

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, JULY 6, 2020**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, July 6, 2020. We have in attendance with us the following city officials: Safety Service Director, Barb Sylvester, Chief Deputy Auditor, Debbie Bonk, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Economic Development Director, Dave Maley and Income Tax/Budget Director, Lori Kotagides-Boron. 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

COUNCILWOMAN LINDA LITMAN

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN LITMAN

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Litman. 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 – 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 – I had a call today from a constituent and seeing that some cities are making mask wearing mandatory and I am not pushing this in any way, shape or form, but I will address it because I was asked, does anyone know if the City Administration has looked into any of this or is it still up to the individual?

BARB SYLVESTER – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Barb.

BARB SYLVESTER – I can answer that for you.

COUNCIL PRESIDENT ISTNICK – Thank you, Barb.

BARB SYLVESTER – At this present time we are still following the Governor’s orders and listening to our Health Dept. as well. So, that is not something that is mandated at the present time.

COUNCIL PRESIDENT ISTNICK – Thank you. I appreciate that; I will pass the information along. Anyone else?

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 67 – 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 is \$120,000 appropriation to “Accumulated Sick”. This is to cover the cost of payouts for retiring employees. Are there any questions or discussion? Madam President, seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 67 – 2020 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 67 – 2020 has passed. Ord. No. 68 – 2020.

ORDINANCE NO. 68 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1420 Project Grants Fund, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$65,000 to the “Millennium Blvd. Ext. Project. Are there any questions or discussion this evening?

COUNCILMAN HERNCANE – Mr. Lewis.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Mr. Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I have a conflict of interest and cannot, in good conscious, cannot vote on this matter due to my prior employment. I signed the original agreement as MDF Director.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN HERNCANE – And my father is still the current MDF Executive Director and they have an interest in this contract as well.

COUNCILMAN LEWIS – I would think that his original statement is valid. He signed the original contract, that makes sense that there’s a conflict there. We just had a conversation with the Law Dept. The rules aren’t clear as to whether or not Council has to, we haven’t decided as whether or not Council has to cast a vote accepting the abstention. Not that Mr. Herncane’s reasoning is not valid, but the way the rules are stated, that has not been clearly vetted. If that makes sense.

COUNCIL PRESIDENT ISTNICK – When will we know the answer to that?

COUNCILMAN LEWIS – When we have more conversation, I guess.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – The conversation I had with the Law Director, they have their opinion, but, ultimately, it comes to Council as to how we want to conduct and interpret our rules.

COUNCIL PRESIDENT ISTNICK – And how do you see them, Mr. Lewis?

COUNCILMAN LEWIS – I would see them that it would be, especially since it would appear to me, unless some other Council person has another opinion, that this is a pretty clear cut example of he signed the original contract, he obviously has a conflict in the fact that he signed the contract that got the gears rolling on this particular project. I’d say we just cast a vote real quick just to make sure we cover all of our bases and then we can have further conversation at the Work Session as to how we want to move forward on such issues.

COUNCIL PRESIDENT ISTNICK – That’s fine with me. Any other comments before we make a vote?

COUNCILMAN THIERET – I just have a quick question.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILMAN THIERET – Thank you, Madam President. The project is already finished; where are we in this project? Does anyone know?

DAVE MALEY – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Mr. Maley. Thank you.

DAVE MALEY – The project is finished. Shearer's moved into the facility last August.

COUNCIL PRESIDENT ISTNICK – Thank you, David.

COUNCILMAN THIERET – So, then this is just our portion?

DAVE MALEY – Actually, no. This is actually, there was a couple of different components for this project. But this particular component dealt with the ODOT, State of Ohio ODOT grant that was given to the piece of the project that dealt with the building of the road to get to the facility and basically, it's almost like a pass-through. It has to come through the City to the owner of the project.

COUNCILMAN THIERET – Thank you.

COUNCIL PRESIDENT ISTNICK – Any other questions for Mr. Maley? Councilman Lewis.

COUNCILMAN LEWIS – I make a motion for Council to accept the request of abstaining of Mr. Herncane provided the given reason this evening.

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

COUNCIL CLERK ROLLAND – Does that have to be someone on the Finance Committee or is this just Council as Committee of the Whole?

COUNCIL PRESIDENT ISTNICK – On this particular one, I'm not opposed to it just being someone of Committee of the Whole because it's not really voting on the finances. It's just voting on Ted's abstaining from the vote.

COUNCIL CLERK ROLLAND – Okay. Now, do I mark that on the back of the actual ordinance about the abstention? Do include the abstaining?

COUNCILMAN LEWIS – I would for recordkeeping, but I would still have to make another motion after this.

COUNCIL CLERK ROLLAND – Okay. So, this will be on the abstaining?

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCIL CLERK ROLLAND – Okay. Do I ask everybody else except Herncane?

COUNCILMAN LEWIS – Yes.

8 yes to accept Councilman Herncane's abstention voting on Ord. No. 68 – 2020.

COUNCIL PRESIDENT ISTNICK – Thanks, Diane. In the past, I know we’ve had people abstain from votes in the past; how have you handled this?

COUNCIL CLERK ROLLAND – This is the first time I’ve ever had to go this route. People have just stated that they would abstain and I remember some time back even when Sarita Cunningham was on Council and she should have abstained from payment of a bill and we had to come back and make that correction. But, we’ve never voted and Ted has abstained twice before and we never voted on it.

COUNCILMAN LEWIS – And, Madam President, that’s why I said we’d talk about this at the Work Session because abstentions are not common and it seems that they come a little bit more frequently as of lately and we probably need to clarify this especially with some of the issues that we’re dealing with are talking about large sums of potential liability and exposure for the City. We want to make sure that we have everything squared away properly. So, that’s why I figured we’d talk about it next Work Session.

COUNCIL PRESIDENT ISTNICK – Okay, thank you. Okay, Councilman Lewis. I’d like to make a motion that we suspend the rules requiring three readings, bringing Ord. No. 68 – 2020 forward for a vote.

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

COUNCIL CLERK ROLLAND – Should I still call on Councilman Herncane for him to say that he abstains?

COUNCIL PRESIDENT ISTNICK – Legally, I’m not certain. Mr. Richard, are you there?

JUSTIN RICHARD – Yes.

COUNCIL PRESIDENT ISTNICK – Did you hear Diane’s question?

JUSTIN RICHARD – I did and quite honestly, I understand Council’s way of wanting to proceed, but, quite honestly, we’ll talk about it next week. I suppose that the abstention should be marked for the record.

COUNCIL PRESIDENT ISTNICK – Thank you.

8 yes; 1 abstained – Herncane abstained for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes; 1 abstained – Herncane abstained for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 68 – 2020 has passed. 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, Madam President. There are additional questions regarding this ordinance. My intent is to call an Executive Session at the beginning of the next Council meeting so that we can get those questions answered. With that said, first reading.

COUNCIL PRESIDENT ISTNICK – So, you're calling an Executive Session for the 20th?

COUNCILMAN LEWIS – Yes. I'll call one at that time. But just to give everybody a heads up.

COUNCIL PRESIDENT ISTNICK – Okay. Thank you. Ord. No. 69 – 2020 has received first 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 – First reading.

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

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository - \$ 397.60 Publication of April Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report May 2020
Auditor's Report May 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 Starrett. Roll call.

9 yes to accept the Auditor's Report

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

12. **REPORTS OF COMMITTEES**

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, July 13th at 6:30 p.m.

13. **RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

COUNCILMAN LEWIS – Madam President, I have an update for committees.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILMAN LEWIS – I just wanted to say that today, most of us should have received the e-mail from our Income Tax Director regarding our collections and revenues. So, there's some good information in there and I hope we had a chance to review it. At our next Work Session, on the 14th as stated by the President, I am requesting that the Income Tax Director and the City Auditor be present for that meeting so that we can review current revenues and projections after the first six months of 2020 so we can have a better understanding of how we look moving forward.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis, I believe that's the 13th, not the 14th. Okay, thank you.

COUNCILMAN LEWIS – In addition to that, instead of waiting, this will be more of Streets and Highways with Mr. Thieret, but I was wondering if the Administration could give us an update with the passive speed enforcement or monitoring equipment that we passed for them to look into purchasing?

BARB SYLVESTER – Madam President?

COUNCIL PRESIDENT ISTNICK – Yes, Barb.

BARB SYLVESTER – I can answer that.

COUNCIL PRESIDENT ISTNICK – Thank you.

BARB SYLVESTER – Yes, we can have that information together.

COUNCILMAN LEWIS – Would that be for Monday?

BARB SYLVESTER – Yes.

COUNCILMAN LEWIS – Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

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

JAYNE FERRERO – Madam President.

COUNCIL PRESIDENT ISTNICK – Thank you, Jayne.

JAYNE FERRERO – Yes, I would like to have an opportunity to address Council, if I could?

COUNCIL PRESIDENT ISTNICK – Please.

JAYNE FERRERO – I wanted to let you all know that our audit for this year has been completed by Clark Schaeffer and as the last three and four years, we had a perfect audit. We had no findings and so we don't have to have a post audit meeting which is really very good because of the fact that we don't want to be in a large group. I do want to thank my office for the wonderful work that they do, but I wanted to also extend my gratitude to all of the departments in the City of Massillon because with the guidance of the Mayor and with other elected officials, we could have not done this without all of their cooperation. So, that's pretty darn good that we continue to do well and follow the rules and the regulations and I thank you for all of your cooperation as well.

COUNCIL PRSIDENT ISTNICK – Congratulations, Jayne.

JAYNE FERRERO – Thank you.

COUNCIL PRESIDENT ISTNICK – And to your department as well. Is there anyone from the community that would like to speak?

18. ADJOURNMENT

COUNCILWOMAN LITMAN – I make a motion we adjourn.

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

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT