

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, MAY 16, 2022**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, May 16, 2022. We have in attendance the following City officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Chief Counsel, Bill Bartos and Economic Development Director, Dave Maley. 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 and please, mute your cell phones. Thank you.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Julie Harwig Smith, Ted Herncane, Ed Lewis, Mark Lombardi, Jamie Slutz, Mike Snee, and Jim Thieret.

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. All present and accounted for. Councilman Thieret.

2. INVOCATION

COUNCILMAN JIM THIERET

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN THIERET

4. READING OF THE JOURNAL

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

COUNCIL CLERK ROLLAND – Yes they are. All minutes are posted.

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

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL CLERK ROLLAND – Yes. We have two variance appeals tonight to be read into the record:

Janice Thomas – Variance Appeal

Case #2022-4 Requesting variance for a cat pen, commonly known as a catio
This variance request was denied at the Board of Zoning Appeals meeting on April 28, 2022.
Pursuant to Massillon Ord. No. 1129.09, I hereby appeal the decision of the Massillon Board of Zoning Appeals denying the variance requested regarding the above referenced property rendered on April 28, 2022, in the above referenced matter.

John Bolan – Variance Appeal

Case #2022-5 Requesting variance to allow an accessory building in the front yard and requesting variance to allow a secondary building to be. These variance requests were denied at the Board of Zoning Appeals meeting on April 28, 2022. Pursuant to Massillon Ord. No. 1129.09, I hereby appeal the decision of the Massillon Board of Zoning Appeals denying the variances requested regarding the above referenced property rendered on April 28, 2022, in the above referenced matter.

These appeals have now been read into the record.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 77 – 2022.

ORDINANCE NO. 77 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1238 Probation Service Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the \$175,000.00 appropriation that the Court is requesting from the Probation Fund. So this fund, obviously, as stated previously, this is their funds that they have. I did speak with Judge Eddie Elum today to get clarification as to if there were any specific or special projects. He stated that there are no specific or special projects that he lined up at this time. But instead of coming back every \$20,000 or \$30,000 that he may need as he moves through the year, he's just requesting to have it released to him now so that he is able to use it as projects or needs arise. I will open it up for any discussion or questions, I suppose.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. Is this something that's usual? I don't recall anything like this happening before.

COUNCILMAN LEWIS – Typically, he would have put it in the budget request for this year, however, these funds were not part of his budget request. But I do have to remind everyone that these are his dollars. They're not dollars that we generate; these are dollars that he

generates through his own services and if they're not all spent, they just get roll right back in at the end of the year and we would re-appropriate next year.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I make a motion we suspend the rules requiring three readings, bringing Ord. No. 77 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. 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. 77 – 2022 has passed. Ord. No. 78 – 2022.

ORDINANCE NO. 78 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1222 Waste Management Grant Fund, for the year ending December 31, 2022.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$10,500.00 as part of their grant program. 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. 78 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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. 78 – 2022 has passed. Res. No. 7 – 2022.

RESOLUTION NO. 7 – 2022

BY: FINANCE COMMITTEE

A RESOLUTION authorizing the City of Massillon, Ohio, to form and join a governance structure for Region 6 pursuant to the OneOhio Memorandum of Understanding and the OneOhio Subdivision Settlement Agreement in the City of Massillon's ongoing Opioid Litigation; also authorizing the Mayor and/or the Director of Public Service and Safety to enter

into any necessary agreements and to take any necessary actions to facilitate said process, and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We had a presentation from Law Director Richard last week on this and this is our attempt to continue to manage and make sure that we receive any windfall that would come from this particular litigation. Are there any further questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 7 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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. Res. No. 7 – 2022 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

U.S. Bank Equip. Finance - \$127.00 May Payment for Copier

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to pay the bills.

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

9 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report - April 2022
Mayor's Report - April 2022
Auditor's Report - April 2022

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to accept the Auditor's Report

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

COUNCIL CLERK ROLLAND – The Mayor is standing up.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Mayor, come on down. Thank you. Sorry, Mayor.

MAYOR CATAZARO-PERRY – Good evening, Madam President, Members of Council. We have a lot to report to you this evening. Update for Wales Rd.; June 1st is the date that we've been given from ODOT to proceed in the process of renovating Wales Rd. So, that is a really big piece. We thought it was going to be August, but it is now June 1st.

COUNCIL PRESIDENT ISTNICK – Of this year?

MAYOR CATAZARO-PERRY – Yes, of this year. They will be beginning to work on the water lines first. June 4th is Impact Massillon and you all know Impact Massillon and that is on Cleveland Ave. to McKinley to Anthony. So that's where the project is going to be this year. I'll just pass this out; we have a young group of individuals; you may have seen it on social media. It's called Manner Matter in Massillon and we were looking for someone to help us take this City wide and they are the avenue. They are going to be our catalyst to do that and so, they've joined in and what we're asking everyone to do, in Massillon, is to get out in your yard and tidy up your yard. If you need to paint your front door; if you need help, these young people have their e-mail address and a phone number on the flyer and it's all over social media for residents in the area to ask for help. So, it is going to be City wide. Again, as I said, there'll be four dumpsters at the City garage. So, we want people to utilize that. Instead of putting them in the neighborhoods and having to monitor each one, they're at the City garage. So, they'll be four all day on Saturday, June 4th and we hope that you'll utilize that and everybody will come out and work together and start to work on their home or your business; either one. It's going to be something every year that we do on the first Saturday in June.

COUNCIL PRESIDENT ISTNICK – And what would the hours be?

MAYOR CATAZARO-PERRY – Usually it's 8:00a to 4:00p. Sometimes different groups, they have different churches plus Massillon Rotary; sometimes their project is a smaller project so they might get done at 2:00p. But generally it's between 8:00a and 4:00p. The Sidewalk Program; I have that with me tonight to give you an update on the Sidewalk Program. We are now at and this is if everyone that has applied and is given the estimates that wants to execute the contract, we will be at \$93,274.00. We think that's excellent. We're going to have \$31,000.00 remaining and we're going to come back to you with some legislation for those dollars. So that has been going well. The ARPA funds, the RFQs's submissions are done and that's the Request for Qualifications. We received those, we completed the evaluation and we are now in the process of notifying the selected companies or the selected firms that they have been awarded the project. So, that is happening now and that is 8th St., 20th St., 26th St., Sippo, Sanitary Sewer and North Erie Canal/Burton. So those ARPA funds that we brought to

you to go out to bid, they have been awarded and they are going to go through again, if you don't recall, design this year, construction next year. This week, later on, we will be opening up bids for our street projects and the catch basins. So, we'll report that back to you. Bids have come in and we're hoping that they are not too high and that we can continue to do the work that we have selected to do in the streets and catch basins that we already gave to you. We had a ribbon cutting last week for Frito-Lay. They are now in the Baker Hughes building, if you did not see that in the newspaper or on social media. Right now they're at 25 employees plus and what will they be doing there? They're going to have a mechanic there to work on the fleet and they'll also have dispatching there as well. So, we're really excited in welcoming Frito-Lay to the City. Still we have lots and lots of projects going. I know you were concerned about the hospital last week. We have made contact with the owners of the hospital. The property has been mowed. It looks pretty good now, today. But we did send our Code, Fire and Building Dept. in as we told you last week and they did do an assessment of the property and they have posted a Notice of Violations. So there are some violations that they have to comply with and I just want to say that they worked together and did a great job. So we're excited that they did that. I did want to talk about the income tax and that's in another folder, so let me pull that out and then I would like to bring Barb up to give an update as well. The income tax, the numbers are coming in good. We're excited about that. That's how we function. I don't know if our community that's listening, you all know that, but the community that's listening in, that's a big deal for our City is that the income tax reports and we watch those. I get to watch those weekly, but I'll give you for May and these are all in the Mayor's Report also if you didn't know. The total income tax receipts for April 2022 was \$2,900,000.00 it's an increase from last April of about 8%. Year-to-date, our income tax that was posted 03/20/2022 was \$9,000,000.00 and that's an increase of 13% from last year. And that's pretty much it. I just think that you need to hear that ever so often. The numbers are good and there steady, in fact, steady but increasing and we continually watch for this because you never know when the economy is going to have a downturn. So we are always watching a downturn and making sure that we're prepared and ready to pivot when that happens and it will happen again. So, I just wanted to give you those updates and that's really all I have. I'm going to bring Barb up and she can give you an update on the Getz Building.

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor.

MAYOR CATAZARO-PERRY – Thank you.

BARB SYLVESTER – Good evening everyone. As I had told you, we previously had a meeting on January 13th with the judges in regards to the ADA restrooms and renovations at the Getz Building and Judge Elum had a new idea to use the garage area of the Getz Building. That was the new idea that was brought forward from that meeting. And then at the Council meeting here on November 18th, I informed you that I was meeting with the judges on April 19th, but Judge Elum had to cancel that meeting that next day in the morning. So, we rescheduled for May 10th which was last Tuesday and we did meet and I gave them the drawings which Dave just told me to pass out to everyone. So, I listened to everyone and I listened to City Council, all of your comments and concerns and want to do what's best, of course as we all do for our City residents with the additional restrooms and Judge Elum's idea of the garage area. This is something that really turned into a much layout for the accommodations of everybody and everybody that utilizes that building and will utilize the restrooms. I think we'll just better serve the City than having to have the port-a-johns and Massillon's just a better place than that. So, we are staying within our budget, possibly we'll even be under budget and we're adding more restrooms for the benefit of all of our restrooms.

The women's restroom that you see on the drawing will have five toilets/stalls; that's an additional three toilets and stalls from the original layout. It also has a baby changing station in there for parents. We will have three sinks in there which includes now an additional sink from the original layout. The men's restroom will have two toilets/stalls; that's an additional one toilet from the previous plan. We'll have three urinals which is an additional urinal from the original plan and the men's restroom will also have a baby changing station in it. There'll be two sinks in there now which is an additional sink. You'll see on the layout, there's also a secured storage area for any storage that we do need for in that garage. So, in addition to that, we'll also be doing the work that needs to be done in the Getz Building to bring the Getz Building into accessible code compliance. The single restroom in that building, we will keep there and we will be making it user-friendly to the disabled. So, this will be an additional benefit to the ADA restrooms that we will be constructing. Our timeline is to go out to bid in mid-June, a few weeks to finalize drawings and we're going to put a date to receive the bids back by September 16th. I moved it out just a little bit further because of the current conditions going on with contractors, their schedules and the feasibility of getting the raw materials and the contractors in meeting. So, this way, we'll get bids back in September to late September and then process and begin construction in mid-October to the beginning of November. So, again, it gives us much more restrooms. Definitely more benefits for all of our residents and we will be compliant with all of the codes and much better safety and health for our residents.

COUNCIL PRESIDENT ISTNICK – Does anyone have any questions for Ms. Sylvester? Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Are the entrances to these restrooms from the outside only?

BARB SYLVESTER – That's correct.

COUNCILWOMAN HARWIG SMITH – There'll be no security issues for the Getz Building and our courts?

BARB SYLVESTER – That's correct.

COUNCILWOMAN HARWIG SMITH – That's wonderful. Good job.

BARB SYLVESTER – It's just a much better plan. I appreciate everyone's patience. When many of us all work together, we can have a lot better ideas and work out what's best.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. Mrs. Sylvester, on the Getz Building; it looks like the only two places that's there's going to be some improvements are the door and the restrooms. Is that correct?

BARB SYLVESTER – Yes, that's correct. But if you see the small box there, it gives an overall general scope. So, that does list everything and basically, the other things that we will be doing is, again, the hardware will change and then we'll make the doors push handles rather than the turned handles. So, yes, the entrance way there, the threshold basically going into the entrance way, we've changed the door handles. We're going to be removing various

drinking fountains in there that is not compliant and it's also in the aisle way. So, we will be removing the drinking fountain and replacing that with a water bottle dispenser.

COUNCILMAN HERNCANE – And the improvements in the bathroom here, do you know that the cost above these improvements for the Getz Building itself? The door and all the things in the box and the bathroom here, do you know what those estimates were just for the ADA compliance part?

BARB SYLVESTER – About \$21,000 to \$22,000.

COUNCILMAN HERNCANE – So then the majority of the money is going over here to the garage bathrooms?

BARB SYLVESTER – That's correct.

COUNCILMAN HERNCANE – Okay. Thank you.

BARB SYLVESTER – You're welcome.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. Mrs. Sylvester, we do have Judge Elum's and Judge Fichter's blessing on this plan completely?

BARB SYLVESTER – Yes, we do. I'm actually going to be meeting with them tomorrow. We have another meeting scheduled a week later. Again, I have a few things I'll go over with them; a few questions that they have. But everything that we're going to be doing, basically, working together and conforming to. There was a portable heater in that garage and they asked if we could move that into the storage area; that can happen. Habitat has inquired about the drinking fountain. They want that. That, of course, we can do. The bottle filler that we're putting in, Judge Elum asked if that could be moved to a certain area, that can be. So, I haven't met with them yet because when we were there last Tuesday, we just scheduled it for tomorrow. But, I thought I would just give everyone here at Council an update too since I do have an update now.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. Mrs. Sylvester, I remember in the original design, the original plans, there was the calling for the removal of a wall, moving of a wall. Which raised some concerns regarding the structure and the cost and so forth. Is that still taking place in this design?

BARB SYLVESTER – It's not. No.

COUNCILMAN GREGG – That's not going to be moved?

BARB SYLVESTER – No, it is not.

COUNCILMAN GREGG – So that's going to result in cost-savings, I would assume?

BARB SYLVESTER – Yes. There was some cost in moving that, but it wasn't a large amount. That was one of the items that Judge Elum did not want the wall to be moved six inches.

COUNCILMAN GREGG – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Barb.

BARB SYLVESTER – You're welcome. Thank you.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Tuesday, May 31, 2022, at 6:30 p.m. We are off the week of the 23rd.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR.

COUNCIL PRESIDENT ISTNICK – Ord. No. 55 – 2022.

ORDINANCE NO. 55 – 2022 **BY: COMMUNITY DEVELOPMENT COMMITTEE**
Tabled May 2, 2022 until May 16, 2022

AN ORDINANCE authorizing the Mayor and/or the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Capital Improvement Community Park, Recreation/Conservation Project Pass Through Grant Agreement with the Ohio Department of Natural Resources (ODNR), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As stated, we did request this to be tabled until this evening to provide Administration additional time to look into this. There were multiple concerns. One being the location and the verbage on the agreement that states Massillon Reservoir Park Splash. So, they have requested additional time to complete this request with the verbage. So I would like, unless anyone has any questions or concerns, I would like to make a motion to table Ord. No. 55 – 2022 until June 6, 2022 to give Administration additional time to finalize.

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

9 yes to table Ord. No. 55 – 2022 until June 6, 2022

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 55 – 2022 has been tabled until June 6, 2022. Ord. No. 56 – 2022.

ORDINANCE NO. 56 – 2022 **BY: COMMUNITY DEVELOPMENT COMMITTEE**
Tabled May 2, 2022 until May 16, 2022

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from RM-1 Multiple-Family Residential District to B-3 General Business District.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. We had a public hearing this evening. We had Tim Kaufman, AKG Development present to discuss the plans of this rezoning request. In addition, we did have individuals present from the residential area in that area that were against this rezoning request. I do have a question for Administration or Dave Maley regarding infrastructure needed for this request. I know it is zoned for RM-1 Multiple Family Residential District. The request is to rezone it to be B-3 General Business District. Do we have the infrastructure needed to accommodate this zoning request or is the City going to have to invest additional dollars to get the required infrastructure needed for this type of request?

DAVE MALEY – Are you talking about like sewer? As far as I know, I think we're good. The water, that would Aqua Water. Sewer, I don't think there's any issue with sewer.

COUNCILWOMAN CREAMER – So, we're good to go.

DAVE MALEY – The only thing we'd probably be looking at, once again, would be the street light issue, the traffic light.

COUNCILWOMAN CREAMER – And the traffic light would be at the expense of the City for that?

DAVE MALEY – I think the developer would probably take care of that. That's an issue we've discussed during the site plan.

COUNCILWOMAN CREAMER – So, infrastructure we're good to go with Starbucks and whatever other type of facility, moving forward?

DAVE MALEY – Correct.

COUNCILWOMAN CREAMER – Okay. Thank you so much. Any other additional questions or comments from Council? Seeing none, I would like to bring Ord. No. 56 – 2022 up for a vote.

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

6 yes; 3 no for passage – Creamer, Slutz and Snee voted no

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 56 – 2022 has passed. Ord. No. 67 – 2022.

ORDINANCE NO. 67 – 2022 **BY: FINANCE COMMITTEE**
Tabled May 2, 2022 until May 16, 2022

AN ORDINANCE amending and approving the Wage Scale for City of Massillon Police Department Supervisors, specifically the wage differential for the position of Captain, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We've been discussing it now for about a couple of months about increasing the differentials for Captains over the Gold Unit. Are there any further questions or discussion this evening? Seeing none, I make a motion to bring Ord. No. 67 – 2022 forward for a vote.

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

8 no; 1 yes for passage – Slutz voted yes

COUNCIL PRESIDENT ISTNICK – Ord. No. 67 – 2022 has been defeated.

15. THIRD READING ORDINANCE AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 73 – 2022.

ORDINANCE NO. 73 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE granting the Mayor of the City of Massillon, Ohio, a one-time salary increase to \$90,000.00 per year, effective January 1, 2024, and granting the Auditor of the City of Massillon, Ohio, a one-time salary increase to \$77,000.00 per year, effective January 1, 2024.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we table Ord. No. 73 – 2022 until June 6, 2022.

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

8 yes; 1 no to table Ord. No. 73 – 2022 until June 6, 2022 – Thieret voted no

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 73 – 2022 has been tabled until June 6, 2022.

16. SECOND READING ORDINANCES AND RESOLUTIONS

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

JANICE THOMAS – I live at 1234 Tremont S.E., Massillon, Ohio. The reason that I'm here is because my request for a variance for my cat enclosure was denied April 28th by the Building Dept. at the hearing they had for me. So, I really don't want to get it destroyed.

COUNCIL PRESIDENT ISTNICK – Ma'am.

JANICE THOMAS – Yes.

COUNCIL PRESIDENT ISTNICK – She has to record this. If you could really speak up and use your inside voice.

JANICE THOMAS – Okay. Is this better?

COUNCIL PRESIDENT ISTNICK – Thank you.

JANICE THOMAS – Sorry. I have a little bit of a lisp and a speak impediment because I had a stroke and this is the residual. It's much better than it was; my apologies for that. Anyway, I am requesting a variance for my cat pen. It's commonly known as a "catio". I have 13 cats; I know it sounds like a lot to some of you, but, I live in front of a very busy road. Tremont SE is a straight shot from Third St. up to Hess Blvd. and it may as well be a freeway. People go 40 to 50 mph. When you have cats, I don't know if any of you are cat owners, but they want outside. They want to be out there. They're always looking out the window. They want to be out chasing a leaf or a squirrel or something. And so, they get out sometimes. When you open the door, they run. I've had problems with that over the years and sometimes I've had to stop traffic and chase them because they'll go right out into the street. I have three that got killed within the last two years. The most recent one was "Tiffany". She was three years old; she was a calico; she was a sweet cat. I took her to Myrtle Beach with me the year before. She died, but she was just a great companion. I went to the grocery store, didn't know she was in and out, came home and she was two feet in front of my driveway. Someone just ran her over without basically caring. Family pets are quite human and so, to prevent that from happening to another cat, I got online and I looked and I found a Facebook group called "Catio" and they have lots variations of them and I found some that I liked and thought would work with my landscaping that I have there on my corner lot. I face the South Sippo driveway. Across from me is the field that belongs to the park and behind it goes all the way to the creek. So, it's a great area for a catio. The east side of my property is where I put the catio; that's the one that faces South Sippo Park. What I did, with the help of my son who is an engineering graduate from Kent State, we designed it using materials were recommended by this Facebook group, "Catio", which were 2 x 4 and 4 x 4 posts. I had actually had four pine trees that were dead and dying, the tops were. So, I had them cut down as level as possible to six feet and I used that as an outside boundary and that bearing lies the problem, evidently. Frank Silla did not like that, apparently. Where I ran into a problem is that when I was doing my research, the only people that ever reported that they had a problem was members of a homeowner's association, there were restrictions there and I honestly didn't think that would be a problem. Anyway, shortly after I put it up, I did get someone who came up, I think it was Jeff or Jim from the Building Dept. and tell me that I needed to do it legally and submit plans and apply for a permit. So, I did that. I came up with the plans and I submitted them to him and the dimensions of it were 25 ft. long, it's four feet from the front of my house, it's where it starts. There is a window with a cat door that they go through. He designed the cat walk. So, anyway, this is what it looks like from the side of my house (showing pictures). These are some samples that I found online, on "Catio". This is one of my kitties on the cat walk. So, anyway, the permit was denied. I had to appeal the decision to the Zoning Board. I was supposed to submit that paperwork to the Zoning Board in November and the day before I was supposed to talk to Frank and get that in, that's when I had the stroke. So, I wasn't able to get back to them until last month in April and that's when I went to the Zoning Board meeting on the 28th and basically, what they were recommending is that I need some changes. Just basically some changes, like make it smaller or get rid of the trees or cut the trees down. Which would really destroy it, basically. It's held in place; the welded wires held in place on the trees and the 2 x 4's and 4 x 4's with these tacks; they're like staples only they're thicker. So, to take them out, you have to destroy the welded wired fence and it was really expensive. I have about \$800.00 in materials plus it cost me \$1,200.00 to get the trees cut. So, anyway, at the Zoning Board meeting, they denied it and just wanted me to make some changes, like I said. So, they told me I have this opportunity to appeal to City Council. So, that's what I'm doing today. One of the things that I thought of, actually...

COUNCILMAN LEWIS – Sorry, I need a point of clarification. I just want to save us all some time; we’re going to have to actually hear this whole case, at some point and make a vote. So, I just don’t want to make you have to go through this twice, that’s all.

COUNCIL PRESIDENT ISTNICK – That’s what I was going to say. At the hearing, you’ll have to go over it again.

JANICE THOMAS – Okay.

COUNCIL PRESIDENT ISTNICK – So, we appreciate that. Thank you.

JANICE THOMAS – Okay.

COUNCIL PRESIDENT ISTNICK – Thank you.

JANICE THOMAS – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else from the audience? We like to limit comments to four minutes, Janice, and I didn’t want to cut you off.

JANICE THOMAS – Alright. I appreciate that.

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – I make a motion to adjourn.

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

9 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT