

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, DECEMBER 7, 2020**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, December 7, 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 Engineer, David Krock and Jason Popiel, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley and Income Tax/Budget Director, Lori Kotagides-Boron. Under item #5 on the agenda 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 would ask everyone in the audience to please mute your mics so that we can eliminate any of the background noise.

**COUNCIL PRESIDENT ISTNICK** – Roll call.

**1. ROLL CALL**

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

Roll call of 8 present

**2. INVOCATION**

**COUNCILMAN MARK LOMBARDI**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILMAN MARK LOMBARDI**

**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 are not.

**COUNCIL PRESIDENT ISTNICK** – Then the minutes stand approved as written.

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

**JUDY PETTIT** – State Treasurer’s Office and I’m just visiting to listen to the meeting. Thank you for having this online because it’s good to attend government meetings. Mayor Kathy is on our Advisory Board for Northeast Ohio and so, we value her feedback and it’s nice to hear from Massillon. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Ms. Pettit. We appreciate your being on the call.

**6. NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT ISTNICK** – Does anyone have anything? Councilman Thieret.

**COUNCILMAN THIERET** – Thank you, President Istnick. I think that November 30<sup>th</sup> was Nancy Halter’s last meeting and I’d like to make the following four motions to fill the spots on the committees that Nancy chaired or served on for the remainder of 2020. For Health, Welfare and Building Regulations, I’d like to make a motion that Mark Lombardi replace Nancy Halter as Committee Chair until the new committee assignments come out in January 2021.

**COUNCIL PRESIDENT ISTNICK** – Do you have a second?

**COUNCILWOMAN LITMAN** – I will second that.

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

**COUNCILMAN LEWIS** – Point of Order.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Are we going to discuss it or go straight to the vote?

**COUNCIL PRESIDENT ISTNICK** – We can certainly discuss it; go right ahead.

**COUNCILMAN LEWIS** – I don’t mind the spirit of what the motion is; I just don’t see that it’s necessary at this time. Why would we make any kind of changes?

**COUNCIL PRESIDENT ISTNICK** – I personally, don’t want to see the empty spots. Anyone else have any comments?

**COUNCILMAN LEWIS** – I’m just concerned that if we go through with the vote in which we name a member of Council as the Chair, do we then have a concern with our Rules to say “No member of Council shall no more than one committee”?

**COUNCIL PRESIDENT ISTNICK** – Well, he won’t be.

**COUNCILMAN LEWIS** – Well, that’s what the motion was.

**COUNCILMAN THIERET** – The next motion will rectify that.

**COUNCILMAN LEWIS** – Well then, we would have to hear all of that plan and vote on it once instead of one by one.

**COUNCIL PRESIDENT ISTNICK** – I don't have a problem with that. Does anyone have a problem with motioning on all four?

**COUNCILMAN THIERET** – I'll read them all then, okay?

**COUNCIL PRESIDENT ISTNICK** – Okay.

**COUNCILMAN THIERET** – So, you've got the first one. I'll also motion for Health, Welfare and Building Regulations, since Mark's move up to Chairperson, which left his spot on the committee vacant, I'd like to make a motion that Jill Creamer replace Mark on this committee until the new committee assignments are made in January 2021. For Streets, Highways, Traffic and Safety, I'd like to make a motion that Linda Litman replace Nancy on this committee until the new committee assignments come out in 2021. For Community Development, I'd like to make a motion that Ted Herncane replace Nancy Halter on this committee until the new committee assignments come out in January 2021. That's all four.

**COUNCIL PRESIDENT ISTNICK** – I see your concern, Mr. Lewis, that there would be no one chairing Mark's spot. Mr. Richard, are you on?

**JUSTIN RICHARD** – I am.

**COUNCIL PRESIDENT ISTNICK** – Do the Rules state that you cannot chair more than a minimum of one? What do the Rules state about being a Chair of a committee?

**JUSTIN RICHARD** – Rule 18.1 specifically says "That each member of Council shall be responsible for chairing at least one committee and sitting as a member on at least two other committees". It gives the minimum, but does not give a ceiling, no maximum.

**COUNCIL PRESIDENT ISTNICK** – Okay. Any other comments? Councilman Lewis.

**COUNCILMAN LEWIS** – So, essentially, what we're proposing tonight is not a simple fix. This is a remapping of the committee's assignments without any discussion except for what we're having right now. I think it would be in our best interest to save this for a Work Session and discuss it at that time and look at how we would want that mapped out. In the past, we've had vacancies that have lasted a little while without any concern on the effectiveness of Council. So, I don't see why we would have a problem with just letting it go until a new person is brought on board.

**COUNCIL PRESIDENT ISTNICK** – Any other questions or concerns? Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you, Madam President. I do think it's important that, because we have a vacancy on a variety of or several committees, that, one, I think we are currently discussing legislation that falls under some of those committees as well as I think it's important that are committees are all full. So that we can have dynamic discussion on these issues that may be either coming forth before the end of the year or ones that we should actually have more than two people on a committee. So, I am in favor of filling these and I would say that the slate that was put forth by Mr. Thieret seems to be a reasonable fix to filling the absence of Nancy Halter's spots. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. I just want to point out that at our last Committee meeting that we talked this kind of thing regarding the Rules, specifically, and Mr. Gregg headed that committee and I think he would back me up on this that we talked about possibly having to submit a committee list at least twenty-four hours in advance before we have to vote on such things and it seemed like the spirit of the discussion was that a lot of people preferred that option and were in favor of that option. So, I agree that maybe we should discuss this at a Committee meeting or at least have this ahead of time before we have to vote on it because I think that was kind of the spirit that we wanted to make that something that people could look at ahead of time so we can make sure. I don't have a committee list in front of me right now, so, when people are throwing out names and moving things around committees, it's hard for me to picture what it looks like. So, I know we discussed that, so, I would like to at least look at it before we have to vote on it or discuss it. You know, we get to look at legislation and ask questions before we discuss it a week prior and I don't even need a week prior, I'd just like to see it a little bit ahead of time. That would be my comment.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. Just to clarify, just so I'm understanding what has been proposed, Mark Lombardi would be Chairperson for two committees, if I'm understanding this correctly. He would be Chairperson for Public Utilities, because I did grab my sheet because I too, Ms. Starrett, I am not familiar with who's on what committees. So, Mark would be Chairperson for Public Utilities and Health, Welfare and Building Regulations, if I'm understanding this correctly. Then the others that were mentioned were just filling in the empty spots. So, this is going to be for four weeks until January 2021. Am I correct, President Istnick?

**COUNCIL PRESIDENT ISTNICK** – Is that your intention, Councilman Thieret?

**COUNCILMAN THIERET** – Yes. Until the new assignments come out in 2021.

**COUNCIL PRESIDENT ISTNICK** – So this would last for four weeks? So, these are not my recommendations for the new year, so, don't get this confused with what I'm going to be submitting.

**COUNCILWOMAN CREAMER** – So, Mr. Thieret, am I understanding that you're proposing then, Mark being Chairperson for two committees?

**COUNCILMAN THIERET** – That is correct.

**COUNCILWOMAN CREAMER** – Okay. I have no issue with that for four weeks. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis, did you still have a comment?

**COUNCILMAN LEWIS** – I would have to say that I don't believe the assigns are at the beginning of the year. The President only reassigns at the beginning of a term. So, when the new person is brought on to Council, that would be for Council to figure out then.

**COUNCIL PRESIDENT ISTNICK** – I thought...

**COUNCILMAN LEWIS** – We don't reassign committees every year. We only reassign committees at the beginning of each term.

**COUNCILMAN THIERET** – Well, January will be a new term.

**COUNCILMAN LEWIS** – No it won't. We're on the same term. It's a two-year term.

**COUNCILMAN THIERET** – No, I understand, but there will be someone that's starting a new term.

**COUNCILMAN LEWIS** – They're not starting a new term. They're filling an unexpired term. There is a difference.

**TED HERNCANE** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**TED HERNCANE** – I appreciate the conversation that's happening. I think the Rules that are in place currently are what we need to go by and I believe I heard Mr. Thieret make a motion and Councilwoman Litman seconded that. I would ask that you have the Council Clerk call the roll, please.

**COUNCIL PRESIDENT ISTNICK** – Are there any other comments? Councilman Gregg.

**COUNCILMAN GREGG** – Yes, I definitely have a comment. I'm not sure why we need to operate with this new proposal at this point. I think we've got rules in place that handle situations like this and as Mr. Lewis stated before, we've not filled vacancies on committees when we've had vacancies in the past until the next appointment period came by. I agree with Mrs. Starrett that I don't believe that we need to operate on this and I'd like to be able to see in writing before I vote on it. It is part of the discussion we were having in our last Work Session and we didn't complete. That was something that we're going to continue to discuss in our next Rules and Courts Committee meeting, which is slated for 6:00 p.m. next Monday. So, at this point, I would say that I'm not sure if there's any reason for us to make any changes now and because that's the way our structure is setup to handle vacancies and we have handled in the past. So, unless Mr. Richard would have a reason why we need to make changes to these openings at this point, I would not be in favor of making these changes at this point.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – I also want to point out, I don't know when the Republican Party meeting is, but the next person to fill Ms. Halter's position could be appointed at any time. So, it is not technically, that person if Council wanted, could simply be appointed to the committees that Ms. Halter was already in. That new person could come in next week, for all we know. They do not come in on the first meeting in January. They could come in at any time. As soon as they're appointed by the Republican Party. It has nothing to do with terms. It has everything to do with the party and when those people are appointed. So that person could start next week, for all we know. I don't know when the meeting is set to reappoint somebody.

**COUNCIL PRESIDENT ISTNICK** – They have to be appointed within forty-five days, is that correct?

**COUNCILMAN LEWIS** – That is correct.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Mr. Richard, are you still available?

**JUSTIN RICHARD** – Yes.

**COUNCIL PRESIDENT ISTNICK** – Is there anything illegal about Mr. Thieret's motion?

**JUSTIN RICHARD** – No.

**COUNCIL PRESIDENT ISTNICK** – Then I suggest we do a roll call and voice your opinion through your vote. Roll call. Councilman Thieret.

**COUNCILMAN THIERET** – Just a point, you had me read all four. Are we voting on the first one or all four?

**COUNCIL PRESIDENT ISTNICK** – I think they wanted us to make the motion as one single one.

**COUNCILMAN THIERET** – Okay.

**COUNCIL PRESIDENT ISTNICK** – All four together.

**COUNCIL CLERK ROLLAND** – Yes, he made the motion with all four together.

**COUNCIL PRESIDENT ISTNICK** – Okay. Go ahead.

5 yes; 3 no

**COUNCIL PRESIDENT ISTNICK** – Then Mr. Lombardi's motion goes into effect until the end of the year...

**COUNCILMAN LEWIS** – Point of Order.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILMAN LEWIS** – Wouldn't that have been a roll call for suspension before Council? Don't they have to go three readings?

**COUNCIL PRESIDENT ISTNICK** – Mr. Richard?

**JUSTIN RICHARD** – Yes. A motion would need to be suspended if this is happening because of an emergency. If the moving party is making emergency language.

**COUNCIL PRESIDENT ISTNICK** – Okay. Then that was for suspension. And for passage.

**COUNCILMAN LEWIS** – Well, for suspension, we do not meet the statute. You need at least seven votes to suspend.

**COUNCIL PRESIDENT ISTNICK** – Mr. Richard.

**JUSTIN RICHARD** – That is true.

**COUNCIL PRESIDENT ISTNICK** – Alright, then committees stay as appointed this time. Moving on.

**JUSTIN RICHARD** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes, Mr. Richard.

**JUSTIN RICHARD** – The motion still passed.

**COUNCIL PRESIDENT ISTNICK** – Which means?

**JUSTIN RICHARD** – Well, it could go...more than likely it will be forty-five days to pass, but, it was done. Technically, we have a passed motion; they can't go into effect.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – If we vote to suspend and if we do not reach suspension, then that means we were not able to actually vote on the motion. The vote that was taken place was a roll call for suspension. We failed to meet the statute for suspension so, therefore, we did not vote on passage. How can we say it's passed?

**TED HERNCANE** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Go ahead, Mr. Richard.

**TED HERNCANE** – Yes.

**COUNCIL PRESIDENT ISTNICK** – Oh, I'm sorry, Mr. Hencane.

**TED HERNCANE** – When we assigned committees the first of this year, I don't recall any motions to suspend. I think we just did motions and seconded and went along with the current list that we were operating on the first of the year.

**COUNCIL PRESIDENT ISTNICK** – Mr. Richard.

**JUSTIN RICHARD** – Going back to Rule 18, it actually doesn't say that it has to be a law. It just says "To the approval of the majority of the members of elected Council". Rule 18, I'll read it in its entirety, "The President shall, no later than the first regular meeting succeeding the organization of Council, in each term, appoint the standing committees, consisting of not less than three members each, for the ensuing term, subject however, to the approval of a majority of the members elected to Council". That would read to me that this stands as its own rule. So, it was done correctly at the beginning of the year and I believe it's done correctly now.

**COUNCIL PRESIDENT ISTNICK** – So, you're saying it passed or it did not pass?

**JUSTIN RICHARD** – I never heard a motion to suspend the rules yet. I've only heard the motion to pass the motion. So, the way that I see it is that they, the majority of Council, has agreed. So, it's the approval of the majority of the members elected to Council.

**COUNCIL PRESIDENT ISTNICK** – Then it has passed and Mr. Thieret's recommendations will go into place until the end of the year. Councilman Gregg.

**COUNCILMAN GREGG** – Madam President. Yes. My question is that nothing is mentioned about emergency language, so, when would this, if it's passed, when would it go into effect?

**COUNCIL PRESIDENT ISTNICK** – If I'm understanding Mr. Richard correctly, it goes into effect now. Is that correct, Mr. Richard?

**JUSTIN RICHARD** – Yes. This is different than...we're not creating legislation. This is pursuant to Rule 18 that says "At any time, an approval of the majority of the members elected to Council". Therefore, emergency language is not necessary.

**COUNCILMAN GREGG** – Okay.

**COUNCIL PRESIDENT ISTNICK** – Then it has passed and we'll get those to Diane and she will get them to everyone. And again, these are only in effect until the end of December. Anything else? Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. You stated that these will only go into effect until the end of December. I believe it should be until the Republican Party appoints Mrs. Halter's replacement.

**COUNCIL PRESIDENT ISTNICK** – Whether that be sooner or later, that is fine with me. Do we need to vote on that? Mr. Lewis.

**COUNCILMAN LEWIS** – I'm just saying that this is the whole point that I was bringing up. The motion was unclear as to what we were actually voting for. It was unclear for the length in perpetuity, and we voted, so it passed. Mr. Richard is correct in what's in the rules that passed. But now, we have it passed because we don't know how long does it last to or what parameters and this is why I feel it needs a little bit more discussion.

**TED HERNCANE** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Go ahead, Ted.

**TED HERNCANE** – I think that there doesn't need to be a date on this. I think there was a motion to assign certain individuals for Councilwoman Halter's committee spots and that shall take effect until Council committee assignments change in the future.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.



**COUNCILMAN THIERET** – Yes. The exact language that I stated was “until new committee assignments come out in January 2021”. So, in January 2021 after we have somebody in place, we can go back to whatever you decide. I thought that was pretty clear. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Am I correct that committees can be brought up or changed at any time, or am I mistaken on that?

**COUNCILMAN LEWIS** – You’d be correct, Madam President.

**COUNCIL PRESIDENT ISTNICK** – Okay. If the new person comes in before December 30<sup>th</sup>, then we will address it then.

## 7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

### **ORDINANCE NO. 127 – 2020**                      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 by rezoning a certain tract of land from RM-1 Multi-Family Residential to R-2 One Family Residential, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 127 – 2020 has received first reading. Ord. No. 128 – 2020.

### **ORDINANCE NO. 128 – 2020**                      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Stark County Regional Planning Commission (SCRPC) for the Massillon Housing Department ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This ordinance is to enter into an agreement with Stark County Regional Planning Commission for 2021. This is a yearly agreement we make for the City Housing Program which includes the Housing Rehabilitation Program and Homebuyer Assistance Program. I would like to bring this up for a vote tonight so we can get the contract in place for 2021 so we do not lose any services for the citizens. Is there any discussion on this ordinance? I make a motion that we waive the rules requiring three readings and bring Ord. No. 128 – 2020 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. 128 – 2020 has passed. Ord. No. 129 – 2020.

**ORDINANCE NO. 129 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1217 Local Coronavirus Relief Fund, for the year ending December 31, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the appropriation of \$13,383.49 that we received. We need to appropriate it so that it can be spent appropriately. Are there any questions or discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 129 – 2020 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. 129 – 2020 has passed. Ord. No. 130 – 2020.

**ORDINANCE NO. 130 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1205 Safety Forces Improvement Fund, for the year ending December 31, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance is so that they can continue to fund indigent alcohol relief fund for people who need to receive therapy or counseling as part of their judgement. Are there any questions or debate this evening? Hearing none, I make a motion that we suspend the rules requiring three reading, bringing Ord. No. 130 – 2020 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. 130 – 2020 has passed. Ord. No. 131 – 2020.

**ORDINANCE NO. 131 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3109 TIF Service Payment Fund, for the year ending December 31, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. Is Mr. Maley on?

**DAVE MALEY** – Yes I am, Mr. Lewis.

**COUNCILMAN LEWIS** – You can probably clear this up better than I; can you just go ahead and describe what this is?

**DAVE MALEY** – Mr. Lewis, you asked me this last week and I think this is something that should be done by the Auditor's department. Ask the Auditor's Dept. to discuss this.

**COUNCILMAN LEWIS** – Are they even on? Alright, President Istnick, first reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 131 – 2020 has received first reading. Ord. No. 132 - 2020.

**ORDINANCE NO. 132 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE reducing the appropriations in the 1340 Tax Increment Fund and the 1237 Economic Development Fund, for the year ending December 31, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. These are reductions and just to help balance the budget for the end of the year. Are there any questions or debate this evening? Hearing none, I make a motion to suspend the rules requiring three readings, bringing Ord. No. 132 – 2020 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. 132 – 2020 has passed. Ord. No. 133 – 2020.

**ORDINANCE NO. 133 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Auditor to pay various 2020 bills that have been received and that will be received by her office between January 1, 2021 and March 31, 2021, out of the 2021 appropriations within the various departments of the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is an ordinance that we pass every year. It basically allows us to pay our end of year bills as they come in. Many of them we may not have until the beginning of next year. Are there any questions or discussion this evening?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you, Madam President. My question is who is the deciding party? Is it the Auditor who will choose which bills are paid in December and which bills are paid in January or if they are dated a certain date by the end of the year? How exactly does that work and who's the deciding person as to what bills are paid where; in which year?

**COUNCILMAN LEWIS** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – The way that's it has worked in every year that I'm aware of; this is for expenses that would have been occurred, most likely towards the end of 2020, but the invoices or bills did not get received until early 2021. It's not so much as the deciding factor as much as when did the bill actually arrive into the possession of the Auditor's office.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – So I guess, in my mind, I just wanted clarification. So, if the services were rendered in December of 2020, the bill is not received to the Auditor's office by January 1, will not be paid in 2020. It will be paid in 2021, is that correct?

**COUNCILMAN LEWIS** – Correct. It's like your water bill. You don't get it until January, but you're paying for December. When you water bill comes, you get it in January, but it's for December's usage. The same concept.

**COUNCILWOMAN LITMAN** – My question was regarding the bills that come into the various departments, those may come in prior, they will not be in the Auditor's possession until after January 1<sup>st</sup>, 2021. So, it does say in her office by January 1<sup>st</sup>. So, that's why I just wanted to make sure that those bills to be paid need to be in the Auditor's possession do not be paid in 2020.

**COUNCIL PRESIDENT ISTNICK** – Mr. Lewis.

**COUNCILMAN LEWIS** – I suppose. To be honest with you, it just sounds like we’re digging deeper than we need to. At the end of the day, if the bill for services rendered in 2020 that the Auditor did not have the ability pay because of whatever, they didn’t have invoice in time, so they have to pay it in January or February. As to whether or not a department held on to the bill for too long or whatever, I can’t speak to that. That would be the Administration.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 133 – 2020 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. 133 – 2020 has passed. Ord. No. 134 – 2020.

**ORDINANCE NO. 134 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into Participation Agreements with Ohio AFSCME Care Plan for dental and vision insurance coverage for City employees for the 2021, 2022 and 2023 calendar years, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the contract for further insurance for the City employees as we discussed for dental and vision insurance coverage. Are there any questions or discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 134 – 2020 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** – Ord. No. 134 – 2020 has passed. Ord. No. 135 – 2020.

**ORDINANCE NO. 135 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain transfers in the 2020 appropriations from within the 1201 Street Department Fund and the 1234 Park and Recreation Fund, for the year ending December 31, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. These are just transfers so that we can have the money for our income tax refunds that the City withheld. Are there any questions or discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 135 – 2020 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. 135 – 2020 has passed. Res. No. 21 – 2020.

**RESOLUTION NO. 21 – 2020**

**BY: PUBLIC UTILITIES COMMITTEE**

A RESOLUTION authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to take all actions necessary to effect a governmental electric aggregation program with an opt-out provision pursuant to Section 4928 of the Ohio Revised Code (the Aggregation Program”) for residents, businesses and other electric consumers in the City of Massillon; also authorizing the Director of Public Service and Safety to enter into a Second Amendment to the Master Agreement between the City of Massillon, Ohio and Energy Harbor LLC, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, President Istnick. This is a resolution to give Mrs. Sylvester the authority to get an aggregation for electric service for our residents. It would be an opt-out program, they can opt-out if they don’t want in on it. Are there any questions? Hearing none, I make a motion that we suspend the rules requiring three readings and bring Res. No. 21 – 2020 forward for a vote.

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

7 yes; 1 no for suspension – Lewis voted “no”

**COUNCIL PRESIDENT ISTNICK** – And for passage.

7 yes; 1 no for passage – Lewis voted “no”

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Res. No. 21 – 2020 has passed.

**8. UNFINISHED BUSINESS**

**9. PETITIONS AND GENERAL COMMUNICATIONS**

**10. BILLS, ACCOUNTS AND CLAIMS**

**11. REPORTS FROM CITY OFFICIALS**

Treasurer's Report - October 2020

Auditor's Report - October 2020

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

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

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

8 yes to accept the Auditor's Report

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

**12. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT ISTNICK** – Our next Committee Meeting of Rules, Courts and Civil Service Committee is Monday, December 14, 2020 at 6:00 p.m. followed by our Regular Work Session at 6:30 p.m.

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

**14. CALL OF THE CALENDAR**

**ORDINANCE NO. 11 – 2020** **BY: FINANCE COMMITTEE**

**Tabled October 5, 2020 until December 7, 2020**

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

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. Essentially, this is still going through the State House. Some of the legal elements of it. They are attempting to see if they can still get it taken care of in this "Lame Duck", but if they are not able to, then it would be brought into the next session which would start in January. So the recommendation right now is that until there is some clarity at the State level as to what city's can do when working on contracting out with an engineer, that

we should just table this indefinitely and then once it gets resolved, it would probably come back at it. That's what's been explained to me. It would be opened up for discussion at this point.

**COUNCIL PRESIDENT ISTNICK** – Any questions or comments? Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you, Madam President. My question is for our Law Director. I know that his position previously has been that we are not able to hire a firm as our engineer. Has his opinion changed over the time that this has been tabled? I guess I would just like a reiteration of his comments.

**COUNCIL PRESIDENT ISTNICK** – Mr. Richard.

**JUSTIN RICHARD** – Thank you, Madam President, Councilwoman Litman. Unfortunately, it's a little bit more buttled than not just agreeing that a firm should be or can be take the place of one single engineer. But, particularly the problems that we have with agreeing to this contract are multiple-tasked. But, one of the big ones that there is proposed legislation that I read earlier today would specifically accept engineering firms so they are not considered public officials and that certainly probably one of the bigger pieces of our objection. So, with the idea that that would or could be cleaned up by legislation, then we wouldn't necessarily be contrary to the law because the law would change. Previously, this contract being passed, I do believe that it was contrary to how the law stands. So, there is a proposal to change the law as opposed to changing our contract. At this time, I don't necessarily see that we have a feasible option other than just continuing with the contract on a month-to-month basis with OHM, if they're willing to do that because even though we do have an emergent situation, we would have to either do the RQ process all over again for an engineering firm that would agree to only advise and not take any work or we would have to advertise for an individual position. I just don't know if that's feasible right now, so, I think that this is the best course.

**COUNCILWOMAN LITMAN** – Thank you, Mr. Richard.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, I'd like to make a motion that we table Ord. No. 11 – 2020 indefinitely.

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

8 yes to table Ord. No. 11 – 2020 indefinitely

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 11 – 2020 has been tabled indefinitely.

## 15. **THIRD READING ORDINANCE AND RESOLUTIONS**

**ORDINANCE NO. 114 – 2020**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Lepley & Co., LLC to provide an economic development "inducement grant" to



fund start-up costs including build-out at the property located at 13 Penn Avenue S.E., Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This is a grant for Lepley & Co. in the amount of \$10,000. It is up for third reading. Is there any further discussion on this tonight? Hearing none, I ask that Ord. No. 114 – 2020 be brought forward for a vote.

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 114 – 2020 has passed. Ord. No. 115 – 2020.

**ORDINANCE NO. 115 – 2020**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Legacy Project of Stark to provide an economic development “inducement grant” to fund the costs for expansion at the property located at 708 Tremont Avenue S.W., Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This a grant for \$5,000.00 for the Legacy Project and it is up for third reading as well tonight, so, is there any further discussion before it comes up for a vote? Hearing none, I would ask that Ord. No. 115 – 2020 be brought forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Herncane.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 115 – 2020 has passed. Ord. No. 117 – 2020.

**ORDINANCE NO. 117 – 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** – Yes. This is the transfers that would coincide with the previous two ordinances that we passed. Are there any questions or discussion? Hearing none, I make a motion that we bring forward Ord. No. 117 – 2020 for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. Roll call.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 117 – 2020 has passed. Ord. No. 118 – 2020.

**ORDINANCE NO. 118 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is our appropriations piece of legislation. We are not ready to vote on this yet, so, I make a motion that we table Ord. No. 118 – 2020 until December 21, 2020.

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

8 yes to table Ord. No. 118 – 2020 until December 21, 2020

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 118 – 2020 has been tabled until December 21, 2020.

**16. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 122 – 2020**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1204 Municipal Court Special Court Fund, for the year ending December 31, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the ordinance that we discussed last week. It's where the courts are taking funds they get with court fees and fines and they're able to do improvements. One of the improvements that they're going to be doing will be a drain system out in the parking lot where it's vehicles are washed; city vehicles are washed. Are there any there any discussion or questions this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 122 – 2020 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. 122 – 2020 has passed.

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

**L.J. DELUCA** – 2954 Veterans Blvd. S.E., Massillon, Ohio. Nice to hear you on the show here tonight, Madam President, along with Diane Rolland. We appreciate you. I want to talk a little bit about...I don't know whether a lot of my residents know about what happened recently in downtown Massillon with the police chase; I don't want to get too much involved in this. But I do want to say, I did talk to Barb Sylvester, the Safety and Service Director; had a little chat with Barb and I appreciate her taking the call and she said it's a one-time thing, I think, and it really doesn't happen that often. But I want to know, why are we going to wait until somebody gets killed to take care of it. I'm down there almost all the time at night and I make it my regular regiment to go down to Belden Village and through downtown Massillon. I've seen the aftermath and I've seen the destruction of it, Madam President. I'm an advocate of the Massillon Police Dept. Chief Moser and the Massillon Police Dept., job well done. You can't predict that it's never going to happen again or it's a one-time thing. By the grace of God, thank God, nobody was killed or hurt seriously. Now, I have heard, the business owners come out and tell me, because I was down there just after it happened that night, where the police were chasing them...I don't know the whole thing, but I do know it was a big thing and it could have turned out even worse. Thank God for the Massillon Police Dept. They said that this was the biggest bang, the loudest they ever heard. The car was flying; went up the strip and that. Thank God we have the Massillon Police Dept. A lot of folks can't move on a dime down there. They're older that patronize these businesses. And the last thing I want to talk about, we need to do something, we got to do something like Discount Drug Mart. Put those things up where people can't drive in. I know it's not going to make Streetscape look as beautiful as it was, but we've got to do something. I talked to the business owners, friends of mine and they said that there's been many times, not just one incident that the people almost ran into their store, whether they're drunk or just not paying attention. Remember now, the Mayor did a great job with Streetscape. We have people eating out there and I know a lot of Council members and including Madam President has been down there and I've seen them; it's very close to the road. Lastly, I just want to follow-up with communication. We don't need second class communication here. We need first class Massillon communication on these virtual meetings and otherwise. I heard Madam President say that we got to clear this up. I mentioned earlier, four or five weeks ago that we need to do this and I just want to put out here to compliment Lombardi, I can help you get this straightened out. We need clear communication and I can help you do it. We need to work on this 24/7 to get it accomplished and we need to get this accomplished by next Massillon City Council meeting, because it's hard. A lot of people have said it's very hard and I noticed it myself. I want to thank everybody. Have a nice happy holiday. Stay safe, stay healthy and God bless Massillon, Ohio. Thank you very much.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Deluca. Anyone else?

**CRAIG SANDERS** – Progressive Auto Group.

**COUNCIL PRESIDENT ISTNICK** – Go ahead.

**CRAIG SANDERS** – Good evening members of City Council, Mayor Kathy Catazaro-Perry and all of Administration. I feel it's important to make a comment regarding my request for the rezoning. Last year, I met with many regarding the work. I really did believe I had good plan that considered each party affected by this request. Though I may not like the outcome of the situation, I do appreciate those who listened to me during my presentation. I really tried to

understand the needs of the citizens of Massillon. My body shop, new and used vehicle sales department, parts department, presenters and office staff really would have liked to have been afforded the extra room that we need to grow. There have many people speculating about what will happen next, frankly, I can't predict the future. But what I do know is that Progressive Auto Group and the wonderful people who work here each day will do the very best for our customers. Merry Christmas to everyone and Happy New Year. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Sanders. Anyone else?

**18. ADJOURNMENT**

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, Madam President. I motioned that we adjourn.

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

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DIANE ROLLAND, COUNCIL CLERK

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CLAUDETTE O. ISTNICK, PRESIDENT