MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, APRIL 20, 2020

MICHIGAN CALLER – Hello, can you hear me?

COUNCILMAN LEWIS – Yes, we can hear you.

MICHIGAN CALLER – I'm calling from the Great Lake State of Michigan and I'm listening in on your meeting and I wanted to know the facts on this matter. I'm moving down there to Massillon from Michigan on May 1st and I wanted to know would I be quarantined at the border if I come in a moving van? Because Massillon's my hometown and I want to move down there from Michigan. I'm tired of this state and I just want to know what does the law say? This Petty Officer Michael Anthony Mitchell, Class of '82, Massillon and I was told that I can't come down there because of what's going on, but I got a clean bill of health. I got doctor statement from my doctor saying that I'm in good health and I just wanted to know about that.

COUNCILMAN LEWIS – Well, sir, first off, thank you for your service, but during the meeting, once it starts, we do have areas for the public to speak and in order for us to remain lawful, if you could just speak during those times so that we can have it on the record of tonight's meeting.

MICHAEL ANTHONY MITCHELL – Okay. I didn't know when you do it. Sorry, I'm sorry, sir.

COUNCILMAN LEWIS – No problem.

MICHAEL ANTHONY MITCHELL – I'm listening in and I get the paper from you guys and that's why I'm moving down there. I'm tired of this state. Alright, I'll just wait then.

COUNCIL PRESIDENT ISTNICK – That'll be at the very end of the meeting under No. 17.

MICHAEL ANTHONY MITCHELL – Okay. I don't have no paperwork, but you guys just give me a shout out.

COUNCIL PRESIDENT ISTNICK – I'll announce it.

MICHAEL ANTHONY MITCHELL – Okay, thank you, ma'am. I love my hometown.

COUNCIL PRESIDENT ISTNICK – Welcome back. Diane, is everyone supposed to be on tonight?

COUNCIL CLERK ROLLAND – I see, Chief Moser, Barb Sylvester…

COUNCIL PRESIDENT ISTNICK – I meant Council?

COUNCIL CLERK ROLLAND – Ed Lewis, Ted Herncane, Mark Lombardi, Jim Thieret, Linda Litman, Megan Starrett. I don't see Jill Creamer.

COUNCILMAN LEWIS – Jill is joining.

COUNCIL CLERK ROLLAND – Or Mike Gregg.

COUNCIL PRESIDENT ISTNICK – I only see Lombardi, Thieret, Litman and Starrett.

COUNCIL CLERK ROLLAND – Well, Ed Lewis is on…

COUNCIL PRESIDENT ISTNICK – I don't see him on here.

COUNCIL CLERK ROLLAND – Well, I'm telling you what I see.

COUNCIL PRESIDENT ISTNICK – Mmmmm. I wonder why that is.

JUSTIN RICHARD – I'm on here, this is Justin Richard.

MAYOR CATAZARO-PERRY – Good evening, everyone.

COUNCIL PRESIDENT ISTNICK – Hi, Kathy.

MAYOR CATAZARO-PERRY – Hi, there.

COUNCIL PRESIDENT ISTNICK – Kathy, can you give us an update sometime tonight?

MAYOR CATAZARO-PERRY – Sure. I sure can.

COUNCIL PRESIDENT ISTNICK – Okay. You want to do it under New and Miscellaneous Business or you want to do it at the end?

MAYOR CATAZARO-PERRY – Where ever you'd like me to, Claudette. I don't care.

COUNCIL PRESIDENT ISTNICK – Alright. We're going to start in one minute.

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, April 20, 2020. We have on this call with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley and Police Chief, Keith Moser. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk.

2. **INVOCATION**

COUNCILWOMAN JILL CREAMER

3. **PLEDGE OF ALLEGIANCE**

LED BY COUNCILWOMAN CREAMER

4. **READING OF THE JOURNAL**

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

COUNCIL CLERK ROLLAND – At this point, no, they are not because, like I said, the digital recorder has died, but I've noticed something on our conference call tonight that we are recording as far as my computer. So, I will research this tomorrow also and see if I can go back and get a recording of the two previous meetings that we had via teleconference.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCIL CLERK ROLLAND – Yes ma'am.

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

6. **NEW AND MISCELLANEOUS BUSINESS**

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 41 – 2020 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is something that we review every year having to do with the Tax Enterprise Zones. There's only one this year on the list and that is from Quest Automotive Products. It is recommended that we renew this project. Are there any questions or concerns about this? Hearing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 41 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll 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 41 – 2020 has passed. Ord. No. 42 – 2020.

ORDINANCE NO. 42 – 2020 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

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

COUNCIL PRESIDENT ISTNICK – I'm sorry, first reading?

COUNCILWOMAN STARRETT – Yes.

COUNCIL PRESIDENT ISNTICK – Thank you.

COUNCILMAN HERNCANE – Madam President?

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN HERNCANE – I would just like to note for the record that I'm going to abstain from discussing and voting in this matter. My father is an independent contracted consultant on a part-time basis for one of the recipients that we are awarding funds to. So, for however many readings this takes, I just want to put on the record that I will abstain.

COUNCIL PRESIDENT ISTNICK – Thank you for your input.

COUNCILMAN HERNCANE – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Okay, Ord. No. 42 – 2020 has received first reading. Ord. No. 43 – 2020.

ORDINANCE NO. 43 – 2020 **BY: POLICE AND FIRE COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, and the Massillon Police Department to enter into a Memorandum of Understanding (MOU) with all the agencies participating in the current Transportation Agreement, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This was a Request for Legislation by Keith Moser, our Chief and it was a Request that also had a Memorandum of

Understanding that needed to have an amendment that is based on an Executive Order in 2018 that was issued by Governor Kasich and it's my understanding that Section 3 of our transportation agreement that is amended based on, I believe, a fee of $20 for each individual that is processed. So, I will ask if there are any questions, we do have Chief Moser on the line with us. So, if there are any questions, perhaps he would be willing to answer them for us. Hearing none, then I will ask that we waive the rules requiring three readings and ask this to be voted on this evening.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Thieret. 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. 43 – 2020 has passed. Ord. No. 44 – 2020.

ORDINANCE NO. 44 – 2020 **BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Stark County for the purchase of salt for City streets for the 2020 – 2021 season and possible extension for the 2021 – 2022 season, from the cooperative program.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. My only question right now is, this probably would be for the Mayor or Director, if they want to pursue this right now or do you want to just give it first reading considering the budget issues that are probably going to be in front us here?

BARB SYLVESTER – I can answer that. This is just to go into the agreement with Stark County, the Cooperative Purchasing Plan and what they do is they reach out to all of the cities and townships, every entity and the more that join the better pricing that we do get. So, at this point, this is not to get the pricing; this is just to join a group to go out to ask for pricing as a group effort to get better pricing for everyone.

COUNCILMAN THIERET – Thank you.

BARB SYLVESTER – You're welcome.

COUNCILMAN THIERET – So if that's all it is and we're not committing to anything other than joining the group right now, do we need to go ahead and approve this tonight? Would it better for us to get in early?

BARB SYLVESTER – It's entirely up to you if you want to go ahead and do it at this point you can. We did put the legislation together very early. We do have until, actually, July 31st. So, if

you want to go further readings or have any other discussions, that's fine. It's entirely up to you.

COUNCILMAN THIERET – Before we put it forward, is there anyone that has any questions or concerns at this point?

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman?

COUNCILWOMAN LITMAN – I don't have any questions.

COUNCIL PRESIDENT ISTNICK – I'm sorry. I thought you said you did. Councilman Lewis, is that you?

COUNCILMAN LEWIS – I did and I think the other one was Councilwoman Creamer as well.

COUNCILWOMAN CREAMER – That's okay.

COUNCILMAN LEWIS – But I will say that this does have a commitment to it, I believe, and that is when we enter into this agreement, we are agreeing to 80% of our estimated need, I believe. So, there is a commitment. I'm still in favor of it, regardless, but I just want to make sure that we accurately represent that.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I just have a question for the Safety Service Director. Do you know how many participants are going into this co-op purchase? Is it all Stark County or is it just a portion of Stark County?

BARB SYLVESTER – Again, this is something that they've been doing for quite a few years and right now it's all of Stark County, Holmes County and Carroll County and from the listing that I see, it looks like most all entities are a part of it.

COUNCILWOMAN CREAMER – Okay, thank you.

BARB SLYVESTER – You're welcome.

COUNCILMAN GREGG – Madam President, I have a comment.

COUNCIL PRESIDENT ISTNICK – Mr. Gregg, go ahead.

COUNCILMAN GREGG – As I mentioned before, I am not opposed to joining the cooperative to get good pricing on salt, but I would like for us as a City to look at decreasing the amount of salt that we use on our streets and Mr. Lewis' point is well taken that if we get into this, it commits us to 80% of our past usage, I believe. So, I would personally like to see more discussion on this. Especially since we're not in any rush.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – That's great. I have no problem with that, so let's give this first reading tonight.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 44 – 2020 has received first reading. Ord. No. 45 – 2020.

ORDINANCE NO. 45 – 2020 **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one-year contract between the City of Massillon, Ohio, and the Board of Stark County Commissioners for the housing of City of Massillon, Ohio, Codified Ordinance prisoners at the Stark County Jail, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is our agreement, as discussed, with the County to house our prisoners of City ordinances. 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. 45 – 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. 45 – 2020 has passed. Ord. No. 46 – 2020.

ORDINANCE NO. 46 – 2020 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Fund for the Target Street Improvement Project, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This Ordinance will take $8,599.20 and place it specifically for Target Street Improvements. Are there any questions or discussion this evening?

COUNCILMAN THIERET – Are we actually taking bids and being able to move forward on this?

COUNCILMAN LEWIS – That, I would assume, would be for the Mayor or the Safety Service Director.

BARB SYLVESTER – Sam, this is your portion here?

SAMANTHA WALTERS – Yes. The Target Street bidding was already completed. That's already been approved by Council. The appropriation is just align my HUD funds and the City

Funds, the difference. But you guys have already reviewed and approved the bidding for that contract.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – Yes, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 46 – 2020 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 46 – 2020 has passed. Ord. No. 47 – 2020.

ORDINANCE NO. 47 – 2020 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain transfers in the 2020 appropriations from within the 1201 Street Construction Fund, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We are, in this, taking $5,500 out of the refunds for income tax and placing it into the revenue sharing to meet our obligations. Are there any discussion or questions this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 47 – 2020 forward for a vote.

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

9 yes for suspension
COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord No. 47 – 2020 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMINCATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	$ 900.80	Publication of February Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

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.

9 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 – Our next Work Session will be Monday at 6:30 p.m. and prior to that there is a Police and Fire Committee meeting at 5:30 p.m. and the date on that is going to be April 27th. Anything else from anyone?

COUNCILWOMAN LITMAN – Madam President?

COUNCIL PRESIDENT ISTNICK – Yes, Councilwoman Litman.

COUNCILWOMAN LITMAN – I wanted to make sure that we had extended invitations through Diane to the Chief of Police as well as a representative from the Sheriff's office. I'd also ask that if the Administration wanted to include the Humane Society and Stark Parks Wildlife Center that an invitation be extended to them as well. I had not heard if that had been completed and if so, who was going to be in attendance or had confirmed to be in attendance.

COUNCIL PRESIDENT ISTNICK – Diane, can you answer that?

COUNCIL CLERK ROLLAND – Yes. Councilwoman Starrett, I will be making those confirmations tomorrow and will give an update via e-mail or phone call.

COUNCILWOMAN LITMAN – This is Linda Litman who asked that question.

COUNCIL CLERK ROLLAND – I'm sorry, I mean Linda.

COUNCILWOMAN LITMAN – That's okay. Diane, I also want to make sure that for our Police and Fire Committee meeting that each attendee has two (2) items. One being the overview of the Stark County Dog Warden Division that was provided previously as well as the Ord. from 505.01 to 505.99. Those are the ordinances that pertain to this subject matter that are already on our books. So, I'd like to make sure that each one of the, at least, Council members that are wanting to participate in that meeting, that they have each one of those items prior to that meeting if possible.

COUNCIL CLERK ROLLAND – Yes ma'am.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT ISTNICK – At this point, since there are no third reading of ordinances or second reading of ordinances, I would like to ask the Mayor to give us an update of what's going on in the City.

MAYOR CATAZARO-PERRY – Good evening, Madam President, Members of Council. As many of you probably watched the Governor today, he did make an announcement that the remainder of the school year will be through remote learning. And, of course, last week, he made an announcement that we're going to start opening up the government and the cities again and that will be effective May 1st at 11:59 p.m. where that former act will expire. And so, May 4th we are preparing to have the majority of our staff report back or continue to work remotely. And so, Barb and I have been very busy working with each department to make sure that it has new safety standards and practices placed into each department and it must be specific per the department because each department as you know, is different and we will continue to keep our buildings locked down in the City government on Lincoln Way. Anybody that needs to get to the Engineer's office, they've even installed a new envelope window where they can utilize that and we're preparing to really make these environments very safe and have new practices as far as cleanliness. All staff members will be required, mandatory to wear a mask when they are in the same area as another employee. If they're six feet apart, that's not going to be necessary, but if they are going to be working closer together or in an office area, they will be required to wear that mask. We're excited to bring people back, but we're also being very cautious. If the State, they have stated that the curve will be changing as we go through this. So, you'll see an up-tip and then it will also decrease. We are going to watch that very closely and we'll follow the Governor's orders as he deems necessary.

COUNCIL PRESIDENT ISTNICK – Are you finished, Kathy?

MAYOR CATAZARO-PERRY – I am. Are there any questions?

COUNCILMAN THIERET – I have one.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILMAN THIERET – Thank you, Madam President and Mayor. For the time being, is the Street crews or Road crews doing any even pothole patching or anything like that in areas

MAYOR CATAZARO-PERRY – Barb, go right ahead.

BARB SYLVESTER – I can answer that because, again, any calls that we do receive at our office, any calls that the Police Dept. does dispatch out, I'm aware of. So, as we stated all along, if there is anything that is a danger to our community, we do call the Street Dept. out and the Safety Dept. out when some traffic lights that are out; wind and storm damage. If there is an area where patching pothole has popped out, for instance on SR 21 which is a higher speed road and higher traffic volume, then we will call persons out to repair those. Also stop signs; we've had a few stop signs that have been hit and have to be repaired or were damaged from the wind storm.

COUNCILMAN THIERET – Thank you.

BARB SYLVESTER – You're welcome.

COUNCIL PRESIDENT ISTNICK – Anyone else?

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

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

MICHAEL ANTHONY MITCHELL – Petty Officer, U.S. Navy retiree, Class of '82 Massillon. I've come down and watch our Massillon Tigers play the past couple of years. They had a great year and I was happy about that and I'm supposed to be coming down on May 1st with my U-Haul truck and I just wanted to know, will I be stopped at the border? Because Michigan's the third highest in the U.S. for COVID, but since I have a clean bill of health and my driver, do they still stop us before we go on the turnpike? And in Massillon, will everything be back pretty much or almost up as far as restaurants go, so we can come and eat inside, because I'll be staying at the Hampton Inn?

MAYOR CATAZARO-PERRY – Well, first of all, this is the Mayor and I'd like to thank you for your service.

MICHAEL ANTHONY MITCHELL – Yes, I've talked to you, in person, a long time ago, a couple of years ago. I don't know if you remember me.

MAYOR CATAZARO-PERRY – I don't remember you, but, I'm sure if I saw your face, I would.

MICHAEL ANTHONY MITCHELL – Yeah.

MAYOR CATAZARO-PERRY – I do know that our Governor, if you come over, I believe, he's having you quarantine for 14 days. So, I would check with the Department of Health or even call our Health Department to confirm that before you come. I'd hate to see you come and then you'd have to quarantine for 14 days before you can do anything. So, I can give you that number so that you can call.

MICHAEL ANTHONY MITCHELL – I'm only planning to be in Massillon for two or three days and that's it, then I have to go back home. But I have a reservation to come down there with my stuff and that's why I wanted to clarify that. I've heard that things are supposed to be up and running May 1st, but he hasn't made it an official word yet.

MAYOR CATAZARO-PERRY – I'm not sure if he's going to extend that 14-day quarantine. Barb, do you have that number handy?

BARB SYLVESTER – If you go out on our website, all of the COVID-19 information that we put out there is current. We actually have a plan that's in place for our City since we are under the National Management Emergency System. So, if you go out there, you will see any and all of the numbers to call for our Health Dept. Depending on the different questions that you have.

MICHAEL ANTHONY MITCHELL – Yeah, I called them and left a message. I just wanted to clarify, though. Does that mean that they arrest you and put you in jail for 14 days? I just out in the dark.

MAYOR CATAZARO-PERRY – No, no. You have to stay where ever you're staying for 14 days. I think you need to clarify it, though, before you travel to the City and would just continue to watch our Governor. He's on ohiochannel.org and they maybe changing things this week as we go through this process. Okay?

MICHAEL ANTHONY MITCHELL – Okay. Because I'll have to change my reservation if I have to, but, I'm planning on coming down there because I'm moving down there permanently; leaving Michigan. I've gotten robbed at gunpoint in Detroit and beat up by some criminals, strong arm robbery; city bus stops and then my state pulled my driver's license indefinitely for medical/mental condition, that's what they're saying and I could have gotten them in a lot of trouble because my disability is service-related and the state screwed me over, Michigan did and I want to get out of the state. I'm tired of it, I've been here over fifteen years. Ohio's my home state, that's where I was born, that's where I went to school and went into the Navy. That's what I wanted to say tonight.

COUNCIL PRESIDENT ISTNICK – Again, let me repeat that we appreciate your service. Go ahead Mayor.

MAYOR CATAZARO-PERRY – I just want to say that again, we appreciate your service to our country and we'd love to welcome you back, but we want to do it so that you're not wasting dollars and time. So, I'd definitely would check in with Terri Argent and/or the Department of Health for the State of Ohio.

MICHAEL ANTHONY MITCHELL – Okay. Can you give me that number, though? The Department of Health number?

BARB SYLVESTER – It's on our website, as well.

MICHAEL ANTHONY MITCHELL – I can't get on the website because our stupid library's are closed up here, thanks to our Governor and that's the only way I can get online is at the library, that's why I wanted that number, if you could give it to me?

MAYOR CATAZARO-PERRY – I've got your number for you. It's 1-833-427-5634. That's the Ohio Department of Health.

MICHAEL ANTHONY MITCHELL – Okay, alright. Thank you, ma'am.

COUNCIL PRESIDENT ISTNICK – Thank you. Is there anyone else that would like to speak tonight?

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Councilwoman Litman.

COUNCILWOMAN LITMAN – I just wanted to ask, I know in our last meeting we had talked about exploring other technical options for our teleconference meetings and our Uberconferencing meetings. I didn't know if Diane had any information to report due to this venue having a limited number of video blocks that can be used?

COUNCIL PRESIDENT ISTNICK – I'm glad you brought that up, because at my end, this is the first time that I couldn't get into the video and on my screen, I can't see Lewis, I can't see Halter, I can't see Herncane and I don't see my name up there and I know we're all on. So, I agree. I'm not a fan of this right now as it stands because it doesn't seem to be working as good as it should be.

COUNCILWOMAN LITMAN – I also wanted to mention that if Diane has done some research, I certainly appreciate that, but I also wanted to tell you that I had a lot of conversation with a Canton City Council member and they are looking at even purchasing some upgraded technology with the understanding that it's likely that we could be for some time having meetings in this fashion but also if the pandemic would get better and then get worse again in coming weeks, that we'd already be set up for the type of thing in the future if we should do so. So, if she wants to have that conversation with what they're doing and what options they are looking at or someone else who was looking at whether technology as well.

COUNCIL CLERK ROLLAND – May I speak, Claudette?

COUNCIL PRESIDENT ISTNICK – Absolutely.

COUNCIL CLERK ROLLAND – I did research the Uberconference website and you're allowed up to 10 visitors or callers for free and if you wanted to subscribe to their service for $15.99 per month, you're allowed up to 100 callers and I had suggested to Claudette, I didn't know if this was something that Council would want to be responsible for or the Administration or it would be a joint venture, I don't know. But, I don't know how long this is going to go on either, as far as the pandemic, but you have to realize that we just spent a bunch of money installing a new system right here in our Council Chambers. So if there's someway that we could utilize our Council Chambers and go along with the safety guidelines; if we have to install plexiglass between Council and any public, those are some options that we might want to think about also. Because as I said, we just invested a lot of money and it hasn't been four years ago that we invested in this new system that we already have in place in Chambers. So, that might be something else that we can research as well as utilizing another system. Because the equipment that we purchased, right now, is just sitting idle.

COUNCIL PRESIDENT ISTNICK – Linda, those 100 visitors are not all video, they're just by phone.

COUNCILWOMAN LITMAN – Well, I think it would be beneficial to at least work with or have a conversation with the Council Clerk in Canton to see maybe what options they're looking at rather than kind of recreating the wheel if they're looking at something that we may not be aware of that we could look into as well or I would say if anyone else has any other options or suggestions for the advancement of some type of technology that would allow us for us to be able to have this type of video conferencing, please speak up.

COUNCILMAN LEWIS – Claudette?

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN LEWIS – All of the platforms pretty much run like this one. We use Webex at my day job. I believe the pricing might be actually a little bit pricier than Uber meetings. Zoom, which we're not using, but to purchase Zoom, in comparison, it's about $15.00 per month, but it's only going to be $200.00 or less to get a year's worth of service through one of these. It's not a big expense to have, so, I'm okay with it as long we're having to be in this situation. As for the visitors, that doesn't increase the amount of video, though? That would be my only question. It sounds like it should increase the number of video participants because it is weird that they only allow 10.

COUNCIL PRESIDENT ISTNICK – I thought that Diane told me that it was still 10, but there was up to 100 callers. Is that right, Diane?

COUNCILMAN LEWIS – I would double check that because I don't think there's a limit now. We have 18 people in attendance tonight.

COUNCIL PRESIDENT ISTNICK – Is that right, Diane?

COUNCIL CLERK ROLLAND – But you only have 9 on video.

COUNCIL PRESIDENT ISTNICK – I only see 5 on video.

COUNCIL CLERK ROLLAND – Well, my screen, I see eight.

COUNCILWOMAN LITMAN – I see eight as well.

COUNCILMAN LEWIS – Yeah, there's eight of us on video.

COUNCIL CLERK ROLLAND – Yeah, there's eight on video.

COUNCIL PRESIDENT ISTNICK – Who's on video?

COUNCIL CLERK ROLLAND – Ed Lewis, Ted Herncane, Mark Lombardi, Jim Thieret, Linda Litman, Megan Starrett, Jill Creamer and Mike Gregg and the rest are popping up as your name or wireless caller.

COUNCIL PRESIDENT ISTNICK – Okay. I don't even see Ed Lewis up there any place.

COUNCILMAN LEWIS – You just have to scroll your screen to see people.

COUNCIL PRESIDENT ISTNICK – I'm scrolling and I don't see it. I don't know why it's not going to the top.

COUNCIL CLERK ROLLAND – Well, while we're concerned about...

COUNCILMAN LOMBARDI – This is Mark Lombardi.

COUNCIL PRESIDENT ISTNICK – Go ahead, Mark.

COUNCILMAN LOMBARDI – This system, Uberconference, this is the first time I've ever had an opportunity to use it. It, for me, it's very lagging. So, basically, I say something and it doesn't seem true. There's a hesitation like for 10 seconds and the same back. I see their lips move but I don't hear their answers back; I see everything freeze up for a second. It just seems to lack in control for the moderator because anytime somebody who's on the line starts making a bunch of background noise, it cuts out the person who is actually speaking and it makes it very difficult to follow the meeting. I wish we had better handling of these types of groups.

COUNCIL PRESIDENT ISTNICK – Anyone else? Okay, if you could maybe look into that and maybe we could discuss it again on Monday.

COUNCILWOMAN LITMAN – Madam President, I have one more item.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILWOMAN LITMAN – I just wanted to suggest to Mr. Lombardi, he had asked if he could have a visitor at our Police and Fire Committee meeting for next week and I'd like to ask him if we could have Mr. Reiser if he wants to come and speak to Council that he come to the public speaks at the actual Work Session. I think we're going to have an hour for our Committee Meeting and I guess I'd like to have that be more of an education subject matter where the Police can tell us how they're handling these kind of issues? The representative from the Sheriff's Dept. and if the other organizations are going to be there as well. Basically, just trying to collect information. I think that situational, experiences that he's had that he'd like to share. I think that's more appropriate at the actual Work Session where we have the public speak. Would that be okay with the rest of the Police and Fire Committee?

COUNCILMAN LOMBARDI – That's fine as far as I'm concerned. I've talked with Mr. Reiser.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret, is that alright with you, as well?

COUNCILMAN THIERET – Yes, that's fine with me.

COUNCILWOMAN LITMAN – Okay, thank you.

COUNCIL PRESIDENT ISTNICK – Alright. Any other people from the community want to speak? Madam Creamer. Oh, go ahead, I'm sorry.

JUSTIN RICHARD – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Justin.

JUSTIN RICHARD – I didn't know at which point you would like me speak briefly on the Sunshine Laws.

COUNCIL PRESIDENT ISTNICK – This would be great.

JUSTIN RICHARD – I'm just going to give a brief overview, but I am going to touch on a couple of things that are probably most important for the elected Council members. The first thing, we just say Sunshine Laws, but that's a broad term. What it really refers to is the Ohio Public Records Act and the Ohio Open Meetings Act. And the Ohio Public Records Act was built on the United States Historical Principle that records of the government are the people's records, that's based on a Supreme Court case, Patterson vs. Ayers. Public Records Act provides citizens with the steps in order to request records from public office in Ohio while protecting certain specific types of records from release. It also establishes the legal process to enforce compliance when the requestor feels that a public office has failed to satisfy its public records obligations. That's all Codified under O.R.C. Chapter 149. Additionally, the Open Meetings Act requires public bodies in Ohio to conduct all public meetings and open meetings that the public may attend and observe. This means that if a public body is meeting to discuss and vote on otherwise besides public business, the meeting must be open to the public. That's all located in O.R.C. 121. Specifically, probably the most important take away from all of this is that all public officials are required to take this training during their term. All elected officials in the State of Ohio or their appropriate designees, are required to attend training approved by the Attorney General once, per elected term. O.R.C. Section 109.43. The purpose of this training is to insure that all employees to public offices are appropriately educated about their obligation under the Public Records Act. This training is intended to enhance the official's knowledge of their duty to provide access to public records and to provide guidance in updating their office's public records policies in open meetings. As required by the O.R.C., the Attorney General develops, provides and certifies public records training programs and seminars, but because of COVID, all of those live ones are done. They were supposed to be one this month and one next month. However, there are scheduled future online ones that I can give you the web address, but you can also take the entire training online which probably seems more to our situation right, at you own pace and if you'd like to grab a pen, I will read everybody that website, so you can write down if you want to take it at home, if you haven't already taken it. It is http@://sunshinelaw.ohioattorneygeneral.gov/. And then the State Auditor, once you complete that and you give your identification, the State Auditor will then keep that record of your attendance and your completion of that program for your elected period of time. Briefly, I want to get into, there's been some, I know communications from…

COUNCIL PRESIDENT ISTNICK – Justin, can you repeat that, please, the website?

JUSTIN RICHARD – Absolutely. It is http@://sunshinelaw.ohioattorneygeneral.gov.

COUNCIL PRESIDENT ISTNICK – Thank you.

JUSTIN RICHARD – I know that in the past couple of weeks, there's been several communications with the law concerns where it considers unsolicited emails and from one member to all of the other members or at least what would consider a quorum in one of their particular committees. So, I'm not going to get into that tonight. Once everybody does it, if you have specific, once you do the training, if you have specific questions, please come and talk to me. I'd love to talk to you, but a meeting is not always; a meeting is defined like this – it's a prearranged gathering of a major of the members of a public body who are discussing and delivering public business. Now that's obviously what we're having right now. It was prearranged, it's a majority of the members of public body or all of them, this evening. And we were discussing and deliberating and voting on public business. However, there have been times when the Ohio Law and Supreme and Appellate Courts upheld that a meeting can actually be constituted by emails. One email of one person saying, I believe there was one from Mr. Lombardi last week, just asking the majority of the members would it be appropriate to have certain people attend; that one email in itself is an unsolicited email. So, that is not. But unfortunately, it creates a very risky or troubling problem if individuals were then to enter theories or theorial or reply to that and we had a email chain, it could actually be consider to have a meeting and that would be a meeting that the public nor the press were invited to and thus, would be in violation of that act. So, I would caution everyone, certainly one-on-one communication. I've highlighted a couple of things that I'll read here. The Open Meetings Act governs prearranged discussions but it does not prohibit unplanned encounters between members of public bodies such as hallway discussions. One court has found that either an unsolicited and unexpected email sent from one board member to the other is a spontaneous one-on-one telephone conversation between two members of a five member board was a prearranged meeting, thus, it would not be a violation, and that was actually our District Court of Appeals which would be controlling if we were taken to court over this. However, the prearranged element does require the parties to participate at the same time, in such a series of emails, like I explained, exchanged among the majority of board members, either of a committee or the whole, could constitute as a prearranged meeting. Even when the emails started with one board member sending an unsoliciting email to other board members if others follow and then deliberate and discuss public business. In evaluating whether a particular gathering of public officials constitute meetings, our Court of Appeals has opined that the Open Meetings Act is intended to apply to those situations where there has been actual formal action taken. To wit, formal deliberations concerning the public business, under this analysis, those courts have determined that gathering strictly of an investigative and information taking nature, do not involve actual discussion or deliberation of public business and are not meetings for the purpose of Open Meetings Act. More importantly, the Ohio Supreme Court has not ruled on whether investigative and informational gathering are or not needed. So, a lot of this, we have laws and we certainly have a nice yellow book that's put out by the Ohio Attorney General, but a lot of this, as far as litigation, is not settled. So, that's why we like to tread lightly on these areas. So, I would just urge not to, if they can at all be avoided, to send single emails or if they do, please remember not to, if you're sending an unsolicited email to the other eight members or what we constitute as a quorum in your committee, I would not reply to that because then we could be in violation. I'm not going to read the consequences, but know there are, ultimately, you could be removed from your elected position if it came down to a very egregious violation of these laws. Are there any questions?

COUNCIL PRESIDENT ISTNICK – I have two questions, Justin. Number one, can we send the same email to everybody as long as they are individual emails?

JUSTIN RICHARD – Absolutely. That would be no more than an individual phone call. Now know that, back to the public records portion of it, generally, you're not creating a public record if you're calling a person on the phone, a one-on-one telephone or a message. Well, the message would, obviously, be a record. So, then once you've created a record, we do have retention schedules which you would have to follow. So, if you're creating an email, depending on our records retention policy for Council, you would have to keep that email for the period of time that's required by the operating procedure. But yes, a one-on-one email would be the same. The courts look at the same as that hallway conversation that they refer to.

COUNCIL PRESIDENT ISTNICK – And we can take the sunshine law training now?

JUSTIN RICHARD – Absolutely.

COUNCIL PRESIDENT ISTNICK – Thank you. Does anyone else have any questions for Justin.

MIKE GREGG – Yes, I do.

COUNCIL PRESIDENT ISTNICK – Go ahead, Mike.

MIKE GREGG – Thank you, Madam President. Mr. Richard, I think I heard you say and I just want to confirm this, that sunshine law training is supposed to be taken by an elected official each time they are elected. Is that correct?

JUSTIN RICHARD – Yes.

MIKE GREGG – How long do you have to do that? Your entire term or is there a deadline on that?

JUSTIN RICHARD – There is not. The only that it really speaks to that I saw is if you're taking over a partial term. Then it essentially it could be prorated. But, obviously, the more you know earlier on, the better.

MIKE GREGG – Okay. And the website that you gave us is the proper website to take that training for someone that's been re-elected, correct?

JUSTIN RICHARD – Yes, sir. I don't make a distinction between re-election, but, during your term, you are required to take that training.

MIKE GREGG – Alright. Thank you very much.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Anyone else? Yes, Mr. Lewis.

COUNCILMAN LEWIS – I believe how we've always heard it in the past and I believe it was even said tonight that it's the elected official or appropriate designee.

JUSTIN RICHARD – Yes.

COUNCILMAN LEWIS – And historically, we have always sent our Council Clerk to the training and that qualified.

JUSTIN RICHARD – It may. I've not looked into that as far as the statutory definition of designee. I can definitely look into that.

COUNCIL PRESIDENT ISTNICK – Could you do so and give us answer Monday?

JUSTIN RICHARD – Sure. Probably pretty close right now, but yes. We can adjourn the meeting and I'll get an answer for that.

COUNCIL PRESIDENT ISTNICK – So Ed, you're thinking that we don't all have to take it as long as Diane takes it?

COUNCILMAN LEWIS – I will leave the window open that it could have been done improperly, obviously. But in the past, newly elected people would take it for their own knowledge and then the Clerk took it every year as well. So, those who had re-election, did not unless they chose to because they wanted to. But that's purely just a historical perspective. It doesn't necessarily mean it was correct.

JUSTIN RICHARD – I can tell you this, Ed, if I may, Madam President.

COUNCIL PRESIDENT ISTNICK – Go ahead.

JUSTIN RICHARD – Because I said these things are often fluid and there are new interpretations and it's really crazy because you could go to a Cincinnati sunshine law and the law that they give you is probably good for that District Court of Appeals, but could be different for ours. So, because these things are often changing, I would just encourage everybody to take it. Certainly, I don't believe most of the trainings that I've gone to don't exceed an hour or two. So, just to give you that knowledge, I don't think it's a bad idea. But whether or not required, I can definitely look into how far they allow designee to be in compliance.

COUNCILMAN THIERET – Madam President.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILMAN THIERET – There was a seminar in downtown Canton last winter before I took office, actually I believe, over lunch time. And it was about all these things. I'm assuming that this is what we're supposed to look for?

JUSTIN RICHARD – I don't really understand the question.

COUNCILMAN THIERET – There was a couple of lawyers, people from the Law Dept. in Canton that reviewed, sounds like, everything you just talked about.

JUSTIN RICHARD – Okay. Was it hosted by the Ohio Attorney General?

COUNCILMAN LEWIS – I can answer that question, Mr. Thieret and Ms. Istnick.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILMAN LEWIS – I know what he is referencing and that was actually an event hosted locally and it stated on their advertisements that this would not qualify for any kind of credit toward requirements made forth by the State. So, that was just for information and would not be considered the training.

COUNCILMAN THIERET – But, I still got to do it?

JUSTIN RICHARD – I'll look into that.

COUNCIL CLERK ROLLAND – Justin, that was sponsored by the Stark Metropolitan Housing Authority. Atty. Corey Minor Smith was in charge of that and it was during a lunch hour. That's why I didn't bother to go to it. But if I can clarify something, as far as the Council Clerk taking the training, I've never taken the Sunshine Law training. I printed out the 2017 Sunshine Law Handbook which is about 400 pages and that was in 2017 when Mike Dewine, at that present time the Attorney General. But, I have never attended any official Sunshine Law training and I'm not an elected official. I am appointed. So, if it states that the elected officials have to attend it and that it's a requirement, I would dispute that it goes through the Council Clerk and then I pass the information to the Council members because they are the elected officials, I am not.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN LEWIS – Well, first off, I apologize for any reason you would not have gone, but it says "or appropriate designee" and I think that's where that would come from and I'm looking at a FAQ that I believe speaks to it. I just don't know.

JUSTIN RICHARD – I have it, Ed, if I may speak.

COUNCILMAN LEWIS – Yes.

JUSTIN RICHARD – The Act states that "the designee may be a designee of one elected public official or all of the elected officials of a public office if the public office includes more than one elected official". Its under O.R.C. 109.43(I). The statute does not provide a definition of an "appropriate designee", but the term implies "an official or employee of the same public office with an appropriate connection to the training requirement".

COUNCIL PRESIDENT ISTNICK – Any other questions or comments?

COUNCILWOMAN LITMAN – I just a question for Diane. I wanted to make sure for our Police and Fire Committee meeting next week that we would be on as the organizer and then those of us who wanted to attend be able to do the same than we did with Uberconference today, rather than myself being the organizer.

COUNCIL PRESIDENT ISTNICK – Diane?

COUNCILMAN LEWIS – She's muted if she's trying to talk.

COUNCIL CLERK ROLLAND – Okay. I would suggest that you contact Anita Combs on that since she is the organizer. She's the one that got all of this together. Because even when I log on for this meeting, it comes up Anita's information and I just go in with that. So, if you want to be designated as the organizer of the conference…

COUNCILWOMAN LITMAN – No, I don't not want to be. If we can go in the same way that we are right now for the Work Sessions, that we do the same thing for the Committee meeting rather than switching it around and having there be a new organizer because I'm not as familiar with this as perhaps someone else might be and if we can do the same thing that we're doing right now with you guys being the organizer or designated as the organizer, then we can all just be participants in the Committee meeting as well.

COUNCIL CLERK ROLLAND – Okay.

COUNCILWOMAN LITMAN – Okay.

COUNCIL PRESIDENT ISNTICK – Anyone else?

18. ADJOURNMENT

COUNCILWOMAN CREAMER – I make a motion to adjourn.

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

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT