

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, JUNE 21, 2021**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, June 21, 2021. We have in attendance with us the following city officials: Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Chief Engineer, Jason Popiel, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley, Fire Chief, Matthew Heck 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’d like to ask any of you that if you’re not speaking to 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: Jill Creamer, Ted Herncane, Ed Lewis, Linda Litman, Mark Lombardi, Jamie Slutz, and Jim Thieret.

Roll call of 7 present

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, seeing how Mr. Gregg is attending calling hours this evening and Ms. Starrett is on vacation, I make a motion that we excuse them both.

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

7 yes to excuse Councilwoman Starrett and Councilman Gregg

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilwoman Starrett and Councilman Gregg have been excused. Councilman Thieret.

2. INVOCATION

COUNCILMAN JIM THIERET

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN THIERET

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Thieret.

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 corrections?

COUNCIL CLERK ROLLAND – No, there are not.

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

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

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Anyone? Councilman Thieret.

COUNCILMAN THIERET – Two things; I'd like to give a "shout-out" to the band LaFlavour for their kick-off of our Summer Concert series last Thursday. I was proud and thoroughly enjoyed their performance and I'd also like to raise the question that hopefully we can reconsider naming that little alley behind the stage LaFlavour Way or LaFlavour Blvd. or something to that effect. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – Did we miss "Remarks of Delegations and Citizens"?

COUNCIL PRESIDENT ISTNICK – We did. I was thrown off because we were seven (7) minutes late. Let's go back. If anyone from the community that would like to talk about anything on tonight's agenda? If so, please come forward and state your name and address and the topic you wish to discuss and please limit your comments to three minutes and there should be a sheet on the desk; please sign and list your address.

COUNCIL CLERK ROLLAND – Justin, could you make sure that the mic is on?

JUSTIN RICHARD – Yes, it is.

JIM WALKER – Good evening, Madam President, members of Council. I live at 1326 W. Main St., Massillon, Ohio. I'm here to speak in support of Ord. No. 102 – 2021 and I've spoken here before regarding this issue. Once in point here is a letter I hand-delivered to the Mayor's office, December 2015 that documented nine dog attacks on myself and my animals between 2013 and 2015. At that time when I reported them to the police, the answer was and I think you have a copy of this letter because I've spoken to it before; the Massillon Police responded, "We do not handle animal complaints. Sir, you need to contact the Stark County Dog Warden over on Mahoning Rd." And later, a subsequent attack; two pit bulls attacked me in an alley, another officer, this was on Christmas day and I said, when I questioned about having a police report done, I was told that "You need to contact the dog warden, Mr. Walker". I told him that this was Christmas day, they're closed. He said "No, not today". So, that was the first time I spoke here. About a year before, this article here, I did provide a copy for all of you to refresh your memory on that dog attack. I'm permanently disabled because of that and my dog was

killed and because the police would not go after the perpetrator, he walks away and fled to West Virginia. I, subsequently, had to get an attorney, had a \$27,000 hospital bill of which I had to pay a large portion of and of course, we couldn't go after the person in West Virginia and the City it felt with no responsibility in that regard and the police did not go after the person who owned the dog. So, then there was a letter in October 2019 that I'm going to reference here and I would like it to be part of the record, I know they do that in Congress; I don't know if they do that for City Council, but, I'd like to leave it here with Mr. Herncane and, if possible, at the end of this meeting, put it with whatever documents that go with that ordinance No. 102 – 2021. So, why do I support this? Common sense, I would say, common sense. Why this hasn't been done? You can see I've been working on this issue for a pretty long time and the City has, obviously, I think most of you know that the City's footprint has not gotten smaller, it has gotten larger over time. For instance, for this to occur; population in Historic Massillon. A large population of vendors have entered our City, as I'm sure you know about and a lot of those people leave cats and dogs behind. It'd be good if we had a return policy for pets, but that's probably a separate issue. The dog sheriff, as you know, the Sheriff's department reorganized and they got rid of the Dog Warden and most of those people were dismissed because they did not have police officer training; two of them were retained. It is the County Sheriff or Dog Pound and as you know, that's a long way from Massillon over where the sheriff's office and the dog pound is. There are a lot of sheriff's that are unfamiliar with the City ordinances. The last thing I'm going to say, if you would indulge me to finish, and this is the statement by a Massillon police officer from another incident in which I went to court for, a separate one and the officer said and I'm not going to use any officer's name, he states that he believes the City needs an animal control officer and that was November 13, 2016, on the police report for one of my injuries suffered during one of the dog attacks. Thank you for your indulgence.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Walker. Anyone else that would like to speak? Moving along with “New and Miscellaneous Business”. Law Director Richard.

JUSTIN RICHARD – Thank you, Madam President. Pursuant to the Codified Ordinances, specifically Chapter 11 of Massillon and under 1129.09, Subsection 2, referring to appeals to Council from the Housing Board Zoning, we did receive this morning an appeal from the decision from the Housing Board and specifically the Revised Code says that “The Clerk, shall at the next regular meeting of Council, refer such appeal to Council. Within sixty days thereafter Council may, by resolution passed by a vote of two-thirds of the members thereof, revise or modify the decision of the Board of Appeals. Should Council fail to act within such period of sixty days, or should the resolution of revision or modification fail to be passed by the required two-thirds vote of Council, such decision of the Board shall be deemed to be affirmed”. So, I'd like at this time, myself to Ms. Rolland, the Clerk, to submit the Notice of the Appeal to Council.

COUNCIL CLERK ROLLAND – Do I need to read it into the record?

JUSTIN RICHARD – It would hurt, Clerk Rolland.

(Council Clerk reads into the record the Notice of Appeal received from Attorney Adam Runkle dated June 21, 2021, pertaining to Adam Brosnahan, owner of Huth Concrete. **(A copy of said Notice of Appeal is available upon public record request.)**)

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, I would recommend then that we have a resolution, a Request for a Resolution at our next Work Session. Would this be in the Health and Welfare Committee, then?

JUSTIN RICHARD – Councilman Lewis, the way that we

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 101 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Ordinance No. 78 – 2021 to include the corrected Community Development Block Grant (CDBG) amount to be received by the City of Massillon, Ohio, for Fiscal Year 2021 from the U.S. Department of Housing and Urban Development, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 101 – 2021 has received first reading. Ord. No. 102 – 2021.

ORDINANCE NO. 102 – 2021

BY: HEALTH, WELFARE, & BLDG. REGS. COMMITTEE

AN ORDINANCE adding a dedicated “Animal Compliance Officer” to the Code Enforcement office of the City of Massillon Building Dept.

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 102 – 2021 has received first reading. Ord. No. 103 – 2021.

ORDINANCE NO. 103 – 2021

BY: PARK & RECREATION COMMITTEE

AN ORDINANCE authorizing the Recreation Board of the City of Massillon, Ohio, to accept local donations on behalf of the Massillon Park and Recreation Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. Yes, this ordinance pertains to a donation received to help fund the Robert Wornstaff Memorial flagpole. Are there any questions or concerns? Hearing none, I make a motion to waive the rules requiring three readings and bring Ord. No. 103 – 2021 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 103 – 2021 has passed. Ord. No. 104 – 2021.

ORDINANCE NO. 104 – 2021

BY: POLICE & FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a donation from St. Paul's Lutheran Church, on behalf of the Massillon Fire Dept.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. This is a donation received from St. Paul's Lutheran Church in the amount of \$2,500 for the purpose to purchase additional smoke detectors to support the Smoke Detector Program administered by the Fire Prevention Bureau. Are there any questions or discussion this evening? The Fire Chief is present. Seeing none, I make a motion to waive the rules requiring three readings and bring Ord. No. 104 – 2021 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 104 – 2021 has passed. Ord. No. 105 – 2021.

ORDINANCE NO. 105 – 2021

BY: POLICE & FIRE COMMITTEE

AN ORDINANCE amending the number of position in the various ranks of the City of Massillon Police Department, repealing conflicting ordinances and resolutions, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. I still am having some

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 105 – 2021 has passed. Ord. No. 106.

ORDINANCE NO. 106 – 2021

BY: POLICE & FIRE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a Memorandum of Understanding with the Massillon FOP Henderson Lodge Police Officers Association Gold Unit, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN –

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 106 – 2021 has received first reading. Ord. No. 107 – 2021.

ORDINANCE NO. 107 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a donation on behalf of the Massillon Street Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET –

COUNCIL PRESIDENT ISTNICK – Seconded by Council. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 107 – 2021 has passed. Ord. No. 108 – 2021.

ORDINANCE NO. 108 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the replat and dedication of road right of way at Lincoln Way E. and 27th Street N.E., Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET –

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 108 – 2021 has received first reading. Ord. No. 109 – 2021.

ORDINANCE NO. 109 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE amending Section 919.04 “Responsibility of the City” of the Codified Ordinances of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET –

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 109 – 2021 has received first reading. Ord. No. 110 – 2021.

ORDINANCE NO. 110 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of road right of way and easements for Kenyon Creek Estates, Phase 2 subdivision, Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET –

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 110 – 2021 has received first reading. Ord. No. 111 – 2021.

ORDINANCE NO. 111 – 2021

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS –

COUNCIL PRESIDENT ISTNICK – Seconded by Council. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 111 – 2021 has passed. Ord. No. 112 – 2021.

ORDINANCE NO. 112 – 2021

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS –

COUNCIL PRESIDENT ISTNICK – Seconded by Council. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 112 – 2021 has passed. Ord. No. 113 – 2021.

ORDINANCE NO. 113 – 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 –

COUNCIL PRESIDENT ISTNICK – Seconded by Council. Roll call suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 113 – 2021 has passed. Ord. No. 114 – 2021.

ORDINANCE NO. 114 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of 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 –

COUNCIL PRESIDENT ISTNICK – Seconded by Council. Roll call for suspension.

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 114 – 2021 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for a TREX (Economic Transfer) of a Liquor License from Bennett Enterprises, LLC, 27393 Holiday Lane & Patio, Perrysburg Twp., Perrysburg, Ohio 43541 to Chloe's Diner, LLC, DBA Chloe's Diner, 112 – 1st St. N.E., Massillon, Ohio 44646 located in Ward 2 and Permit Classes are D5 and D6.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret, did you receive copies of these?

COUNCILMAN THIERET – Yes, I did.

COUNCIL PRESIDENT ISTNICK – Did you have any questions or concerns?

COUNCILMAN THIERET – No.

COUNCIL PRESIDENT ISTNICK – Okay.

10. BILLS, ACCOUNTS AND CLAIMS

Graphic Enterprises \$127.00 Copier Lease Agreement
(U.S. Bank Equip. Finance)

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

COUNCIL PRESIDENT ISTNICK – Seconded by Council. Roll call.

7 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

Mayor's Report - May 2021
Treasurer's Report - May 2021
Auditor's Report - May 2021

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

COUNCIL PRESIDENT ISTNICK – Seconded by Council. Roll Call.

7 yes to accept the Auditor's Report

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, June 28, 2021 at 6:30 p.m. in Council Chambers.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

ORDINANCE NO. 89 – 2021 **BY: ENVIRONMENTAL COMMITTEE**

AN ORDINANCE amending Section 925.16 “Specifications for Installing Building Sewers” of the Codified Ordinances of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President.

COUNCIL PRESIDENT ISTNICK – Seconded by Council. Roll call.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 89 – 2021 has passed. Ord. No. 91 – 2021.

ORDINANCE NO. 91 – 2021 **BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE**

AN ORDINANCE to accept the dedication of road right of way and easements for Augusta Lakes, Phase 3A subdivision, Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET

COUNCIL PRESIDENT ISTNICK – Seconded by Council. Roll call.

7 yes for passage

16. SECOND READING ORDINANCES AND RESOLUTIONS

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

18. ADJOURNMENT

COUNCILMAN THIERET – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT