MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, JANUARY 4, 2021

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, January 4, 2021. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Auditor, Jayne Ferrero, Chief Counsel, Bill Bartos, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley, Park and Recreation Director, Steve Pedro, Income Tax/Budget Director, Lori Kotagides-Boron and Chief Building Inspector, Frank Silla. Under item #5 on the agenda 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'd like to remind all of you that if you are not speaking, please mute your mics so that we can hold all the background noise to a minimum

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 8 present

2. INVOCATION

COUNCILMAN JIM THIERET

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN THIERET

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Thieret.

4. READING OF THE JOURNAL

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

COUNCIL CLERK ROLLAND – Yes, they are.

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

COUNCIL CLERK ROLLAND – No, there are not.

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

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

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – We're going to allow the Mayor to give the State of the City Address to City Council and the community. Mayor, you're up.

MAYOR CATAZARO-PERRY – Thank you and good evening everyone. Can you see the State of the City on your screens?

UNISON – Yes.

MAYOR CATAZARO-PERRY – Wonderful. I'd like to first wish everyone a Happy New Year. Good evening Madam President, Members of Council, Directors and all of those that have joined the call tonight. I'm honored to be the Mayor of Massillon and I'm excited to provide the State of the City. The year 2020 was an unprecedented year with Covid-19 presenting itself in the first quarter. At first we did not know the seriousness of the virus, but soon we knew that it was deadly and we put in place policies to protect our staff, residents and community. As we review 2020, our directors performed in an exemplary manner to alter the way we do business and to be safe. The year was quite different than any prior year. We did not host a Memorial Day parade, Independence Day celebration, the Kids Fest, Christmas parade, summer concerts series and other events in Massillon that we hold as traditions. Life has been so different. Our community rose to the occasion and wore masks, social distanced and stayed indoors. Then the virus hit even harder and "stay-at-home" orders were back again. We lost some of our residents, friends and family members to the deadly virus. Let us take time now to offer a moment of silence for all we lost this last year. Thank you. In times like this, we can only pull together, help and support one another. As we reflect back, we will find silver linings and lessons that we did learn in 2020.

Mayor gave State of the City Address to Council – Please go to www.massillonohio.gov to view the Mayor's Power Point Presentation.

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor for our look into 2020. It looks like the City of Massillon did quite good last year. Does anyone from Council have any questions for the Mayor?

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Councilman Lewis.

COUNCILMAN LEWIS – We have a motion to be made before we do that.

COUNCIL PRESIDENT ISTNICK – Oh, I'm sorry; go ahead.

COUNCILMAN LEWIS – Due to the complications of not having to be able to have the meeting last week, the Work Session; we've done this before, but, I make a motion that we suspend Rule No. 25.1 and proceed with tonight's agenda as distributed.

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

8 yes to pass Rule No. 25.1

COUNCIL PRESIDENT ISTNICK – Thank you. Again, Mayor, thank you very much. That really was a very lovely presentation. (Applause).

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 1 – 2021 **BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – 920 GOLF COURSE DEPARTMENT of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – 920 GOLF COURSE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – 920 GOLF COURSE DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. Before we proceed, I just want to, if Mr. Pedro is still on, I just want to clarify and make sure that there is no confusion. This piece was regarding the changing the classification so that we can, or I should say the Park and Recreation Dept. can upgrade their minimum wage for the lower classification of the employee. Mr. Pedro, can you confirm that?

STEVE PEDRO – Is this the one we talked about in the Work Session?

COUNCILMAN GREGG – I believe this is not the one we talked about just tonight, it was in a previous Work Session.

STEVE PEDRO – Yeah, we need to upgrade our Labor 1 line to accommodate the minimum wage; the new increase in minimum wage.

COUNCIL CLERK ROLLAND – Councilman Gregg.

COUNCILMAN GREGG – Excuse me. This is the ordinance to change the Grounds Superintendent from unclassified to supervisory classified.

COUNCILMAN GREGG – Okay. So it is what we just discussed this evening in the Work Session?

COUNCIL CLERK ROLLAND – Correct.

COUNCILMAN GREGG – Okay. Alright. So, are there any further questions regarding this?

COUNCILWOMAN LITMAN – Mr. Gregg; I have a question.

COUNCILMAN GREGG – Go ahead.

COUNCILWOMAN LITMAN – I would just like to confirm that it is legal to change a classification retroactive back to 2018? I'm wondering if the Law Director or Mr. Bartos may make a comment in that regard?

COUNCILMAN GREGG – Mr. Bartos.

BILL BARTOS – Well, I talked the Law Director earlier today, I guess he was involved with some discussions regarding this matter earlier in the week or last month. From my understanding, this individual was paid already, since his hire date according the understanding that he was a supervisor and this is simply an item, through no fault of his own, he was paid that. He was hired under the understanding that he was in a supervisory position and through no fault of his own, there was simply a clerical or administrative "snafu", if you will, where the position was not updated in the classification plan to reflect the fact that it was a supervisory position. So, even if the change was not made retroactive, I don' t believe we could, the argument being that if we didn't make it retroactive, then what would the outcome of that be? So, I think what everybody here is trying to do is the right thing because everybody here acted in good faith, the individual was hired two years ago to act as a supervisor; he has acted in that capacity. He's been paid accordingly and this is simply cleaning up an administrative matter that was not dealt with at the time in our personnel ordinance and it's a matter of recording keeping. So, I believe Mr. Pedro or the Auditor might be able to explain that better as far as what happened at the time, but, as far as I see things, I don't see an issue with the way that this is being handled right now. Because I don't see another way to handle it, at this point.

JAYNE FERRERO – Excuse me. What happened is that he was hired long before 2018. However, he was not hired in in a supervisory position. In 2018 when they put raises through, when city employees got 2% raises, he was given a raise on the supervisory level and so, he's been paid since 2018 on a supervisory level. Now, in order for us to make it right, we have to go back to that 2018 and change the grid. Otherwise, he would owe us money which would amount to about $2,000 a year that he would have to pay us back and after talking to Mr. Pedro, he did not want to do that. And so, there is where the whole problem lies. So, we are changing the grid for him to be a supervisory employee, which he should be. He's working in that capacity and he should be. So, that is the reason it's back dated to the 2018.

BILL BARTOS – Perfect.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. The piece that we're looking at doesn't look like the one we were talking about earlier tonight.

JAYNE FERRERO – Yes, it is. It's the exact piece that we talked about earlier at the Work Session.

COUNCILMAN THIERET – Yeah, but the piece that is listed on the agenda isn't what we talked about earlier.

JAYNE FERRERO – Yes, it is.

COUNCIL CLERK ROLLAND – Yes, it's the same one.

COUNCILMAN THIERET – You sure?

JAYNE FERRERO – Yes.

COUNCILMAN THIERET – Okay.

COUNCILWOMAN LITMAN – This is Ord. No. 1 – 2021.

JAYNE FERRERO – Yes. It's the piece that we talked about earlier.

COUNCILMAN THIERET – Okay.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis. Are you in agreement with that?

COUNCILMAN LEWIS – Yeah. It looks like it to me. It looks like this is a standard change of classification that we usually get. Looking at the Grounds Superintendent. Is that correct?

JAYNE FERRERO – That's correct.

COUNCILMAN LEWIS – And according to the Exhibit "A", the Ground Superintendent now receives the SU UN classification; the 14S or 16S which is what we use for supervisors. So, according the Exhibit provided, reflects that.

COUNCIL PRESIDENT ISTNICK – Okay, Mr. Thieret?

COUNCILMAN THIERET – Thank you.

COUNCIL PRESIDENT ISTNICK – Okay. Any other questions or concerns? Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. Since this is just simply an administrative correction and it does have emergency language, I don't see any reason not to proceed. So, I make a motion that we waive the rule requiring three readings and bring Ord. No. 1 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 1 – 2021 has passed. Ord. No. 2 – 2021.

ORDINANCE NO. 2 – 2021 **BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Massillon Recreation Center to offer all full-time Massillon City School employees with Massillon City School Healthcare a 50% discount on a single two

(2) year membership to the Massillon Recreation Center effective January 1, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 2 – 2021 has received first reading. Ord. No. 3 – 2021.

ORDINANCE NO. 3 – 2021 **BY: FINANCE COMMITTEE**

AN ORDINANCE reducing the appropriations in the 1217 Local Coronavirus Relief Fund, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the reduction in an appropriation by $.41. As explained by the Auditor, we were given two different numbers from the County. We appropriated one number and when the check actually came, it was $.41 shy of the number we were provided and appropriated. So, we're just doing a correction. 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. 3 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 3 – 2021 has passed.

8. UNFINISHED BUSINESS

COUNCIL PRESIDENT ISTNICK – Councilman Lewis, I presume since we had 10 minutes left from the earlier meeting that you don't need any specific time to continue anything here?

COUNCILMAN LEWIS – I'm not aware of any unless another Councilperson has something.

COUNCIL PRESIDENT ISTNICK – Okay.

9. PETITIONS AND GENERAL COMMINCATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	$ 717.20	Publication of October Ordinances
Massillon Cable TV	-	113.00	Monthly Fiber Ethernet Service
Walter H. Drane Co.	-	2,109.40	2020 Codified Ordinances
		$2,939.60	

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

8 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be next Monday, January 11, 2021 at 6:30 p.m. Does anyone have anything else to add there? Okay.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

ORDINANCE NO. 127 – 2020 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from RM-1 Multi-Family Residential to R-2 One Family Residential, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. As I spoke of earlier in the Work Session tonight, the Public Hearing for this rezoning ordinance will be, tentatively scheduled for February 16, 2021 at 6:00 p.m. So, at this time, I will be making a motion to table Ord. No. 127 – 2020 until the Regular Meeting on February 16, 2021.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call to table Ord. No. 127 – 2020 until February 16, 2021.

8 yes to table Ord. No. 127 – 2020 until February 16, 2021

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 127 – 2020 has been tabled until February 16, 2021.

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 136 – 2020 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-1 One Family Residential to B-1 Local Business, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

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

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 136 – 2020 has received second reading. Ord. No. 138 – 2020.

ORDINANCE NO. 138 – 2020 **BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE**

AN ORDINANCE to accept the replat and dedication of road right of way on Marion Ave. S.E., Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. I would ask if Jason Popiel is still on and how this project is moving and has there been any corrections. Do we need Planning Commission approval for this?

JASON POPIEL – This is the Marion Ave. I thought we already had Planning Commission approval. Is this Marion and Glenwood; Habitat for Humanity Consolidation?

COUNCILMAN THIERET – Yes. The road right of way; there are two different ones.

JASON POPIEL – No progress has been made yet, but, it's already been approved by Planning Commission.

COUNCILMAN THIERET – Okay. There's no reason for us to delay it. If there's nothing wrong, then we'll just put this up for a vote tonight. Any questions from Council? Hearing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 138 – 2020 forward for a vote tonight.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 138 – 2020 has passed. Ord. No. 139 – 2020.

ORDINANCE NO. 139 – 2020 **BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE**

AN ORDINANCE to accept the replat and dedication of road right of way on Marion Ave. S.E., Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. This one also has been approved by the Planning Commission. So, if there are no objections or questions from City Council, then I would like to make a motion to waive the rules requiring three readings and bring Ord. No. 139 – 2020 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 139 – 2020 has passed. Ord. No. 151 – 2020.

ORDINANCE NO. 151 – 2020 **BY: FINANCE COMMITTEE**

AN ORDINANCE amending Section 181.01 "PURPOSE AND AUTHORITY TO LEVY TAX; RATE" of the Codified Ordinances of the City of Massillon, Ohio, and authorizing the continuation of an existing two-tenths of one percent (0.2%) levy on income, to be effective January 1, 2022, for five (5) years, for the purpose of City Street Maintenance and Repair and the City Street Department, subject to the approval of the electors of the City of Massillon, Ohio, at an election to be conducted at the Primary Election on May 4, 2021.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 151 – 2020 has received second reading.

RESOLUTION NO. 19 – 2020 **BY: FINANCE COMMITTEE**

A RESOLUTION directing the Stark County Board of Elections to conduct an election at the Primary Election on May 4, 2021, for the purpose of providing the electors of the City of Massillon, Ohio, with the opportunity to approve or disapprove an ordinance providing for the continuation of an existing two-tenths of one percent (0.2%) levy on income, to be effective

January 1, 2022, for five (5) years, for the purpose of City Street Maintenance and Repair and the City Street Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Res. No. 19 – 2020 has received second reading. I would just like to ask a question here before we move into No. 17 on the agenda. I see that the Wales Rd. project began today and they're cutting down the trees. Has anyone been up or down Wales Rd.? I had a question from a constituent. Is the intersection of Wales and Hills and Dales going to be just the intersection or is it going to be a "round-a-bout"? Does anyone have an answer to that?

JASON POPIEL – There's no "round-a-bout" planned with this project.

COUNCIL PRESIDENT ISTNICK – Okay. Thank you very much.

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

18. ADJOURNMENT

COUNCILMAN THIERET – I make a motion that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Meeting adjourned. Thank you, and again, have a Happy New Year.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT