

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, MAY 4, 2020**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, May 4, 2020. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Auditor, Jayne Ferrero, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight’s agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight’s agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we excuse Councilman Thieret.

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

8 yes to excuse Councilman Thieret

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilman Thieret has been excused.

2. INVOCATION

COUNCILMAN MIKE GREGG

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN GREGG

COUNCIL PRESIDENT ISTNICK – Diane, I see Councilman Thieret has joined us.

COUNCILMAN THIERET – Yes. Sorry. I couldn’t log in.

COUNCIL PRESIDENT ISTNICK – Okay. So, nine present and accounted for.

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 – I’m still working on them, but I am excited to say that I have discovered a way to transcribe from our Uberconference. So, all minutes will be posted as of tomorrow.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCIL CLERK ROLLAND – Yes ma’am.

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

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Does anyone have anything? I do. Diane and I have talked to two people as far as putting partitions in due to the virus. If you are in the area, well, Diane, you won’t be there and they can’t get into the room. Is that correct?

COUNCIL CLERK ROLLAND – They can go through the Conference Room door and the security guards do have a key to Chambers.

JUSTIN RICHARD – Madam President. I have a key as well.

COUNCIL PRESIDENT ISTNICK – Thank you. So, if you’re around the area and you want to stop in, one of them did give us a prototype that is set up and in a couple of days we will get a second prototype that is set up. Any questions? Both of the companies that we are dealing with have done work for the City. I don’t have any prices yet.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Go ahead, Linda.

COUNCILWOMAN LITMAN – May I ask the companies that we have requested prototypes and quotes from?

COUNCIL PRESIDENT ISTNICK – Westin and Stark Glass. You and Justin gave me Westin and Stark Glass has done a lot of other departments for the City. Any other questions on that? Okay. Anyone else for any new and miscellaneous business?

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 48 – 2020

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of the Parks and Recreation Department of the City of Massillon, ,Ohio, and the Manager of The Legends of Massillon Golf Course to enter into an

agreement with Westin and Associates to accept a donation to install barriers on golf carts at The Legends of Massillon Golf Course, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As Diane stated, this ordinance is to accept a donation from Westin and Associates to install golf cart barriers in 100 golf carts. This has been presented to the Park and Recreation Board. They have approved it and the retail cost of this project is approximately about \$14,000 which they are donating and this is all due to COVID-19 pandemic. In return, The Legends will be giving Westin and Associates three (3), seven-day golf passes for the 2020 season in appreciation for their donation. Are there any questions regarding this?

COUNCIL PRESIDENT ISTNICK – Are they donating materials and labor or just labor?

COUNCILWOMAN CREAMER – They are donating both.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, yes. Has the Health Dept. declared this to be sufficient for the separation of players?

COUNCILWOMAN CREAMER – Per Mr. Pedro, this is an approval of CDC and the PGA. I cannot speak to the Health Dept. Is the Mayor or the Safety Service Director on that could answer that?

MAYOR CATAZARO-PERRY – First of all, I just want to clear up that it's not exactly free. So, if they want to exchange for goods, that is not exactly correct. Is Steve on the line so that he can discuss that with all of you?

COUNCILWOMAN CREAMER – No, but he stated that if we would need him that I would reach out to him and he would be happy to jump on the conference call.

MAYOR CATAZARO-PERRY – Yeah, he should jump on. He should be on the call tonight.

COUNCILWOMAN CREAMER – Okay. I will let him know.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I believe Jayne Ferrero would like to speak on this.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – I see she's on, but I don't know if she's able to actually speak, though.

COUNCIL PRESIDENT ISTNICK – Auditor, are you with us and can you speak? I see her name there, but I don't see a mic or anything below her.

COUNCILMAN LEWIS – I see she's trying to speak, but I don't think it worked.

COUNCIL PRESIDENT ISTNICK – Mr. Pedro.

STEVE PEDRO – Yes ma'am. Can you hear me?

COUNCIL PRESIDENT ISTNICK – Yes. Can you tell us about the partitions for the golf carts?

STEVE PEDRO – Yes. About a week and a half ago, we were, well, I approached by our golf pro, Carrie, about a gentleman that was interested in putting partitions in the golf carts so we could use them to keep the golfers away from each other during the pandemic and I talked to him and the agreement was that he would do this for us and we wouldn't have to pay any cash for it and for like a trade-agreement, we were going to give him three, seven-day passes for The Legends. It's approximately \$14,000 is what the company would have charged us and instead of that, we're giving them golf.

COUNCIL PRESIDENT ISTNICK – The Mayor said that that wasn't completely true, as far as it being free.

STEVE PEDRO – I'm sorry, I couldn't hear you.

COUNCIL PRESIDENT ISTNICK – The Mayor said that that's not completely true that it was free.

STEVE PEDRO – Well, we're not paying for it. When I talked to the Law Director about this, instead of payment, we're donating back to him for his services.

COUNCIL PRESIDENT ISTNICK – Mayor, do you have something to say on that?

MAYOR CATAZARO-PERRY – No. That is accurate, but, it wasn't just a donation. So I wanted Council to be aware of that. They are getting something in return for doing this project. I just want everyone to understand that.

COUNCILWOMAN CREAMER – Maybe it didn't come through clear, but I stated that they were getting three, seven-day golf passes to The Legends for the 2020 season. Maybe that didn't come through.

MAYOR CATAZARO-PERRY – Okay, Jill, I'm sorry. I didn't hear that, Mrs. Creamer.

COUNCILWOMAN CREAMER – Yes. That is like a trade, yes.

JAYNE FERRERO – Ed, I don't know what happened. This was all done before Council gave approval and, are you there?

COUNCIL PRESIDENT ISTNICK – Yes.

JAYNE FERRERO – I don't know why I can't get on.

COUNCIL PRESIDENT ISTNICK – You're on, Jayne.

COUNCILWOMAN LITMAN – I think everyone could hear you, Jayne.

JAYNE FERRERO – Oh, great. Thank you so much. Well first of all, I want you to know that all of this came to my attention on last Wednesday when I got the packet for the Park and Rec. Special Meeting and when I read it over and when I see things, I'll give Mr. Pedro a call and I called him because I wasn't sure about them, so I gave Mr. Pedro a call and I told him I would call the auditors to see if it was okay for them to give the donation of the free golf. So, I called the auditors and they said "Yes, they could, but it has to go through City Council" because all donations come through you. Alright. So, I call Mr. Pedro back and I told him that exact same thing. He goes "Well, I didn't know it had to go to Council" and I told him "Yes, it has to go to Council" and he said "Well" and he kind of hem hawed around a little bit and I said "Yes, it has to go to Council". So, at 11:15 a.m. Thursday morning, his Special Meeting was at 1:30 p.m., I get an e-mail from Mr. Richard, our Law Director, and it was at 11:10 a.m. and in his e-mail he states that Mr. Pedro informed him that the Board has voted to accept the gift. Which that wasn't true. They hadn't even had the meeting yet. And then, Mr. Richard goes on to say that "I do believe it to be the best practice to have Council ratify the acceptance of this gift to enhance City property based on the value of the gift. In a perfect scenario, Council would vote on this matter prior to the acceptance of the gift. However, you have indicated that the gift is necessary to keep citizens safe during the pandemic and the installation is already scheduled with a busy company. You also indicated that in the event that City Council does not the donation, the modification can be removed and returned to the company. Historically, the subsequent ratification by City Council of an existing contract has not invalidated the agreement. Due to the safety factor involved during the state of emergency, it is my opinion that the temporary installation of the modifications will not subject the City to any liability. However, if the gift is not subsequently approved by Council, the modifications must be removed as soon as possible and returned". So, I immediately responded to Mr. Richard and I said to him "These donations need to go to Council before they are installed and this has not been passed by the Park and Rec. Board yet and I do not think this qualifies as a state of emergency. My office spoke to the Auditor about this and he agreed that it needs to go to Council for approval before installation takes place". We have rules that need to be followed and I don't think this is an exception. I mean, all the other golf courses in our area, the Elms, down at Zoar; none of them have barriers in their golf carts and people are just going out single in the golf cart. It isn't something that the Governor ordered or an absolutely emergency. It could have waited for you people to vote on it. So, I called Mr. Pedro the next day and I said "You know what, you need to draw up some legislation. Have Diane call everybody and see if you can get it on the agenda for tonight so that it can get passed and it can get installed properly". So, he hem hawed around with me a little bit and he agreed to do that. And so he did. So, anyway to make a long story short, I go out to the golf course on Saturday morning and I see that they're already installed. Now, I am sorry, Council, but I think it's clearly a disrespect for Council's authority and I called the State Auditor this morning and I said to them "Who has the right to override any rules of Council?". And there's only one body that has that right. It's not me, it's not the Mayor, it's not the Law Director. It is only Council that has the right to change the rules of City Council. No one else. This was a blatant, well, one thing; I've lost a lot of trust with all of this and I feel very badly about that because I always thought working with these people was a joy. But when you don't trust people, it was wrong that they did this and all the time I've talked to him, he never lied to me and said "I won't do it" or anything. But he never told me truth and they were already installed and that's what's

wrong. And so, Council, I'm just informing you. I think you need to know. It's my job, as the Auditor, to inform you when things are done wrong. Thank you for listening to me and thank you for allowing me to talk.

COUNCIL PRESIDENT ISTNICK – Thank you, Ms. Ferrero. Mr. Pedro.

STEVE PEDRO – May I speak; yes ma'am.

COUNCIL PRESIDENT ISTNICK – Please.

STEVE PEDRO – Thank you. This was brought to me on Thursday, the 23rd and on Friday, the 24th, I sent an e-mail to all of my Board members about this project and they all responded by Friday afternoon to agree with this; to have this done, the Rec. Board did. I didn't go behind anybody's back. Everybody knew about this. When Mrs. Ferrero called me, I called three people who I call every time there's something that needs to be handled. I have a Board President, I have Jill Creamer who's my representative on Council and then I was advised by them to call Justin Richard. Justin sent me the e-mail stating that my Board had approved it by e-mail on Friday and Monday. With that being said, I didn't feel comfortable with that. So, I called a Special Meeting so we could record it and the same vote came. It was 3 – 1 because one Board member could not be in that meeting; could not make that call. When I got the e-mail from Justin stating that since the Board approve it, it says go ahead and do it and if Council votes it down, then we take them off. I wasn't trying to do anything wrong. I understand what Mrs. Ferrero is saying; I have nothing but respect for her. I don't want to ruin that respect. Maybe I have, but, there was nothing on my end to be...I checked with my Board first, as I said. They sent e-mails, I didn't feel comfortable with that. I wanted to make sure we did it the best way we can right now with the meeting being recorded via uberconference.

COUNCIL PRESIDENT ISTNICK – Does anyone have any questions for either the Auditor or Mr. Pedro?

COUNCILMAN LEWIS – Yes.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – How many barriers were installed?

STEVE PEDRO – About 100; 100.

COUNCILMAN LEWIS – And were approximately \$140 per barrier?

STEVE PEDRO – Yes.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I don't have a question; I just have a comment. I do believe that even when I was asked to give a verbal for the legislation to be on this evening, the agenda, that it was understood that the part of the Governor's request for the distancing and that in an effort to comply with regulations, I'll say lose money for golf course because I think

that last Saturday knowing that the weather was going to be 70 degrees, that it was going to be a very nice day and that it would be very likely that there would be golfers who would be more comfortable in using our golf course because I think, Mrs. Ferrero is correct. There are so many other golf courses that our residents and surrounding communities can use that we want to have them belong to The Legends. So, in an effort to try to entice customers to come, golfers to come to the golf course, that it was necessary to get the barriers in as quickly as possible. I understand what she's saying as well that there are rules to be followed and I guess I would even say that I expect those rules to be follow, but in the situation where were where everyone had been checked with that needed to, that list was checked and also there was a "if it does not get approved" option as well, that they can get removed, I guess I don't see a problem with them being installed as they were with the understanding that this is clearly and exception to the rule and that I did give my verbal on Saturday for that to be on the agenda this evening.

COUNCILMAN LOMBARDI – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Yes. I just want to get a clarification here. The ordinance language states that we're accepting a donation to install the barriers. However, from what I'm hearing from everybody, this isn't really a donation is it? It's an exchange of goods.

COUNCILWOMAN CREAMER – Yep.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Yes. May I ask Mr. Pedro if when the company had offered to put the barriers in that at that point they asked for an exchange of goods or did they say "We'd like to donate this and in the event that..." that either Mr. Pedro suggested this pay or they said "Hey, we would really like to have a couple of golf passes as well". So, I guess I'm wanting to clarify, as well, Mr. Lombardi, and when asking, is this exchange of goods or is it a matter of we are willing to donate and as a "for faith effort", we are giving the golf passes in exchange?

JAYNE FERRERO – Well, the auditors told me that since it did not equal what the amount of the donation was, that it was appropriate.

COUNCILWOMAN LITMAN – Thank you, Jayne.

COUNCIL PRESIDENT ISTNICK – Anyone else? Mr. Pedro, do you have anything else?

STEVE PEDRO – I was not in the original conversation. When I met with the individual, he said he would rather do that. He was talking about advertisement. I think he was going to put stickers on our cart or anything like that and then it was mentioned that we'd give him some golf and that's what he agreed upon.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – The only thing I will say is I agree quite a bit with Auditor Ferrero in the sense that I don't see how this could possibly be deemed an emergency. In no way did not having these barriers make it impossible for people to golf or to social distance. It just took away the convenience of having a two-people per cart. It's convenience, not an emergency matter. So, it is disheartening to see that since it was deemed that Council had to approve it, that Council's authority was able to be subverted so easily. At the end of the day, if something requires Council's permission, it is my expectation that the action will not take place until Council's permission has been granted. This very much has become an ask for forgiveness, not for permission type of situation. Now I do not believe that there was any intent in Mr. Pedro's actions, I will say that. It does sound like he tried to check all the boxes as he went and for some reason, whether the guidance was in error or just things happened or ended up this way, I would just suggest that moving forward, whenever anyone in this City is told or informed that there needs to be Council action in order for something to take place, do not take steps or action prior to that permission is voted or that action is voted on. It's just that simple and because we are in an emergency, I understand. But that does not erase Council and our authority in the City. There are certain steps that can be taken. But if it says Council needs to vote it, an emergency does not declare us not able to have that opportunity. With all that said, at the end of the day, I have no issues with those being in there. It seems like if they we being quoted at about \$140 per, and we can get \$14,000 worth of goods, I'm not going to vote "no" and make us give it back. I would just warn that in the future let's be a little more mindful and not get caught up in the situation.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Creamer.

COUNCILWOMAN CREAMER – But just keep in mind, the Park and Rec. Board is an autonomous board. We have to be very careful with that and that's a very fine line that we have to watch. So, we approved that ordinance years back regarding that Board. So, that would just be my recommendation to be careful when we move forward or do anything with the Park and Rec. Board and its departments.

COUNCIL PRESIDENT ISTNICK – Anyone else? I will say, I know you said it wasn't an emergency; are you on a golf league, Councilman Lewis?

COUNCILMAN LEWIS – I am not.

COUNCIL PRESIDENT ISTNICK – Okay. Well, if they had one person per cart, all the leagues that play out there would not be able to get out and it would cost them money.

COUNCILMAN LEWIS – I understand. I'm also an active gym goer and my gym's closed right because it's not deemed important. So, my point is that we are all making sacrifices and if it slows down game play, it slows down game play; it's not an emergency. That is all I'm saying.

COUNCIL PRESIDENT ISTNICK – I understand that. The material that was put in in the golf carts is the same material that they used, Diane, what do you say, in jeeps?

COUNCIL CLERK ROLLAND – It is a 30 mil Marine grade vinyl.

COUNCIL PRESIDENT ISTNICK – Right. But I think he said the jeep windows or something and that's what he put in as our partitions. Again, if you want to see it, stop in at Council. Anyone else?

COUNCILWOMAN HALTER – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes. Hi, Nancy.

COUNCILWOMAN HALTER – I just wanted to make two comments. I'm down here now and I looked at it, it's not plexiglass like you see in most places.

COUNCIL PRESIDENT ISTNICK – No, it's not.

COUNCILWOMAN HALTER – Right. Secondly, I passed two golf courses in the last couple of days and they're riding one person to a cart, the one's that I saw. So, I just thought I'd mention that. I feel as if I do have to support Mrs. Ferrero, being an elected official. I do feel badly for the golf course. I just wanted to mention that.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I'd like to just comment on what Councilwoman Creamer mentioned. Since the Parks and Recreation Board is supposed to be autonomous, if they can't make a decision like this, what are they there for? What is their purpose? I agree, if we have rules, we have to follow them, but now it seems kind of not clear as to what or who has the authority. If the Parks and Rec. Board can't make that decision then I'm not sure why they exist. The other thing is, as you mentioned, I agree that we should follow rules, but I also support the final decision that the barriers are in the carts to allow the golf course to maximize their ability to provide the local golfers.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN LEWIS – Madam President, can I address that comment, briefly?

COUNCIL PRESIDENT ISTNICK – Yes you can.

COUNCILMAN LEWIS – With the Parks and Rec. Board being autonomous, I would use the example of the Mayor. The Mayor cannot accept a donation for the City without Council approval. The Mayor cannot receive funds without it. The Mayor cannot expend large amounts of money without our approval. There are all sorts of things that the Mayor can't do, but you also have certain things that she can do. She runs all the departments when they operate and they don't operate. What staffing levels will look like. She'll, in this case of emergency, she was able to even close down departments and she didn't need our authority to do so. That's the same way that our Rec. department works. Their Board operates their day-to-day operations, their personnel, their hiring and firing; how things are operating and when they're operating. When it comes to matters of finances or things of financial goods, that still falls under the discretion of the Mayor and that's why something like this would have to come before us. It's not a matter of their autonomous nature, it's just the checks and balances of local government.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I agree, Mr. Lewis. But, there have been times where the Council has accepted donations after the fact. So, not all donations are presented to Council prior to that project or prior to that breakfast or luncheon. Donations go through Council when they move through Council and yes, it's up to Council for to approve them. But, a hundred percent of the time, we do not see those donations prior to that activity. That's my point.

COUNCIL PRESIDENT ISTNICK – Anyone else?

MAYOR CATAZARO-PERRY – May I speak for a moment on that?

COUNCIL PRESIDENT ISTNICK – Yes.

MAYOR CATAZARO-PERRY – I would say that all of the donations come to us before you accept them and we do have a rule that we have to accept the money within a certain amount of time and so, we accept it and then we write the legislation for you accept it. So, I would say a hundred percent of the time, we accept the donation if it is a check or so. But this is a little bit different. This is a trade of services and so, that's where the difference is and even though the Park Board is autonomous, we still run everything through Council for your approval and for your knowledge as well.

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor. Anyone else? Councilwoman Creamer.

COUNCILWOMAN CREAMER – Madam President, with no other discussion or questions, it does have emergency language, so I make a motion that we waive the rules requiring three readings and bring Ord. No. 48 – 2020 forward for a vote.

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

7 yes; 2 no – Halter and Lombardi voted “no”

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes; 2 no – Halter and Lombardi voted “no”

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 48 – 2020 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report - March 2020
Mayor's Report - March 2020

COUNCIL CLERK ROLLAND – Those reports were sent out via e-mail to Council.

COUNCIL PRESIDENT ISTNICK – Thank you.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, May 11th and prior to that, Police and Fire Committee will be having another meeting at 5:30 p.m. for anyone that wants to attend. Both will be via teleconference. Councilwoman Litman.

COUNCILWOMAN LITMAN – I just wanted to also mention that Mr. Herncane and I had had a conversation on our last Committee Meeting and we were both involved with getting reports of speeders in our neighborhoods. So, I guess I would like to ask Mr. Herncane the work in trying to get some suggestions together to present to Council regarding some of our neighborhoods; how we can best address speeders. Whether it be, again, for additional enforcement, signage, restriping or re-routing as we done a little bit in the West side. The reason I asked Mr. Herncane is because of the attempts completed on our West side and Mr. Herncane had asked for Burd Ave. to be one as well. So, we would like to exchange those reports for the various parts of the City. This is not a 6th Ward issue. It's not a 1st Ward issue and since we decided that it was kind of a citywide, that perhaps we could work together and try to bring something to Council and just information. Make sure that they understand what the results of these tests are, tests that are actually able to be run and know that we've looked at maybe the possibility of pricing out a visual speed sign as well. So, I'd like to report that Mr. Herncane and I would like to work together in regards to that issue. That's all I have.

COUNCIL PRESIDENT ISTNICK – Anyone else?

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 42 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. I got a couple of things to call on this ordinance tonight. I'm going to address a couple of things. We normally do a couple of things on this, but, Ms. Walters did already hold some public hearings on this, but I believe would qualify for our public hearings. Ms. Walters are you on the call still?

SAMANTHA WALTERS – Yes, I am.

COUNCILWOMAN STARRETT – Could you verify that?

SAMANTHA WALTERS – Can you hear me?

COUNCIL PRESIDENT ISTNICK – Yes.

SAMANTHA WALTERS – We actually held two public hearings. The final public hearing was a little bit different because it was held via uberconference and that was published in the Massillon Independent as well as our website. So, that last hearing was held on April 16th at 1:00 p.m., but we did receive guidance from HUD stating that that was satisfactory because we did schedule that hearing. Because of the COVID situation, they preferred that we postpone all in-person hearings. So, April 16th, the hearing was held via uberconference and we actually had none of the public attend that hearing. We did have a comment period open as well; thirty day comment period starting on March 16th and I did not receive any substantial comments on the budget as proposed.

COUNCILWOMAN STARRETT – Now I did have a conversation briefly with Samantha about whether or not we need to keep Council involved in these public hearings because normally, Council does have the ability to comment on them as well and the run by the Pro Tem. Due to the COVID-19 pandemic I know things are a little different right now, but I think we would probably want to continue that tread of making sure they are held before Council meetings. How does everybody else feel about that? I'm getting a lot head shakes of "yes". The next question is, is everybody satisfied at this period or do you feel that we need to have an additional public hearing in front of City Council? I feel that Ms. Walters has probably satisfied the need at this time, but how does everybody else feel. Is there any comment on that?

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I'm comfortable with it.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I'm fine as well.

COUNCILWOMAN STARRETT – Now, one other issue that I see is that Ms. Walters said is that this has a time limit of May 15th is when it needs to be passed. Samantha, I did notice there is not emergency language on this ordinance and I'm assuming we do need emergency language since May 15th is next Friday.

SAMANTHA WALTERS – Yes, that would be correct. Originally when I submitted it, I was under the impression that this would be third read at today's meeting, but because of the delay with the COVID situation, the March 30th would have been, I'm sorry, April 6th would be initial first read, it did not get first read that day because it went to the Work Session that same day.

COUNCILWOMAN STARRETT – So, I will be asking to amend that tonight to add emergency language. But does anybody else have any questions or concerns that need addressed on the allocation of funds for the CDBG? If nobody has any questions, after I make the amendment, I do plan on moving forward and voting on this tonight.

COUNCIL CLERK ROLLAND – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Yes.

COUNCIL CLERK ROLLAND – I’m sure that Samantha did the same thing. We just kind of mirrored on what we had did before and I just read through the ordinance and Section 6 does state that it is an emergency. It is just not listed in the Title. So, it would be great if you would amend that to include the emergency language in the Title.

COUNCILWOMAN STARRETT – Okay. I will just amend the Title then.

COUNCIL CLERK ROLLAND – Yes.

COUNCILWOMAN STARRETT – So, at this time, I would ask that we amend Ord. No. 42 – 2020, the Title, to add the additional language of “declaring an emergency”.

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

8 yes; 1 abstained – Herncane; to amend Ord. No. 42 – 2020 to include emergency language

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The emergency language has been added. Are you done with the discussion and everything, Ms. Starrett?

COUNCILWOMAN STARRETT – If there are no other questions, I would ask that waive the rules requiring three readings and bring Ord. No. 42 – 2020 forward for a vote.

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

8 yes; 1 abstained – Herncane abstained

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes; 1 abstained – Herncane abstained

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 42 – 2020 has passed. Ord. No. 44 – 2020.

ORDINANCE NO. 44 – 2020

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. I don’t see any reason to continue to delay this. Unless there’s any objections from Council. Everybody’s had a chance to look

this over for several weeks now. There's no hurry but we can get it off the agenda tonight. That's fine. If you want to wait another week or two weeks that's fine too. I'll open it up for any questions or objections.

COUNCIL PRESIDENT ISTNICK – Hearing none, Councilman Thieret.

COUNCILMAN THIERET – I make a motion that we waive the rules requiring three readings and bring Ord. No. 44 – 2020 forward for a vote.

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

8 yes; 1 no for suspension – Gregg voted no

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes; 2 no for passage – Gregg and Lewis voted no

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 44 – 2020 has passed.

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

MAYOR CATAZARO-PERRY – Madam President, may I speak about a topic that happened over the weekend?

COUNCIL PRESIDENT ISTNICK – Absolutely, Mayor.

MAYOR CATAZARO-PERRY – Thank you. As you all know, we had a gathering at the K-Mart property over the weekend that was organized and, I guess, promoted on Facebook. When we heard about the event, we had responded immediately and I just want to remind everyone that we're going to follow the Governor's orders and Dr. Acton's orders. And so, it will not be allowed in the City of Massillon to gather more than ten people. The six-foot distancing, physical distancing must occur and we all need to be respectful and responsible and share in this. This is, we all have to sacrifice and share in this pandemic. And Governor DeWine has been on television everyday at 2:00 p.m. minus a couple of weekends talking about this. Being respectful, being responsible and it is important for all of us to realize that and that we will be breaking up gatherings if we see them. Because we don't want everyone to get this virus. So, I just wanted to let you know that we did respond when we found out about it and if you hear of these things, would you please include us right away so that we can respond in an efficient manner? So, I did want to thank our Health Dept. and our Police officers for going up there having everyone disburse. I don't believe that there were any arrests made and that's not what we're looking to do. We don't want to have to arrest people. We just want them to share in this self-monitoring as we go through this. This is not going to end tomorrow or any time soon. So, I understand the frustration and the inability to see your friends and have fun, but for this time, we have to find other ways to do that. So, I appreciate the opportunity tonight to speak with Council. Thank you.

COUNCIL PRESIDENT ISTNICK – While you're there, Mayor. Do you have any updates on anything?

MAYOR GATAZARO-PERRY – I can tell you that the road construction has been awarded for Contract 1 and they want to start this week. The road construction has also been awarded for Contract 2 and our catch basins have also been awarded. So, you will see people starting to work throughout the City and most of our staff in the Street Dept. are back and they are back filling potholes and they were in many neighborhoods already today. So, that is my update for right now and I'll be sure to give more in the near future. Oh, and I do want to announce that on Friday, we put out a press release that our summer concerts series are cancelled for this year as well as July 3rd. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Gregg.

COUNCIL CLERK ROLLAND – Excuse me, Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Diane.

COUNCIL CLERK ROLLAND – In respect for transcription, it would be greatly appreciated if we could keep the background noise down; children quiet, dogs quiet. Because in transcribing these minutes on this system, at the last Council meeting, I could hear someone drinking and I could hear the ice in their glass. So, it does interfere with my job. So, in order for me to be effective for my Council and my Council President and the Administration, I would appreciate if we could keep the noise down. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone have anything else?

18. ADJOURNMENT

COUNCILMAN GREGG – I make a motion to adjourn.

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

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT