I don't know if Council members have an opinion, whether 6:00 p.m. is too early or do we just want to leave it at 6:30 p.m.?

COUNCILMAN LEWIS – 6:30 p.m.

COUNCILWOMAN STARRETT – Leave it at 6:30 p.m. according to Mr. Lewis. So, that's all from Community Development.

COUNCIL PRESIDENT ISTNICK – So, this Thursday the 6th, 6:30 p.m. Special Meeting?

COUNCILWOMAN STARRETT – Yes. Notices will be going out.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCE AND RESOLUTIONS

ORDINANCE NO. 1 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with John Patrick Picard Architect Inc. for architectural services in the redevelopment of Duncan Plaza.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. As I was just discussing, I do intend to amend this ordinance tonight to include the updated contract with Mr. Picard that Mr. Maley is passing out right now. I know there was some questions that have come up again about the Duncan Plaza project. So, I will open it up for discussion of Council members if Council members have any questions at this point. I know that I will just simply, I believe there were some questions. Ms. Creamer is having trouble with her voice. I know she had some concerns about the 1939 that had gotten some discussion. Mayor if you would just like to come up and answer that question. I know that there was an ordinance out there that some people were stating may restrict this Duncan Plaza and have some deed restrictions of the park.

MAYOR CATAZARO-PERRY – Yes. Thank you, Councilwoman Starrett. This is the 1939 minutes and I believe what they're referring to and Justin, feel free to come up, if you'd like, is that they're just saying that it has to remain a park. It was a gift by Mary Duncan Uptham who donated the property and Justin, if you want to finish my sentence, you're welcome to.

JUSTIN RICHARD – Sure. There was just one specification that was actually voted down. Imagine we're going to have to go back 81 years, but, there apparently was a union or they're called The Blind Persons Commission and they had a structure where they sold magazines and essentially, Council voted for them not to be able to have that. One, I believe that that action is vague and broad and is not constitutional. We wouldn't be able to enforce that today. With that, the Law Dept. can certainly for the next meeting in two weeks, we can put forth legislation to actually repeal this, just so there's not...it really wouldn't be an encumbrance we've done. Our office has done a title and we haven't found any encumbrances. This certainly didn't come up, but it is unnecessary and may be misleading for those that may be opposing the plan.

COUNCIL PRESIDENT ISTNICK – Any questions for Mr. Thieret.

COUNCILMAN THIERET – What does it say?

JUSTIN RICHARD – I can read it, if you like.

COUNCILMAN THIERET – Please.

JUSTIN RICHARD – “Minutes of Regular Meeting of Council held on April 3, 1939. Council met in Regular Session at 7:30 p.m. President Leisy and the Chair, all Members responded to roll call. The minutes of the previous meeting were read and those were being no objections or corrections same stood as read. Unfinished business – none”. Let's skip to the good part.

COUNCIL CLERK ROLLAND – It's at the very bottom.

JUSTIN RICHARD – “To the Members of the City Council, March 27, 1939. The Massillon Park Commission held a Special Meeting Saturday, March 25th, to consider the request of The Blind Commission of Ohio to place a portable building on City Hall Park for the purpose of selling magazines, candy, etc. The Members of the Park Commission regret that they find it impossible to grant this request because of restrictions in the Deed of Gift by which Ms. Mary Duncan Uptham donated this property to Massillon. The Deed stipulated that the property would revert to the heirs if it is used for any other purpose than to beautify the City of Massillon. The heir, Ms. F.W. Arnold, expressed the desire to the Members of the Park Commission that they adhere strictly to the terms of the Deed and keep the City Hall Park for all times, a beauty spot to be used only as a park”. And that's essentially all of it.

COUNCILMAN THIERET – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – And even despite the fact that we think this is overly broad and unenforceable, in your opinion as Law Director, would the Renaissance of Duncan Plaza in any way, shape or form, be transforming Duncan Plaza from anything other than a park?

JUSTIN RICHARD – No. And, again, when you get into ideas conceptionally of beauty and beautifying, it certainly what one person decides is beautiful. So, no, it would still completely conform entirely with the original restriction said out in the deed.

COUNCILWOMAN STARRETT – Ms. Creamer would also like me to ask since she can't speak very well tonight, even the plan proposed by Judge Elum, that would still be considered a park, correct?

JUSTIN RICHARD – I believe Mr. Elum was proposing something and no, I suppose both of them would not be affected by this ordinance. Like I said, with little to no doubt and 7 – 9 votes, we can get rid of it if it's that much of a problem.

COUNCIL PRESIDENT ISTNICK – Are there any other questions?

COUNCILWOMAN STARRETT – Seeing none at this time, we do have the new contract before us and I want Council members to take a look at it. Mayor, do you have something? I would ask that the Mayor come up.

COUNCIL PRESIDENT ISTNICK – Thank you.

MAYOR CATAZARO-PERRY – We just wanted to let Council know that you've received this now. Once when John Picard presented and once when we presented. So, you've had this now twice. Prior to Andrea leaving, she said she would like it to be added to the ordinance so that, if there's any problem in the future, the contract is right there for you to look at and it cannot be challenged and so that's why we're adding this at this time.

COUNCIL PRESIDENT ISTNICK – Mayor, have there been any changes in the proposal?

MAYOR CATAZARO-PERRY – John Picard, would you come up and speak to that? Thank you.

JOHN PICARD – Thank you. No, there really hasn't been any changes to the proposal. Our original estimate was \$88,000 for our architectural and engineering services for the project. We released our proposal three or four times just in the way of efficiency, quite honestly. The very last time, our proposal went up by \$500.00 because of one of my consultants is very busy and he asked for a little extra money on his part. So, the contract that's in front of you is for \$88,500.00 and that is the only change that's happened in the last two years for this contract and this proposal.

COUNCIL PRESIDENT ISTNICK – And is this a "one and done" or is there a Phase II to this?

JOHN PICARD – No. This is the only proposal there is. This finishes the project.

COUNCIL PRESIDENT ISTNICK – So there will be no ice-skating pond?

MAYOR CATAZARO-PERRY – No. That will come later.

COUNCIL PRESIDENT ISTNICK – Okay.

MAYOR CATAZARO-PERRY – We’ve eliminated that at this time with this plan. That is going to be where it’s a seasonal so you can bring it out in the winter. But we’ve taken that out of the plan for right now so that we can get the price down and be able to move forward and then we can always add that. I think it’s like \$65,000.00

JOHN PICARD – That is correct.

MAYOR CATAZARO-PERRY – We’ll add that at a later time. The other thing I wanted to just clarify. There is legislation that Megan spoke about earlier that we’re going to add at the Special Meeting Thursday to go out to bid and to enter into contract. And so, that is another piece, not pertaining to this, but to the entire project.

COUNCIL PRESIDENT ISTNICK – Thank you. Any other questions?

COUNCILWOMAN STARRETT – Seeing no further discussion at this point, I would ask that this ordinance be amended to add the current contract between the City of Massillon and John Patrick Picard. I will call it attachment “A”. I would ask that that be amended to add to Ord. No. 1- 2020.

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

8 yes; 1 no to amend Ord. No. 1 – 2020 to reflect the amended Exhibit “A” – Thieret voted “no”

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 1 – 2020 has been amended. Councilwoman Starrett.

COUNCILWOMAN STARRETT – At this point, I would just ask that we give it first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. The amended Ord. No. 1 – 2020 has received first reading.

ORDINANCE NO. 2 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from O-1 Office to R-1 One Family Residential, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. There will be a Public Hearing being held in regards to this ordinance on February 24, 2020 at 6:00 p.m. here in Council Chambers. Due to that, I will be asking tonight to table this ordinance until March 2, 2020. Before I make that motion, is there any discussion or concerns? Again, that meeting will be February 24, 2020 at 6:00 p.m. At this point, I would make a motion that we table Ord. No. 2 – 2020 until March 2, 2020.

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

9 yes to table Ord. No. 2 – 2020 until March 2, 2020

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 2 – 2020 has been tabled until March 2, 2020. Ord. No. 3 – 2020.

ORDINANCE NO. 3 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the City of Massillon, Ohio, to accept the estimated proposal submitted by Edward Elum for the repairs and improvements to Duncan Plaza.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. At this point, I will be asking that this ordinance be tabled indefinitely. I do have some concerns with the generalities of the ordinance before us. There are no financials, no architectural plans, no engineering plans. So, it is concerning to me to vote on this without further planning or information in front of City Council at this point. Is there any discussion of this ordinance at this time? Seeing none, I would ask that Ord. No. 3 – 2020 be tabled indefinitely.

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

9 yes to table Ord. No. 3 – 2020 indefinitely

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 3 – 2020 has been table indefinitely. Ord. No. 7 – 2020.

ORDINANCE NO. 7 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the City’s share of the redevelopment of Duncan Plaza, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Considering that no plan has yet been accepted or decided upon by this body, I am going to request that we table this by at least two weeks. So, I make a motion that we table Ord. No. 7 – 2020 until February 17, 2020.

COUNCIL CLERK ROLLAND – Correction. February 18, 2020. February 17, 2020 is President’s Day.

COUNCILMAN LEWIS – I’m sorry.

COUNCIL PRESIDENT ISTNICK – Correct. Roll call.

9 yes to table Ord. No. 7 – 2020 until February 18, 2020

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 7 – 2020 has been tabled until February 18, 2020.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 8 – 2020

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

AN ORDINANCE amending Chapter 521 “HEALTH, SAFETY AND SANITATION” of the Codified Ordinances of the City of Massillon, Ohio, by repealing Ordinance 521.04 “SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY”, and enacting an amended Ordinance 521.04 “SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY”, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Halter.

COUNCILWOMAN HALTER – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 8 – 2020 has received second reading. Ord. No. 11 – 2020.

ORDINANCE NO. 11 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to exercise the option to renew the Engineering contract with OHM Advisors for the years 2020, 2021 and 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 11 – 2020 has received second reading. Res. No. 1 – 2020.

RESOLUTION NO. 1 – 2020

BY: COMMITTEE OF THE WHOLE

A RESOLUTION appointing Frank J. Manaco and David C. Lundquist to the Local Board of Tax Review created under Codified Ordinance 181.18.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We did hear from one of the requested appointments last week. Are there any other questions or discussion this evening before we move forward? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 1 – 2020 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 1 – 2020 has passed.

16. NEW AND MISCELLANEOUS BUSINESS

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

L.J. DELUCA – Hi, Madam President, Diane and everybody here in attendance tonight. Justin, my Mom loves you on the show, she watches. I want to talk tonight just a little bit here.

COUNCIL PRESIDENT ISTNICK – Your name please.

L.J. DELUCA – 2954 Veterans Blvd. S.E., Massillon, Ohio. I want to mention the closure of Smoke the Burger that happened. I used to patronize this and I supported and a lot of my friends did too. But, the Mayor, there was a West Stark breakfast and I think, Mayor, you were in attendance and I don't know if you made this comment there, but the Mayor, Kathy Catazaro-Perry said "If we don't patronize these businesses that going on here in Massillon, they're going to close and everybody wants to blame the Mayor". I'm not quoting you exactly, but I'm kind of paraphrasing here, but I think you said "You're tired of getting phone calls at the office", Mayor of Massillon, as to regard to why Smoke the Burger closed. Okay, and you said if we don't patronize these businesses or get their food, they're going to close and that's exactly what happened, Dave. You're shaking your head, but I can take you right now, Dave, and they're not open. Smoke the Burger's not open; I know the owners personally. My question is here, you didn't support or promote these businesses too, and if the City of Massillon doesn't do that, we have the same result. That's not the main thing, but that's one of my hot spots. I just wanted to know, I heard everybody talk today about Affinity Medical Center, it's the most I ever heard about it. I just want to know what Mayor Kathy Catazaro-Perry is going to start talking about this more and we're going to get done with this Affinity Medical Center once and for all. It seems like the Mayor, when she goes and talks, we should have four phases of the VA. Well that's great. I want to forget about that, I want to forget about the VA now. I want to go further. I want us to know what our plans are. I've been hearing a little bit tonight about the Affinity Medical Center from some of you, but it's not enough. We've got cost here. We all know Jayne Ferrero, our Auditor. She won an award for being doing real good and I like Jayne. Her total here and for everybody to know this, right now, \$53,516.01 for Affinity Medical Center. It was December 2019, everybody in Massillon. That includes utilities, services and security. Now I made a request for that from Bill Porrini. Took a while to get it, but I did get it. I'm just thinking, our we throwing this in the deep woods, Massillon? Are we throwing Affinity Medical Center and I don't mean this to be in a bad way, are we going through the deep woods and we're pushing back the brush and the trees and my friend, Dave, what we're going through? We're going through the trees and all of a sudden, we come out to a big open. And that big opening, guess what's there, Massillon, Ohio residents. I'll tell you what's there. Affinity Medical Center and those costs that I just mentioned for \$53,000.00, okay or do we do back through the woods and come back out to Mayor Kathy Catazaro-Perry's project and John Picard's of a re-do of the Duncan Plaza? I say for our fine citizens of Massillon, let's focus on right now, Affinity Medical Center and the cost. Because, I tell you what, it's just getting way out of hand. I'm tired of hearing about the four phases, the Mayor is trying to tell us. I want to hear more details, a lot of other people do, and we're not hearing that. This would make my grandmother's blood pressure raise about what we've got going here. It would make her go to the Aultman Massillon ER. In summation with this, I asked the Aultman Vice-President, the same one that the Mayor asked, Ms. Donato to speak at a Work Session, which I already got approval. So, I'd like for her to come here and tell us what we have and don't have at our Aultman ER in Massillon because I know we don't have anything going on right now with Affinity Medical Center. And Mayor, I'm a little disgusted about what we got going on in downtown Massillon. You said you built this Streetscape that

you touted so good. I talked to all the business owners and its not bringing the millennials in. Just a fact.

COUNCIL PRESIDENT ISTNICK – Thirty seconds, Mr. Deluca.

L.J. DELUCA – Thank you, Madam President.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

18. **ADJOURNMENT**

COUNCILMAN HERNCANE – I make a motion that we adjourn.

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

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT