

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

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, August 3, 2020. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Chief Deputy Auditor, Debbie Bonk, Chief Counsel, Bill Bartos, Chief Engineer, Jason Popiel, Community Development Director, Samantha Walters, and Income Tax/Budget Director, Lori Kotagides-Boron. 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, Nancy Halter, Ted Herncane, Ed Lewis, Linda Litman, Mark Lombardi, Megan Starrett and Jim Thieret.

Roll call of 9 present

**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, I'm still working on them. They should be posted by tomorrow.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

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

**6. NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT ISTNICK** – Does anyone have anything?

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. 73 – 2020**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to execute the Preliminary Legislation with the Ohio Department of Transportation (ODOT), for the SR-21 Guardrail Replacements/Upgrades within the City of Massillon, PID 103432, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – Thank you, Madam President. This legislation is just giving ODOT permission to operate in our City as our engineer explained to us last week. If anyone has any questions now before we vote, now's the time. Hearing none, I make a motion to suspend the rules three readings and bring Ord. No. 73 – 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. 73 – 2020 has passed. Ord. No. 74 – 2020.

**ORDINANCE NO. 74 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Block Grant (CDBG) Program Fund, FY 2020/2021, for the year ending December 31, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. As discussed, we are looking at the appropriations for the CDBG Funds that we have already budgeted and approved that budget. This is just the appropriation portion. Do we have any questions or discussion this evening?

**COUNCILMAN HERNCANE** – Mr. Lewis, I have a comment.

**COUNCIL PRESIDENT ISTNICK** – Go ahead.

**COUNCILMAN HERNCANE** – Thank you. As in previous matters regarding the Boys and Girls Club of Massillon where a member of my family works, I would like to state that I have a conflict of interest and shall not vote.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – As of last time, I know we have not determined this yet, but last time an abstention was brought up that Council considered it and voted as to whether or not to accept the abstention. It would be up to you, Madam President, if you wanted to continue in that.

**COUNCIL PRESIDENT ISTNICK** – If it's something we're going to do, then I think we do it all the time. If it's something that we're not going to do, then I don't think we pick and choose.

**COUNCILMAN LEWIS** – Same here. I think it's a model and from my understanding of the Rules of Council, it's the model we should be following.

**COUNCIL PRESIDENT ISTNICK** – Any other comments from Councilmen? Council people, if they want to vote on the abstentions? Does someone have an opinion? We either do it or we don't do it.

**COUNCILMAN THIERET** – It's fine with me.

**COUNCIL PRESIDENT ISTNICK** – To vote on all abstentions?

**COUNCILMAN THIERET** – Yes. The same way all the time.

**COUNCILWOMAN LITMAN** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes ma'am.

**COUNCILWOMAN LITMAN** – I guess I would like to refer back to our Council opinion and just to confirm, again, I know we have had prior discussion, but I guess as part of this meeting, could we have an opinion as to how our Law Dept. believes that we should approach this subject?

**COUNCIL PRESIDENT ISTNICK** – Mr. Bartos.

**BILL BARTOS** – Madam President. Thank you for recognizing me. When it comes to abstentions and matters of conflict of interest for the purposes of public office and public ethics, an abstention due to a conflict of interest, it's a personal decision that must be made by the individual Council person. And so, to put that up for a vote, you're putting the Council persons conflict of interest which he has to make or she has to make according to law, it's not provisional or an option. That person has to abstain from all voting, discussion, etc., if there is a conflict of interest and you're subjecting that to a vote in this situation. And I believe, actually, that if you look at the Rule in question, the language refers to "conflict of interest separately for excuses for special reasons" and it's Rule 56 and this language, actually, I found it's going back well into the 1800's in an Ohio's House of Representatives; Rules of the Ohio House of Representatives, actually, and it was almost the identical language except for the fact that the City of Massillon added the language "or unless the member states that he or she has a conflict of interest and in good conscience, he or she cannot vote on the question". And so, I read that as every member present, let's just read it in full, together, "every member present when the question is put, shall vote. Unless Council, for special reasons, shall excuse him or unless the member states that he or she has a conflict of interest and in good conscience, he or she cannot vote on the question". So, as written, there are two exceptions, "unless Council for special reasons excuses the member from voting or unless the member states that he or

she has a conflict of interest and in good conscience he or she cannot vote on the question”. Based on my reading of this language, and I think that this is a good example of, I believe it’s language probably added to account for the fact that under the Public Ethics laws, it’s a mandatory situation and its incumbent upon all public officials when they have a conflict of interest to make that decision personally and amongst themselves to abstain not only from voting but also from discussion. Now it goes on to say “a request to be excused from voting”, which is different from stating you have a conflict of interest, “shall not be an order unless before Council divides or before the call of “yes or no” is commenced and may be requested...a member requesting to be excused from voting, may make a brief verbal statement of his reasons for making such requests and the question shall then be taken up without further debate. So, the language, they’re not tactfully written, perhaps as it could have been. I believe that the addition of the conflict of interest language is written with the fact in mind that to put up for a vote, you could imagine the situation where Council, perhaps, and not saying that this Council in any situation where it would do that or even contemplate this, but, imagine a Council where one Council person is not in favor as the rest of the members and that one Council person says that they have a conflict and the rest of the Council people say “no, you’re going to vote”. Well, what does that Council person do? They either vote and risk violating the public ethic laws and potentially committing a crime because those are criminal penalties. Or, they refuse to vote; potentially they’re held the “out of order” under Council rules and they have to go through that process and deal with that situation. So, you can see the potential standoff and the potential issue that it raises if you have a conflict of interest and you vote on those. So, keep all those in mind and take that into consideration when you decide if you want to vote on conflicts of interest.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman, did he answer your question?

**COUNCILWOMAN LITMAN** – Yes, and I guess that in my opinion, we should adhere to the advice of our legal counsel.

**COUNCILMAN LEWIS** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes, Councilman Lewis.

**COUNCILMAN LEWIS** – I’ve spoken with Mr. Bartos about it and I understand his reasoning. I think this rule obviously needs to be looked into and the wording probably changed to be more clear. But previous legal opinions and advice that Council has received from previous law directors is different than that. So we have, again, a situation where depending on who is looking at it and what not, their legal opinion, which this is, is different. So, we can decide and ultimately, it’s the Council that decides, sees, offers advice and we decide on how we’re going to move forward; it looks like we really need to investigate and explore this and resolve it. Maybe not right at this moment, but here soon.

**COUNCILWOMAN LITMAN** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes, Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I would say that I have abstained in prior terms. I’m a third term Councilperson and when I have abstained in the past, not in this current term, but in prior terms, Council had not voted on whether to accept my abstention or not. So, I think that at least in my recollection or my knowledge of prior years, I don’t recall on ever voting on an

abstention. They stated the abstention, stated the reason for the abstention and it just went forward.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?

**COUNCILMAN GREGG** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Go ahead, Councilman Gregg.

**COUNCILMAN GREGG** – I have two concerns about this rule and I agree with Mr. Lewis. We need to definitely look into this further and get this more clear for everyone's benefit. My concern about abstention by just relying on the person who is abstaining is two things. One, is the person may be perceiving a conflict of interest that really isn't one and therefore, should be about to vote and not really need to abstain. The other possibility and I'm not saying that either one of these is at all in this situation. I'm just saying that I can see going forward that you could have a couple of issues. One is the problem with it's not really a conflict of interest, even though the person abstaining may perceive it as such. The other concern that I have is that if an abstention is accepted without any question, that could allow a Council person to not take a stand on an important vote. So, I think we need some clarity on this and that there's going to be, I would think, some way to make sure that those two situations don't occur. I guess that's my comment, thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? I feel that, this is just my opinion and we're going to let Council vote on whatever they want to do; our present law people, Mr. Bartos, I would respect his opinion and I respect Council enough, each member of Council, that unless you really feel strongly about something and the reason that you'd like to abstain, that I would appreciate that you would vote. But if you really feel that it's a personal issue, then I would respect your opinion enough. Having said that, we can discuss it and Council can vote on it.

**COUNCILMAN LEWIS** – Madam President. I think that just for the sake of tonight's meeting and more conversation, why don't we just give this first reading?

**COUNCIL PRESIDENT ISTNICK** – Sounds good. Ord. No. 74 – 2020 has received first reading. Ord. No. 75 – 2020.

**ORDINANCE NO. 75 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1204 Municipal Court Fund, the 1205 Safety Forces Improvement Fund and the 1233 Municipal Court Computer Fund, for the year ending December 31, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I was able to reach out to Judge Ed Elum and he had stated that these particular funds are to be used for computer upgrades and cost associated with the new services that they did for the remote hearings and communications; their web based court proceedings and things of that nature. If you remember maybe six or eight weeks ago, we had some legislation to that same affect. So, it's all based around essentially, their upgrade and changes that they've made. Some related to COVID and other just general computer upgrades. Are there any other questions or discussions related to this issue? Hearing none, I

make a motion that we suspend the rules requiring three readings, bringing Ord. No. 75 – 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. 75 – 2020 has passed.

**8. UNFINISHED BUSINESS**

**9. PETITIONS AND GENERAL COMMUNICATIONS**

**10. BILLS, ACCOUNTS AND CLAIMS**

The Repository - 458.80 Publication of June Ordinances

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

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

9 yes to pay the bills

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. The bills will be paid and charged to their proper accounts.

**11. REPORTS FROM CITY OFFICIALS**

**12. REPORTS OF COMMITTEES**

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

**COUNCILMAN GREGG** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILMAN GREGG** – I just wanted report that I will not be able to attend next Monday's Work Session. I will be out of town.

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

**COUNCILMAN LEWIS** – Yes. Just a general question for the Administration; if at the next Work Session if you would be able to give us an updated financial picture of the City now that the July 15<sup>th</sup> date has passed?

**MAYOR CATAZARO-PERRY** – Yes, Mr. Lewis. We'll do the best that we can with our numbers. We'll be happy to share.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mayor.

**COUNCILMAN LEWIS** – If we could also make sure that message gets to Mrs. Ferrero, as well. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

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

**14. CALL OF THE CALENDAR**

**15. THIRD READING ORDINANCE AND RESOLUTIONS**

**ORDINANCE NO. 60 – 2020**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE establishing the Massillon Small Business Assistance Program (MSBAP).

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. As we've had many previous discussions on this, I believe we talked about just voting this as a "no" vote tonight and working with the Administration to use the COVID funds and a possible additional small business loan and even possibly to add in some rent, mortgage, eviction kind of relief for that. Ed, everybody should have gotten an e-mail this week. It looks like there's only been about \$112,000 of the COVID that has been utilized, at this point. So, there is still a significant amount of funds that we need to get through, so, I think we definitely need to get working on making sure that we have some of those funds available and me and Mr. Lewis will be, hopefully, getting with the Administration soon to work through that and see what we can do. So, at this point tonight, I would just ask that we move this forward for a vote and let this be voted down.

**COUNCIL PRESIDENT ISTNICK** – Are you suspending the rules first?

**COUNCILWOMAN STARRETT** – This is third reading, so we don't need to suspend the rules.

**COUNCIL PRESIDENT ISTNICK** – Thank you. You are so correct.

**COUNCILMAN LEWIS** – I second.

**COUNCIL PRESIDENT ISTNICK** – Roll call.

7 no; 2 yes – Herncane and Thieret voted yes

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 60 – 2020 has failed. Ord. No. 69 – 2020.

**ORDINANCE NO. 69 – 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 is the ordinance related to the \$245,000 appropriation to cover the cost of bills with the hospital property. This would include the money owed to Quorum as part of the real estate taxes. There would also be \$75,000 for utilities and \$10,000 for services and contracts. I would remind everybody that the money that would be going to Quorum is actually money that we received in a pay-out from the County and we received Quorum's portion, so, we are sending it back out. I want to thank the Administration and the Auditor's office for sending us the detailed information that we asked for. We should have all received information regarding the revenues and the expenses and today we received information regarding the legal fees that have been associated with the property and then we've also received estimates on the monthly costs. I am happy to see that the monthly cost is just below \$30,000 a month and that the current revenue gain that the City has had is above \$1.4 million dollars. Are there any questions or discussion this evening?

**COUNCILMAN THIERET** – Yes. I have one.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – I'd like to make a motion that we split these two expenses into separate ordinances.

**COUNCIL PRESIDENT ISTNICK** – Do you have a second?

**COUNCILMAN HERNCANE** – Second.

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

5 no; 4 no to divide the question

**COUNCIL PRESIDENT ISTNICK** – So it failed?

**COUNCIL CLERK ROLLAND** – Correct.

**COUNCIL PRESIDENT ISTNICK** – So, back to Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. So, moving forward tonight, we've had a lot of discussion, so, I'm going to make a few comments and this is maybe more for the benefit of the citizens watching. We are going to appropriate dollars so that we can pay the bills that we know are coming due. These bills are due regardless of our opinion, our feelings or what we think should happen with the hospital property. If we choose not to appropriate those dollars to pay those bills, we will be in debt to those companies; they will enact their right to have fees and



penalties and we will actually end up having to pay more for a cost that we already know exist. It is, in my opinion still, irresponsible to not allow the appropriation to be put in place so that we can responsibly pay the bills as we would ask every citizen in our community to do so. I understand that we are not happy that we still have the hospital and many of us would love to see it go away quickly; others of us believe we should have never gotten there in the first place. Fact of the matter is that we are where we are, a bill is owed and it needs to be paid. Are there any other questions or discussion this evening?

**COUNCILWOMAN CREAMER** – Yes. I have a couple of questions.

**COUNCIL PRESIDENT ISTNICK** – Thank you very much, President. So, I need a little clarification. Based on this ordinance, I understand the real estate property tax that we have to pay and the \$75,000 going to utilities for the hospital and \$10,000 for services and contracts. Based on my review from the audit trail, I needed clarification who I reached out today. Looking at our five companies that we're paying on a monthly basis for utilities; AT&T, MCTV, Aqua Ohio, Dominion Energy and Ohio Edison. Based on this information and looking at month-by-month totals of expenses of these five companies and looking at that \$85,000. If we grouped together the \$75,000 and the \$10,000, that's \$85,000; I'm trying to get clarification. I understand that we have bills. Mr. Lewis, I'm fiscally responsible; I pay my bills. But I don't understand, if our monthly bills with utilities and services and contracts approximately add up to \$27,000 to \$28,000, what are we paying? Are we paying June bills that are remaining? Are we paying July bills? Are we paying into August and September? Like I've stated before, I need a timeline when we can stop this spending. So, if I can get an answer from Administration today, this \$85,000; what are we paying this \$85,000 towards?

**COUNCIL PRESIDENT ISTNICK** – Can anyone answer the question?

**COUNCILMAN LEWIS** – I would assume that would be the Administration that would want to respond to that. I know general companies, but not in exacts.

**COUNCIL PRESIDENT ISTNICK** – Can anyone from the Administration comment?

**COUNCILWOMAN CREAMER** – That's where I'm standing tonight. I need to know for sure, if I'm paying bills that we owe, Mr. Lewis, I'm okay for paying those bills. But what else are we paying through. Are we saying there's a "hard" stop in August 31<sup>st</sup>? Is this money going to the end of September? How far does this money carry us to? Because if I don't know that, I'm going to be hard pressed voting for this tonight.

**COUNCILMAN LEWIS** – It looks like Lori is muted and she's trying to respond to you.

**COUNCILWOMAN LITMAN** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you. I'm looking back at notes from a prior Work Session and it indicates that we have been told by Administration that it would pay almost to the end of the year. That's what I have and I don't have an exact timeline and I'm just indicating this because Administration can't get on for some reason. So, what I have in my notes is that we were told that the services and contracts and utilities would almost make us to be paid through the end of the year. That's all I have in my notes.

**COUNCILWOMAN CREAMER** – Madam President, I guess that’s my confusion because if we are paying monthly under \$30,000 and we \$85,000, that’s not going to take us to the end of the year and if we have bills that are lying on someone’s desk that need to be paid for June, for the entire month of July; that’s where I don’t know how far this money is going to take us and I need answers. Thank you.

**BARB SYLVESTER** – Hello.

**COUNCIL PRESIDENT ISTNICK** – Ms. Sylvester, is that you?

**BARB SYLVESTER** – Yes. Are you able to hear me now?

**COUNCIL PRESIDENT ISTNICK** – Yes.

**BARB SYLVESTER** – Okay. I’m sorry and Lori is still trying to get unmuted.

**LORI KOTAGIDES-BORON** – Can everybody hear me now?

**COUNCIL PRESIDENT ISTNICK** – Yes.

**BARB SYLVESTER** – Go ahead, Lori.

**LORI KOTAGIDES-BORON** – Alright. Sorry about that. I had to try to dial in about three more times. I apologize for that issue. I was muted. This would pay the July bills that will be due in August and will give us enough money to pay August, September and October and maybe even longer, if we had to. As we stated before, we came to you last of January and we appropriated some money which, at that time, we expected to last through April. That’s the money that we’ve just exhausted now. So, we’ve made a lot of efforts to cut costs and put measures in place that we would decrease those monthly utility bills along with the monthly services and contracts. So, this right now what we’re looking at, because we have not received all the bills in August, we’re doing an estimation of a minimum of three months.

**COUNCIL PRESIDENT ISTNICK** – So you’re saying that this could take us through November, if we had to?

**LORI KOTAGIDES-BORON** – It’s a possibility, yes. Minimum of three months.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer, does that answer you?

**COUNCILWOMAN CREAMER** – I understand what she’s stating, but just looking at this credit trail, month-by-month with these companies, it ranges, for example, Ohio Edison on June 19<sup>th</sup>, we paid Ohio Edison over \$21,000, but July 23<sup>rd</sup> we paid Ohio Edison \$8,100. So, I’m trying to budget this \$85,000 and I don’t know how to budget it. It sounds good that it’s going to take us to the end of the year, but what if it doesn’t? How much longer are we going to continue this? I’m just trying to base my decision on the evidence that I see in front of me and trying to budget this \$85,000. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?

**COUNCILMAN THIERET** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes, Councilman Thieret.

**COUNCILMAN THIERET** – Like Ms. Creamer, I do pay my bills, I am responsible. But I also don't incur bills that I can't pay. So, I take offense to that, the insinuation. First of all, we shouldn't be running up bills we can't pay. I appreciate the Administration trying to trim it, but we said, none. There's still some. When is the end? That's my question. I hope that someday we can get an answer to this. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else have a question or comment?

**COUNCILMAN LEWIS** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I would say that when you have an operation that has well over a million dollars of surplus, you can pay your \$85,000. Because if to assume that we don't have or can't, this enterprise alone has been one of the most enterprises for the City, so far at this point in time. Granted, we know that there are expenses that we could possibly run into in the future and we have to be aware of that, but at this time, to go in front of the citizens, for me to go in front of the citizens, anyway, and say, "Yes, we know that this hospital has generated \$4.2 to \$4.3 million dollars, but it still has well over a million dollars of unused money that it has brought to the City, but we are refusing to pay \$85,000 in bills?". It makes no sense to me. That's like saying you have \$100,000 in the bank, but you're not going to pay a \$100 electric bill you have every month because you don't think you can afford it. The bottom line is that the hospital's brought in its revenue. It's paid for itself at this time. I agree with Ms. Creamer in the sense she wants to be able to budget and see how this is going to progress throughout the year. I agree with Mr. Thieret when he says, where is the end? And we need to be working towards that end. But as it is right now, the hospital's generated the revenue to pay its costs.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – Thank you. That being said; yeah, okay, how much would it cost just to tear down one wing of the hospital? Have we gotten any estimates of that? Because that kind of looks like where it's headed. A million, two million? There's things inside the hospital that have to be mitigated like asbestos. I know there's a lot of asbestos in there, I've been in there down in the bowels of that building, many times. That's a very, very expensive proposition and I do not look forward to that alone, I think is cause for alarm. A million dollars will never cover that. It'll never cover it. So, we are teetering on a very, very expensive adventure and I hope somebody can bail us out, but I don't see it. Thank you.

**MAYOR CATAZARO-PERRY** – Mr. Lewis, this is the Mayor, if I may jump in and answer or at least give some direction on the asbestos.

**COUNCIL PRESIDENT ISTNICK** – Go ahead.

**MAYOR CATAZARO-PERRY** – The asbestos has already been mitigated and we have some records of when the hospital did some work. So, to say that you know that number, Mr. Thieret, that can't be accurate. I know Mr. Maley was working on some cost of tear-down.

We've gone from anywhere from \$775,000 to a little over a million. So, we do have some numbers on that and we are trying to make some agreements here. It doesn't help us accomplish that and so, we don't mind being transparent, but we're working on agreements as we speak and so, we've decreased those numbers as Council has asked. We want this to have an agreement and have this behind us and Mr. Lewis is correct. The hospital has been profitable for our City at this time. And so, if you'd just let the Administration continue to work with this, we hope to have something concrete very soon. As you know, the VA has a lease in their hands. We filled out the lease agreement and shared that with them and we're waiting to hear back. So we have done above and beyond what any Administration could have done and North Canton is doing the same thing. If you're paying attention to other cities in Stark County, they're taking the destinies and putting them in their own hands so that they know that they have some control over that. Otherwise, we could have had a Doctors Hospital sitting in the middle of the City of Massillon for ten years plus and so, we didn't want that either and we're working and doing our due diligence to make this happen for the residents of the City of Massillon. So, I just ask for your patience and understanding. These things don't happen overnight and we have a couple of entities right now that we're working with and we hope to be able to bring you something very soon.

**COUNCILMAN HERNCANE** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILMAN HERNCANE** – The Budget Director, Lori Boron, supplied us with numbers a couple of times this year, but the last e-mail that I saw showed that our current net revenue was \$1,425,872. The Administration has confirmed as well what anyone could find on the State of Ohio Open Checkbook that we've incurred \$259,000 approximately in legal fees which we should also include as part of our expenses. So, if you take that \$1.4 million figure of our net revenue and subtract \$259,000 and then subtract the \$245,000 approximately, that we're looking at tonight, that takes our net revenue down to approximately \$921,000. So, if we appropriate this tonight, we're going to go below the million-dollar marker. I would agree with Councilwoman Creamer and Mr. Thieret and whoever else may agree, I think we need to look at maybe setting a date where we shut the utilities off over the next thirty or sixty or days.

**COUNCIL PRESIDENT ISTNICK** – Any other comments?

**COUNCILWOMAN LITMAN** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Go ahead.

**COUNCILWOMAN LITMAN** – I just want to remind everyone that we had been told that the \$160,764.74 was Quorum's portion; the \$431,000 that we've received. So, we received \$431,000 as a rebate on the real estate taxes and we're having to cut a piece of that off of the \$431,000 and provide it to Quorum. That's what this real estate tax is. It is not, in addition to the, I would say, \$75,000 or \$10,000 that is within this ordinance. My understanding is that that is just a, we are just kind of a pass-through. We've been given \$400,000, we are cutting a percent of that off and providing it to Quorum. So when we're deducting what are expenses are, I guess if we're deducting the whole \$245,000, we have to be including the \$431,000.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**DAVE MALEY** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes, Dave.

**DAVE MALEY** – I also wanted to make Council aware that at this point and time, we had \$150,000 that we did pay in real estate taxes this year and that we expect to get exempted. The actual timeline for the School Board to appeal, I believe, was on the 27<sup>th</sup> of last month and as I speak now, I have not heard that that appeal had taken place. They said it could take a little longer before they hear, but at this point, we have \$150,000 that could be to our advantage here in the near future with a rebate from the Stark County Auditor.

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

**MAYOR CATAZARO-PERRY** – Madam President, may I add something on to that?

**COUNCIL PRESIDENT ISTNICK** – Yes, go ahead, Mayor.

**MAYOR CATAZARO-PERRY** – Well, as we spoke before, and I know Mrs. Creamer sent Barb and I an e-mail over the weekend, there are other valuables in the hospital; doors, windows, generators, equipment; there are other valuables that we still can auction off if the choice is to demolish the building. So, I would anticipate having more revenue from the hospital in the near future.

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

**COUNCILMAN LEWIS** – Creamer and Thieret both have their hands up.

**COUNCIL PRESIDENT ISTNICK** – Oh, I'm sorry. Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you. I would just encourage the Administration to set a "hard" stop date. If we have \$900,000 or if we have \$1.1 million dollars, eventually, this is going to be being reduced month after month to pay utilities bills and whatever else arises. I really think we have to push, we have to give these three entities, I know we keep talking about two entities, but I recall there was a third that was interested too. I'm not hearing much about that third entity. I don't know if Administration can give us an update. Has that entity withdrawn their interest? But, I think that account with that revenue is slowly going to be reduced over time and we've stated that we have to be fiscally responsible. We have COVID issues with our revenues and I would like to walk away from this situation with money in our account rather than having nothing or in the red. So, I think we just need to be careful and make this a positive so when we walk away, we have money to walk away with in our hands. Not ending with a zero balance or a negative balance and say "Oh, well, we did our best". I think there's a time to walk away and if that third entity is willing to demolish that building and put something positive for our community in that area, that would be great. But I just don't like being just waiting. Waiting for these two other entities to make up their minds. We should be in the driver's seat. We need to be taking control of this situation. Thank you.

**MAYOR CATAZARO-PERRY** – Mrs. Creamer, I don't disagree with you, but I don't know what you think we've been doing; twiddling our thumbs or eating bonbons. But, we have been working every day and every hour that we can on that project and no one, no one out of the entire group that voted for this wants to have a positive story more than I do. So, we are not

just sitting on our hands doing nothing. This staff, small but mighty, I'm very proud of, as I've said before. They can do amazing work together and they have and we are trying to make it the best deal out of this hospital that we can get and we want an end date as well and there will be one. But, we have to continue this because the one entity wants the property functional. The other entity does not and the third entity doesn't want the property as well. So, only one that we're working with to include the VA, they would be working together. But it's a complex situation and our staff has done an outstanding job at that and I really do take a little offense; not a lot, just a little offense to you thinking that we're not doing anything and we don't have a stop, drop dead; yes, Mr. Thieret, I can see you shaking your head. We've worked hard on this and all seven Council people that are sitting there today, voted "yes" on this issue and we all want a positive ending to this and I don't know if two of you have some ulterior motives for being on Council and just really putting this in a negative light, but this Council's done an outstanding job on trying to do what's best in the best interest of the residents. They've done an outstanding job and we've done an outstanding job dropping the monthly fees and we're getting to the end and we should have something concrete here soon and if we don't, we will shut it down and we will auction off the rest of the items in the hospital and then we'll prepare to auction it or sell it. So, I think and I want my staff to know, outstanding job that they've done and the seven members of Council who are still sitting there. They had hard decisions to make and I'm very proud of every single one of them. Even the two that left, for making that decision. It was a nine-zero vote, if you recall and it was a tough decision. It was a tough decision for all of us and for someone to come onto Council and just throwing things around, it's offensive. It should be offensive to every Council member and to our residents that these people have worked so hard for the best interest of our residents and we tried our best to put another hospital entity in there. The costs were too high to turn that around because the other entity did not maintain it properly. That's why; and so, we have to move forward and it's hard to move forward, but to have negative people just throwing darts at this is terrible. We have to work as a team and get this done and many people are looking at us and watching these Council meetings and I'm a little embarrassed that we're spending so much time on this because, as Mr. Lewis said, these bills, we voted nine-zero to take this on; they must be paid. And so, I would ask for your cooperation and your support and understanding as we go through these next couple of months so we can bring a deal to the residents of Massillon that everyone will be proud of.

**COUNCILMAN HERNCAINE** – Madam President.

**COUNCILWOMAN HALTER** – Excuse me. May I speak, please?

**COUNCIL PRESIDENT ISTNICK** – Yes, Nancy. Go ahead.

**COUNCILWOMAN HALTER** – Thank you. I just want to say that I feel that we're out of order right now. I'm hearing a lot of talking about nothing concerning this particular ordinance. I think the fact that this ordinance has nothing to do with the hospital. We need to pay our bills and I feel like the Mayor. I feel that this is getting very political. So, let's look at it. We need to pay the bills and then we can discuss all this later. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCAINE** – Thank you, Madam President. The Mayor mentioned an entity that wanted to use a portion, did I hear that correctly? A portion of the hospital, not the entire facility?

**COUNCILWOMAN HALTER** – You’re out of order again.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Halter, I’m the President of Council and I will let Mr. Herncane speak. Go ahead, Mr. Herncane.

**COUNCILMAN HERNCANE** – Thank you. I just want to comment or ask a question on what the Mayor stated. She said that there’s an entity interested in a partial or a portion of the facility and I wanted to make sure I heard that correct that it was not the entire facility.

**MAYOR CATAZARO-PERRY** – Yes. The VA is only interested in 19,500 square feet. There is another entity that we may be able to partner with them and that’s what we’re working on as we speak.

**COUNCILMAN HERNCANE** – So, if the VA or some other entity occupied a portion of the building, would we be required to pay utilities and maintenance on the remainder of the building?

**MAYOR CATAZARO-PERRY** – No, we would not.

**COUNCILMAN HERNCANE** – Okay, thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Councilman Lewis.

**COUNCILMAN LEWIS** – I just want to say that I’m in agreement with conversations, but we have to be very careful. Questions like the one that was just asked and answered starts to get awfully close to contract negotiations which we should be careful because you’re talking about who would pay this and it might be part of the negotiation. That would be something that I would negotiate. Who’s responsible for utilities, who’s not, how do we split that? We might not be ready to go public on all those finer details. Mr. Herncane was able to get his answer though, but I just want to warn Council that when you start going down those rabbit holes, just be careful because there may become a wall where we have to protect ourselves and not answer or go into an Executive Session for.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**COUNCILMAN THIERET** – I just have one question, please.

**COUNCIL PRESIDENT ISTNICK** – Go ahead.

**COUNCILMAN THIERET** – Thank you, Madam President. I understand that the VA is interested in leasing. I’m sure that the City and the Administration is doing everything that they possibly can. My only question was, the responsibility of it. Are we going to be landlords now? We’re leasing this; it’s still ours and our responsibility and more bills that we incur. If they’re leasing a small portion like you said, that’s not going to pay for everything. I’m just concerned that we’re just throwing money down the hole.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Thieret. I think the Administration has heard Council’s concerns. Let’s get back to voting on Ord. No. 69 – 2020.

**COUNCILMAN LEWIS** – I make a motion that we bring Ord. No. 69 – 2020 forward for a vote.

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

6 yes; 3 no – Herncane, Lombardi and Thieret voted “no”

**COUNCIL PRESIDENT ISNTICK** – Thank you, Madam Clerk. Ord. No. 69 – 2020 has passed. Ord. No. 70 – 2020.

**ORDINANCE NO. 70 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain transfers in the 2020 appropriations from within 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 is related to the transfer for the position in which they working an average of twenty-seven hours to twenty-eight hours a week, but they needed to extend benefits to the person to go above thirty hours per week. Are there any questions or discussion this evening?

**COUNCILMAN HERNCANE** – I have a question.

**COUNCIL PRESIDENT ISTNICK** – Go ahead, Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. This is the part-time employee that we talked about a couple of weeks ago, correct?

**COUNCILMAN LEWIS** – Yes.

**COUNCILMAN HERNCANE** – Okay. I think I heard different things a couple of weeks ago, I believe it was at the Work Session. I believe the Administration said that the employee is already working in excess of thirty hours a week, therefore, she is entitled to health insurance, but I believe also heard the Auditor state that the employee has not ever worked more than thirty hours. That’s something that I made a note of and took away from a prior meeting that there was maybe some confusion on whether she was or was not or has or has not hit the thirty-hour marker. Does anyone else have that same question or hear the same thing I did?

**COUNCILMAN LEWIS** – Yes. The Auditor’s office did make a comment in a previous meeting that they were averaging something like twenty-seven point three; something between twenty-seven and twenty-eight hours.

**COUNCILWOMAN LITMAN** – Twenty-seven point three.

**COUNCILMAN LEWIS** – So, to that point, the Auditor’s saying that they have not yet reached that thirty-hour mark.

**COUNCILMAN HERNCANE** – So, we’re anticipating that that person will and we’re appropriating or funding money that once that happens, is that correct?

**MAYOR CATAZARO-PERRY** – That is correct.



**COUNCILMAN HERNCANE** – Alright. Okay, thanks.

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

**COUNCILMAN LEWIS** – Mr. Thieret has a question.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – Thank you, Madam President. My only question is, is this person moving into full-time or are we going to make it a full-time position?

**COUNCILMAN LEWIS** – I can speak to that.

**MAYOR CATAZARO-PERRY** – We're not. We're only having her work thirty-hours.

**COUNCILMAN LEWIS** – So, President Istnick, just to kind of clarify that. I personally am opposed to this, but I do want to try to fairly represent the previous conversations that were had. This person would be working thirty hours or more per week and if they are to average that thirty-hours or more per week then we are mandated by law to provide them benefits and that is why this transfer is being put before Council.

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

**COUNCILMAN LOMBARDI** – Thank you, President Istnick. That being said, Mr. Lewis, wouldn't it be more appropriate for them to come to us and ask us for a new position or reclassify this position rather than throwing money into the current classification?

**COUNCILMAN LEWIS** – Again, just for fair representation of previous conversations. This is not a new classification, per se. This person is still part-time, so their classification would remain the same and the Auditor had made a statement that in the past, if the money would have already been in this account line item, the Administration would not have had to even come to Council. The only reason they had to come to us is because there is not a budgeted amount of money in the line item that they would have to draw from.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?

**COUNCILWOMAN LITMAN** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you. I did want to also note that the Auditor stated that this is not the only position that will turn to a permanent part-time; that we already have that, I don't know if you want to call it a classification, a determination as to what a thirty-hour per week position would be and they stated that it was called a permanent part-time and that there are others in the City that have the same scenario. Again, repeating what Mr. Lewis has said, we would not be even approving or denying this if the funds had been there in the line item to pay anyway. Thank you.

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

**COUNCILMAN LEWIS** – I make a motion that we bring Ord. No. 70 – 2020 forward for a vote.

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

5 yes; 4 no – Creamer, Herncane, Lewis, and Lombardi voted “no”

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 70 – 2020 has passed.

**COUNCILMAN LEWIS** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILMAN LEWIS** – I just want to make sure we make a notation that the emergency language on Ord. No. 70 – 2020 did fail even though the ordinance itself did pass. So, the transfer cannot take place for thirty days.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**16. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 71 – 2020**

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

AN ORDINANCE amending Sections 2 and 4 of Ordinance No. 70 – 2017, appointing the City Records Custodian, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. This ordinance we discussed last week. It came before us and we had some questions on whether we should be appointing a particular person now. We found out through discussion that we do need to appoint a particular person, in this case, Samantha Walters, to be the City Records Custodian. So, therefore, I make a motion that we suspend the rules requiring three readings of this ordinance and bring it forward, bring Ord. No. 71 – 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. 71 – 2020 has passed.

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

**L.J DELUCA** – 2954 Veterans Blvd. S.E., Massillon, Ohio. Madam President, Madam Mayor and the rest of the staff and my fellow Massillon, Ohio citizens. I want to talk about Affinity Medical Center. It's been a hot topic. I talked on the phone to my friend, Chief Tom Burgasser and Fire Chief Inspector, Mike Canfora. I had some questions about our sprinkler systems at the old Affinity Medical Center. Dave Maley was last week, I think, touting to bring people over. I think he wanted to make it only Council members, but I've got a very good inside track of what's going on over there at Affinity Medical Center, David Maley. You said it was in very good condition, the Madam Mayor said that it's very marketable. We got a 300 square foot building that has more leaks in it, several leaks. Leaks in places like any flat roof, but leaks on the ceiling tiles. Those tiles are falling to the floor, boom. Fire Chief Tom Burgasser is a certified inspector and he's in the building almost every day; 5:15 to 6:30 a.m. He moves around and he inspects the building. Thank God for Chief Burgasser. He spends his lunch there, too and he makes sure our Affinity Medical Center is safe, the building is maintained and they get responded. Chief Burgasser has said to me that Affinity Medical Center is fully functional. The sprinkler system, he calls on Johnson Control because Simplex Grenelle and Johnson Control take care of the building on the outside. I don't know if you've looked at the audit trail lately my fellow City of Massillon residents. Look at the big bills we're incurring from that. Chief Burgasser, he takes a look at this and he takes care of it on his own time. I want everybody to know, he doesn't spend one hour on City time. He's had a wonderful career with the City of Massillon. So, he takes care of that. He's the kind of guy that I like, he takes care of it right then, right then and there. So we got Johnson Control and Simplex Grenelle taking care of the outside and Chief Burgasser and many others high up in the Administration said they've been there time and time again. Just look at the audit trail by account that our Auditor, Jayne Ferrero, has put to me and I can't go through this; it's adding up, it's adding up. Another top official of the building said its going to end up being demolished if an outside concern comes in and doesn't take control of that. But if an outside entity comes in, they're going to take care of the maintenance, there's a bunch of things. And I remember when Mayor Kathy Catazaro-Perry was talking with, and she has a lot of creditability and stuff with Eddie Ross and he said we go through with our engineers and the clinical people and a fair amount of due diligence with the facility. He said Massillon Community Hospital put a lot into. They invested heavily in the facility but it's a large infrastructure. It has high cost. The roof, the boilers, HVA and everything else like that. It's a large campus, 300,000 square feet of building, three or four buildings on the campus and we looked at it this week and to operate that, we can't do it, financially and in a sustainable manner. The Mayor has a lot of trust in Eddie Ross. And finally, I'll end up; I'm very concerned about this. I talked to the Law Director, Bill Bartos, just before our meeting. I understand that you voted on the Affinity Medical Center. The bulk of the money \$168,000 to repay the former, Quorum. However, I understand from me going around and looking from some high executive of the Mayor's thing and from Barb Sylvester, the Safety Service Director, we don't have our rented police people there twenty-four, seven, three sixty-five, day and night. Ms. Sylvester said she's counting on the Massillon Police Dept. to do that. However, it says that the remainder of the sum that you guys considered were to pay utilities, building maintenance and security and upkeep of the hospital grounds. Now, I'll end it with this; how are we going to vote on security when we don't have a security there? Thank you very much and I do hope that the Mayor can turn things around. It would be a feather in her hat. It would be jobs for that building and I do believe that the staff is doing a great job, but it's time right now to get rid of it and we've got to do it now. Thank you and I appreciate it.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Deluca. Anyone else? Before I call on Councilman Lombardi, I would like to just make a comment about some of the conversations

tonight. When we were on Ord. No. 69 – 2020, we did get off topic, but I know Council has a lot of questions about what’s going on with Affinity and I know that the Administration has been working hard on it and there’s a lot of frustrations and the pandemic and tempers are running high. I feel everybody on Council has a right to their opinion and when they voice it, I don’t know so much as they’re criticizing, but just having concerns. So, I do appreciate both sides opening up and that’s why did allow a little extra lead way there for people to voice their opinions. Councilwoman Starrett.

**18. ADJOURNMENT**

**COUNCILWOMAN STARRETT** – I make a motion that we adjourn.

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

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT