

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, NOVEMBER 15, 2021**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, November 15, 2021. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Economic Development Director, David Maley, and Income Tax/Budget Director, Lori Kotagides-Boron. Under #5 on the agenda is where the public can speak on any item that appears on tonight’s agenda and under #17 is where the public can speak on any item that does NOT appear on tonight’s agenda. I’d like to remind everyone keep your mics off until you’re ready to speak, mute your cell phones and anyone calling in, please mute yourself so that we can hold all the background noise to a minimum. Thank you.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I’d like to make a motion that we excuse Councilwoman Creamer.

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

8 yes to excuse Councilwoman Creamer

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilwoman Creamer has been excused.

2. INVOCATION

COUNCILMAN JAMIE SLUTZ

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN SLUTZ

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Slutz. Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – No, they’re not, but I will have them posted by tomorrow.

COUNCIL PRESIDENT ISTNICK – Thank you.

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

6. **NEW AND MISCELLANEOUS BUSINESS**

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I’d like to make a motion that we amend the agenda to add an Executive Session to occur immediately after Item #17 of the agenda this evening.

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

8 yes to amend the agenda to have Executive Session after Item #17

COUNCIL PRESIDENT ISTNICK – Thank you. The agenda has been amended.

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 163 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE repealing Ordinance No. 118 – 2011, which subdivided the City of Massillon, Ohio, into wards and enacting a new Ordinance subdividing the City of Massillon, Ohio, into wards, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. I do intend to give this ordinance first reading tonight, but I do want to point out to Council members that Section 3 does not have the full description it needs to redistrict ward and that yet is due to some questions and concerns that were voiced at the last Work Session and just in case we make any changes, they didn’t want to type out the big long description of wards until we are sure that this is what we want to do. So, at some point we will have to amend Section 3 prior to voting on this. So, that’s why you don’t see the description in there in case anybody had any questions. So, we can talk about this at the next Work Session and, first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ordinance No. 163 – 2021 has received first reading. Ord. No. 164 – 2021.

ORDINANCE NO. 164 – 2021

BY: COMMUNITY DEVELOPMENT 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 with the lowest and best bidder, upon the approval of the Board of Control, for the Charles Street Improvement Project in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance does deal with the Charles St. Project. It is just the last step so we can get moving and get started on that project and get bids out. Any questions or concerns? Council has already approved this project to go forward. This is just a final step. Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 164 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 164 – 2021 has passed. Ord. No. 165 – 2021.

ORDINANCE NO. 165 – 2021

BY: COMMUNITY DEVELOPMENT 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 with the lowest and best bidder, upon the approval of the Board of Control, for the Getz Building Reconstruction Project in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. Again, this is the same as the prior ordinance. We have passed the project already. This is just the last step to get into contract to get this project started for the Getz Building. Any questions, comments, concerns? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 165 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

5 yes; 3 no for passage – Herncane, Litman and Thieret

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 165 – 2021 has passed.

COUNCILMAN LEWIS – Excuse me, Madam President.

COUNCIL PRESIDENT ISTNICK – I'm sorry, yes.

COUNCILMAN LEWIS – I just want to point out that for Ord. No. 165 – 2021, it did pass, but it did not pass the emergency language minimum. So, therefore, it cannot take effect for thirty days.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 166 – 2021.

ORDINANCE NO. 166 – 2021

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Parks and Recreation, on behalf of the Massillon Recreation Board, to conduct the process of selecting and entering into contract with a design-build firm/contractor for the design-build services for the City of Massillon Parks and Recreation Park Pavilion Construction Project, and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This is a request to begin the phase of entering into contract for the Lincoln Park on 17th St. Pavilion. We've talked about this previously with Mr. Pedro here. This is something that has been in discussion for quite some time, so, this is something that I'd like to move forward as quickly as possible, if we can. This has been approved by the Recreation Board and it indicates a 4 – 0 vote and one member was actually absent at that meeting. So, this is something that I'd like to try to move forward so, I'd like to suspend the rules requiring three readings and put Ord. No. 166 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Any questions or comments? Seconded by Councilman Gregg. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 166 – 2021 has passed. Ord. No. 167 – 2021.

ORDINANCE NO. 167 – 2021

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE approving the proposed membership rate increases for the Massillon Recreation Center, beginning January 1, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. Again, Mr. Pedro was here last week at our Work Session to discuss why he felt the need for the increase was appropriate. I certainly agreed with that, as well as Mrs. Creamer. So, we will also look forward to putting this up for a vote this evening if there is no further questions or discussion. Seeing none, I'd like to waive the rules requiring the three readings and put Ord. No. 167 – 2021 forward for a vote.

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

7 yes; 1 no – Gregg

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes; 1 no – Gregg

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 167 – 2021 has passed. Ord. No. 168 – 2021.

ORDINANCE NO. 168 – 2021

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending the OCCUPATION LIST OF CLASS TITLES, 705 – 730 HEALTH DEPARTMENT, PART/TIME/TEMPORARY/SEASONAL, and the MISCELLANEOUS SCHEDULE in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. This is an ordinance we talked about in Work Session. The Health Department wants to use some COVID related funds to hire some additional employees. So, they've got the funding for it, they've got the positions ready for it; they've asked for this to be passed as quick as possible so that they can get those employees on board. First of all, I'll ask if there are any questions or concerns? Alright, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 168 – 2021 forward for a vote.

4 yes; 4 no for suspension

COUNCIL PRESIDENT ISTNICK – I have a question; so, if this fails it doesn't move forward for a vote? And if it passes, then it moves forward for the vote, whether it's first reading or not?

COUNCILMAN LEWIS – To clarify, there's no need for the President to make a tie breaking vote. It failed to meet the standard to get suspended, so, it just gets first reading at this point.

COUNCIL PRESIDENT ISTNICK – Thank you; that was my question. So, first reading for Ord. No. 168 – 2021. My question would be then, if this were third reading?

COUNCILMAN LEWIS – If it were third reading, that would have been the actual vote and you would have made a tie breaking vote.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 168 – 2021 has received first reading. Ord. No. 169 – 2021.

ORDINANCE NO. 169 – 2021

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending the PARKS AND RECREATION PART-TIME/TEMPORARY/SEASONAL WAGE RATES in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. This ordinance we discussed in Work Session and Mr. Pedro is here. It is to increase the wages of the lower level employees

and to make it more competitive and make it possible to perhaps hire some more employees to the Parks and Recreation Department. Are there any questions, concerns or thoughts? Seeing none, I make a motion that we waive the requirements for three readings and bring Ord. No. 169 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 169 – 2021 has passed. Ord. No. 170 – 2021.

ORDINANCE NO. 170 – 2021 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1229 HOME Fund, for the year ending December 31, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the \$50,000 for the HOME Fund. It is to assist with the assistance to qualified low to moderate income households in need. It is a fund that we typically do make sure we keep funded and get these out to the people that will utilize them in the community. Are there any questions or discussion? If not, I do plan to move forward this evening. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 170 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 170 – 2021 has passed. Ord. No. 171 – 2021.

ORDINANCE NO. 171 – 2021 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of 1206 Municipal Motor Vehicle Tax Fund, for the year ending December 31, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This appropriation of \$10,000 is to be used to continue the yard waste collection program down at the garage. The money was gained or brought to the City through an effort of the Street Dept. cleaning up some waste equipment that was in the yard of the garage and being able to get it turned in. Are there any further questions or discussion this evening?

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I'd just like to commend Tom Burgasser for his efforts in doing that; to find some funds that were just laying there in scrap and using that to move this program forward. So, I just wanted to make a special mention to them. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN LEWIS – With nothing else, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 171 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 171 – 2021 has passed. Ord. No. 172 – 2021.

ORDINANCE NO. 172 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. These funds are needed to be moved in order to cover funds related to income tax refunds until the end of the year. Are there any questions or discussion this evening? I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 172 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 172 – 2021 has passed. Ord. No. 173 – 2021.

ORDINANCE NO. 173 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2021 appropriations from within the 1201 Street Construction M & R Fund, for the year ending December 31, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is similar to the last one that we did, except this is going to be out of the Street Construction M & R fund, but it is related to income tax refunds. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 173 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 173 – 2021 has passed. Ord. No. 174 – 2021.

ORDINANCE NO. 174 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Law Director to execute the Participation Agreement for the OneOhio Subdivision Settlement with Janssen/Johnson&Johnson pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021, proposed Settlement Agreement; also authorizing the Law Director to execute all other necessary documents and take all other appropriate actions related to the settlement of any claims concerning Janssen/Johnson&Johnson; and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, if I could have the Law Director, please.

COUNCIL PRESIDENT ISTNICK – Mr. Richard, if you'd come up. Thank you.

JUSTIN RICHARD – Madam President, Council Members. This is certainly a new defendant but not a new thing. This is similar to the "Big Three". What I am asking today is, we do have a deadline. It is this week and we did, or you, oversaw an amendment to the agenda this evening. We're asking that either this be moved, for voting purposes, after the Executive Session because we would like a vote this evening. This would, of course, allow us to enter into the agreement similar as we have in the past, but we would, before you vote on it, of

course, like to discuss the particulars of that ongoing litigation. Because it is ongoing litigation, it should be discussed in Executive Session.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I should have included that in my initial motion. So, with that said, I would like to make a motion that we amend the agenda to place Ord. No. 174 – 2021 after Item #17 at the conclusion of the Executive Session.

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

8 yes to amend the agenda to move Ord. No. 174 – 2021 after Item #17 at the conclusion of the Executive Session

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 174 – 2021 will be voted on after the Executive Session which is after Item # 17.

8. UNFINISHED BUSINESS

COUNCIL PRESIDENT ISTNICK – Mr. Gregg, I apologize, it should have been done at the beginning of the meeting.

COUNCILMAN GREGG – Thank you, Madam President, no problem. I appreciate you remembering. I just wanted to give a shout-out to the Massillon Tiger football team for another great victory on Friday night. We took down previously undefeated Big Walnut who is the No. 1 seed in the region and they play this Friday night at Mansfield, as of now, against Green, our neighbors to the north. So, just a shout-out to them. I wish them good luck. They've represented the City very well and "Go Tigers".

COUNCIL PRESIDENT ISTNICK – Go Tigers. Councilman Lewis.

COUNCILMAN LEWIS – I just have some unfinished business, if that's okay?

COUNCIL PRESIDENT ISTNICK – Sure. That's where we are.

COUNCILMAN LEWIS – At last week's Work Session, we did have two budget adjustment transfers that we were asking for additional information on before we could sign and I just wanted to call up the Budget Administrator to give us the explanations that we requested.

COUNCIL PRESIDENT ISTNICK – Okay. Ms. Kotagides-Boron, if you'd come up. Thank you.

LORI KOTAGIDES-BORON – Good evening, everybody. I just wanted to clarify; this is legislation that was left from last week, the budget transfers. There was one to services and contracts; that was in the 1100.415, that was the Building Dept.; that was to cover extra salary for code enforcement, things that they'll be doing during the training period. So, that is some of the things that will, basically cover. We have a new code enforcement gentleman who is training right now. So, it's putting a little bit more on Jimmy. And then the 1220.415, which is actually the transfer there, is just for code enforcement activities. So, that is more or less when you have the dumpsters or have yard clean-up or anything like that, we reach out and do code

enforcement and help the community; so, that is what that transfer to services and contracts are.

COUNCIL PRESIDENT ISTNICK – Any questions? Councilman Lewis.

COUNCILMAN LEWIS – So I just want to clarify that the \$9,000 one out of the 1100 fund is to cover the cost of one of the code enforcement officer to provide training to another?

LORI KOTAGIDES-BORON – Yes.

COUNCILMAN LEWIS – And that’s until the end of the year?

LORI KOTAGIDES-BORON – Yes.

COUNCILMAN LEWIS – So, \$9,000 for six weeks?

LORI KOTAGIDES-BORON – There may be some more involved in that; I do know that we’re running a little bit short because Jimmy has been working extra hours through the year, as well. So, it’s not a “pure” \$9,000 to the end of the year, but it is also to cover the shortage for the extra hours that he’s been working.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Yes, I was just wondering if we could get an update on the crosswalk signs in downtown?

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor.

MAYOR GATAZARO-PERRY – Good evening, Madam President, Members of Council. Jason Popiel will be here on November 29th with the final decision.

COUNCILMAN THIERET – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for a Transfer of a Liquor License from J. Lally, Inc. located at 841 Tremont Ave. S.W., Massillon, OH 44647 to Krishna 02 LLC DBA Fast and Friendly and Fast and Friendly Food Mart located at 841 Tremont Ave. S.W., Massillon, OH 44647. Permit classes are C1 and C2 and is located in Ward 5.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett, did you receive a copy of this?

COUNCILWOMAN STARRETT – Thank you, Madam President. I have.

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 613.52	Publication of August Ordinances
Corporate Credit Card	-	770.52	TV & accessories and Nov. Webex Payment
U.S. Bank Equip. Finance	-	<u>127.00</u>	November Payment – Lease Agreement
Total	-	\$1,511.04	

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, first of all, I want to give a Thank You to Mr. Lombardi for his work in getting the television for us. Second, I make a motion that we pay the bills.

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

8 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

Treasurer’s Report	-	October 2021
Mayor’s Report	-	October 2021

COUNCIL PRESIDENT ISTNICK – Thank you. Mayor.

MAYOR CATAZARO-PERRY – Good evening, again. My report this evening for Council update; Contract I for the streets is completed. Contract II will be completed in one to two weeks. The levy project continues throughout this winter and the Patriotic Committee brings the Massillon Holiday Parade this Saturday. The line-up is at 4:00 p.m. and the parade takes off at 5:00 p.m. And I wanted to give you an update on the income tax for the year, you also received this through the Mayor’s reports. Year-to-date, income tax received close to 2020/2021 was \$19 million and in receipts posted was an increase from 2020 of \$1.9 million, which is a positive of 11%. Thank you.

COUNCIL PRESIDENT ISTNICK – Mayor, just off note, what time is the parade Saturday?

MAYOR CATAZARO-PERRY – 5:00 p.m. Line-up is at 4:00 p.m.

COUNCIL PRESIDENT ISTNICK – Thank you.

MAYOR CATAZARO-PERRY – We have a great show planned for afterwards, after we light up the tree.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILWOMAN LITMAN – May I ask a question?

COUNCIL PRESIDENT ISTNICK – Yes, Councilwoman Litman.

COUNCILWOMAN LITMAN – Will vehicles be provided or are we to provide our own?

MAYOR CATAZARO-PERRY – I would refer you to Terry Rohn. I don't have that answer for you.

COUNCILWOMAN LITMAN – Okay, thank you.

MAYOR CATZARO-PERRY – Your welcome.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, November 29, 2021 at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, I just wanted to update everybody that we will not be having a Finance Committee meeting on the 22nd. We will meet at our Regular Committee time on the 29th. We do have the Auditor coming in to speak to the budget review on her department, the Law Director has agreed as well and the Budget Director will be available for general discussion and if she can get another department to be able to be available, we will bring them in at that time.

COUNCIL PRESIDENT ISTNICK – Anyone else? Thank you.

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

ORDINANCE NO. 145 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Kristin Murray to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc., for Wolf & Wildflower, located at 54 Erie St. N., Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is for a \$4,000 grant to Wolf & Wildflower on 54 Erie St. in Massillon. Are there any further questions or concerns? Seeing none, I make a motion that we bring Ord. No. 145 – 2021 forward for a vote tonight.

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

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 145 – 2021 has passed. Ord. No. 150 – 2021.

ORDINANCE NO. 150 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Massillon City Health Department to accept a Federal Workforce Development grant from the Stark County Health Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance will need an amendment. So with that said, I do make a motion that we amend Ord. No. 150 – 2021, Section 1 to read, “The Massillon City Health Department is hereby authorized and directed to accept a Federal Workforce Development grant from the Stark County Health Dept. in the amount of \$180,000. The grant will fund the hiring of three part-time and temporary administrative assistant employees in the Health Dept. The grant requires that at least 50% of the funds to be used for hiring staff and the grant period is September 1, 2021 through June 1, 2023.”

COUNCIL PRESIDENT ISTNICK – Any questions or concerns? Seconded by Councilwoman Starrett. Roll call for the amendment.

8 yes to amend Ord. No. 150 – 2021, Section 1

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 150 – 2021 has been amended, Section 1. Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 150 – 2021 has received first reading.

16. SECOND READING ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 158 – 2021.

ORDINANCE NO. 158 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 158 – 2021 has received second reading.

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. In accordance with Division (G)(3) of Section 121.22 of the Ohio Revised Code, I move that we enter into executive session to include all Members of Council, the President of Council, the Clerk of Council, the Mayor, the Director of Public Service and Safety, the Law Director and the Chief Counsel for the purpose of conferencing with the Law Director and the Chief Counsel concerning a dispute involving the City of Massillon that is the subject of pending court action.

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

8 yes to enter into Executive Session – 7:15 p.m.

COUNCIL PRESIDENT ISTNICK – Thank you. We will exit Regular Session and enter into Executive Session.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to exit Executive Session.

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

8 yes to exit Executive Session and enter back into Regular Session – 7:45 p.m.

COUNCIL PRESIDENT ISTNICK – We are now back into our Regular Session and we are now at Ord. No. 174 – 2021.

ORDINANCE NO. 174 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Law Director to execute the Participation Agreement for the OneOhio Subdivision Settlement with Janssen/Johnson&Johnson pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021, proposed Settlement Agreement; also authorizing the Law Director to execute all other necessary documents and take all other appropriate actions related to the settlement of any claims concerning Janssen/Johnson&Johnson; and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We just exited the Executive Session to discuss this matter. It is a matter of litigation and the brief of what this states is essentially that the City of Massillon be joining other subdivisions in an effort to recoup funds that are related to the opioid epidemic and holding those responsible parties accountable for their participation in the argument being made that municipal subdivisions did incur costs as an externality of their actions. Are there any further questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 174 – 2021 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 174 – 2021 has passed.

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – I'd like to make a motion to adjourn.

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

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT