

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, JULY 18, 2022**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, July 18, 2022. We have in attendance the following City officials: Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, Chief Counsel, Bill Bartos, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley, Income Tax/Budget Director, Lori Kotagides-Boron and Code Enforcement Officer, Jimmy Johnson. Under #5 on the agenda is where the public can speak on any topic that appears on tonight’s agenda and under #17 is where the public can speak on any topic 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, Ted Herncane, Ed Lewis, Mark Lombardi, Jamie Slutz, and Jim Thieret

Roll call of 7 present

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I’d like to make a motion to excuse Councilwoman Harwig Smith and Councilman Snee.

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

7 yes to excuse Councilwoman Harwig Smith and Councilman Snee.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Councilwoman Harwig Smith and Councilman Snee have been excused. Councilman Herncane.

**2. INVOCATION**

**COUNCILMAN TED HERNCANE**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILMAN HERNCANE**

**4. READING OF THE JOURNAL**

**COUNCIL PRESIDENT ISTNICK** – Thank you, Councilman Herncane. 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**

6. **NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT ISTNICK** – I have been contacted along with some other Council members about some concerns at the Massillon Cemetery. So, we have a group of people that are here this evening that would like to speak and we have also contacted Mr. Alex who is the superintendent of the Massillon Cemetery Association. Is that correct Mr. Alex?

**MR. ALEX** – I'm actually the President of the Board.

**COUNCIL PRESIDENT ISTNICK** – President of the Board. Thank you. So, if somebody from the public would like to come up and speak; again, please state your name and address and limit your comments to four minutes or less.

**JUAN CORTEZ** – I live at 654 – 1<sup>st</sup> St. N.W., Massillon, OH 44646. The concern, just to set it straight, we would like to discuss the concern void of any intention to inconvenience anyone beyond a simple change to some rules for the cemetery in clearly marking what they are. We're not seeking any kind, I should probably be saying "I"; I can only speak for myself, but to the best of my knowledge, we're not seeking any kind of legal pursuant result to where someone should be held accountable beyond the change that we'd like to see and that change that we'd like to see is to be able to leave memorials at our loved one's gravesites. According to what's agreeable between us and the Cemetery Association with the expectation that as long as we're following the agreed upon guidelines, we can expect cooperation for lack of better words. The reason that this is a concern is because before the sign was posted clearly stating what the rules and regulations, those guidelines are, there were memorials removed from gravesites and it came as a surprise and that's not really that big of a deal. The big deal, I feel, is how the removal was conducted. Memorial pieces like trinkets, just keepsakes, things that maybe some of which should not have been left at a gravesite if there were of extreme importance and other things that we considered that those that left them there considered worth leaving at a gravesite knowing good and well there's such a thing as vandalism in the world. That's a risk that everybody is taking responsibility from themselves to take. But, when items are removed as part of what would be considered a standard procedure to just upkeep the cemetery, I don't feel that it's acceptable that they should be desecrated or demolished, damaged, beyond placing them in a trash receptacle. For them to be demolished with evidence laying there at the gravesite, that's not acceptable. So, if we could get some clarification regarding what we're allowed to put there, when we're allowed to have it there, when we would need to remove it and specifically just for myself, I didn't speak with the rest of us that are here to represent their concerns, I feel that if something is placed on top of a grave marker or headstone, it's in no way a danger to the groundskeepers because that's their argument. They want to know that they can operate their trimmers and mowers safely. Whether they wear protective equipment or not is beside the point. Whether they have skills to operate that machinery effectively and safely is beside the point. If we put something on top where it's nothing to trim, there's nothing to mow; what's it hurting and why should it have been

removed the very next day. I would need help understanding that, to make that justifiable and I'll just leave it to someone else because I know that was one of the arguments. I appreciate you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else want to speak?

**ANNETTE FRANCE** – I live at 7655 Peyton St., Massillon, OH 44646. This has been going on with me; it's more personal because of my mom, it's been a year and a half that she's been gone and I've been fighting this ever since then. I have pictures and proof if you'd like to see them. When she was buried there we were told that they no longer plant grass, they don't put dirt there anymore. There were literally holes in the grass where groundhogs are living. I have pictures of that as well. I know that Ron had told me personally that he removes things twice a year. There was no notification on that date when this all happened. He put it up after I had called Channel 19 News, the Massillon paper, the Canton paper, Channel 5, etc. This was duct taped to the entrance gate with these rules saying that we're only allowed to put things there from September to March. That doesn't work for me. My mom died in April, her birthday is in April, there's Mother's Day, there's Father's Day, there's other holidays where I'm sure people would like to place things on their loved one's graves and know that there still going to be there when they return. It's not fair to us that we are, Massillon Oakwood is the only cemetery that does not have any decorations at all and if they do, there's maybe a handful that haven't been removed already. I have gone through every cemetery in Massillon; there are flowers, there are decorations, there are things there. It's depressing enough that you have to go there to see your loved one, but when you cannot even put any flowers there or any memories there, I find it pathetic and I'm not okay with it. I'm never going to be okay with it. I go there every single day to talk to my mom. She was my best friend and I'm never going to be okay with not being able to place things there to let her know that I miss her. My brother had placed a little angel there that was hers; it was busted in half. It was actually glued to the top of the stone where it was not in anyone's way. I have personally made things myself to put there that have been thrown in the trash. Ron told me that he went to every trash dumpster on the property trying to retrieve this for me and was unable to locate it. All I'm asking is if we can just have the rules revised or rewritten and I'm speaking for my cousin and mutual friends and family members that are here. We would like to have things on our grave stones and left there until we remove them. We are not going to let them be trashy. We are not going to let the flowers mold, per se. We will take care of them. My family and I took 20 bags of dirt there and grass seed and planted it myself for my mom. I have pictures of that as well if you'd like to see them. They tell us that we're allowed to put live flowers there, but there's no water in the cemetery. So we also have to carry jugs of water there whenever we water the plants that the deer haven't eaten or destroyed. I don't think that it's a big problem to have silk flowers there or items placed on top of the stones and that's our big complaint. We just would like the rules revised so that we can put things there. If anyone would like to see the pictures, I have them.

**COUNCIL PRESIDENT ISTNICK** – Council can pass them around, thank you.

**ANNETTE FRANCE** – I have also submitted at least 50 letters to the senator in behalf of this. Because somebody's going to have to help us with this. I'm not concerned about how often then mow, I could care less about that. Our concern are the items that we put on the grave. We would like them to be there when we go back the next day. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else? Mr. Alex, if you'd come up.

**MR. ALEX** – Let me say, number one, people do care about the mowing. That's probably the number one problem we have. There's 75 acres down there; 60 in Massillon and 15 in Oakwood. There's 23,000 burials between the two cemeteries. Let's say there's a headstone for every two, you figure out how many headstones are around. I got one office worker that works part-time and I've got two full-time mowers. Ron is a superintendent, not paid. I'm not paid and I've been down there for over forty years. The cemetery has had some rough times, I'll be the first to admit it, but were back on good grounds now and we're making headway. As far as mowing grass and I think that kind of stuck when she said she doesn't care about the mowing because it's the number one complaint that we get. By Ohio Revised Code, I'm obligated to mow that cemetery twice a year. How many people would be in this Council Chamber complaining about the grass if I didn't do it? It's a full-time job. They start on Monday, they don't quit until Friday and start all over again and keep going. As far as the rule changes go, I'm open to that. I'd like to see what your suggestions are, but I'll warn you now; what we had down there was a carnival setting. It got out of control. Small little trinkets on a tombstone, whether they're glued or not, not an issue. But when you have people putting up lamp posts and two-gallon buckets with cement on either side of the grave stones, we have people trying to plant evergreens, we have people trying to plant trees in walkways; it becomes a problem. This happened over a period of years, I'll be very honest with you. We let things go, we tried to be accommodating to the point where it got out of control. I'll honestly tell you I don't necessarily agree with the way Ron did it, but I think one of the guys got hurt weed eating and he said "Enough is enough". The rules have been clear spelled out in the office. Anybody can grab the rules. These rules haven't changed. The cemetery started in 1846, it's always been that way. We tried to be as accommodating as we could. I'm very open to changing the rules and I think that if I was to get a good presentation of what they want to be and we follow those guidelines that everybody has to follow, I'm open. I have nothing else unless you have some questions.

**COUNCIL PRESIDENT ISTNICK** – Jamie, you had talk to some of the people as well.

**COUNCILMAN SLUTZ** – Thank you, Mrs. Istnick. I went down last week. I spoke to Ron Beans who Mr. Alex said was the groundskeeper. I invited him here tonight and he said he was not interested in coming. He also said that they do have two mowers and three weed eaters that they constantly do the work. When I went there Thursday, they were actually mowing and I asked Mr. Beans if he was related to them or who was this guy mowing and he said just a guy we hired of the street. So, they were mowing. I do have a loved one down there also. My mother-in-law is buried down there in Massillon Cemetery. And I too felt like years ago; three, four, five years ago, that the conditions were not the greatest. My wife goes down and she plants flowers on her mother's grave a couple of times a year just as her father does and visits the loved ones down there. But, I do have to say in defense of the cemetery, when I was down there last week that it didn't look too bad as far as the mowing and the conditions of the grounds. Mr. Beans said he spends his own money on chemicals to whiten the tombstones. I talked to him for about a half an hour. So, he said he does not get paid and that he's worked for the memorial company across the street for the last 14 years, Thompson Memorials and he spends a lot of his own money down. I too would like to see some compromise with the cemetery to see if we can come to some resolution to be able to put trinkets or whatever we want to put down there for our loved ones and also that the workers do not get hurt. I don't want to see anybody get hurt by this stuff either. So, I appreciate you being open-minded and willing to work with the people and I think that's a good start. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. I know the City does not have any jurisdiction over the cemetery; it's its own entity. The reason I had invited everybody down here is it's in Massillon and it affects Massillon. The beauty of it and it's a historical cemetery and perhaps we could open some lines of communication between the two groups and maybe come to some kind of compromise.

**MR. ALEX** – Right. And I fully agree. Let's take a look at it within reason. You are allowed to plant flowers in front of the tombstone; a foot out from the tombstone. You're not allowed to put gravel and mulch and fencing. We had people even building shacks over their loved ones grave. Like I said, it got out of control and to the point where a glass jar full of flowers broke on a weed eater and that was enough. So, I would suggest that any concerned party or put together as a group or individually, their thoughts and what they'd like to see as far as the rules and regulations and we'll definitely take a look at it and what's fair is fair.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Jamie.

**COUNCILMAN SLUTZ** – Thank you. Mr. Alex, can I ask that if these people do have concerns, can they talk to you about that or do they have to talk to Mr. Beans?

**MR. ALEX** – I'd prefer to see it in writing along with their name and address. I'll address it with Ron. Ron's basically the acting superintendent. He lives there. Like I said, I've been involved, by accident, for the last 40 years and that's something I thought wouldn't last this long, but I'm just trying to keep it together for the City of Massillon. I have been for all these years. So, collectively, we'll take a look at it. I think we'll put something together and then invite everybody that's submitted their suggestions to a meeting and do it that way would be my preference. I'd like to see what we're looking at first.

**COUNCILMAN SLUTZ** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Could they have your address to mail things to you?

**MR. ALEX** – 1827 S. Erie. St., attention Rick Alex.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. Mr. Alex, you mentioned that you're the President of the Massillon Cemetery Association? Are there other officers or are you the sole individual involved?

**MR. ALEX** – Over the course of the years, they've pretty much all are deceased. We do have a couple of board members, inactive board members. We don't meet regularly because there's really nothing to discuss. We've got a couple of things we need to discuss here within the next year; the condition of the roads and the condition of the house. The house is on the National Historical Record. We need some windows, but we just don't have the funds to do that. The Endowment Fund today with the interest rates the way they are, your quarterly dividend off your endowment fund may get you a couple of tanks of gas for a week. So, basically, we live by funerals and lot sales. That's basically from left hand to right hand with the money situation. I will say over the last course of the years and I'd like to address the dirt problem. Unfortunately, COVID was not good except for cemeteries and funeral homes. We went through a rash of funerals during the winter; you could not keep up with them. I

apologize for the dirt on the graves. We weren't the only ones. The person that's digging graves, every cemetery he did, he just left a mess. We finally got that cleaned up. So, I apologize for that. That should not happen. With cremation with the way they are today, we get about 25% of what a funeral is. I'm mowing grass from 1846 that they paid \$15.00 for a lot and I'm still mowing their grass today. So, yeah, it's a challenge.

**COUNCILMAN GREGG** – So, the other members of the board would be involved in addressing these issues, these concerns?

**MR. ALEX** – I would bring everybody in at that point, yes.

**COUNCILMAN GREGG** – And there's a process?

**MR. ALEX** – It's not just my decision at that point.

**COUNCILMAN GREGG** – Okay. And you have a process in place if changing the rules is warranted, a process in place to do that?

**MR. ALEX** – Yes.

**COUNCILMAN GREGG** – Okay. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilman Slutz.

**COUNCILMAN SLUTZ** – Thank you. How much of a timeline can we give these people after they submit their complaints or maybe their resolutions for trinkets or whatever they want to put on the grave stones?

**MR. ALEX** – I would say thirty days is fair. Once I know that I have them all.

**COUNCILMAN SLUTZ** – Okay. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thirty days seems fair. Okay.

**ANNETTE FRANCE** – Okay.

**COUNCIL PRESIDENT ISTNICK** – Okay. And you got his address and if you didn't, you can call the Clerk of Council; she has it on record.

**ANNETTE FRANCE** – I do have one more question.

**COUNCIL PRESIDENT ISTNICK** – That's fine.

**ANNETTE FRANCE** – We were told that if you called Scott Oelslager office, there's funding available that could help them maintain the property. I'm not sure if that's true or not. Does anyone have any intake on that?

**COUNCIL PRESIDENT ISTNICK** – Barb, did you look into that?

**BARB SYLVESTER** – Good evening. Yes, I did. There is grant money out there. You do have to be registered with the State Cemetery and as with all grants, there are guidelines that you do have to follow.

**COUNCIL PRESIDENT ISTNICK** – I presume that we are registered with the State?

**MR. ALEX** – Yes.

**BARB SYLVESTER** – They are registered; I can confirm that as well. Yes, they are.

**COUNCIL PRESIDENT ISTNICK** – Then maybe you could look into some grants.

**BARB SYLVESTER** – There is criteria, of course, and there's certain items they can be used for and can't be used for.

**COUNCIL PRESIDENT ISTNICK** – Okay. Thank you.

**MR. ALEX** – We actually looked into a grant, this was quite a few years ago as far as the cemetery house goes since it is on National Historical Record; those grants are hard to come by and you have to follow the rules so stringently that it's cost-prohibitive. The money doesn't come close to what it cost to restore and maintain those types of buildings. We can look into grants; I don't know anything about that, but that would be something that we could look into. I'd be open for suggestions.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else have any questions or concerns about this? Thank you so much for coming.

**MR. ALEX** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Both parties; I appreciate it. You're more than welcome to stay for the rest of the meeting, but, I will give you a minute or two if you want to exit. Diane, you're up.

**COUNCIL CLERK ROLLAND** – Yes, we have a variance appeal. “To the Clerk of Massillon City Council. Pursuant to Massillon Ord. No. 1129.09, I hereby appeal the decision of the Massillon Board of Zoning Appeals approving the variance(s) requested regarding the above-reference property rendered on June 23, 2022, in the above-referenced matter” which is a vacant lot parcel on Woodruff Ave. N.W. and the applicant is Jason Welsch and he is requesting to build a two-story home with a loft, single-family dwelling on a vacant parcel which is currently zoned R-1 and he is requesting variances from the Board of Zoning Appeals and the Board of Zoning Appeals approved his variances, but we have two people, William Conti and Sharon Rader who are wanting that decision to be reversed. We had Mr. Vess at the last meeting and he withdrew his appeal, but I have not heard from Mr. Conti or Ms. Rader to withdraw their appeal. So, I just wanted it read into the record that they have requested an appeal to the decision of the Massillon Board of Zoning Appeals.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 104 – 2022.

**ORDINANCE NO. 104 – 2022**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, 210 INCOME TAX DEPARTMENT by eliminating Class Grades 8S, 9S and 11S and replacing them with Class Grades 12S, 13S and 14S.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. We discussed this in our last Work Session regarding the changes in the Occupation List of Class Titles. I'd like to ask Ms. Kotagides-Boron to come forward.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Lori.

**LORI KOTAGIDES-BORON** – Good evening, Council.

**COUNCILMAN GREGG** – Good evening. Thank you for coming.

**LORI KOTAGIDES-BORON** – Sure.

**COUNCILMAN GREGG** – I was looking at the Request for Legislation. This does not have emergency language, but it does state that this increase would take place upon passage. So, is this something that you're looking to have passed this evening?

**LORI KOTAGIDES-BORON** – I would like it to be passed this evening if at all possible. I understand that it doesn't have emergency language. That's fine as well.

**COUNCILMAN GREGG** – Well, emergency language doesn't mean that we pass it, it's just when it would go into effect.

**LORI KOTAGIDES-BORON** – Yes, the thirty days.

**COUNCILMAN GREGG** – I'm inclined to give this at least one reading just because it was new and presented to us this past Work Session. So, I think I'll give that first reading and look to pass it next meeting.

**LORI KOTAGIDES-BORON** – Alright. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Councilman Gregg.

**COUNCILMAN GREGG** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 104 – 2022 has received first reading. Ord. No. 105 – 2022.



**ORDINANCE NO. 105 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for Accumulated Sick, for the year ending December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this is an appropriation for \$150,000.00 to cover the accumulated sick owed to recent retirements. Are there any discussion or questions this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 105 – 2022 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. 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.105 – 2022 has passed. Ord. No. 106 – 2022.

**ORDINANCE NO. 106 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Arbitration Services, for the year ending December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 106 – 2022 has received first reading. Ord. No. 107 – 2022.

**ORDINANCE NO. 107 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into one-year prisoner transport agreements between the City of Massillon and political subdivisions using the City’s prisoner transport service and authorizing the Auditor of the City of Massillon, Ohio, to deposit said funds into the 1100 General Fund and the 1401 Capital Improvement Fund effective January 1, 2022 through December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is an annual agreement that we do. There was a change in fees. Does anyone need additional discussion regarding this matter. Seeing none, I will

make a motion that we suspend the rules requiring three readings, bringing Ord. No. 107 – 2022 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. 107 – 2022 has passed. Ord. No. 108 – 2022.

**ORDINANCE NO. 108 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one (1) year Agreement with the Village of Wilmot, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Does anyone have any questions or discussion regarding this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 108 – 2022 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 passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 108 – 2022 has passed. Ord. No. 109 – 2022.

**ORDINANCE NO. 109 – 2022**

**BY: NON-COMMITTEE-RULE 28.1**

AN ORDINANCE to repeal Ordinance No. 139 – 2021, in part, as it pertains to the appropriation of the Community Development Block Grant (CDBG) Fund of \$250,000.00 to an account entitled “Getz Building Reconstruction”, Account No. 1203.845.5.2510.

**COUNCIL PRESIDENT ISTNICK** – We need to assign this to a committee; is that correct, Mr. Lewis?

**COUNCILMAN LEWIS** – That would be correct.

**COUNCIL PRESIDENT ISTNICK** – Alright. I believe this should be in your committee of Finance.

**COUNCILMAN LEWIS** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Do we vote on that?

**COUNCILMAN LEWIS** – No.

**COUNCIL PRESIDENT ISTNICK** – Okay. Having said that, Councilman Lewis.

**COUNCILMAN LEWIS** – It would just receive first reading this evening.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 109 – 2022 has received first reading.

**8. UNFINISHED BUSINESS**

**9. PETITIONS AND GENERAL COMMUNICATIONS**

**10. BILLS, ACCOUNTS AND CLAIMS**

The Repository - \$ 816.88 Publication of April Ordinances

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

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

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

7 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**

**COUNCIL PRESIDENT ISTNICK** – Ms. Sylvester, do you have any updates for us?

**BARB SYLVESTER** – Good evening, Council. I did have a few updates I did want to give to everyone, just to keep everyone informed. I did want to go ahead and give you an update on our Demolition Program. As you know, there was money put into the budget this year for demolitions and between Jim Johnson and Sam Walters, they have been working diligently on those. So to give you an update, as of today's date, the structures that have already been demolished so far this year is 1333 – 14<sup>th</sup> St. S.E., 1630 Tremont Ave. S.W., and a building that was on Vermont Ave. on a parcel #680289. Also to give you an update, there were potential demolitions that were removed during the initial process for various reasons; 1313 Walnut S.E., 1319 Walnut S.E., 514 Lincoln Way E.; all of those were potential demos we had on our list and began the process. They were appealed to the Building Board of Appeals by new or current owners of the properties with a corrective plan of action. It was submitted and

currently is in progress and being worked on. So, each case is being monitored by Code Enforcement. At any time the new owners become non-compliant with the plan of correction that they gave to the Building Board of Appeals, then Code Enforcement does reserve the right to reinstate the demo orders. But those are some of the properties that were on our original list that as I said, right now they were appealed and so they have been removed. Also, 213 Maple Ave., that property was submitted for a title check and in preparation of the demo orders, that's part of the process that we do, it was found at that time that the property is tied up in the County due to a land contract sale. So, the County is preparing to foreclose on the property, therefore, the property is being withdrawn from the demo list as well. So, currently in progress right now in the demo process that we go through, the approval progress, now we've moved up to 1011 – 13<sup>th</sup> St. S.E., 326 Dielhenn S.E., we're doing the title checks on those, 2215 Main Ave. W; we're submitting as a targeted acquisition to the Assistance Program application to Stark County Land Bank. Also, Code Enforcement does have demolition orders on several garages throughout the city that are dilapidated and need to be demolished. If the owners do not comply within a timeframe that they are given, those will need to be demolished by the city and we will then assess their taxes. So, the budget is \$50,000.00; so, at this point, half way through the year, the cost of the demos we've taken down, we now have a remaining balance, as of today, \$25,296.00. So, I know demos have been a concern for everyone on Council, so, I just wanted to give you that update. Also, through Engineering, I'll give you a couple of updates from Engineering. As you recall, this Council gave approval to go out for the rebids on the 2022 Street Resurfacing, St. Andrews-Phase IV, Castlewest-Phase II and Hills and Dales pipe repair. Those bids are due into the Engineering's office by this Wednesday the 20<sup>th</sup> at 1:30 p.m. So, we'll update Council once we see where the bids come in at. Wales Rd., just to let everyone know, we did get a letter from ODOT and they basically have set out a letter that they title, it went to the contractor and basically it's a letter putting the contractor on notice that they may be missing some deadlines on that project that was awarded to them. So, they have given them until July 22<sup>nd</sup> which is the end of this week to give them and the city an update and a report on their progress of what they're planning to do. Our catch basin replacement projects that Council approved, Project I is 39 catch basins that are in progress; working on those throughout the city, catch basin Project II for 39 catch basins, that's also in progress throughout the city. The ARPA projects that Council approved, all of these right now are in the design stage. That is 8<sup>th</sup> St S.W. sanitary sewer and water line replacement, Sippo Sanitary sewer replacement project, North Erie Canal/Burton Ave. storm sewer improvement project, the 20<sup>th</sup> St. area storm sewer improvement project and the 26<sup>th</sup> St. N.W. area storm sewer improvement project. So, those are all in design stage. And then just a couple other updates and reminders, we are having the ice cream social with the Canton Symphony this Sunday at Duncan Plaza at 6:00 p.m. and Sax in the City will be at Duncan Plaza on August 12<sup>th</sup>.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Councilman Thieret.

**COUNCILMAN THIERET** – So, before you leave, I had some discussions yesterday, thank you, Mrs. Sylvester about are there any current street repairs in progress right now; are we still waiting for those bids to be on any streets in the city?

**BARB SYLVESTER** – We have to wait until the bids come in on Wednesday; it has to be awarded. Now, our Street Dept. is doing some paving for us as they do every year; projects that they are able and capable of doing.

**COUNCILMAN THIERET** – I was pretty sure that was the case because I know we went over that before we had to turn things off and all of that.

**BARB SYLVESTER** – We did get it back out as quick as we could. So, the bids are due back this week, so, we'll keep you posted and let everybody know.

**COUNCILMAN THIERET** – Awesome, thank you.

**COUNCIL PRESIDENT ISTNICK** – Madam Clerk, do you have anything else?

Auditor's Report - June 2022

**COUNCIL PRESIDENT ISTNICK** – Thank you. Councilman Lewis.

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

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

7 yes to accept the Auditor's Report

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

## 12. REPORTS OF COMMITTEES

**COUNCIL PRESIDENT ISTNICK** – Our next Work Session will be Monday, July 25, 2022, at 6:30 p.m. Councilman Gregg.

**COUNCILMAN GREGG** – I'd like to report that I will not be at that Work Session.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else? Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. I will also be absent at that Work Session.

**COUNCIL PRESIDENT ISTNICK** – Okay. Anyone else?

## 13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

## 14. CALL OF THE CALENDAR

## 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 \$84,000.00 per year, effective January 1, 2024, and another one-time salary increase to \$90,000.00 per year, effective January 1, 2028; also granting the Auditor of the City of

Massillon, Ohio, a one-time salary increase to \$71,000.00 per year, effective January 1, 2024, and another one-time salary increase to \$77,000.00 per year effective January 1, 2028.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is at third reading, so I'll entertain any further discussion if anyone has any?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Yes, I'd just like to go on the record to state that I am in favor of salary increases for these two elected officials, but I'm not in favor of the salary proposed or the one-time salary increase. Thank you.

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

**COUNCILMAN LEWIS** – I make a motion that we move Ord. No. 73 – 2022 forward for a vote for passage.

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

6 yes; 1 no for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 73 – 2022 has passed.

**COUNCILMAN SLUTZ** – I'm sorry, but I thought that was to suspend.

**COUNCIL PRESIDENT ISTNICK** – There was no suspension; it was at third reading.

**COUNCILMAN SLUTZ** – I'm sorry; can I vote again? Because I thought that was just to suspend that.

**COUNCILMAN LEWIS** – I apologize, Councilman Slutz, but I don't believe that's permitted. The vote has been cast and recorded. We might have to go to the Law Director on that one.

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

**JUSTIN RICHARD** – Obviously, I would always like more time to research it, but, of course, there is a provision in the rules that allow the next regular meeting, it could be brought up and have it voted on again and maybe if you have people that were present that aren't present, Claudette, I think that's really your only remedy, unfortunately.

**COUNCILMAN LEWIS** – I would say, I'm in the same like that could happen, but it wouldn't change the end result. We would still have passage, 5 to 2 and if you'd like to vocalize your error and your disapproval of overall.

**COUNCILMAN SLUTZ** – Thank you. I am against that, so, I would have voted "no". I'm sorry that I misunderstood. I thought it was for suspension when in reality it was to pass it. So, me personally, I'm against that. It would pass anyhow. Thank you.

**COUNCIL PRESIDENT ISTNICK** – So, for the record we could have it that Councilman Slutz did vote “no”?

**COUNCILMAN LEWIS** – No. Councilman Slutz vote “yes”, but he opposes to his own “yes” vote.

**COUNCIL PRESIDENT ISTNICK** – Alright then. Ord. 73 – 2022 has passed, but you do have the opportunity of bringing that up again.

**COUNCIL CLERK ROLLAND** – So, now it’s a 5 to 2 vote?

**COUNCIL PRESIDENT ISTNICK** – No; 6 to 1. As his vote stands.

**COUNCIL CLERK ROLLAND** – Okay.

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 73 – 2022 has passed. Ord. No. 91 – 2022.

**ORDINANCE NO. 91 – 2022**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE enacting Rule 25.2 of the Rules of Massillon City Council, as codified in Section 121.02 “RULES OF COUNCIL” of the Codified Ordinances of the City of Massillon, Ohio.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. We’ve had three readings on this as you can see. Is there any further discussion? Seeing none, I’d like to move that we bring Ord. No. 91 – 2022 forward for a vote.

**COUNCIL PRESIDENT ISNTICK** – Seconded by Councilman Herncane. Roll call.

7 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 91 – 2022 has passed.

**16. SECOND READING ORDINANCES AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** - Ord. No. 99 – 2022.

**ORDINANCE NO. 99 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-3 General Business District to I-1 Light Industrial District.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. This rezoning request is being recommended for approval by the City Planning Commission. It is located at 3725 Erie Ave. S.W., Parcel No. 10011308 and the acreage is 9.1 acres. We do have a public hearing

scheduled on August 15, 2022 at 6:00 p.m. here in Council Chambers. Are there any questions by any Council members? Seeing none, second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**COUNCILMAN LEWIS** – I'd like to make a point of order.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILMAN LEWIS** – Once you get done. I apologize.

**COUNCIL PRESIDENT ISTNICK** – Yes. Ord. No. 99 – 2022 has received second reading and there is a public hearing on August 15, 2022 at 6:00 p.m. Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, I believe we have further clarification regarding the vote on Ord. No. 73 – 2022.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**JUSTIN RICHARD** – Councilpersons, Madam President, certainly we observe Robert's Rules of Order and in Robert's Rules of Order 45.9 it says "Time limits and efforts to change or retake a vote. After the result of the vote has been announced, members can still propose or demand certain actions to make change to the result. A member may raise a point of order regarding the conduct of the vote, demand the division of the assembly, move to retake the vote under another method moved for a recounting of the roll call vote or request unanimous consent to change his vote except when the vote has been taken by ballot, a member has a right to change his vote up to the time the result is announce, but afterwards can make the change only by the unanimous consent of the assembly requested and granted without debate immediately following the chairs announcement of the result of the vote". So that's where we're at.

**COUNCIL PRESIDENT ISTNICK** – English please.

**JUSTIN RICHARD** – Yes. Councilperson Slutz can move to a retake of the vote, if he would like; if it's unanimous.

**COUNCILMAN SLUTZ** – I would like to make a motion to revote on Ord. No. 73 – 2022.

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

6 yes; 1 no

**COUNCIL PRESIDENT ISTNICK** – So, the revote is not going to be reconsidered?

**COUNCILMAN LEWIS** – No.

**COUNCILMAN SLUTZ** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – It would have had to be unanimous.



**COUNCIL CLERK ROLLAND** – So the vote stands as 6 yes and 1 no for passage?

**COUNCIL PRESIDENT ISTNICK** – Yes.

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

**JULIE FRANKLIN** – Good evening everyone, thank you for your time. I am Dr. Julia Franklin and I live at 2020 Stoner Ave. N.E. and I am a resident of Massillon for the past four years. I am here tonight to request that City Council work with the Law Dept. of the City to create and implement legislation to opt out of the Ohio law allowing the discharge of consumer grade fireworks on private property. As you know, House Bill 172 was signed by Governor DeWine earlier this year. This Bill allows consumer grade fireworks to be discharge on multiple days during the year including nine holidays plus several days surrounding July 4<sup>th</sup>. Municipalities have the ability to opt out of that law and that’s why I’m here. It makes it illegal if we opt out to set off the fireworks on private property. I want to be clear that I’m not opposed to professional firework displays that are put on around the holidays. Those are generally safe and well planned to accommodate both those who want a celebration as well as those who dislike the noise because they are limited. I hope that those will continue. Neighborhood fireworks disrupt sleep schedules, make pets uncomfortable and can cause damage to wildlife and the environment. As a pet owner who’s talked to my Councilman a number of times about this and he feels as well, the weeks surrounding the July 4<sup>th</sup> holiday are horrible for our dogs and it only takes a glance on social media pages to confirm that there are hundreds of people concerned about fireworks noise in our area alone. There are currently noise ordinances in place in the City of Massillon. Ord. No. 509.11 indicates that “loud noises are against the law and punishable by a minor misdemeanor”. Likewise, there’s a barking dog ordinance already in place; that’s 505.09 which “punishes those who have dogs barking at all hours and disturb the peace”. As of right now, fireworks are exempt from these noise rules particularly since House Bill 172 was passed. Please note that I’m not naïve enough to believe that if the City of Massillon were to opt out of the detonation of consumer grade fireworks that they would stop completely. However, the legislation would give the basis of complaint against those who are in the use of fireworks in residential neighborhoods. Without the opt out in place, any complaints against ongoing fireworks are largely ignored even when they clearly violate the noise ordinance. The Police Dept. has many better things to do than to shut down a 4<sup>th</sup> of July party. I know and I appreciate it, officer. But when the party goes on for multiple weeks and for long hours, that legislation making it illegal to set off fireworks in the city, may be enough to discourage excessive detonation. The Ohio Dept. of Commerce has a list of cities that have chosen to opt out of the fireworks law and as of June 30<sup>th</sup> of this year, there were 76 cities and townships on that list including the seven largest cities in the State. Massillon would not be alone in the decision to opt out. I’ve spoken with my Councilman, Michael Gregg, about this concern and also reached out to Councilman Slutz and provided them with the document referencing cities that have chosen to opt out already. I hope you’ll consider this request. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Is there anyone else in audience that would like to speak on any topic that did not appear on tonight’s agenda? Seeing none, Councilman HERNICANE.

**18. ADJOURNMENT**

**COUNCILMAN HERNICANE** – I make a motion to adjourn.

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

7 yes to adjourn

**COUNCIL PRESIDENT ISTNICK** – Meeting adjourned.

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DIANE ROLLAND, COUNCIL CLERK

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CLAUDETTE ISTNICK, PRESIDENT