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

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, July 20, 2020. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Chief Deputy Auditor, Debbie Bonk, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Chief Engineers, David Krock and Jason Popiel, Economic Development Director, Dave Maley, and Health Commissioner, Terri Argent. If you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 9 present

2. INVOCATION

COUNCILMAN MARK LOMBARDI

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN LOMBARDI

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lombardi. 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 or additions to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Thank you. 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 – Does anyone from Council have anything?

COUNCILMAN LOMBARDI – President Istnick?

COUNCIL PRESIDENT ISTNICK – Thank you, Mark. I was going to call on you if you hadn't spoken up.

COUNCILMAN LOMBARDI – I wasn't sure if this is where you wanted to discuss this or not. I've been doing some research. I'm trying to get us back into Council Chambers. I talked with Bob Jones who installed the sound system that we have and it is possible to be able to link that sound system into a computer so that our voices through the sound system would be able to go into the computer and be able to be broadcast through a Webex session. So, what this would mean is that we could put ten people back into Council Chambers. It's going to cost a little bit of money, just around $2,000 total with the quotes that I got. We would have to buy a laptop for Diane to be able to administer the Webex sessions still, a laptop to put in the conference room and the eleventh person, we'd have to rotate out that eleventh person or figure out some method of doing that, but we can put the eleventh person over in the conference room, they can join by the Webex session and then the rest of us can meet face-to-face. I spoke with Terri Argent; she said that this should be fine as long as there are only ten. You'd have to go from the front door, right to our seats, no congregating and conversing. When the weather gets colder, we're going to have to just take our coats and hang them on the backs of our chairs. We won't be able to congregate in the conference room or anything. Go right to your chairs. We're going to have to be masked. We have to be masked during the entire session except when we're speaking even though we still have the shields up. Terri looked it up on the State of Ohio Directives and we will still have to wear masks. When we're speaking, we can pull the mask down to make our voices clear, but then we'd have to put the mask right back on when we're done speaking and then at the end of the meeting, immediately out to the front door keeping at least the six-foot distance between each other as we're going in and out of the building. The computer hardware is going to cost about $1,400 and that was quoted from Ohio Tech down on David Canary Drive and then Bob Jones from the Music Shoppe, it's going to be around $600 to do the installation of the equipment he needs to use. I'm sorry, Mrs. Istnick.

COUNCIL PRESIDENT ISTNICK – That $1,400 is included in the $2,000 already?

COUNCILMAN LOMBARDI – Yes.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILMAN LOMBARDI – And then we also have to buy a small web camera to face towards Council to show us into the Webex session. So, basically what this would look like is if you look at Diane's square, the Massillon City Council host, we would all be in that square. It would be Council Chambers pictured in that square and then everybody else can join in just like a normal Webex session as well as the public. So, that's what I found out. I'm not sure what everybody feels about that, but it is possible to get business back into Chambers.

COUNCIL PRESIDENT ISTNICK – I appreciate you looking into that, Mark. We did have a discussion on that. Does anyone have any questions? Nobody on Council has any questions on that?

COUNCILMAN GREGG – Yes, Madam President, I do have a question.

COUNCIL PRESIDENT ISTNICK – Go ahead, Mike.

COUNCILMAN GREGG – What would happen if we had to go into Executive Session in that scenario? If we can't all be in the conference room, how would we operate an Executive Session?

COUNCIL PRESIDENT ISTNICK – Well, we wouldn't have to leave our room because there's nobody but us in there. But we might have to exit the Webex session.

COUNCILMAN GREGG – The other question that I have is who would operate or would someone need to operate the webcam that is broadcasting our video, the video of Council?

COUNCILMAN LOMBARDI – I spoke with Diane about that. She would probably be the one to rune that. However, I did offer to her that if she wasn't comfortable doing that with everything else that she's doing that I'd be more than happy to run it. I'm in a station right next to where her's is.

COUNCILMAN GREGG – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Positive comment, negative comment? Hearing none, thank you, Mark, for your input on that.

COUNCILMAN GREGG – Madam President, it looks like Councilwoman Litman wants to as a question.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I do have a quick question, Madam President Istnick. I was wondering if when we are in Chambers, are we going to be able to be seen? Mark is indicating that we are going to be in this one little block. Is that one little block going to then fill the screen more when the public is able to see us in our discussion as we are going to be in this little inch by two-inch block?

COUNCIL PRESIDENT ISTNICK – Mark, do you have an answer?

COUNCILMAN LOMBARDI – Yes. We would all be in the one block. It would just be facing Council Chambers and we'd all be seen in one picture. Kind of imagine, if you will, if you remember the last couple of sessions where Craig Sanders' group was pictured in a block? That's what we would look like.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN GREGG – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, go ahead, Mike.

COUNCILMAN GREGG – Mark, correct me if I'm wrong, but won't it depend on the users what view they choose on their Webex session? If they choose "speaker view" and we're the ones

that are going to be the speaker, then we will fill the entire screen and otherwise, if they do "grid view" which is what I think you're referring to, we'd be just one of the individual blocks. But, if they choose, and again, this is up to the user that are logging in, if they choose the view of "speaker view", they'll see us almost to full screen.

COUNCILMAN LOMBARDI – That's correct, Mr. Gregg. However, we're still going to be in one picture.

COUNCILMAN GREGG – Right.

COUNCILMAN LOMBARDI – Just to clarify; no matter how they have it arranged on their computer, that's what they'll see. We'll either be in a block or we'll be on their full screen or we'll be tiled. It depends on what they choose, but the Council will all be in one picture.

COUNCILMAN GREGG – Right.

COUNCILWOMAN STARRETT – Madam President.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILWOMAN STARRETT – I think, Mr. Lombardi, as a helpful suggestion for all of us if we do end up back in Council Chambers we should start identifying ourselves before we speak since we will all be in one photo, one picture. It might be hard for those listening to determine who's talking. I think we can easily permeate that by stating "This is Councilwoman Starrett" and speak every time we start speaking so that those listening know exactly who's talking and that would kind of remedy the situation that we're all are going to be in one big picture.

COUNCIL PRESIDENT ISTNICK – Plus, if we're all in the room, I will be calling on people and identifying you as well. So, hopefully, they will know who is speaking. Councilman Lombardi, if some council people aren't comfortable coming in, could they still stay at home and do they call-in as they have been?

COUNCILMAN LOMBARDI – Absolutely. If they don't want to come in, they're more than welcome to just join Webex just like we have here.

COUNCIL PRESIDENT ISTNICK – So, council people, should we try to go ahead and get it up and running for our first meeting in August? If you want to come in, you come in. Or do you want to just keep the course as going on?

TERRI ARGENT – May I speak real quickly, please?

COUNCIL PRESIDENT ISTNICK – Certainly, Terri, go ahead.

TERRI ARGENT – Thank you. I would just caution that with the alert levels sent out by the Governor now, we have to be very conscience of that. We are currently at an "Orange-Level 2" alert level. Should we go to a "Red-Level 3", it may be a little more important to NOT meet together. It kind of depends on where our numbers end up. We are considered at an Orange Level now. Also, I want to be very cautious and very careful about cleaning the partitions and areas where people sit, where their touching; make sure there's a cleaning before and after each meeting. That's going to be very important and I think that we have to, like I said, be

careful of those alert levels. That's a pretty big deal whether meetings really should occur or not.

COUNCIL PRESIDENT ISTNICK – Has the Governor come out and said not to meet if they're at a certain level?

TERRI ARGENT – It is recommended not to meet in-person, not to be too much together if we're at a Level Red, which is Level 3. Right now, we're at an "Orange-Level 2".

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else? Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I appreciate Councilman Lombardi's work on this and yours as well and I will support this effort to get back into Chambers.

COUNCIL PRESIDENT ISTNICK – Anyone else?

JIM THIERET – I would prefer to be in Chambers too.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILWOMAN LITMAN – President Istnick.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILWOMAN LITMAN – Would we be able to perhaps choose ourselves from week-to-week as to whether we come into Chambers or attend virtually?

COUNCIL PRESIDENT ISTNICK – Absolutely. I will not force anybody to come in that's not comfortable with it.

COUNCILWOMAN LITMAN – I would say even for other reasons. If we were able to come in, we would come in, if not…I guess I'm thinking of even vacations where we wouldn't necessarily be able to attend personally. Are we still considered in attendance virtually as well?

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILWOMAN LITMAN – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? So, does that mean that you're in favor of this, Linda?

COUNCILWOMAN LITMAN – Yes I am.

COUNCIL PRESIDENT ISTNICK – Anyone else? That's three out of nine. No other comments?

COUNCILWOMAN HALTER – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Nancy.

COUNCILWOMAN HALTER – I'm in favor.

COUNCIL PRESIDENT ISTNICK – Thank you, Nancy. Anyone else?

COUNCILWOMAN CREAMER – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Jill.

COUNCILWOMAN CREAMER – I would be in favor of it also, but I would also recommend if someone is planning on not coming in, in-person, to at least notify President Istnick or Diane to let them know that they will be at home with the virtual.

COUNCIL PRESIDENT ISTNICK – In agreement. Anyone else? Mr. Lewis, you're awfully quite. You're never quiet.

COUNCILMAN GREGG – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Mike.

COUNCILMAN GREGG – Overall, yes, I'd like to be able to get into Council, into Chambers, but I think there's some details that need to be worked out. So, obviously, before we can do that, and I do think that this is probably a capability that we should have going forward for any other future situations where we're not able to meet. It would be nice to have this in place to easily and more seamlessly move to it than we have been able to do in the past. But, as I said, I think that there are some details that need to be discussed and worked out before we can just all show up at Council Chambers.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – I would just say that I'm fine with meeting in the Chambers. I would say we probably need to work with the Law Dept. as well, to make sure that we're following all guidelines. I think Ms. Litman brought up an excellent point about vacations. My concern would be that doing virtually while on vacation would not be in the sphere of the exception that we're currently being allowed to meet virtually and could cause issues later. So, just to have them look at it and make sure that we're not going to be violating something would be useful.

COUNCIL PRESIDENT ISTNICK – How do you know that I'm not in Florida right now, Ed?

COUNCILMAN LEWIS – Because I know what your house looks like.

COUNCIL PRESIDENT ISTNICK – Alright. Anyone else?

COUNCILMAN LEWIS – In all honesty, I don't care where you are, but, we want to make sure that does cause any issues.

COUNCIL PRESIDENT ISTNICK – Right. Okay, there's two more out there. Any questions or comments?

COUNCILWOMAN STARRETT – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Megan.

COUNCILWOMAN STARRETT – I don't have an issue. I agree with Mr. Lewis; we just need to be fluid about it and Mr. Gregg, make sure we have all of the research done and maybe follow the Health Dept. directives. If Terri Argent tells us that it's getting at levels that are too high, we need to be prepared to go back to virtual. But, I don't see an issue with taking it back into Council Chambers.

COUNCIL PRESIDENT ISTNICK – Okay. I'm in agreement and I'm in agreement that if you're comfortable coming in one week and not another, that's fine with me until this whole thing blows over. So, Mark and I will continue talking and we'll see where it goes.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Linda.

COUNCILWOMAN LITMAN – I'm sorry, but, who will be responsible for the cleaning of the Council desks, partitions, chairs, etc. prior to our arrival and upon our departure? Are we to be responsible for that or will there be a custodian that will be responsible for making sure that the disinfectant part of the scenario is complete?

COUNCIL PRESIDENT ISTNICK – Diane, do you have an answer to that?

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

COUNCIL PRESIDENT ISTNICK – Do we have a cleaning crew?

COUNCIL CLERK ROLLAND – We do for City Hall, but, since I'm here in Council Chambers, I think that responsibility would fall on me.

COUNCIL PRESIDENT ISTNICK – Do you have a problem with that?

COUNCIL CLERK ROLLAND – No I do not, if you want to give me a raise. No; I mean I would be in here the following morning after the Council meetings. So, I mean it would be logical that I would be the one to do that.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Councilman Lewis.

COUNCILMAN LEWIS – Or we could all just be responsible and clean our own space before we sat down and clean our space when we were done and then we don't have to make our Clerk do it.

COUNCIL PRESIDENT ISTNICK – That would be fine; all things that need to be worked out. Anything else under New and Miscellaneous Business?

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 71 – 2020 **BY: RULES, COURTS & CIVIL SERVICE COMMITTEE**

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

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. Before I start, I noticed Councilman Thieret had his hand up, I think on the last topic; if you wanted to say something. Jim, do you still wish to speak?

COUNCILMAN THIERET – If it's pertinent here. There were two things, two quick items. First of all, a shout out to our Police Dept. for doing an awesome job throughout the City and several concerned citizens asked me to make sure that I said tonight that we don't want our Police Dept. defunded. I told them that we don't have any plans on that right now, but I promised them that I would say something. Secondly, a question about the submitting of the forms for the small business loans that are out there. There was a question about not being able to get into the bank building anymore at this point and time. So, does this have to be done by mail, e-mail? Maybe somebody in Administration can answer that. Thank you.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Maybe we can take that question under Reports or Requests of Council Members, since we've already started the current piece.

COUNCIL PRESIDENT ISTNICK – Is that alright with you, Mr. Thieret?

COUNCILMAN THIERET – Yes, certainly.

COUNCIL PRESIDENT ISTNICK – Alright. Going back to Ord. No. 71 – 2020. Councilman Gregg.

COUNCILMAN GREGG – Yes, thank you, Madam President. This ordinance, some questions have come up regarding this as well. I think it needs to be discussed further next week in our Committee meeting. So, I'm going to give this first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 71 – 2020 has received first reading. Ord. No. 72 – 2020.

ORDINANCE NO. 72 – 2020 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to execute the Preliminary Participatory Legislation with the Ohio Dept. of Transportation (ODOT), for STA SR241 09.71 Wales Road Resurfacing Project, PID 100471, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Yes, thank you, Madam President. This is the initial legislation we need to start, basically, to allow the State to come in and start the Wales Rd. Project. As I understand, maybe if the engineers want to contribute anything at this point and time, it's probably a good idea to have them answer any questions.

JASON POPIEL – This is just, you're right, Jim; this is just a standard participatory legislation for the Wales Rd. saying that we're going to pay our 20% in cost and if we decide to extend it beyond the limits, then we'd be a 100% responsible. This is part of the ODOT safety funding.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILMAN THIERET – Are there any members of Council or specifically our Committee that would like to add or subtract from that?

COUNCILWOMAN CREAMER – I have a question, Madam President.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Just for clarification from what Jason Popiel just stated. For this project you said that we would be responsible for 20%. I thought this was a 90%/10%. Am I confusing it with another project for Wales Rd.?

JASON POPIEL – No. There's several sources of funding. The Federal funding is 90%/10%. This is the agreement with ODOT and their portion is 80%/20%.

COUNCILWOMAN CREAMER – Okay. Thank you very much.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Thieret.

COUNCILMAN THIERET – If there are no other questions, I'd like to make a motion to waive the rules requiring three readings and move this forward for a vote tonight.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 72 – 2020 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMINCATIONS

10. BILLS, ACCOUNTS AND CLAIMS

Stark Glass	-	$ 2,400.00	Council Chambers Safety Shields
The Repository	-	431.60	Publication of May Ordinances
Webex (Rolland)	-	15.92	Subscription Renewal – July
Total		**$ 2,847.52**	

COUNCIL CLERK ROLLAND - Before we take the vote on this, I was informed by Deputy Auditor, Debbie Bonk, that the $2,400 can be submitted to the Auditor's office and be paid out of the COVID funds.

COUNCIL PRESIDENT ISTNICK – So, we'll be paying this bill or not, then?

COUNCIL CLERK ROLLAND – We have to get permission; we have to vote on it to be paid, but it will come out of the COVID fund instead of out of Council funds.

COUNCIL PRESIDENT ISTNICK – Thank you. And if we do what Mr. Lombardi and I had talked about, getting back into Chambers; would that also be paid out of that special fund?

COUNCIL CLERK ROLLAND – I'm pretty sure that it would. Debbie, I believe that you are on the call.

DEBBIE BONK – I am, Diane.

COUNCIL CLERK ROLLAND – Would that be eligible for COVID funds also?

DEBBIE BONK – I would suspect so. It is a COVID expense.

COUNCIL CLERK ROLLAND – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Lewis.

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

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

9 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

Mayor's Report	May 2020
Treasurer's Report	June 2020
Auditor's Report	June 2020

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I'd like to make a motion that we accept the Auditor's Report.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. 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 be Monday, July 27, 2020 at 6:30 p.m. Does anyone have anything else? Is there a Planning Commission meeting on the 23rd? Did I read that?

COUNCILMAN LEWIS – Yes.

COUNCIL PRESIDENT ISTNICK – And that is pertaining to what? It's not pertaining to the church on the corner of Hills & Dales and Wales, is it?

COUNCILMAN LEWIS – I don't know the details. I just know that it got scheduled for the 23rd.

COUNCIL PRESIDENT ISTNICK – Does anyone know what that one is about?

DAVE MALEY – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes. Thank you, David.

DAVE MALEY – I'm not aware of the Planning Commission meeting on the 23rd.

COUNCIL PRESIDENT ISTNICK – I thought I read that some place.

COUNCILMAN LEWIS – We got an e-mail.

DAVE MALEY – From who?

COUNCIL CLERK ROLLAND – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Diane.

COUNCIL CLERK ROLLAND – I received notice today of a rescheduled Board of Zoning Appeals Public meeting due to a conflict last Thursday. The public meeting for the Board of Zoning Appeals has been rescheduled for Thursday, July 23, 2020 at 6:00 p.m. This meeting will be held via Uberteleconference. Interested parties may call at 6:00 p.m. at (330) 362-8327. But it does not mention what the subject of the meeting is.

COUNCIL PRESIDENT ISTNICK – It wouldn't be for the church property on Hills & Dales, would it? I know that is a hot topic with the neighbors and I would hate for them…

DAVE MALEY – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Dave.

DAVE MALEY – I can't answer what that's specifically for. I would doubt that it's for that. I believe Diane received something from the church about withdrawing their application. Is that correct, Diane?

COUNCIL CLERK ROLLAND – That is correct.

DAVE MALEY – Yes. The next Planning Commission meeting would be the 2nd Wednesday of the month and I anticipate that they'll possibly try to come back for the meeting, but, we have not heard anything yet.

COUNCIL PRESIDENT ISTNICK – Thank you.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, sir.

COUNCILMAN LEWIS – I believe Mr. Thieret has something.

COUNCIL PRESIDENT ISTNICK – Okay. Go ahead, Mr. Thieret.

COUNCILMAN THIERET – Yes. The question that I had, specifically, involved how to submit the forms for the COVID-19 funds we have for the businesses. As I understand it, the Huntington Bank building is closed to the public. So, how would we submit these forms; how do the folks do it?

COUNCIL PRESIDENT ISTNICK – Someone address that issue?

COUNCILMAN LEWIS – Madam President; while they address that issue, can we piggy-back and pull on how that is going?

COUNCILMAN THIERET – Yeah, that would be great.

COUNCIL PRESIDENT ISTNICK – Can someone help us on that one?

MAYOR CATAZARO-PERRY – Good evening, Madam President, Members of Council. As of today, we now have 14 businesses that have applied for the program and they'll receive up to $5,000 per business. So, it's still not a lot of businesses. We're waiting to have more. In fact, I was on a call today with Rep. Thomas West and talked about our program and encouraged our businesses to apply. And Barb Sylvester is trying to speak as well.

DAVE MALEY – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Dave.

DAVE MALEY – I know that the applications are going to Samantha Walters. I also got a few calls. I know that we have a mail slot in the side of the building that people are dropping off their applications there addressed to Ms. Walters.

COUNCIL PRESIDENT ISTNICK – Thank you. Did that answer your questions, Mr. Thieret.

COUNCILWOMAN STARRETT – Madam President, if I can. Just for clarity, when you go on the City's website on the Community Development page, it'll be the first thing on the page, the COVID-19 CDBG Emergency Business Loan Program and the application itself is downloadable as well as Samantha Walters' contact information; this is the first thing on the Community Development page of the City's website. So, all the information is available on the website. The application is downloadable and a large amount of information. So, that should be helpful to a lot of business owners and as Mr. Maley said, they would just have to probably drop it off. If they have any questions, I'm sure Samantha would walk them through the entire process.

COUNCILMAN THIERET – They told me that they have the forms filled out and ready to submit. The question was, how to get them submitted? So, they can physically take them to the bank building and there's a mail slot on the Lincoln Way side or the City Hall Street side?

MAYOR CATAZARO-PERRY – It's located on City Hall Street, Jim.

COUNCILMAN THIERET – Okay.

MAYOR CATAZARO-PERRY – But, they can also scan those and e-mail those back to Sam Walters.

COUNCILMAN THIERET – Okay, thank you.

MAYOR CATAZARO-PERRY – You're welcome.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Linda.

COUNCILWOMAN LITMAN – Thank you. I would like to ask the timeline. Once the application is received by Samantha, what kind of timeline do they have before they hear approval or denial or if there's any further information needed and what amount they will be entitled to?

COUNCIL PRESIDENT ISTNICK – Can someone address this, please?

DAVE MALEY – Regretfully, I do not know that answer. I can check and I'm sure Samantha Walters could give us more information on that, but I do not know that right off hand.

COUNCIL PRESIDENT ISTNICK – Barb, do you know?

BARB SYLVESTER – I do know that, yes. As it stated in the information that they will receive, she will process all of the applications immediately. But, again, she's still waiting for the final confirmation back from HUD. And so, as soon as they release the funding and they give her

the final approval of all of the plans, then she will go ahead with them. But, she is working all applications as soon as she receives them.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

COUNCILMAN HERNCANE – Madam President.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILMAN HERNCANE – I would just like to remind everyone that 14 applications submitted are the 14 in that, I would assume, are eligible for this program. There are businesses out there that I've talked to, maybe some others, that don't meet the 30% revenue loss or the low to moderate employee retention. So, I wouldn't say that the 14 applicants for this program is entirely indigitive of the need out there for these types of assistances.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Mr. Lewis.

COUNCILMAN LEWIS – As a follow-up, something that I think many of us can do is something that I've been doing and that is any business owner that I speak to, I encourage them to at least inquire and contact Ms. Walters so that we can collect data. We live in a world where we need data that drives what we are able to offer to our community and when there is no data, we cannot take a shot in the dark. So, if you are a business that would have a need, please at least call down to Ms. Walters and let her know of your need, even if you don't qualify so that we can start to track some data that helps us better gauge and form any policies that may be forthcoming.

COUNCIL PRESIDENT ISTNICK – Thank you. I'd like to just make a comment about our Police Dept. This past weekend, my little neighborhood had a big garage sale and there was a cop outside of my driveway and I went out and I said "Are you here for me?" and he say "No ma'am. There's some little girls down there selling lemonade and I'm waiting for my partner and we're going to go down and buy lemonade". I said, "Would you like something to drink?" and he said "No ma'am. I want to support the little girls" and I just thought that was really pretty cool. So, hats off to the Police Dept.

14. CALL OF THE CALENDAR

ORDINANCE NO. 11 – 2020 **BY: FINANCE COMMITTEE**
Tabled June 15, 2020 until July 20, 2020

AN ORDINACE authorizing the Director of Public Service and Safety of Massillon, Ohio, to exercise the option to renew the Engineering contract with OHM Advisors for the years 2020, 2021 and 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd call up on a member of the Administration to give us an update of the progress on this.

MAYOR CATAZARO-PERRY – Good evening, Members of Council. Back in June, I wrote a letter to the Ohio Ethics Commission asking for guidance on this issue. We received too many conflicting opinions on what was right, what wasn't right and David Krock is here tonight to explain the results of that and he has previously sent out a small PowerPoint to each of you; I hope you received it, but I'll turn it over to David at this time.

DAVID KROCK – Thank you, Mayor. As the Mayor mentioned, I wanted to come tonight and I appreciate the time, to update everyone on the efforts we've been taking really since right around the first of the year as we've been trying to get to a resolution on the questions that were brought up regarding the contract. So, I guess the bottom line is that there were two questions raised by the Law Director. One, can the City Engineer hire an engineering firm as City Engineer and the question was can an engineering firm be City Engineer as well as do project design? So we posed those two questions to four different agencies. One was American Council of Engineering Companies, the second was the Ohio Municipal Attorneys Association, the third was the National Society of Professional Engineers and the fourth was the State Board of Registration for Engineers and Surveyors in Ohio. These four agencies, we posed these questions to them before the Mayor talked to the Ethics Commission and I'll explain why. But all four of those agencies came back and said "Yes" that the City can hire an engineering firm as their City Engineer. So that was pretty clear. The second question as to whether the engineering firm can be a City Engineer as well as provide project design; we got three answers that were the same and then one that was slightly different. So, the first three, Ohio Administrative Code 4733 has ethics for engineers as part of that code and the QBS selection process ORC 153 were three of the items that were pointed to by two of the agencies, ACEC as well as the OMAA, both of them felt like, provided there was transparency and disclosure in contract, which there was as those contracts before Council both in 2016 and in 2017, they felt like that was appropriate. The National Society of Professional Engineers actually has a case study on this through their Ethical Review Board and they came back and supported this as well as being okay. The State Board of Registration sort of Part A of this and said that as long as there is transparency and full disclosure, public projects, that they were okay with it. However, they did say to check with the Ohio Ethics Commission, ORC 2921.42 and that is where we got to that point. Probably in May or early June at which point, the Mayor thought it best to go ahead and ask the Ethics Commission the same set of questions and the answers that we got back from them were, first of all, the Ethics Commission, essentially, did not answer the first question; whether or not the City could hire an engineering firm. They said that was not under their jurisdiction. But the second part, they answered it in sort of two different ways and this is where the clarity becomes little bit of an issue. They said that the City can, so long as the City includes standard engineering services, professional design services as well as the private sector development review in the main contract that the City could effectively hire an engineering firm to do both the City Engineer role as well as public projects. And those are the exact three tasks that were in the contracts placed before you in 2016 and 2017 and then up for the renewal in 2020. Part three of that, though, is that the Ethics Commission said that a private engineering firm serving in the capacity of City Engineer is considered a public official subject to ORC 2921.42. So, we found ourselves in a situation where it just seems to be very unclear that we have multiple agencies saying very similar things but not being completely clear with the issue. So, we requested a call with Senator Kirk Schuring to see if the State legislator would address this issue as there are over 100 cities like Massillon in the State that have private engineering firms as their City Engineer and this seems

something appropriate for the State to take up and try to amend and provide clarity for once and for all. The Senator did agree to provide an amendment to a current bill that's working its way through the State House provided we will be able to provide some language that both ACEC, the American Council of Engineering Companies, as well as the Ohio Municipal League. So long as those two agencies supported it and the language, that they would then take that from there and try to get some language to really just clarify this issue. I never knew it was a cloudy issue until we dug as deeply as we did into this and it seems to be a little bit cloudy. So, I guess my suggestion or my request tonight is that Council would allow us some time to work with the State legislator to try to resolve this issue once and for all. So that would sort of be point one of the recommendation. Point two would be the option to maintain the current interim status that the City Engineer currently has, OHM Advisors continue to use the 2019 contract until this issue is addressed and then Part 3 of that would be that once this is final cleared up by the State, then the City would go out for the QBS process and select an engineering consultant to full that roll; once everything is cleared up. But until it is, it seems like the wrong time to be doing that when there's still a lot of confusion around the issue. With that, I will pause. Happy to take any questions.

COUNCIL PRESIDENT ISTNICK – Does anyone have any questions?

COUNCILMAN LEWIS – So, from what I'm hearing, it sounds like the most appropriate, if I'm understanding correctly, would be to table this, yet again; maybe for sixty or ninety days to see what you're able to do at the State level so that we can make an educated decision?

DAVID KROCK – Yes. My understanding is that the legislator will be back in session in September and I have a meeting with the Board at ACEC in August where I'm going to present this and ask them to support it and move this forward. So, hopefully as early September, this could gain some traction at the legislator. I don't know how long it will take to get through, but our hope would certainly be at some point this fall.

COUNCILMAN LEWIS – Well, with that said, Madam President, I personally wouldn't have an issue of just tabling this until the first meeting of October, in plenty of time for this to get in front of the legislator for them to do what they need to do.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Linda.

COUNCILWOMAN LITMAN – Thank you. Could we have more information on the cities that have the private engineering firms already as their City Engineers? Are they cities that are similar to ours or are there other nuances regarding those cities that they don't have the same type of issue that we are currently having? Is it a matter of a difference of opinion in their Law Dept. or, I guess, what has precluded them from bringing this to surface where we are the ones doing it?

DAVID KROCK – Ms. Litman, the best I can, understand that this has never been raised to me before in all the years that I've been doing this and I don't know if it's been raised to anyone else before or not, but I think that once this was raised and we got into it as deeply as we did, we felt like it should just be addressed and cleared up for everybody so that no one else has an issue on this moving forward. I could ask the Engineering Organization to maybe provide

us a list as best they can of all the cities in the State who might be affected by this, if this wasn't changed. But, that would probably be the best that I could do there.

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

COUNCIL PRESIDENT ISTNICK – Go ahead, Linda.

COUNCILWOMAN LITMAN – Is there cost to the City for the research and time spent by you or others in your firm trying to get this issue resolved?

DAVID KROCK – No, Ms. Litman, this has all been time that we have spent on our own and our own cost to do the research.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN THIERET – Madam President.

COUNCIL PRESIDENT ISTNICK – Go ahead, Jim.

COUNCILMAN THIERET – You mentioned continuing the contract. Is that a viable option for us? Because I know we have projects ongoing. Would that be something that we can actually exercise?

DAVID KROCK – Well, I'll speak for myself. I would have to defer to the Administration or Law Director on the legalities of it, but, from our standpoint, OHM Advisors would deal with that and acceptable to that, yes.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Ed.

COUNCILMAN LEWIS – I would say from a Council's perspective that there's no contract in front of us so there would be nothing for us to necessarily approve. It would seem that it would come down to an Administrative call.

BILL BARTOS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

BILL BARTOS – If you wouldn't mind, I could address some issues from the Law Dept.'s perspective.

COUNCIL PRESIDENT ISTNICK – Please do.

BILL BARTOS – Okay, thank you. With regard to the continuing from a month-to-month perspective until perhaps maybe the State legislator acts, I think that's fundamentally flawed for potentially several reasons. For one, the idea of going to month-to-month was based on the idea that there's an exception to the law that allows for the City to act in emergency

situations. Obviously, if you don't have a City Engineer, which is the situation that the City was in in the beginning of the year, that's an emergency. But at the same time, you cannot justify creating or indefinitely extending your own emergency by not acting until you get the results or the language in the law and also, depending on how long this actually goes; how many months this would extend, Council does have to approve any contracts, if you will, that exceeds $50,000. And so, it would be up to the Auditor to monitor this month-to-month transaction and how much is being spent on that and ensure that it doesn't exceed $50,000 and there would have to be an approval there, I my mind. Secondly, there's no guarantee that the legislator is going to act and even if they do act, I think one of the problems here is, we have all of these different organizations that have weighed in; they've given their opinion. But, there's a real mix both public procurement law, engineering ethics, general public official ethics, that only the Law Director, the elected legal advisor of City officials of the City of Massillon, have the ability to give the comprehensive, conclusive legal advice on. All of these other groups, they look at these things from their narrow points of view to the extent that they can. In fact, the Ohio Ethics Commission even said that they couldn't answer these questions regarding whether the City can have a City Engineer, affirm as a City Engineer, we can't answer what terms can be in that contract. If they can, the Law Directors are the appropriate person to advise you on that. So, this idea on continuing on month-to-month, that emergency justification goes away and so, continuing on in this manner is not advised by the Law Dept., at this point.

MAYOR CATAZARO-PERRY – Madam President, may I speak for a moment?

COUNCIL PRESIDENT ISTNICK – Yes, go ahead, Kathy.

MAYOR CATAZARO-PERRY – Thank you. We have gotten conflicting opinions from the Law Dept. as well. Mrs. Bartos, actually, to approve the contract for one year and then try to work this out. We said well, what is wrong today then why is it wrong, why should we approve it for a year? So we tried to go month-to-month so we could work this through and we've done everything that we're supposed to do. We've asked the Ethics Commission and our Law Dept., and as much as I respect them, it's just an opinion and that's why we went to the Ethics Commission. So, we are getting conflicting comments from the Law Dept. and we're trying to figure everything out. None of us have a law degree, but we want to do what's right and just in this situation and that's why we are going month-to-month because we are in an emergency situation. We must have an engineer in the City. And so, there's nothing we can do until we figure this out. So, those are my comments. Thank you.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – From my perspective, I think, we have to look at this as the legislative body of the City of Massillon and what is within our responsibilities and authority in the City. We have already budgeted for engineering services within the City and the Administration then has the responsibility of overseeing how those engineering services are distributed. Whether that is through the hiring of a City Engineer or if that's contracting services. This Council has not approved a contract yet because the Administration is working with an engineering firm that has not required that yet. So, we have not had to take action. So, as we currently stand, this legislative body has not moved incorrectly. So, actually we have only three options. One, we just table this and we continue to leave it up to the Administration as to how they want to handle it. But if that is not satisfactory for this Council,

then we can take two other roads. We can defund the engineering services and tell the Administration that we will not re-fund it until or put the funds back in until there's a satisfactory answer or we can put forth a legislation request and make an ordinance that says that we will only accept a City engineer that is hired an employee of the City. But we have to believe it's within the framework of what is within our authority. So, we can ask whatever questions and get all the information but I just want to make sure that we're all looking at as to what can we or can't we do. When we start talking about, we cannot extend the emergency. City Council's not extending it an emergency. If someone's trying to extend this out and I'm not trying to point fingers at the Mayor, but it's the Administrative Executive Branch's responsibility at that point.

BILL BARTOS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

BILL BARTOS – To the Mayor's point about the emergency, previously when the length of the emergency was discussed, that was before I had presented options to the Mayor including a potential request for qualifications that could have been used to go out and continue the process on. There are options available right now to the Administration to proceed. Initially, when this was initially discussed, it was an indefinite period of time. Right now, it is not definite. The Administration does have the ability to act. I just wanted to clarify that. That is why the Law Dept. is saying, at this point, and we presented them with a potential contract to use. We've looked at the contracting and we're not saying that the City Engineer role cannot be potentially filled through a firm that then presents or designates an individual. We're saying that can't happen. But that individual or that firm can then not engage in additional contracts; additional professional design services for the City. Now I can understand why OHM might want to continue on in that role. They're base services under the previous contract was only for $50,000, but that's far from the number that the Auditor indicated that they've been paid about $730,000. So, you can see how those additional services, those professional design services can add up over time. But, at this point, the emergency is not an emergent situation and that we have a path forward. The Law Dept. has presented a path forward and it's just a matter of taking action. But, member Lewis is exactly correct and that it's not on to act at this point.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Linda.

COUNCILWOMAN LITMAN – This question is posed to Mr. Bartos. Would it be advisable based on our situation being unknown at this point, that the City Administration pose the position to be filled by an individual while we are working through exactly what we are going to be ending up with whether it's an individual that's going to be contracted from the firm and then a separate specialty design service organization? Would it be your recommendation to begin looking for an engineer at this point? Even if things change down the road where it may go to a firm or continue with OHM?

BILL BARTOS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

BILL BARTOS – The ability to act and to staff is squarely within the powers and the authorities of the Mayor and the Administration, that's definitely their prerogative and their authority, but as far as what their options are, we have previously discussed those and laid those out. One would be to potentially post the position and seek to fill that. I know that was attempted before and it was unsuccessful. The other was, go down the route of seeking the request for qualification process; through that request for qualification process that I'd mention which is the qualification base selection process that's spelled out in the ORC. Substantial legal issues aside, it should be noted that the legislation request related to this ordinance referred to exercising the option to renew the previous agreement and then the agreement itself that you were presented reported to be a renewal. But the previous agreement did not contain a renewal clause or renewal language, unless I'm missing something. Nor did Ord. No. 181 – 2016 contain any renewal language. So that's what I'm saying, the process has to be carried out. So, either the request for qualifications process or go through the hiring process. But something can be done now. We have the ability to go through the process.

MAYOR CATAZARO-PERRY – The problem, if I may, the problem was that we were receiving conflicting information. At one point it was said, no, we couldn't hire an engineering firm, now we can hire an engineering firm. One person in the Law Dept. told us to go ahead and do it for a year. We just received so many conflicting; and two other attorneys from our Law Dept. told us to go forward with the contract. So, we're trying to be prudent and do the correct thing. That's why we went to the Ethics Commission and Senator Schuring agrees with our stance and he wants to get the language changed; he's with us on being able to use OHM or a firm because we'll go back through the QBS process or a firm that is the superior winner of that QBS process. We're not fighting for OHM. We're fighting to be able to use a firm because the firm allows us to have more resources at our hand for projects that ultimately we cannot afford with a single chief engineer. That is the bottom line. We can't afford to hire an engineer to do what we need them to do because they're out of our cost range.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISNTICK – Mr. Lewis.

COUNCILMAN LEWIS – I'll start by saying I hope that the Administration and the Law Dept. continue to work on this issue and can start to provide us some clarity as to what direction we're taking, but with that said, I would like to make a motion that we table Ord. No. 11 – 2020 until October 5, 2020.

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

8 yes; 1 no to table Ord. No. 11 – 2020 until October 5, 2020 – Creamer voted "no"

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 11 – 2020 has been tabled until October 5, 2020.

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 60 – 2020 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 60 – 2020 has received second reading. Ord. No. 69 – 2020.

ORDINANCE NO. 69 – 2020 **BY: FINANCE COMMITTEE**

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance would be the $245,000 related to the hospital expenses. A couple of things I want to discuss and explain on the front end of this. We had made preparations to go into Executive Session. We'll only exercise that right if it's absolutely necessary. I think most of this conversation can happen out here in the open. I know I have had some questions and I've spoken with the Law Director and other Council members have also had questions as to the exceptions to the Open Meetings Act that allow Executive Session. It would seem that previously when we spoke about the hospital, we did have litigation going on and that was the exception that put us into Executive Session. Currently, there is no litigation, so, much of the information that would be shared related to the hospital would be on the floor. However, if we do get into some specific discussions related the economic development or basically when we start getting into the finer details where we would be possibly unloading the property, there are ways that would bring Executive Session into mind. And then depending on how the questions and discussion goes this evening, we could still find ourselves in this situation where Executive Session may be necessary. So, I just wanted to say all that just so that you guys kind of know the ground work of how things may go tonight or moving forward. With that, also, we did ask last week if anybody had any questions related to the hospital property. We did not have a discussion, but I did ask the Mayor to give us an update tonight. So with that said, Madam President, I would ask that we address the Mayor and let her provide us an update with anything concerning that property.

COUNCIL PRESIDENT ISTNICK – Mayor, if you would.

MAYOR CATAZARO-PERRY – Hello everyone, again. Yes, we just completed and filled out the requested information from the VA and that was submitted last week. They are still greatly interested in the property. We had two gentlemen come through that Mr. Maley met and toured them last week as well. And so, we're still currently working through that process. We do have another entity that we are working with and vetting financials at this time and then another group that is very interested as well. We're not as far along with the other group as we are with the second group. So, that second group is actually working with a private company to vet his personal finances and business finances and we'll have that information soon if it's a viable candidate to assume the building. So, we are having good communication with all three, but a little farther on one than the others. And the VA is still in play.

COUNCIL PRESIDENT ISTNICK – Any questions for the Mayor? Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. Madam Mayor, I would suggest that we invite a representative from the VA to our next Council meeting so that they can discuss their interest with us at the Council level. We have not heard anything from them throughout this process.

MAYOR CATAZARO-PERRY – That's not really an option. That's not how they do this. That's not how they work. We've gone through a lot of different hoops with the VA and so, we have to do it on their timeline. The Federal government is very different than a local or even State entity, government entity. And so, we will just have to wait to see once they look at our financial information that we've given to them; if they're willing to move forward. They may decide after they have this information that they're not willing to move forward. So, as much as I would like to invite them to come in, that's really not an option. That's not how they work.

COUNCIL PRESIDENT ISTNICK – Any other questions for the Mayor? Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. Can the Mayor please elaborate when she stated that they're reviewing our financial information?

MAYOR CATAZARO-PERRY – No, not our financials. The business that's interested, we're reviewing their finances and so, we're actually financially vetting this company.

COUNCIL PRESIDENT ISTNICK – Any other questions for the Mayor?

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I'm just letting everyone know that I will be giving this second reading, once we've had time to discuss it.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – But, I'm at the point now where I think at the time that we took over the hospital, I still feel confident that it was something that needed to be done and we've gone over this; we've hashed it out numerous times. But the perfect example of that is Doctors Hospital in Perry Twp. and I think that's what many of us were concerned about that we'd have a decade long vacant property, switching private hands time and time again and the goal was that the City would be able to help navigate these waters and provide a benefit at the end to our community. At this time, it has still brought in more revenue than it has cost. But that day is coming where that will change and I am very concerned about it and I urge the Administration and I believe me and members of Council would agree with me that December 31, 2020, is a kind of like, "the wall". We need this property resolved by the end of 2020 and we understand the COVID has come along and that other projects have come along, but these needs to continue to be a priority and we need to see something happen by the end of the year; what I think many Council members are starting to get a feeling or indication of.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Ms. Litman.

COUNCILWOMAN LITMAN – Yes, thank you, Madam President. My question is, do the other entities know about each other? Does the VA know that we have two other interested parties? Do the other interested parties know that the VA is interested in this property?

COUNCIL PRESIDENT ISTNICK – Mayor, Barb?

DAVE MALEY – Madam President.

COUNCIL PRESIDENT ISTNICK – Go ahead.

DAVE MALEY – Madam President. Yes, they do know. I know one of the parties knows about the other because are interested in possibly partnering with the VA.

COUNCILWOMAN LITMAN – May I ask one more question?

COUNCIL PRESIDENT ISTNICK – Go ahead, Linda.

COUNCILWOMAN LITMAN – I think with us being able to have virtual meetings that asking a member of the VA to have a conversation with us, I know you stated that that is not what they do, but maybe they do the traveling to a city they may be interested in, but perhaps they would be interested in attending virtually to one of our meetings so that, as Council has additional questions related to this transaction that we would feel a little more comfortable with the discussions as well. So, I guess I would agree somewhat with Mr. Herncane that it would be nice to have a conversation even just virtually with the VA to try to make sure that we are of the understanding as to what they actually want this property and how, quote, how interested they are. I would hate to put off any of the other offers in hopes of the VA if it's not something that's clearly going to happen before year end. Thank you.

MAYOR CATAZARO-PERRY – Let's me just clarify one thing, Ms. Litman. The other entity would not be utilizing the hospital. It would be torn down. So, this entity that we're talking about this evening does want to partner with the VA. So, the other entity has no use for the hospital property. So, I just wanted to clarify that with you. I think the VA, at some point, will be ready to speak with Council, but they have to do their due diligence to make sure that it's going work before they're willing to come before Council and discuss it. So, they're still deciding if that hospital is going to work for them. They've not finalized that at this point.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Creamer.

COUNCILWOMAN CREAMER – Do we have a timeline? Because I just feel like the VA...we can go on. We can go on because I recall December 31, 2019, it's now July 20, 2020. Do we have a timeline for any entity that is interested; a hard stop date? We need to have something in front of us or we're going to move on. Is there a timeline that's been indicated to any entity?

MAYOR CATAZARO-PERRY – The VA at the very beginning told us nine months. So, nine months would be September. They told us then, December that they would be able get through this process in nine months. So, we are waiting on that, but, again, determining what

they can do, what they can pay us and what we will accept, we may not have an interest there. So, I would say around by September some time. Maybe by September 30th we should have something. We're ready to put this behind us as well, Mrs. Creamer. We could have made a decision back in April, but the VA wasn't ready at that time and since then, we've had two other entities interested either in the hospital or in the property. And so, that tells me that that 13 acres is highly marketable and there could be another opportunity for that property. So, we're trying to find the best solution for it and economic development, as Mr. Herncane can tell you, he worked for me; it doesn't always happen overnight or even in several months. Hospital acquisitions take a long time as you know as we work through and we're able to have an agreement with Aultman Massillon. So, I ask you to remain patient. We are being diligent on our end and we're pushing as hard as we can push to get an end in sight for all of our residents in the City.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Linda.

COUNCILWOMAN LITMAN – The Mayor had mentioned that when they were speaking with the entities that are interested in the property that they got a feel for the value of this property. Do we have anything in writing that would indicate what the value would be of this property; and I'll say as a hospital or not as a hospital as one of the entities is interested in the demolition? Should we be looking at the entities in the categories of what dollar figure it might bring to the City versus the need for the property or the use for the property?

MAYOR CATAZARO-PERRY – Dave, do you want to speak to that?

DAVE MALEY – Well, Madam President, Ms. Litman, I think it's hard to address the value of the property based on the use of the property. We are looking to try to bring jobs. Are first and best use is to keep the facility and reopen some sort of facility that would bring jobs to that particular property and then the value of that with regards to what someone would pay. As you know, when you have economic development projects, especially larger ones which this would be, most of the time they expect the City to give you something in tax breaks, jobs, tax credits, etc. Those types of things have to be considered when you're looking at whatever entity would come in and at this point and time, I mean, if you want to have a value; the Auditor values it at six and a half million dollars, is what the Auditor values it at right now. I would think if somebody came in, six and a half million dollars would not be something they'd be willing to pay the City for the property. But at the time, we are looking at it as an economic development opportunity to bring people into the facility and to create jobs or create some type of use for the property or if it's torn down, that would bring revenue into the City.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN HERNCANE – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN HERNCANE – The Building Official, Frank Silla, doesn't attend these meetings very often. I guess I'd be curious and maybe Dave can answer, if he knows. What is the current condition of the building?

DAVE MALEY – I would say it's in very good condition. We do have a couple of issues here and there, but overall, it's in very good condition. Obviously, the newer sections of the facility, some were built in 2013, I think and some were built maybe twenty years ago, are in excellent condition. But overall, the hospital is in fairly good condition. Considering it's been closed now since May of 2018. People are very surprised and we've tried to keep it in very good condition just for that reason. If anybody wants to see the hospital, Council's always been welcome to go up and look at the facility if they'd like.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 69 – 2020 has received second reading. Ord. No. 70 – 2020.

ORDINANCE NO. 70 – 2020 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain transfers in the 2020 appropriations from within the 1100 General Fund, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 70 – 2020 has received second reading.

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

L.J. DELUCA – 2954 Veterans Blvd. S.E., Massillon, Ohio. I'm really glad tonight to hear the interest, Madam President, of all the Council members. It seems like I'm getting a headache because I remember this before. Another entity working with that they're very interested. I talked to the VA myself because I want to do it myself and hear it first-hand. They put a new VA up in Akron, okay. I think we're getting a little cold there and putting our hands in cold water. I really do think that just like the dog warden thing, just like the records custodian thing, just like the Affinity Medical Center thing. If Dave Maley says it's in such good condition, Dave, why don't we have more people there at the door? I didn't even see some Police the other day. I drove around the building. Maybe they're inside the building, but I thought we were supposed to have security on the outside. I'd like to check on that; you say it's in fairly good condition. And as far as the wall on this, Ed Lewis, my friend, is right here. We had a December 31, 2019, that was the first wall. That wall got broken. We're now at December, Ed Lewis has set another one up, Mr. Lewis, for December 31, 2020. I just think that we've got to do something, Council, and I'm just glad and I will end it at this. I'm just glad that we have all of this interest. I'm trying to get everybody interested in this so we can get beyond this because I'm getting headaches from this. It sounds like old déjà vu again and again. We have people interested, we're bringing them through and when I checked with the VA, Mayor, they put something in Akron and I just don't want to say for sure, Dave Maley and the Mayor, but I don't think they have the interest that we're thinking and I'm glad to see that the City Council and the folks here in Massillon, Ohio, want to see figures. They want to see how interested they are, I think that was Linda Litman and Councilwoman Litman, I appreciate you for that.

Thank you, Madam President. I just want to say one final thing, dealing with it. The business owners downtown appreciate you, Madam President, Bill Weaver and company and Jen's Place and Sangria, for coming out and seeing what it was. I know that Jim was out there, the Councilman and they really do appreciate that. The business owners love that, Madam President, and I also want to thank you for that and I appreciate Diane's work in getting the information today. Thank you so much and I'm glad to see, again, that Council's on this. Thank you very much. I appreciate it, Council.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. DeLuca. Is anyone else interested?

COUNCILMAN HERNCANE – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Mr. Herncane.

COUNCILMAN HERNCANE – I'm not part of the public, but my screen froze and then kicked me off. Did my question come out and didn't get answered?

COUNCIL PRESIDENT ISTNICK – Would you repeat it?

COUNCILMAN HERNCANE – I was going to ask Mr. Maley what the condition of the building was specifically the roof.

COUNCIL PRESIDENT ISTNICK – I don't know if he mentioned the roof, but, go ahead, David.

DAVE MALEY – Mr. Herncane, I said the condition of the building I would say not very good, but good condition. Sections of it are in very good condition. There is one area that has a roof leak, but overall, the roof is in very good condition. It's just one area; it's actually a very large roof, as you know. So, there is one area that does have a roof leak, but overall, the roof's in very good condition. And just to reiterate the interest for the VA which people have commented, we receive a Request for Lease proposal from the VA. That's what the Mayor had said that we filled out and sent in last week. If they're not serious, they would have not sent us basic request for a lease proposal which we've filled out documents and sent them back to them with regards to a lease for the property.

COUNCIL PRESIDENT ISNTICK – Thank you. Anyone else from the community? Hearing none, I will say that I have been down to Sangria Stand and if you haven't been down to see Postal Ave., it really is lovely. Been to Smiley's, been to the Sugar Bowl and sitting outside and it's beautiful downtown Massillon. The only thing that aggravates me and the group that I'm with is when a speeding car or motorcycle goes by and revvs their engine and it just ruins the whole atmosphere. But it really is very nice downtown. So, thank you for all involved.

MAYOR CATAZARO-PERRY – Madam President, may I address one thing, please.

COUNCIL PRESIDENT ISTNICK – Yes.

MAYOR CATAZARO-PERRY – I just want Council to understand and know that this team that we've had working on the Affinity Hospital has really done an outstanding job. We have a small crew that works on this and we've never lost focus on it at all. And we have been working diligently to repurpose that property and I just hope Council knows that and our

community knows that. COVID is here and its kind of taken…it's been marketed and a little bit more than our efforts on the hospital. But that has not gone undone. We've decreased the cost on that. We fought to decrease the value on it so that our taxes are lower because it's not in use. We have done everything that you can possibly do to save money on the hospital property and the hospital facility. So, I just want to commend the staff for doing all the good work. You may have one or two people out there that are possibly calling in or saying negative things, but this staff has done a tremendous job and I just wanted to take a moment and commend them for all the work that they've done and the due diligence that they've done. Their heart is in and they've sweated over this and worked hard over this and you all don't get to see behind the scenes of what we do, but we have put our whole effort on this property. So, thank you so much and have a great night.

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor. Councilman Lombardi.

18. ADJOURNMENT

COUNCILMAN LOMBARDI – Thank you, Madam President. I'd like to make a motion that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Meeting adjourned.

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DIANE ROLLAND, COUNCIL CLERK CLAUDETTE ISTNICK, PRESIDENT