MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, AUGUST 17, 2020

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, August 17, 2020. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Auditor, Jayne Ferrero, Chief Deputy Auditor, Debbie Bonk, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Chief Engineer, Jason Popiel, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley and Fire Chief, Tom Burgasser. 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**

COUNCILMAN JIM THIERET

3. **PLEDGE OF ALLEGIANCE**

LED BY COUNCILMAN THIERET

4. **READING OF THE JOURNAL**

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Thieret. 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.

COUNCIL PRESIDENT ISTNICK – Thank you.

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

SCOTT GRABER – 1218 Tremont Ave. S.W., Massillon, OH. I'd like to address Council regarding Res. No. 11 – 2020, the tax budget resolution. Well, Councilman Lewis characterizes this as simply a "wish list". In reality, this is the official notification by the Massillon City Council to the Stark County Budge Commission of City Council's plan to use the tax revenues collected by the City of Massillon. This is the first official act of City Council as it performs its function according to the O.R.C. Section 731.47; General Powers – "The

legislative authority shall have the management and control of the finances and property of the municipal corporation except as otherwise provided". In fact, this resolution is the statement that the Massillon City Council after careful consideration and deliberation has decided that it plans to manage the finances of the City of Massillon by appropriating the specified funds in the specified ways. Now, we all know that the salary of a Massillon City Council member consists of about $150 per week and that few persons who hold full-time jobs in their real lives and may have children to take care of and attend to are going to be willing or able to consider the resolution section by section and line by line and to carefully consider and deliberate on each line item in the entire tax budget. We all know that this is how the City budget is dictated for the City Council and that this tax budget is going to be re-introduced exactly as it is right now; the actual 2021 appropriations ordinance and any Council member told at that time that there is no time to carefully consider and deliberate on every line item or any line item, for that matter, because to do so would cause a parade of horribles to be visited on the City of Massillon by the irresponsible delay caused. And so in the end, the power to manage and control the finances to plan on how City revenue will be allocated is you served and taken away from the City Council. I would submit that now is the time for the City Council to seize its authority and duty to determine how best to preserve the health, safety and welfare of the people of the City of Massillon by taking control of the plan to appropriate the city budget right now. Now is the time to formally plan. Now is the time to get involved in the decision-making process for real and not simply to function as a rubber stamp for a plan dictated to you from above. The only question is, are there any members of the Massillon City Council who would spend the time necessary to do so for $150 per week? That my friend is the only question. I thank you for your time and your kind attention.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Graber for your comments. Anyone else? Anyone else from the public? I don't want to cut you off if you want to talk.

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi, do you have an update for us?

COUNCILMAN LOMBARDI – Yes, Madam President. I'm down here now in Council Chambers and I'd talked with Barb Sylvester to see if I could figure out where the Wi-Fi signal was coming from and she and a gentleman checked things out up here and he found a router. It's at Diane Rolland's station. Unfortunately, I just found out that that router is just for the sound system. Bob Jones installed that for the sound system so that she could remotely control it from her second work station computer at her desk. So, the hunt for the router is back on. There's a router here and it shows up as Wi-Fi___33. We just don't have a password to be able to get on to it. So, once I find that router, I can get password reset. I'm down here in Council Chambers right now, this is the only time that I could get down this week. So, I'll see what I can find and go from there and I'll update you as I find things out.

COUNCIL PRESIDENT ISTNICK – Thank you. I appreciate it. Does anyone else on Council have anything?

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 76 – 2020 **BY: HEALTH, WELFARE & BLDG. REGS. COMMITTEE**

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Madam President. We had quite a lengthy discussion about this ordinance Monday at our Work Session. I did take the time to go downtown and walk the sidewalks with Mr. Maley and he explained to me the reason for this. We did talk to a couple of merchants downtown and I see nothing wrong with this. I would like to bring this forward this evening for a vote. Are there any questions? Hearing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 76 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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. 76 – 2020 has passed. Ord. No. 77 – 2020.

ORDINANCE NO. 77 – 2020 **BY: POLICE AND FIRE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept an AFG Grant (EMW-2019-FG-10555) from the Federal Emergency Management Agency (FEMA) on the behalf of the Massillon Fire Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. As the description explains, this is a FEMA that has been awarded to the City of Massillon to purchase CPR assist devices in addition to, and I believe there are three, CPR assist devices that will purchased as well as a bariatric cot. The City is responsible for 10% of the associated cost of this need which equates to $3,536.36. Since this was not discussed at our prior Work Session, I've asked for Fire Chief Burgasser for your presence this evening to give us a further explanation of this legislation request. Chief Burgasser, are you on the line?

CHIEF BURGASSER – I am, thank you, Councilwoman Litman. First of all, I apologize for the lateness at which this comes. We were awarded this grant probably about a week and a half ago and they have a thirty day (30) window and so, we're in a rush. If we don't accept it within thirty days, then we have to forfeit it and they give the money to someone else. The grant

itself, again, it's for $39,800 altogether. We've actually passed over the means to acquire a bariatric cot because of our load system in our new cot systems. So, in essence, they all will hold up to 700 pounds and so, this will really allow us just to buy another ambulance cot at a 700-pound rating. So, we feel pretty positive about that. Our cot systems are actually about six years old, so this will begin a replacement with that. The next thing is CPR assist devices, they provide compressions and they do so in a methodical and a very precise manner. We have one of these devices currently and we'd like to put one on each ambulance and those are about $9,500 apiece and that rounds out the entire grant. The match will come from our services/contracts. We have that in fund, we built that into the budget in the likelihood we would get the grant and so we're really pleased with it.

COUNCILWOMAN LITMAN – Chief Burgasser, I do have a question. How many of the bariatric cots do we currently own? I know that we've purchased others in the past.

CHIEF BURGASSER – We don't have any specific bariatric cots. This is just another one of the cots we have. We have five currently and this will replace one of the older models.

COUNCILWOMAN LITMAN – Okay. So, how many do we have currently?

CHIEF BURGASSER – We have five.

COUNCILWOMAN LITMAN – We have five. Okay. Are there any other questions from Council members for Chief Burgasser?

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Ms. Litman.

COUNCILWOMAN LITMAN – Yes, Mr. Lombardi, do you have a question?

COUNCILMAN LOMBARDI – Yes. I actually have a statement about this. Since this didn't go through Work Session and we're asking the taxpayers to spend another $3,500 and the Mayor has been telling us that we're not sure where are budget is going to be, I really would ask that we just take this to first reading tonight. Give the public a little bit of time to digest this and see if they have any issues.

COUNCILWOMAN LITMAN – Thank you for your comments. Are there any other comments? Chief Burgasser I would ask, as I see on the request for legislation that you must accept by September 4th?

CHIEF BURGASSER – Yes. It has to be accepted by September 4th or else we forfeit the award all together.

COUNCILWOMAN LITMAN – So in essence, we have another Council meeting that will not or actually we have another Work Session that will not be scheduled until the 31st, I believe we're off on the 24th. Would that give you sufficient time if we went to first reading and then perhaps had a special meeting; would that be satisfactory for your acceptance or do we, in your opinion, do we need to vote on this this evening?

CHIEF BURGASSER – I guess it's my opinion, I'd like to see it done as soon as possible. If you want to have a special meeting, I just have to push the button to accept the grant by September 4th, I think at 3:26 p.m. or else we forfeit the grant.

COUNCILWOMAN LITMAN – I would ask again that our share of this is $3,536.36 and you have already budgeted for this expense through your services and contracts. So, we're not using unappropriated dollars. These dollars are already in your Fire Dept. services and contracts budget. Is that accurate?

CHIEF BURGASSER – Yes it is. We built it into the budget last year when we contemplated writing the grant.

COUNCILWOMAN LITMAN – Okay, thank you. Are there any other comments or questions from Council members?

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. Ms. Litman, I would just like to say knowing that Chief Burgasser has already budgeted for this and that it is already in his services and contract line item, we're not taking from the General Fund any additional funds, I would be comfortable moving forward on this tonight. I don't know how other Council members feel, but, I don't see any issue with moving forward on this considering that the Chief has planned for this.

COUNCILWOMAN LITMAN – Are there any other comments? Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mrs. Litman. My comment is similar. Since the money is already in the budget and we're not talking about a huge amount of money that has, again, already been budgeted, I see no reason to delay voting on this and put the entire grant in jeopardy. So, I believe we should move forward on this tonight.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Well, I don't see an issue with it. I would just defer to the Committee what the Police and Fire Committee, considering that it didn't go through Work Session. If that Committee wants to give it first reading and have a Special Meeting, I would say that there's wisdom in letting them make that decision and then Council would just follow along with it.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Yes. I've read through it and everything is straight-forward. It's already been budgeted for. I see no reason to delay approval of it. Let's get it so we don't lose it.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Like I said, I'd like to see it go to another reading and give the public a chance to look it over and discuss it before we try to vote on it.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman, back to you.

COUNCILWOMAN LITMAN – Madam President, thank you very much. I really much appreciate the comments of the Committee as well as the other Council members. I do feel comfortable in bringing this forward only because we are not expending any unappropriated dollars. These were dollars that were already accounted for in the budget and that the need is there. Otherwise, FEMA would not have approved the grant. I also appreciate very much that Chief Burgasser does go beyond the call of duty to try to get as many grants and Federal dollars in grants as possible. So, that being said and no other comments, I would ask that we waive the rules requiring the three readings and bring this forward for a vote this evening.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes; 1 no for passage – Lombardi voted "no"

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 77 – 2020 has passed. Ord. No. 78 – 2020.

ORDINANCE NO. 78 – 2020 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE establishing fair market values; authorizing the Mayor and/or Director of Public Service and Safety to negotiate for and acquire interests in real property for the Wales Road Widening Project, STA SR-241 09.71, PID No. 100471, ratifying and approving all acquisitions made prior to the effective date of this ordinance, and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you. We discussed this briefly at the Work Session and I believe that if there are any questions, we have the Engineer's office on the call with us tonight to answer any other questions.

COUNCIL PRESIDENT ISNTICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. I did notice as part of the ordinance, there was Exhibit "A" which basically list out each property as well as the fair market value that will be or has been negotiated. So I guess that is my first question, are these dollar amounts that have already been negotiated and approved by the homeowners as well as the City or are these what we intend to offer the homeowners?

BILL BARTOS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Bill.

BILL BARTOS – Jason can take this one if he wants to as well, but just from an explanation of the fair market values. Those are actually established as part of the appropriation process for the eminent domain process. Before we can undergo the eminent domain process, there's

actually an evaluation of the property or the interest in the property and a fair market value needs to be established. So, all of these properties have been evaluated for the fair market value of the interest that will be taken. You'll see under the "type" section, there is either a "T" for temporary, a "WD" stands for a warranty deed, those would be the permanent takes. As Mr. Popiel mentioned last week, most of the takes are temporary takes, you'll see; only a very few permanent takes. So, the fair market value number is the number that we start at, but some amounts may go over that. Of course, if we can't settle on a number with the property owner, that's when we head to the eminent domain process and we take the next step and we will see that legislation next time we meet which will be to authorize or declare our intent to actually appropriate the property and officially begin the eminent domain process. Jason, please add anything you think I missed.

JASON POPIEL – No, I think you got it perfectly.

COUNCILWOMAN LITMAN – I do have one more question. Since we have 142 line items or parcels on these three sheets that compose Exhibit "A", can someone give us a total? I did not go down through 142 dollar figures and add them up to see what this total is, but I'd be interested to know.

JASON POPIEL – Ms. Litman, I believe there are 111 total parcels that we either require temporary or permanent take.

COUNCILWOMAN LITMAN – Okay, but I'm talking the dollar figure. I'm looking at 142 on the three pages of Exhibit "A". So, I'm not sure where you get 111. Am I not looking at that correctly? But, I guess I'm looking for a total dollar figure there as well.

JASON POPIEL – I don't have that total right now. The fair market value that you're talking about on the far right column?

COUNCILWOMAN LITMAN – Yes.

JASON POPIEL – I don't have a total for that right in front of me.

COUNCIL PRESIDENT ISNTICK – Mr. Bartos, I don't know if you can answer this or not, but haven't some of the neighbors already received money?

BILL BARTOS – Madam President, well I'm not sure about if they've received or not, but this is kind of a cleaning up and getting us ready for the next step of the process which the first step is the appropriation process. But, technically, Council does have the oversight authority of city property and so, that's why it necessitates Council approval. So, before we go, we have to go and file any actions in court, I wanted to make sure that we went through ordinance and resolution approval necessary. I took a look back with the City of Canton did a few years ago for their $56 million-dollar East-to-West project from the 12th St. to Mahoning Rd. As you could imagine, there were hundreds of takes that they had to do for their right-a-way on that project and so, I'm just mirroring, basically, the legislation there and you'll see a similar piece, like I said, for the actual appropriation and I think, Ms. Litman, you'll notice that it says 142, but actually, if you look, they're not all listed because I believe Engineering started with 142 contemplated parcels. But, evidentially, some were knocked off. So, you see it goes 1, 2, 3, 5,6,7,8.

COUNCILWOMAN LITMAN – I do see that.

BILL BARTOS – Yes, because some of the takes were eventually removed from the project.

COUNCILWOMAN LITMAN – Thank you very much.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. I'd like to make a motion that we waive the rule requiring three readings and bring this ordinance forward for a vote.

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

COUNCIL CLERK ROLLAND – May I interact here, just for the record? When you are requesting that the ordinance be waived or passed, if you would kindly mention the number of the ordinance?

COUNCILMAN THIERET – Oh yes.

COUNCIL CLERK ROLLAND – Thank you.

COUNCILMAN THIERET – I'm sorry.

COUNCIL CLERK ROLLAND – That's okay.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 78 – 2020 has passed. Ord. No. 79 – 2020.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 78 – 2020 has passed. Ord. No. 79 – 2020.

ORDINANCE NO. 79 – 2020 **BY: FINANCE COMMITTEE**

AN ORDINANCE amending Ordinance No. 155 – 2016 pertaining to authorizing credit card us by various departments within the City of Massillon, Ohio, in compliance with the credit card policy established by the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. As we reviewed this ordinance we will see that the policy made some adjustments with who was having certain responsibilities within the policy. I would ask if there are any questions from any Council members this evening? Hearing none, I make a

motion that we suspend the rules requiring three readings, bringing Ord. No. 79 – 2020 forward for a voted.

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. 79 – 2020 has passed. Res. No. 11 – 2020.

RESOLUTION NO. 11 – 2020 **BY: FINANCE COMMITTEE**

A RESOLUTION approving the 2021 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit "A", and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. As we have stated and was even stated this evening, this does have the nickname of a "Wish List". What this essentially does is what we do every year. It is notifying the County Budget Commission of the needs in the City, justifies the collection of taxes that we do. It does have to be submitted to the County Budget Commission by a certain date. After this, we will then essentially receive a budget request or recommendation that will come and we will discuss that. Usually we discuss that from anywhere from between eight to ten weeks. We have hearings of different department heads that come in and discuss what they are in need of in the next year and how they utilize their budget in their current stand year and things of that nature and then we vote on that budget and that is what actually mandates what the City's spending will be for 2021. Madam President, I would like to ask Jayne Ferrero to speak to this if she has anything in addition.

COUNCIL PRESIDENT ISTNICK – Thank you.

JAYNE FERRERO – Thank you, Mr. Lewis. Yes, what you said; everything is absolutely true. This is just an estimated amount of money that we are going to spend these property taxes on. We do every year; we send it over, but it is in no way the permanent budget for next year.

COUNCIL PRESIDENT ISTNICK – Mr. Lewis.

COUNCILMAN LEWIS – Yes. I'd open this up to any questions from members of Council, if they do have any. With that, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 11 – 2020 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 11 – 2020 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMINCATIONS

10. BILLS, ACCOUNTS AND CLAIMS

Webex	$ 15.92	Subscription Renewal – August

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 bills will be paid and charged to their proper accounts.

11. REPORTS FROM CITY OFFICIALS

Mayor's Report	June 2020
Auditor's Report	July 2020

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we accept the Auditor's Report for July 2020.

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

9 yes to accept the Auditor's Report

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Auditor's Report has been accepted.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will not be next Monday. It will be the following Monday, August 31, 2020 at 6:30 p.m. because we're off the week of the 24th of August.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

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 – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 74 – 2020 has received second reading.

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

18. ADJOURNMENT

COUNCILMAN THEIRET– I'd like to make a motion that the meeting be adjourned.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Meeting adjourned. Thank you all.

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DIANE ROLLAND, COUNCIL CLERK CLAUDETTE ISTNICK, PRESIDENT