

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
VIA TELECONFERENCE
HELD MONDAY, MARCH 16, 2020**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, March 16, 2020. We have in attendance with us the following city officials: Safety Service Director, Barb Sylvester, Auditor, Jayne Ferrero, Law Director, Justin Richard and Economic Development Director, Dave Maley. 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.

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, Linda Litman, Mark Lombardi, Megan Starrett and Jim Thieret.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I’d like to make a motion that we excuse Councilwoman Halter.

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

Roll call of 8 to excuse Councilwoman Halter

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilwoman Halter has been excused.

2. INVOCATION

COUNCILWOMAN MEGAN STARRETT

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN STARRETT

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Starrett. 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. Before we go to Item #5, I'd like to thank all of you for being troopers and attempting to do this in these rough times. It's going to be a struggle and I guess we're all just going to have to pray that we get all through this as painlessly as possible. Before we begin, Mr. Richard, are you there?

JUSTIN RICHARD – Yes.

COUNCIL PRESIDENT ISTNICK – What we're doing is legal and we are able to vote on issues tonight, is that correct?

JUSTIN RICHARD – That's certainly, I provided, Mr. Grazier questioned about the twenty-four-hour notice. In my opinion, we're not typically changing anything as the AG held, it's essentially a virtual meeting. So, it's as public as it ever was. So, it's certainly my understanding, it's my interpretation that we are complying with the Sunshine Laws of Ohio as they've been amended to fit this health epidemic that we're currently experiencing.

COUNCIL PRESIDENT ISTNICK – And has Steve Grazier been invited to be on our call?

JUSTIN RICHARD – Absolutely. He was actually made aware of it, I believe, when the Administration sent out invitations when we were advertising the availability of this meeting in lieu of meeting in public and it could possibly go against the 100 or more persons meeting in a public place. So, he was certainly aware of it and had several "back and forths" that I copied I believe, you, Madam President and also the other Council men and women.

COUNCIL PRESIDENT ISTNICK – Thank you. I do see some just phone numbers up there. Mr. Grazier, are you with us?

STEVE GRAZIER – I am, if I can be heard, yes.

COUNCIL PRESIDENT ISTNICK – Yes, you can be heard. Thank you very much.

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

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Before we begin, Mr. Herncane are you still wearing your tie?

COUNCILMAN HERNCANE – I sure am.

COUNCIL PRESIDENT ISTNICK – I thought you would be.

COUNCIL CLERK ROLLAND – Also, Madam President, can I also make an announcement.?

COUNCIL PRESIDENT ISTNICK – Absolutely.

COUNCIL CLERK ROLLAND – For the record and for recording purposes, could we have one person speak at a time, please? Because I'm trying to record this through a digital recorder. So, I would greatly appreciate if only one person would speak at a time and not speak over the other person. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. As I said to the audience, if you hear someone speaking please stop and you can pick up when they are finish. Okay, Ord. No. 35 – 2020.

ORDINANCE NO. 35 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 One-Family Residential to B-2 Business, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 35 – 2020 has received first reading. Ord. No. 36 – 2020. I do not have my List of Committees in front of me, so, if something is going to be voted on, if somebody from the committee could seconded it, I would appreciate that.

COUNCILMAN HERNCANE – Madam President?

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN HERNCANE – Is there a public hearing date?

COUNCIL CLERK ROLLAND – Not yet. This is first reading. It would have to become an ordinance before we can schedule a public hearing.

COUNCILMAN HERNCANE – It is an ordinance.

COUNCIL CLERK ROLLAND – That’s right. It already is an ordinance. I’m sorry. But no public hearing has been scheduled yet.

COUNCIL PRESIDENT ISTNICK – Is that okay with you, Mr. Herncane?

COUNCILMAN HERNCANE – Fine.

COUNCIL PRESIDENT ISTNICK – Okay. Alright. Ord. No. 36 – 2020.

ORDINANCE NO. 36 – 2020

BY: PARK AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of the Park and Recreation Department 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 Request for Qualification (Design-Build Contract) for the Kiddie Pool at the Massillon Recreation Center, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As stated at the last Work Session, the Park and Rec. Director, Steve Pedro, was there, present. And he explained this request to go out to bid since the Kiddie Pool has a leak and they are in need to get this fixed.

They are not to exceed \$450,000. It was approved by the Park and Rec. Board to move this forward. Are there any questions?

COUNCILWOMAN LITMAN – I just wanted to ask and confirm that the up to \$450,000 that they are requesting is currently in their budget or will they be coming back to Council to use funds from other sources?

COUNCILWOMAN CREAMER – They currently have that money in their budget. As Steve stated, until they move and go out for bid, they don't have an exact amount for this project. It is just not to exceed \$450,000. So, that's the information I know at this time.

JAYNE FERRERO – Mrs. Creamer? The money is not in the budget. It is in their carryover balance.

COUNCILWOMAN CREAMER – Correct. Yes. It's not a budgeted item.

COUNCILWOMAN LITMAN – Thank you, Jayne.

COUNCILWOMAN CREAMER – Are there any other questions?

COUNCIL PRESIDENT ISTNICK – Since I can't see anybody, I am going to let the person, like in this case, Councilwoman Creamer, go back and forth with the people because I can't really see what's going on. Go ahead, Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. Seeing nothing else, I would like to make a motion that we waive the rules requiring three readings and bring Ord. No. 36 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. 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 36 – 2020 has passed. Ord. No. 37 – 2020.

ORDINANCE NO. 37 – 2020

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept donations from Greif Packaging, LLC on behalf of the Massillon Fire Department and the Massillon Police Department.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This is a request to accept a donation both for the Fire Department and the Police Department. We had two separate

requests for legislation that have been combined in Ord. No. 37 – 2020. I don't know if either chief is on the line with us or not. May I ask?

BARB SYLVESTER – I'm on the line.

COUNCILWOMAN LITMAN – Okay. I just wanted to know if they had known if, the same question I had asked you before, if this was something that had happened in the past or if this is a new donation from Greif Packaging? So, it's not pertinent. I was just going to ask them if they had any history with Greif Brothers, that's all. Are there any further questions or discussion? Hearing none, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 37 – 2020 forward for a vote.

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. 37 – 2020 has passed. Ord. No. 38 – 2020.

JUSTIN RICHARD – Madam President, excuse me.

COUNCIL PRESIDENT ISTNICK – Yes.

JUSTIN RICHARD – I have lost my itinerary, I must have left it at work, but if I remember correctly, when I reviewed it, it was there, the emergency language for that last ordinance.

COUNCIL CLERK ROLLAND – There was not.

JUSTIN RICHARD – Do we need that in order to suspend the rules?

COUNCIL CLERK ROLLAND – No, not necessarily, Justin.

COUNCILWOMAN STARRETT – No.

JUSTIN RICHARD – Okay, just checking. I'm good.

COUNCIL PRESIDENT ISTNICK – Thank you for looking into that.

JUSTIN RICHARD – No problem.

COUNCIL PRESIDENT ISTNICK – Did you read Ord. No. 38, Diane?

COUNCIL CLERK ROLLAND – No ma'am, I did not.

COUNCIL PRESIDENT ISTNICK – Ord. No. 38 – 2020.

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 Contract No. 2, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – I believe everybody has a copy of that revised contract now to include the two streets that were going to be, two of the three streets that were going to be omitted because they were able to come up with the rest of the funds the following day. That would be Wellman and 6th St., right?

COUNCIL PRESIDENT ISTNICK – Did you say 6th St.?

COUNCILMAN THIERET – Yes. 6th St. They were going to be omitted for lack of funds, insufficient funds, but they were reinstated because they could actually do it.

JAYNE FERRERO – I'm sorry to interrupt. I wanted to clarify something from your last meeting and that this has nothing to do with my certification. The newspaper was in error when they said that certified that money. That is not true. That money that is certified is all of your budgeted money. This money is all coming out of the carryover balance for the City. So, I just wanted to make that perfectly clear. I spoke with Mr. Lewis about this and he totally understood, but I want you all to know that that had nothing to do with certification. It has to do with the carryover balance.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILWOMAN LITMAN – May I ask Jayne a question?

COUNCIL PRESIDENT ISTNICK – Absolutely.

COUNCILWOMAN LITMAN – Out list had originally said 1.2 and now it's been revised to 1.3. Are you actually signing the original request for the availability of those funds?

JAYNE FERRERO – I did speak with Mr. Lewis about this and I agreed to raise it up to 1.3. The money is available. I want you all to know that. That money is all available. We had a carryover balance, but I caution you all, especially with these times that are coming up upon our City right now. We cannot spend every single dollar that we have in our coffers and I think you would all agree with that. So, I was somewhat conservative when the Engineering Dept. came to me and asked me for the additional funds. So, I'm just telling you, the 1.3 I agreed on with Ed and we can go ahead and do 6th St., I think was one of those streets. I'm so sorry, I forget the other street but I am perfectly fine with that and if you have any questions, please feel free to call me. But it had nothing to do with my certification.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Is there any further discussion on this matter, this ordinance? Hearing none, I'd like to waive the rules for three readings and call Ord. No. 38 – 2020 up for a vote tonight.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Thank you. 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. 38 – 2020 has passed. I'm hearing some undertones in the background. Please, one at a time speak so that Diane can get this recorded properly. Ord. No. 39 – 2020.

ORDINANCE NO. 39 – 2020

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. As stated in the previous discussion, we were able to get the funding up to 1.3. I will say that the 1.3 number is slightly lower than the estimate. So, we do encourage to make best effort to get it within that amount. Is there any further discussion? Hearing none, I would make a motion that we suspend the rules requiring three readings, bringing Ord. No. 39 – 2020 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. 39 – 2020 has passed. Ord. No. 40 – 2020.

COUNCILWOMAN LITMAN – Excuse me, Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you. I do have just a comment to make. As we begin allocating and expending the carryover balance from 2019, may I request from either the Auditor or Administration a regular balance of these carryover funds? I know in your prior, it's been very difficult to keep track of what funds were allocated and expended out of the carryover. So, I guess I'm not requesting on a weekly basis, but perhaps on a monthly basis that Council be provided the balance, if you will, of the carryover balance that has been appropriated and the balance that remains.

COUNCIL PRESIDENT ISTNICK – Is that something that can be done, please?

JAYNE FERRERO – You people on City Council, you're the ones that approve all of that that goes through the carryover balance which you have already done with Mr. Picard. You have already used carryover funds for the hospital and you are now using funds for the road repair. Which is fine and dandy, but that's all things that you do on a regular basis. If you look at our cash report on a regular basis, you'll see what's going on with the cash and where we are. Things are really happening in our City right now with all of this virus that's going on. So, I would just like to say I want to caution all of City Council that we need to be cautious how we spend that carryover balance because we don't know what's going to happen. Income tax is going to be affected hugely by things being closed down and everything else. I'm not in "panic mode" or anything like that, but I just want to caution City Council about that and so, before I sign off on things, I like to think about what all is happening in our future. So, I would ask you all to take a really good look at that. But this is all in your cash report every week, Linda. You should be able to see that and if you don't know how to read this cash report, then you need to come into my office and learn how to read it.

COUNCILWOMAN LITMAN – Well, I appreciate that. I guess I was just referring to when we are specifically allocating, and I too am wanting to be extremely cautious in expending these funds. So, as we, Council, approve all of these expenditures, it is difficult to keep track of what you just said. We allocated Picard, we allocated the hospital, we allocated road repair. So, I do feel I do know how to read the cash report. I do not have a cash report for this evening's meeting. So, I don't know if that could be included since we are going to probably going to be virtually meeting for a while, if that cash report could be included in our packet. Diane is that an option?

COUNCIL PRESIDENT ISTNICK – We can do that. We can make sure you get that.

COUNCIL CLERK ROLLAND – I e-mailed that to you later on after I got back here for the meeting. So, it should be either on your phone or however way you receive your packet.

COUNCILWOMAN LITMAN – Yes. I did get the packet.

COUNCIL CLERK ROLLAND – I did send that out this evening. By this being a different style for me, there were quite a few things I forgot tonight. I did e-mail that report that I usually have sitting at your front desk when you come in. So, it should be on your phone or however way you receive your packet from me when I send it out.

COUNCILWOMAN LITMAN – Okay. Well, I did not receive one. I did not receive the cash report. So, I don't know if you sent it to the personal one or the e-mail for Ward 6, but I will confirm with you after the meeting just to make sure that I can receive that in the future.

COUNCIL CLERK ROLLAND – Okay. Not a problem.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Mr. Richard, did you have something you wanted to say?

JUSTIN RICHARD – No.

COUNCIL PRESIDENT ISTNICK – Okay. Anything else on that one? Okay. Ord. No. 40 – 2020.

ORDINANCE NO. 40 – 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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is the \$3,000 from Greif Paper. Is there any discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 40 – 2020 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. 40 – 2020 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A Request for an Economic Transfer (TRES) from Grant Street Tavern, LLC, located at 1307 Grant Street & Patio, Akron, OH 44301 to Popovich Enterprises, LLC, DBA Bella Sera Pizzeria located at 248 Federal Avenue N.W., Massillon, OH 44647. Permit Class is D5 and is located in Ward 2.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

Mayor's Report - January 2020
Treasurer's Report - February 2020
Auditor's Report - March 2020

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we receive the Auditor’s Report.

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

8 yes to accept the Auditor’s Report

COUNCIL PRESIDENT ISTNICK – Thank you. The Auditor’s Report has been accepted.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – I was talking with Councilman Lewis today before we knew we were going to do the conference call. Councilman Lewis, you want to explain what we were talking about.

COUNCILMAN LEWIS – Thank you, Madam President. I had mentioned to President Istnick that maybe it would be wise of us to hold our next Committee Meeting, Work Session on the 6th at 5:30 p.m. prior to the Regular Council Meeting. I believe it’s something that we could do. It has been done in the past and this would allow us to have a few weeks between and possibly get to a better position with the current pandemic and maybe still be able to meet in person at that time. We were just trying to get a feel for Council if they would be agreeable to that. So, it would be April 6th at 5:30 p.m., we would hold our Work Session followed by our Regular Session at 6:30 p.m.

COUNCIL PRESIDENT ISTNICK – Comments from Council.

COUNCILWOMAN LITMAN – I would be agreeable to that.

COUNCIL PRESIDENT ISTNICK – Anyone else?

JIM THIERET – I have no objection. I could be there for that.

COUNCIL PRESIDENT ISTNICK – Anyone else?

TED HERNCANE – Fine with me.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Herncane. Mr. Gregg.

MIKE GREGG – Yes, thank you, Madam President. I’m agreeable to it as well although I question whether the restrictions are going to be lifted by then. But, in case they are, I think it’s probably a good way to go.

COUNCIL PRESIDENT ISTNICK – So, if they’re not lifted by then, we could certainly still do it or what are your concerns about that?

COUNCILMAN GREGG – Well, if they’re not lifted, we can’t meet in person. So, I guess we’d still go virtual.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis, do you want to take a vote on this or what do you want to do?

COUNCILMAN LEWIS – I don't think we need to necessarily take a vote. Everybody seems to be agreeable. We can just serve this as notice to the newspaper to publish it and then maybe we could ask or request the Administration to likewise send it out through their various forms of communication on our behalf.

COUNCIL PRESIDENT ISTNICK – Okay. So, then our next Work Session will be on Monday, April 6, 2020 at 5:30 p.m. followed immediately by our Regular Council Meeting which will be at 6:30 p.m.

COUNCILMAN THIERET – I have a question.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN THIERET – The concerns now, is this these extensions of meetings, is this a broad suspension? I understood there was a 100-person limit. Has that been lowered to zero?

COUNCIL CLERK ROLLAND – The Public Service Director would like to speak.

BARB SYLVESTER – The Governor's press conference today says he's following the National Standards that were set and they were considering a large gathering of 50 persons or more. The President of the United States had a press conference this evening. I didn't get to hear all of it, but I know that their considering a number 10 or more is going to be considered a large gathering. So, again, we're going to have to watch those numbers and that's what we're doing from the Administration part of it and that's why yesterday I sent the e-mail out to President of Council and our Law Director as well and that's why last week before we were actually in this crisis, I did set up for the City to be able to do this type of conferencing. Because this is something we never had set up in our City and when I thought about it last week, I did set it up so that we would be able to have access for our own City meetings with our own employees, our own directors. But felt that we needed to do it here again to conform to the rules, regulations and the orders that are being given to us.

COUNCIL PRESIDENT ISTNICK – How is that going to affect the Planning Commission?

BARB SYLVESTER – We're basically looking at each individual committee as we go. The meetings that are set up right now, as you seen the memo that I had sent out to all of our directors last week, we are looking, again, at a meeting projects on a case-by-case basis. So, again, looking at their agendas, if there aren't immediate needs on agendas, we're postponing those meeting until a later date. Again, because we need to follow the orders in front of us as well as, most importantly, we need to protect the health and well-being of our employees, their families, all of our officials of our City and our community, as well. So, each meeting is going on a case-by-case basis and we will make notifications to the committees as we go.

COUNCIL PRESIDENT ISNTICK – Thank you, Ms. Sylvester. Mr. Herculane.

COUNCILMAN HERNCANE – Thank you, Madam President. I looked through my e-mails and I don't know if we received any of those from the Law Director or the Administration. Does

that meeting attendance restriction apply to all governmental meetings? Are other governments doing these at the State level? Does that really apply to us?

BARB SYLVESTER – I can let Justin iterate that, but it's statewide. These orders are given to everybody whether it's a business, whether it's a public entity or government; it is statewide. The orders that have been given to us. The Governor's been having a press conference everyday at 2:00 p.m. He even had one everyday of the weekend as well; Saturday and Sunday and had another one today. So, that is where we are getting our orders from.

COUNCILMAN HERNCANE – So, every other City Council or municipal body or group of elected officials is going to be holding meetings like this? There's no exception for council's like this?

BARB SYLVESTER – Again, we're following the orders as well as we're trying to protect the health and well-being of all of our persons. The containment and stopping the spread of this is of the utmost importance to all of us and it is our responsibility to do this. I can't speak on behalf of any other cities and what they're doing right now, but I can speak on behalf of what I am doing to protect our employees, their families, our officials of the City and our community.

COUNCILMAN HERNCANE – That's fine. I'm just curious if it's a choice or if it's something that everybody has to do.

COUNCIL CLERK ROLLAND – May I add something to that?

COUNCIL PRESIDENT ISTNICK – Yes, Diane.

COUNCIL CLERK ROLLAND – What I saw on the news today after I went home, according to the President, he is limiting even family gatherings to ten people. So, even if you're having an event at your home and it's going to be more than ten people, he asked that limit it or cancel that event to ten people; no more than. That's from the President.

BARB SYLVESTER – And then probably what will happen is the Governor will then follow those orders. We will probably see those as soon as tomorrow.

COUNCIL PRESIDENT ISTNICK – I think we can only take care of ourselves. I know my driving school, there's no drives or classes going on, but other driving schools, there are. So, the best I can tell my parents is the same thing that Barb said; we are worried about our students and our community and we will follow the guidelines.

JUSTIN RICHARD – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

JUSTIN RICHARD – I can just speak a little bit to any, there are a little bit more than guidelines. They're executive directions. There has been an actual emergency declared in some situations, so, I do know that Dayton is following a similar process for their meeting this week and several other municipal cities. So, whether or not it's a requirement, I would tell you it's certainly a directive and I don't know of a good reason why we wouldn't go on the face of that.

COUNCIL PRESIDENT ISTNICK – Agreed. Anyone else? So, until further notice, our meetings will be teleconferences and Barb, can I ask that you have Anita have them ready as she did for tonight?

BARB SYLVESTER – Yes. We will handle it again and we will also put the information out there so that our public is made aware of it as well.

COUNCIL PRESIDENT ISTNICK – Thank you. I appreciate that. Anything else?

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 26 – 2020.

ORDINANCE NO. 26 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Tremont Coffee to provide an economic development “inducement grant” to fund expansion costs at the property located at 215 Erie Street N., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. I originally intended to allow this to go three readings, but I’ve heard no negative or comments or concerns on this. So, does anybody have any questions or comments on this tonight or any reason why you feel we should let this go to third reading?

COUNCILMAN THIERET – My main concern is that the owner there wanted to use this money for stock, which was a little disturbing. Because we could have a request for this kind of money from anybody and everybody in our city. They can take these inducement grants and I didn’t think that these grants were supposed to do that. That’s all I had for a question.

COUNCILMAN LEWIS – Ed Lewis here.

COUNCIL PRESIDENT ISTNICK – Go ahead Councilman Lewis.

COUNCILMAN LEWIS – Megan, if we could give this second reading...I just think with everything that’s going on right now, there might be a little bit of wisdom of holding off for a couple more weeks.

COUNCILWOMAN STARRETT – Absolutely; that’s why I asked. That’s perfectly fine. Is there any other conversation or questions tonight?

COUNCILWOMAN LITMAN – This is Linda Litman. Would there be any benefit to going back to the owner of Tremont Coffee and indicating that there has been some concerns about buying supplies or additional supplies with this inducement grant, that he may allocate funds differently to allow for the funds that he may be expending for other things to buy stock? I know it's a little bit of semantics, but it may go well to just switch funding, perhaps, using this inducement grant for another purpose within the company.

COUNCILWOMAN STARRETT – Is Mr. Maley on this call?

DAVE MALEY – Yes. I think basically, I'm not saying that he misspoke, but they have well over \$10,000 invested in this venture with regards to the new location. So, if you like, I can get some more details as far as the other expenses that they've had to absorb to move over there.

COUNCILWOMAN STARRETT – I think that would be a good idea, Dave, if we could get something from them and if we would be able to have them present at the next meeting, maybe something in writing from them would be helpful on how they're going to use the funds.

DAVE MALEY – Okay. I can do that.

COUNCILWOMAN STARRETT – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 26 – 2020 has received second reading. Ord. No. 29 – 2020.

ORDINANCE NO. 29 – 2020

BY: RULES, COURTS, AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio, pursuant to "Unclassified Rules", Section 121.02(r); Rule 68 of the Codified Ordinances of Massillon, Ohio.

COUNCIL PRESIDENT ISNTICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 29 – 2020 has received second reading. Ord. No. 30 – 2020.

COUNCILWOMAN LITMAN – Excuse me, Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILWOMAN LITMAN – I think we had requested the changing of the pronouns that were presented in the request for legislation from "he or she" to more of a gender neutral. Could we possibly request that revision copy prior to our next reading of this?

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – That's fine with me. Mr. Richard, can you provide that?

JUSTIN RICHARD – I can add “they’re” and “their”. Be specific to what you would like and I can do that.

COUNCIL PRESIDENT ISNTICK – Thank you. Anyone else?

COUNCILWOMAN STARRET – I was the one that actually had suggested originally at the meeting that Linda is saying, that we had talked about possibly being gender neutral such as “they, their and them” rather than “he or she”, attempting to be politically correct as we can at this point.

COUNCIL PRESIDENT ISTNICK – Thank you. Diane.

COUNCIL CLERK ROLLAND – I am currently working on that as far as the red lettering. Justin, we could probably get together with that before the next meeting. However, I think it should be amended tonight so that when it does to third reading, the amended Exhibit “A” is already in place.

COUNCIL PRESIDENT ISTNICK – Okay. Councilman Gregg.

COUNCILMAN GREGG – I agree with that. I’d like to see that when we go to pass it that it has the actual language that is going to be in the ordinance.

COUNCIL PRESIDENT ISTNICK – So, you want to amend that tonight?

COUNCILMAN GREGG – Yes.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Mr. Lewis.

COUNCILMAN LEWIS – I would say that I don’t believe we could amend it tonight if we have not seen the actual copy.

COUNCIL CLERK ROLLAND – That is true.

COUNCILMAN LEWIS – So, we would have to amend it on third reading.

COUNCIL CLERK ROLLAND – Okay.

COUNCIL PRESIDENT ISTNICK – Alright. I appreciate the input. Anything else on that? Ord. No. 29 – 2020 has received second reading. Anyone? Ord. No. 30 – 2020.

ORDINANCE NO. 30 – 2020 **BY: RULES, COURTS, AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending Chapter 121 “COUNCIL” Section 121.02(b), Rule 11, “Powers and Duties” of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 121.02(b), Rule 11, “Powers and Duties” of the Codified Ordinances of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I believe this ordinance is the changing the order of our agenda for the meeting. I don't see any reason to make any additional changes right now. I'm going to give this second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 30 – 2020 has received second reading. Ord. No. 31 – 2020.

ORDINANCE NO. 31 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund for The Legends Golf Course of Massillon, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This particular ordinance is a total of \$58,000. It would be working with sand traps and some other repairs at the Club House that has been approved by the Parks and Recreation Board. Are there any questions or discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 31 – 2020 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 passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 31 – 2020 has passed. Ord. No. 32 – 2020.

ORDINANCE NO. 32 – 2020

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This appropriation is for \$101,963.82. It is to cover the cost of the property taxes associated with the property formerly known as Affinity Hospital. This is for one full year's worth payment. Are there any questions or discussion this evening?

COUNCILMAN HERNCANE – Madam President, I have a question.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILMAN HERNCANE – Mr. Lewis, did you say that this is for the property taxes from all of 2019, correct?

COUNCILMAN LEWIS – That’s how it’s been related to us. I believe David Maley’s on the line, if I’m not correct.

COUNCILMAN HERNCANE – No, that’s what I thought.

DAVE MALEY – That is correct.

COUNCILMAN HERNCANE – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – If there are no further questions, I would make a motion that we suspend the rules requiring three readings, bringing Ord. No. 32 – 2020 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. 32 – 2020 has passed. Ord. No. 33 – 2020.

ORDINANCE NO. 33 – 2020

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This appropriation is \$3,585. We are acting as a “pass-through”. These funds were donated to the City and now they are being utilized to pay the expenses of the Mayor’s Breakfast. Are there any questions or discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 33 – 2020 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. 33 – 2020 has passed. Ord. No. 34 – 2020.

ORDINANCE NO. 34 – 2020

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 – As the title says in this ordinance, we are just renewing our annual contract with Canal Fulton. Are there any questions or discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 34 – 2020 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. 34 – 2020 has passed.

16. NEW AND MISCELLANEOUS BUSINESS

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

J. DAVID RESS – From Massillon Live to let you know that your meeting is being broadcast tonight to my audience on Massillon Live.

COUNCIL PRESIDENT ISTNICK – Thank you very much, Mr. Ress. Anyone else?

COUNCIL CLERK ROLLAND – Our Safety Service Director would like to make a comment.

COUNCIL PRESIDENT ISTNICK – Okay.

BARB SYLVESTER – Good evening. I would just like to make a few comments to everyone on Council and make everybody aware. First and foremost, to commend our Massillon City Health Dept. As all of you have heard, the local health departments are on the frontline of this and our Health Dept. is doing an outstanding job. They are fielding calls, taking action all hours of the day. They're getting calls in the middle of the night during the course of the day. They are doing an outstanding job for us. As well as I want you to all realize that in a crisis like this that is a reality that we are facing, but you can be very proud of our Mayor, our Directors, our Police Chief, our Fire Chief and all of our employees. Because, again, we began preparation, discussions, strategic planning many weeks ago and now we are at the front of

this in having to implement some serious changes and direction, first and foremost, for all of us, it's the protection, the health and well-being of our employees, their families, all of our City officials and our local community and all of our Directors, our employees are doing an outstanding job with that. Again, it's been a lot of direction changes for everybody, but we're all working together in this. Again, for everyone's protection to follow the orders of our Federal and State government for the containment and to stop the spread. And so, again, everybody's doing an outstanding job and I just wanted to make everybody aware of that. I'm sure you've heard a lot of what we're doing, what we've implemented and maybe a lot of what you don't even realize that we've implemented. Just like I said with this call conferencing. This is something our City never had in place before. We do now and we conferenced together this morning with all of our directors and employees. We're getting questioned answered and we're addressing everything that we can for everyone and getting everybody's opinion and help through this. So, thank you to all of you and again, if you have any questions, please feel free to call my office. Feel free to e-mail me if you have any suggestions, opinions. We're all in this together and we want to work through it and do everything that we can and need to do to continue the operations of our great City that so many of us call home. So, thank you guys.

COUNCIL PRESIDENT ISTNICK – Thank you, Ms. Sylvester. Anyone else?

STEVE GRAZIER – Yes.

COUNCIL PRESIDENT ISTNICK – Yes, Steve.

STEVE GRAZIER – Massillon Independent, 729 Lincoln Way E. Just a quick comment for anyone who is interested. It sounds like a judge rejected delay in tomorrow's election. So, for now, that is back on. But that decision is being appealed. I don't know if that applies to anyone in city government so much. But perhaps polls will be open tomorrow. I did have one quick question about the meeting format. I was wondering if they will all be at this same phone number going forward. Specifically, the April 6th meeting?

COUNCIL PRESIDENT ISNTICK – Ms. Sylvester, can you comment on that?

BARB SYLVESTER – Yes, I can. Yes, this is the conferencing company. We did some research, like I said, early last week in preparation that we may get to this point and yes, this is the company that we did set up with. Of course, you have to be enrolled. You have to pay the fees and so forth. So, yes, unless, again, something changes through the company, I'll let everybody know. But as it stands right now, this will always be the number. So that is a good question.

STEVE GRAZIER – Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

BARB SYLVESTER – You're welcome.

COUNCIL PRESIDENT ISTNICK – Anyone else from the public want to speak? Hearing none, again, I'd like to thank you for your cooperation in this tonight. I know it's a change, but I'm sure we'll get better at it as the weeks go by and I hope it's not weeks. I just have a question that I'd like to throw out and I don't even know who would answer it, but I had a constituent ask me with this Coronavirus that's out there, if it got bad enough that they needed

places to isolate patients, is there a chance that the hospital could be used or is it just beyond use. Anyone have an answer to that?

BARB SYLVESTER – I can give an answer to that and probably my answer would be that, again, we are following orders and we are addressing this strategically and looking at all avenues. But I can't give a direct answer on that at this particular time.

COUNCIL PRESIDENT ISTNICK – Okay, I just wondered. Alright. Any other comments or questions?

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILWOMAN LITMAN – I just wanted to bring up that in my notes I have that the engineering contract with OHM Advisors was tabled to April 6, 2020. I'm wondering if there will be any further communication and/or dialogue with the Law Director regarding this being untabled on April 6th.

COUNCIL PRESIDENT ISTNICK – Mr. Richard.

JUSTIN RICHARD – Well, whether or not it's tabled, it's certainly not a choice of the Law Department. Our position hasn't changed, if that's what you're asking.

COUNCILWOMAN LITMAN – Okay, thank you.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN LEWIS – I would say that on April 6th, my intention would be when it comes to the Call of the Calendar, that we'll most likely table it again as long as no one sees a problem or concern with that. It'll be just buying more time and purely with everything that's on, I'm sure people have not had the adequate amount of time to research it and discuss it.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Starrett.

18. ADJOURNMENT

COUNCILWOMAN STARRETT – I make a motion we adjourn.

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

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT