

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, MARCH 5, 2018**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, March 5, 2018. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Law Director, Andrea Scassa, Economic Development Director, David Maley and Income Tax/Budget Director, Barb Sylvester. On the wall to your left are agendas for anyone who wishes to follow tonight's meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham, Mike Gregg, Dave Irwin, Linda Litman, Paul Manson and Megan Starrett.

Roll call of 7 present

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – I'd like to make a motion to excuse Councilwoman Creamer and Councilman Lewis from tonight's meeting.

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

7 yes to excuse Councilwoman Creamer and Councilman Lewis

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilwoman Creamer and Councilman Lewis have been excused.

2. INVOCATION

COUNCILMAN MICHAEL GREGG - Gave the invocation for tonight.

3. PLEDGE OF ALLEGIANCE

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 additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there not.

COUNCIL PRESIDENT ISTNICK – Thank you.

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

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 25 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with INOC, LLC, to accept \$5,845.35 and the property located at 916 Federal Ave. N.E., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN IRWIN – Thank you, Madam President. We discussed this last Monday at the meeting and unless there is a real strong objection, I would like to move this forward. This house was burnt. It still looks pretty decent from the outside. The fire must have been horrible, but, we want to tear it down and get it back into the system. There's a neighbor that's interested in it. So, we get a piece of property and we get some money to take care of it. If anybody has any questions, we have Mr. Maley here. I'm sure he can answer anything you want or if anybody has a strong objection. Otherwise, seeing none, I make a motion that we waive the rule requiring three separate readings and bring Ord. No. 25 – 2018 forward for passage.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 25 – 2018 has passed. Ord. No. 26 – 2018.

ORDINANCE NO. 26 – 2018

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Yes, we discussed this at our Work Session, but there's been a slight change to it. I'd like to call Law Director, Andrea Scassa up to explain the change.

COUNCIL PRESIDENT ISTNICK – Thank you. Ms. Scassa.

ANDREA SCASSA – Thank you. With these changes to the Tax Code, in the packet in Exhibit "A" that you all received, there was a new ordinance Section 181.066. And within that packet that you were given, again, these are changes that came forth from changes to the Ohio Revised Code and namely, this section that you received that was fairly lengthy dealt with changes that the State brought forward concerning the Ohio Business Gateway that certain businesses can elect to use. Like I said, within your Work Session packet that you received, this ordinance section was fairly lengthy because it encompassed approximately 15 new sections within the Ohio Revised Code. Through our Tax Administrator's due diligence and with her reaching out to some other municipalities, we found where a neighboring municipality, rather than adopting all 15 Revised Code sections right off the bat, just adopted a short paragraph that references Section 718.80 through 718.95 of the Revised Code and states forth how that is the controlling law, if you will, as opposed to our own Municipal Income Tax Code. But as Barb talked about last week, there is litigation in Franklin County and although the judge ruled in favor of the State, we are being told that that is possibly, that decision is going to be appealed. So, the litigation, conceivably, isn't over yet. So, at this juncture, my recommendation would be and I expressed this to Councilman Gregg to make a motion to amend Exhibit "A" to have just this short paragraph referencing the 15 Revised Code sections as opposed to adding all of these to our Municipal Tax Code at this time, pending litigation. And then if need be, we can go back and add all of these sections to our Municipal Income Tax Code.

COUNCILWOMAN LITMAN – Where is the paragraph? I don't have a copy of the paragraph that was supposed to be attached. I just have the extended version that Barb reviewed last week with us.

COUNCIL PRESIDENT ISTNICK – Diane's bringing you one.

COUNCIL CLERK ROLLAND – Did you not all get the e-mail with the short paragraph?

COUNCILMAN GREGG – I did.

COUNCIL CLERK ROLLAND – You did? Okay.

ANDREA SCASSA – We'll make sure that you have that. Essentially, like I said, it's just stating that those Revised Code sections shall govern as opposed to any local municipal ordinance that we may have.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Could we get one for everybody?

COUNCIL PRESIDENT ISTNICK – She's (the Clerk) doing that.

COUNCILMAN MANSON – Oh, okay.

COUNCIL PRESIDENT ISTNICK – She's (the Clerk) is on top of things. Anyone else?

ANDREA SCASSA – But that's the only suggested change that I had from what you received last week in Exhibit "A".

COUNCILMAN GREGG – So, this replaces Exhibit "A".

ANDREA SCASSA – No. This does not replace Exhibit "A". All I'm asking is to amend Exhibit "A". Your packet that encompasses Exhibit "A", what you previously had is 181.066, take out that very long ordinance that was in your packet and instead, replace it with this paragraph.

COUNCILMAN GREGG – It replaces part of Exhibit "A"?

ANDREA SCASSA – Correct. That's why I asked just to make a motion to amend Exhibit "A".

COUNCIL PRESIDENT ISTNICK – Are there any other questions? Councilman Manson.

COUNCILMAN MANSON – Do we need to pass it right away or do we have some time?

COUNCIL PRESIDENT ISTNICK – Mrs. Scassa.

ANDREA SCASSA – I believe, and again, I think this was discussed at last week's Work Session that these changes to the Revised Code did go into effect January 1, 2018, Barb? And because of the litigation, there was some time that municipalities were spending, seeing how it was going, but now that we've gotten this initial ruling from Franklin County, we are starting to see more municipalities fall in line and amend their Municipal Tax Codes. So, I guess the answer is "yes".

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Are there any other questions? I'm going to move that we amend the ordinance as requested. But do you have any questions prior to that? Seeing none, I make a motion that we amend Ord. No. 26 – 2018 to include the new paragraph that was brought forward to us just now.

COUNCIL PRESIDENT ISTNICK – To replace the other?

COUNCILMAN GREGG – To replace part of Exhibit "A". Replacing paragraph 181.066.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Chovan. Roll call for the amendment.

7 yes to amend Exhibit "A"

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 26 – 2018 has been amended. Councilman Gregg.

COUNCILMAN GREGG – Are there any further questions before I move that we suspend the rules requiring three readings of this ordinance and move forward to a vote?

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I'm sorry; I just want to clarify. As I'm looking at the whole Exhibit "A", as I look at 181.066, you're saying that this one paragraph will replace the 15 pages or so? And this is just referencing that this is the same amendment that Barb reviewed last week? Is that correct?

ANDREA SCASSA – You want me to come up?

COUNCILWOMAN LITMAN – Please.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Scassa.

COUNCILWOMAN LITMAN – I understood the 15 pages that we reviewed last week, but then as I look at this, is it really...what is it doing to these 15 pages? I just looked at it the last second so...

ANDREA SCASSA – That's okay. The paragraph that was handed to you "...an eligible taxpayer may elect to file a net profit return with the Ohio Business Gateway administered by the Tax Commissioner and shall thereafter be subject to Sections 718.80 through 718.95 of the Ohio Revised Code in lieu of the provision set forth within Chapter 181." Chapter 181 is our Municipal Tax Code. So, what this paragraph is saying is that any eligible taxpayers are now subject to, like I said, those 15 sections of the Ohio Revised Code. The 15 pages that was in last week's Work Session packet of 181.066 were listed by code sections. So, rather than having our Municipal Income Tax Code 181, contain and have them all laid out, all 15 sections; we're just incorporating all of those 15 sections through this one paragraph. Not to say that at a later date, we can't go back and add 15 new ordinances (sections) to our Municipal Income Tax Code. But at this time, we're just doing it through this one paragraph.

COUNCILWOMAN LITMAN – What is our thought-process in just simplifying? Is that the idea?

ANDREA SCASSA – At this stage, because the litigation, even though, like I said; we got a ruling but that from the Common Pleas Court and we're being told that decision is most likely going to be appealed and I could get into the reasons for the appeal, but I won't. So, the litigation, at this point is not over with. So, yes, rather than adding 15 more sections to our Municipal Code, we're seeking to sort of streamline it with this one paragraph with this one ordinance that references the Ohio Revised Code and then at a later date, if we need to, we can add this to our Municipal Code.

COUNCIL PRESIDENT ISTNICK – Are you done?

COUNCILWOMAN LITMAN – Yes.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – So, basically to simplify, we are just instead of quoting verbatim 15 sections of the Ohio Revised Code, we're just saying in our Code, refer to the Ohio Revised Code?

ANDREA SCASSA – Correct. Because all of those 15 pages were, they were just the Ohio Revised Code printed out for you with our ordinance section.

COUNCILWOMAN LITMAN – Why haven't we done that in the past? Why did we feel it necessary to draft all of these sections in our prior minutes or ordinance?

ANDREA SCASSA – Are you talking about last week's Work Session packet?

COUNCILWOMAN LITMAN – No.

ANDREA SCASSA – Or are you talking about in general?

COUNCILWOMAN LITMAN – In general.

ANDREA SCASSA – I can't speak to the way it was done previously. I wasn't in this position and if we did have any deviations to the Revised Code, but I can also speculate that in the past when changes were made to the Ohio Revised Code, a lot of times were not passed and then subject to litigation. That's my speculation as to past year changes where perhaps our ordinances do mirror the Ohio Revised Code.

COUNCILWOMAN LITMAN – If there's an update in the Ohio Revised Code, will our Municipal Code automatically follow suit or do we need to come back and revise that according to the Ohio Revised Code?

ANDREA SCASSA – As with any changes to the Ohio Revised Code, we have to go in and change our Municipal Code. There's no sort of automatic translation from the Ohio Revised Code to let's say, Walter Drane.

COUNCILWOMAN LITMAN – Okay, thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Gregg.

COUNCILMAN GREGG – If there's no further questions, I move that we suspend the rules requiring three readings of the ordinance and bring it forward to a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 26 – 2018 has passed. Ord. No. 27 – 2018.

ORDINANCE NO. 27 – 2018

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of road right of way and easements for Westbrook Estates, Phase 4B subdivision in Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance deals with replatting of the subdivision. This subdivision is out near Tuslaw High School, across the street by the middle school. It's specifically including Alpha, Lockhart Circle and Smyers Lane. Simply replatting that land and expanding that subdivision. Any questions or concerns? This has already been approved by the City Planning Commission. So, seeing no discussion, I will make a motion to suspend the rule requiring three readings and bring Ord. No. 27 – 2018 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK - Thank you, Madam Clerk. Ord. No. 27 -2018 has passed. Ord. No. 28 – 2018.

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the 2018 Street Resurfacing Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance is just for the City to go out and get sealed bids and enter into contract so that we can get started on resurfacing the 2018 season. Any questions or concerns? Seeing none, I make a motion that we waive the rule requiring three readings and bring Ord. No. 28 – 2018 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

COUNCILWOMAN LITMAN – Excuse me. Milan has a question.

COUNCIL PRESIDENT ISTNICK – Oh, I'm sorry, Councilman Chovan.

COUNCILMAN CHOVAN – I just noticed something here in Section 2. I think there's a typo and I think that's all it is. But, we're talking about 2017 Street Resurfacing Project. Should that be 2018? I mean, we can correct that just as a typographical error. It wouldn't affect our vote, but we do need to make that change.

COUNCIL CLERK ROLLAND – Oh, okay.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Chovan. Go forward for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 28 – 2018 has passed. Res. No. 6 – 2018.

RESOLUTION NO. 6 – 2018

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

A RESOLUTION in support of the Ohio Department of Transportation's long-range plan, "Access Ohio 2040", to coordinate efforts with local jurisdictions to designate Ohio's first U.S. and State Bike Route network.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This resolution is simply asking for our support in the Ohio Department of Transportation to eventually have a Statewide and even U.S. wide bike route network. This is just asking that we support this effort. Not for any money or any funding or any long-term plan. Any questions or conversation? Seeing none, I make a motion that we waive the rule requiring three readings and bring Res. No. 6 – 2018 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 6 – 2018 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS & CLAIMS

The Repository - \$632.40 Publication of January Ordinances

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – I make a motion that we pay the bills.

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

7 yes to pay the bills

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

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report - January 2018
Mayor's Report - December 2017
Mayor's Report - January 2018
Auditor's Report - January 2018

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – I make a motion that we accept the Auditor's Report from January 2018.

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

7 yes to accept the Auditor's Report of January 2018

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

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, March 12, 2018 at 6:30 p.m. Does anyone have anything? Councilman Manson.

COUNCILMAN MANSON – One small piece of information. A couple months back, we accepted a building down on S. Erie across from the Fire Station. They intended to tear it down; well, they tore it down today. So, that'll be more parking space before long.

COUNCIL PRESIDENT ISTNICK – Anyone else? Thank you, Councilman Manson.

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

ORDINANCE NO. 12 – 2018

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – LAW DIRECTOR of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – LAW DIRECTOR and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – LAW DIRECTOR.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Yes, we discussed this ordinance several weeks ago. It's received three readings, so I move that vote on it tonight.

COUNCIL PRESIDENT ISTNICK – Any comments? Seconded by Councilman Chovan. Roll call for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 12 – 2018 has passed.

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 20 – 2018

BY: ENVIRONMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract upon award and the approval of the Board of Control with the lowest and best bidder for the 2018 Ferric Chloride System Improvements Project.

COUNCIL PRESIDENT ISTNICK – Councilman Irwin.

COUNCILMAN IRWIN – Yes, thank you. We discussed this two weeks ago. Do we have any questions? If we don't have any questions, I'd like to move it forward today so they can get on with their bid. Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 20 – 2018 for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 20 – 2018 has passed. Ord. No. 23 – 2018.

ORDINANCE NO. 23 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Capital Improvement Fund, for the year ending December 31, 2018, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 23 – 2018 has received second reading.

16. NEW & MISCELLANEOUS BUSINESS

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

TONY MOORE – I live on Bennington Ave. here in Massillon. I'm here as part of a committee that we put together upon the announcement of the closure of Affinity. And basically, I wanted to know if you've all seen this (flyer). It should be in your mailbox. It's kind of a statement of our reason for being and it's a statement of our values surrounding the health care in the greater Massillon area. Our intention is not to tell people how to do their business, we just wanted to be sure that the people that are doing the business in the City are aware of the

feelings of at least some portion of the citizens and we speak as citizens. So, that's all I've got to say. Does anybody have any questions?

COUNCIL PRESIDENT ISTNICK – Tony?

TONY MOORE – Yes, ma'am.

COUNCIL PRESIDENT ISTNICK – I'm not certain if we have a copy of that. If you'd like to leave one with Diane. Does anyone have a copy of that?

COUNCILWOMAN LITMAN – I don't.

COUNCIL PRESIDENT ISTNICK – Okay. Thank you, Tony. We'll get those distributed. Did you want the original back?

TONY MOORE – No.

COUNCIL PRESIDENT ISTNICK – Okay, thank you. Is there anyone else that would like to come forward and address Council?

LEE BRUNKHART – My residence is 343 Korman Ave. N. E. Two things, real quick, first to Council on the Health Care Commission. They've had about three public meetings now. Mr. Maley was at one of them, which I appreciate you being there. They're biggest thing is transparency and the biggest thing that I have learned just from sitting there and listening to some of the nurse's stories. Evidently, something went terribly, terribly wrong because we don't have a hospital anymore. And I would invite everybody, I know Sarita and Mr. Manson have met partially with a couple of the members the committee, but I would highly advise everybody to stop in if nothing more than to listen. Never better to hear from anybody than what's on the, you know, people who are actually on the inside. I think there are valuable lessons that can be learned there. On another note, what I passed out was another section of the income tax. It's all time for us to pay our taxes again and I have to be one of those lovely residents who don't work inside the city. So, I get slapped with a second tax and after listening to Mr. Lewis, there was something that one of the ordinances where he decided to hold off because it was going to drain the account tremendously last two weeks ago because the tax money hasn't been rolling in. So, as I was filling out my taxes and I dropped my check off on the way up, by the way; it's in there. While I was filling out the bottom of the tax form, it shows Massillon's ordinance and it shows the State of Ohio law. And I decided to look them up. I'm kind of nerdy like that; I like to read those types of things and what I passed out here tonight was, Massillon's ordinance is at the top and I guess sometimes the City officials, that what we read; that's what we go by, that's what Andrea gets up there and has to deal with putting in and taking out and all of that kind of stuff. And we probably don't go over and read the State law and the State law pretty much just mimic's the City's or we mimic them. Expect in the same Section F there is a Section 2 ordinance that says "A municipal corporation may, by ordinance or rule, waive the requirements for filing a declaration of estimated taxes for all taxpayers." Why is this so important to me? After listening to Mr. Lewis speak the other day or the other week, evidently there's a lot of people who aren't paying these. Which means in return, there's probably a lot of people getting smacked with a fine. And first, the tax to me is unjust because it's not applied to all people. It's only applied to people who work outside the City. So, me being in Ward 2, I will ask Mr. Irwin and my Councilwoman at Large; I really think that this is something that would be a positive thing for the City, both locally and broad. I know I've even heard people say they won't move here because they work outside the City and they're not going to be double taxed. It's just not a good thing. At least this, at least we wouldn't be getting a fine anymore and there's really no reason to fine our own citizens. I mean, we're good hard-working people who, and we're not talking about a light fine. I mean, mine's well over \$300.00, all by myself. So, a lot of these people are waiting to get their income tax and I, you know, pay the whole tax and then you turn around and get hit with this fine and I just think it's ridiculous when the State of Ohio allows us to adopt this amendment and remove that. So, that's what I ask Council to do. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Lee. Councilman Manson.

COUNCILMAN MANSON – Just one question. Did I understand you that you said a \$300.00 fine?

LEE BRUNKHART – Well, no. It's that each person's tax is different.

COUNCILMAN MANSON – It sounded like you said it was a \$300.00 fine.

LEE BRUNKHART – Mine is over \$300.00.

COUNCILMAN MANSON – Your fine?

LEE BRUNKHART – No, no, no. My taxes.

COUNCILMAN MANSON – Well, you said fine.

LEE BRUNKHART – Well, in a way, it is to me because it's not addressed to all citizens. Just those who work outside of the City.

COUNCILMAN MANSON – But, it isn't a fine. You pay taxes, you pay the taxes.

LEE BRUNKHART – Well, and I understand that. But then, if you don't pay it quarterly, then you can turn around and get hit with a fine on top of it.

COUNCILMAN MANSON – You still have to pay it, though.

LEE BRUNKHART – Well, that's fine. I didn't say anything about paying my taxes, sir.

COUNCILMAN MANSON – Well, you did. You said that it was a fine and I wanted to clear that up.

LEE BRUNKHART – Yes. I said we're good citizens. We work hard, we pay our taxes. I would just, you know, not like to see citizens and then turn around and get hit with a fine when the State of Ohio permits you to exempt that. That's all. Thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else that would like to come forward and address Council? Seeing none, Councilman Manson.

COUNCILMAN MANSON – Yes. I'd like to make a motion that we go into Executive Session to discuss pending court action for cases 2018CV0096 and 2018CV00316. I would like the Law Director to come forward and explain and just give us briefly one or two words what they're for.

ANDREA SCASSA – The first case number that you recited is the action where Massillon is the plaintiff against Quorum or Affinity. The second lawsuit is the action involving Mr. Graber as the plaintiff and the City as the defendant.

COUNCILMAN MANSON – Thank you. We'll vote on the motion first then announce who we want in the Executive Session.

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

COUNCIL CLERK ROLLAND – Aren't you suppose to list who you want in there first?

COUNCILMAN MANSON – Okay. All of Council Members, Council President, Council Clerk and Mr. Maley, Mr. Smith, Ms. Sylvester and the Law Director.

COUNCIL PRESIDENT ISTNICK – Roll call.

7 yes to enter into Executive Session – 7:05 p.m.

COUNCIL PRESIDENT ISTNICK – We need a motion to exit Executive Session.

COUNCILMAN MANSON – I make a motion we return from Executive Session to our regular meeting.

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

7 yes to exit Executive Session – 7:35 p.m.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We have exited Executive Session and back to our Regular Meeting. Councilwoman Litman.

COUNCILWOMAN LITMAN – I think that in prior meetings, we've asked for an update from the Law Director on negotiations outside of the acquisition of Affinity and I would ask that she come up and give us an update tonight just so that we can stay updated on a weekly basis.

COUNCIL PRESIDENT ISTNICK – Thank you, Ms. Scassa.

ANDREA SCASSA – Thank you. As I said in the past, I can't give you specifics as to the actual names of the entities that we are speaking with, but, again, more of the same. I can tell that we're continuing to work and have discussions with various entities.

COUNCIL PRESIDENT ISTNICK – Any questions for Ms. Scassa?

ANDREA SCASSA – We are continuing to work diligently to bring healthcare back to the City of Massillon and Western Stark County. But, other than that, I can't give you any more specifics.

COUNCILWOMAN LITMAN – Can I ask when you may be able to give us more specifics? Are you going to wait until the agreement is finalized?

ANDREA SCASSA – We can't bring you a finalized agreement. You will be acting on any contract or any agreement that the City enter into, but until we have something of substance, we can't bring that to City Council to act on.

COUNCILWOMAN LITMAN – I think in prior meetings, you've said that there's an estimated timeline of about 30 days or within a 30-day period.

ANDREA SCASSA – That, I was speaking about the settlement agreement with Quorum, not any potential acquisition with a different entity. That was pertaining to the lawsuit with the City acting as a plaintiff in Quorum or DHSC, whichever name you want to call them, being the defendant; that timeframe.

COUNCILWOMAN LITMAN – Are we still using the outside legal counsel as part of the negotiation process with these outside entities? Are they still under contract with us?

ANDREA SCASSA – They are still working towards wrapping up the litigation. They are involved in some aspects of that, some of the entities that we're talking with. But, so, am I, Dave, Joel and the Mayor. So, we're all actively working on that. Not just counsel.

COUNCILWOMAN LITMAN – Okay.

COUNCIL PRESIDENT ISTNICK – Anything else?

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – I move that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK

CLAUDETTE ISTNICK, PRESIDENT