

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD TUESDAY, SEPTEMBER 6, 2022**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Tuesday, September 6, 2022. We have in attendance the following City officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Asst. Law Director, Edmond Mack, Chief Counsel, Tim Piero, Economic Development Director, Dave Maley 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 or set them to vibrate. 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 and Mike Snee.

Roll call of 8 present

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we excuse Councilman Thieret.

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

8 yes to excuse Councilman Thieret

**COUNCIL PRESIDENT ISTNICK** – Thank you. Councilman Thieret has been excused.

**2. INVOCATION**

**COUNCILMAN JAMIE SLUTZ**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILMAN SLUTZ**

**4. READING OF THE JOURNAL**

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

**COUNCIL CLERK ROLLAND** – 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 as written.

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

**KATHY SOMMERS** – I live at 51 – 5<sup>th</sup> St. S.E., Massillon, Ohio, in the Wellman Association and I'm addressing in trying to change to a triplex zoning. I actually live right across the street from there. I came to the last meeting. I presented a bunch of information and brought it all in, but, on that street alone, there are seventeen houses and of those seventeen houses, there are only five owner-occupied. We've got two commercial on Lincoln Way and 5<sup>th</sup>, right at the corner, a six-unit, two duplexes, actually three duplexes and the rest are single family homes. We have a slumlord directly across the street and so, basically, this is almost a non-existent neighborhood. At one time this was "doctors row". It was a very exclusive neighborhood and we are trying to take our neighborhood back. We are trying to make it better. I know personally, I'm constantly working on my house. This affects me; it has affected my value. I just did a re-fi and the first thing she said is "What's happening across the street?". It affected my value. So, I think that we need no more rentals. The neighborhood is at 75% rentals. That is way too many. I don't think any area in Massillon should be more than 50% rentals. I'm a licensed realtor. I have no issues with rentals, but I think that any neighborhood that has too many rentals is being depreciated and devalued and we do not have people living in the community and supporting the community. Rentals are not cared for the way that single family homes are. So, my vote is "no" and this is a serious impact on the community and everything that we are trying to do. Thank you for listening.

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

**JEFF MASTERS** – I live at 35 Pine St. S.E., Massillon, Ohio. So, similar response to it; when I bought my home I was told there are not going to be any more rentals in the area unless they were already grandfathered in, they were already allowed. I am concerned with the devaluing in the neighborhood. I've already got...KFC tore down a house right next to mine at Wallace and Pine. Tore it down and put in a parking lot; lowered the value of my home already at about \$10,000.00. So, that was fun and then now we've got more rentals prospectively coming to the neighborhood and lower the value of the neighborhood; increased traffic in the neighborhood. There's already no parking on that street. Not that I park there myself, but it's a pain in the ass to drive through there. Just not looking to let it get worse, personally.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Jeff. Anyone else from the community?

**DORI HECK** – I live at 54 – 6<sup>th</sup> St. S.E., Massillon, Ohio. I am against this. Twenty-six families and one historic home. I'm against everything. So, please vote "no".

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

**ROBYN BLOOM** – I live at 846 Wellman Ave. S.E., Massillon, Ohio. I spoke last time, so I'm going to keep it short and sweet. Vote "no". Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Robyn. Anyone else on any topic that does appear on tonight's agenda?

**6. NEW AND MISCELLANEOUS BUSINESS**

**COUNCIL PRESIDENT ISTNICK** – Jim Thieret’s resignation from Council is effective September 4, 2022. Diane does have a letter to read:

To whom it may concern:

Please accept this as my official notice of resignation as Massillon City Council representative of Ward 2 as of the date above or the receipt of this letter, whichever comes first. I want to thank everyone who helped and supported me before and during my tenure. At this time, I must place my priorities on my family and I am confident that you will have no trouble finding a suitable candidate to assume the role of Ward 2 representative. I will continue to serve the city and the citizens of Massillon in any way I can, but, I must do this for my family.

God Bless America and God Bless Massillon.

Sincerely,

James J. Thieret

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 126 – 2022.

**ORDINANCE NO. 126 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

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

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. As stated, this is a rezoning request. This request is Parcel #604597, which is located at 56 – 5<sup>th</sup> St. S.E. We have a public hearing set for October 17, 2022, at 6:00 p.m. here in Council Chambers. First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 126 – 2022 has received first reading. Ord. No. 127 - 2022

**ORDINANCE NO. 127 – 2022**

**BY: ECONOMIC DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Kerissa Bills to provide an economic development “inducement grant” to fund start-up costs, including build-out, equipment, etc., for Epathekeri, located at 460 Lake Ave. N.E., Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. We discussed this matter at the Work Session. Are there any further questions or comments from members of Council?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, Madam President. Has this been corrected as far as the amount on the legislation?

**COUNCILMAN HERNCANE** – Not to my knowledge. We can ask Mr. Maley to approach, if you'd like.

**COUNCILMAN LOMBARDI** – Yes.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Maley.

**DAVE MALEY** – Mr. Lombardi, corrected towards the amount?

**COUNCILMAN LOMBARDI** – The amount of the grant. The worksheet said that they qualified for \$3,750.00; the legislation was for \$4,000.00.

**DAVE MALEY** – That is correct and I asked if that's what Council wanted and nobody came to me and suggested to make a change. As far as the amounts, that was not my understanding to make that change. I'd be happy to do that.

**COUNCIL PRESIDENT ISTNICK** – On here it says \$4,000.00.

**DAVE MALEY** – Correct. I did not make the change because I did not know that was the wishes of Council.

**COUNCILMAN LOMBARDI** – I thought I made that clear that there was a difference.

**DAVE MALEY** – I apologize. I did not realize that's what you were asking me to do. So, I mean, we can make the change and then just move forward next Council meeting if Mr. Herncane would agree to that.

**COUNCILMAN HERNCANE** – Mr. Maley, the question that I have is who fills out the scoring sheet? Is that the applicant or the Administration?

**DAVE MALEY** – I do.

**COUNCILMAN HERNCANE** – Okay.

**DAVE MALEY** – Based on the information that's given. We increased the amount, two-fold. One was, as I said last week, that they had went through some issues like most of the businesses. But also, they never received any type of a grant initially when they opened up is one of the things that they made known to me. When they first opened, they never received any grant and they're doing an expansion so we gave them a few extra dollars. But if you prefer, we can go back and do the \$3,750.00.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, President Istnick. I guess the only question...I don't have a problem with the amount in question. What I have a problem with is we're giving more than what the scoresheet said and have we done this in the past and why...how do we pick and choose this? I think if we put guidelines down and we say we're going to give them, they point out to this so we're going to give them X amount of dollars, I believe we need to hold to that. Otherwise why not give the next guy \$300.00 more or whatever for whatever extenuating circumstances.

**DAVE MALEY** – Mr. Lombardi, I don't disagree but these guidelines are subjective. These grants are subjective. We look at what type of business it is, how much they're investing. We look at a lot of different things when we're evaluating how much to give them. Because everybody asks for a lot more than what we're giving. These grants are for a huge amount of money. But, we try to help out. These grants are just basically to help out these businesses get started. So, they are subjective and we just felt that with the \$3,750.00, we've give them a few more dollars. If you want us to stick to the guidelines specifically, we'd be happy to do that and I'd be happy to make the change. We can just amend it tonight. It's not a big deal one way or another based on what Council would prefer to do.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herculane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. I see Mr. Lombardi's point. I understand Mr. Maley's rationale. Are there any other comments or questions or thoughts from any other member of Council on this matter?

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. I tend to agree with Mr. Lombardi on this that if we've got guidelines that we should stick to them and I understand its subjective, so I see both sides. But I think since we've got guidelines on black and white, we should probably stick to those. I'm okay with just amending the legislation and passing it tonight, so. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Harwig Smith.

**COUNCILWOMAN HARWIG SMITH** – I agree with my fellow Council members that just spoke that if we have guidelines being that we haven't done it before for anyone else, I think we should just stick to the guidelines and that amount; if that's what it is. We've made no exception for anyone else. I would be fine to just amend it tonight and move forward and give them their money.

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

**COUNCILMAN HERNCANE** – Thank you, Madam President. I make a motion that we amend Ord. No. 127 – 2022 to reflect the economic development "inducement grant" amount of \$3,750.00.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Harwig Smith. Roll call for the amendment.

8 yes to amend Ord. No. 127 – 2022 to reflect the amount of the grant to \$3,750.00

**COUNCIL PRESIDENT ISTNICK** – The amendment has been made. Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. I make a motion that we suspend the rules requiring three separate readings and bring Ord. No. 127 – 2022 forward for a vote tonight.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No.127 – 2022 has passed. Ord. No. 128 – 2022.

**ORDINANCE NO. 128 – 2022**

**BY: ECONOMIC DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Brooklyn Walker to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for BK Beauty Supply, located at 24 Erie St. S., Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. Are there any questions or comments from anyone on Council on this matter? May I ask Mr. Maley to step back up to the microphone please? Mr. Maley, do you have your inducement grant guideline sheet on this matter?

**DAVE MALEY** – Yes, I do.

**COUNCILMAN HERNCANE** – If I count these points up as well, would you please correct me if I’m wrong. If I count 5, 5, 1 and 2, that gets me to 13?

**DAVE MALEY** – That is correct.

**COUNCILMAN HERNCANE** – So wouldn’t we, obviously, have to do the same thing in this one that we did with the other if the points don’t match the dollar amount?

**DAVE MALEY** – The issue we had, that’s why this is subjective, being honest with you. The amount of the investment that’s put in here, we didn’t feel it justified the amount over what we’re giving, \$7,500.00.

**COUNCILMAN HERNCANE** – It makes sense, but I just can’t rationally go forward with this when we didn’t go forward with the other one. If we’re going to follow the rules, we got to

follow the rules for everybody. I make a motion that we amend Ord. No. 128 – 2022 to reflect an economic development “inducement grant” in the amount of \$5,000.00.

**DAVE MALEY** – Well, I apologize, Mr. Herncane. This is for up to \$10,000.00; it’s a new business.

**COUNCILMAN HERNCANE** – I’m sorry. I’m looking at the wrong category. This is for start-up.

**DAVE MALEY** – That’s correct.

**COUNCILMAN HERNCANE** – So, the dollar amount is okay there?

**DAVE MALEY** – Yes.

**COUNCILMAN HERNCANE** – I undo my motion. I withdraw my motion to amend. David, thank you. Are there any questions on this? Seeing none, I make a motion to suspend the rules requiring three separate readings and bring Ord. No. 128 – 2022 forward for a vote tonight.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 128 – 2022 has passed. Ord. No. 129 - 2022.

**ORDINANCE NO. 129 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for funding to the Ohio Public Works Commission for the funding year 2023, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the request to make applications to Ohio Public Works and receive dollars for projects related to Tremont and Lincoln Way. Is there any discussion tonight or conversation? I think there might be some questions that we might have at the next Work Session, so with that said, I’ll give this first reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you Councilman Lewis. Ord. No. 129 – 2022 has received first reading. Ord. No. 130 - 2022.

**ORDINANCE NO. 130 – 2022**

**BY: FINANCE COMMITTEE**

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

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance would make \$25,000.00 available for the purpose of expenses related to hiring such physicals and examinations. Does anyone have any questions this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 130 – 2022 forward for a vote.

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

8 yes for suspension

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

8 yes passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 130 – 2022 has passed. Ord. No. 131 – 2022.

**ORDINANCE NO. 131 – 2022**

**BY: FINANCE COMMITTEE**

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

**COUNCIL PRESIDENT ISTNICK** - Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is an ordinance for \$50,000.00 to cover the expense related to tax refunds that the City owes taxpayers. Any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 131 – 2022 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 131 – 2022 has passed. Ord. No. 132 – 2022.

**ORDINANCE NO. 132 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1212 Summer Concert Series Fund, for the year ending December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is an appropriation of Summer Concert Fund monies. We are just acting as a pass-through. 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. 132 – 2022 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 132 – 2022 has passed.

**8. UNFINISHED BUSINESS**

**9. PETITIONS AND GENERAL COMMUNICATIONS**

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – If I may?

**COUNCIL PRESIDENT ISTNICK** – Yes, you may.

**COUNCILMAN GREGG** – I'd just like to congratulate the Tigers on a big win against Mansfield Senior TYgers on Friday night. They played well. The defense pushed a shutout and we won 33 – 0. We've got a big game coming up with the always tough Warren G. Harding Raiders on Friday night at 7:00 p.m. within the confines of Paul Brown Tiger Stadium. I encourage all Massillonians to come out and support the team. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Go tigers.

**10. BILLS, ACCOUNTS AND CLAIMS**

Graphic Enterprises - \$ 63.97 Overage Charges – 05/24/22 to 08/23/22

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

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

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

8 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

Auditor's Report - August 2022

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

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

**COUNCIL PRESIDENT ISTNICK** – Roll call.

8 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, September 12, 2022, at 6:30 p.m. Anyone else have anything? Mayor.

**MAYOR CATAZARO-PERRY** – Good evening Madam President, Members of Council. I have a list of updates for you tonight. The first one is, we will be doing a ribbon cutting ceremony for Bounce Aroma. It's a lot of bounce houses in a building. It looks like a lot of fun. They opened this past weekend at 655 – 3<sup>rd</sup> St. N.W. So, we'll be doing the ribbon cutting on Thursday of this week. It's organized by the Chamber of Commerce. The next item is that I wanted to report quite a few demolitions. We've had three so far this year. On 14<sup>th</sup> St., we demolished a house. Tremont Ave., we demolished a house and we had an old building on Vermont that was the City's and we took that down as well this year. There are several that are in tax foreclosure that we have been unable to take down due to being in tax foreclosure. So, we'll continue to work on those and the two, Jill, in your Ward; you know that some gentleman inherited those and he is going to fix those up. So, those will not be coming down. The staff and I have been searching high and low for a place for the splash park since Council debated that rigorously a few months ago and we have found a park. Steve is going to be presenting it to his Park Board tomorrow at 4:00 p.m. and the park lies in the 5<sup>th</sup> Ward. It's Wampler Park and once we place the name on the government, State of Ohio government paperwork, that is the park that we're going to. I have spoke with the gentleman and family that have donated funds toward this park and they did drive out to see the park and they're very pleased with it. So, I hope Council will approve. It's going to go to the Park Board first and then it will come to Council. But, once that name goes on, we cannot change it again since we've already taken the name off once and put it back on. So, if you'd like to take a ride out there, it has a pavilion already. So, we'll either have to modify the pavilion that's there to make it ADA required restrooms. It's just a lovely site. So, if you have been out there recently, go on out and take a look at it. It's perfect. But the staff did a great job on finding the park that

it would fit in besides Reservoir Park that the family had chosen and they're fine with it. So, it's a win-win for everyone. A few updates on commercial projects; the Aldi's grocery store on Lincoln Way E., they'll be demolishing the old Charlie's, the old Donato's there on Jackson Ave. and Lincoln Way and we'll probably be approving their site plan tomorrow. So, we think about the middle of the month, you'll see that building come down. We also have the Bell Stores Station; it's getting a \$200,000.00 remodel at 519 Lincoln Way E. The Boys and Girls Club; new building. A \$6.3 million dollar building and they're working on that now. Case Farms is doing a \$900,000.00 addition on Millennium. Fresh Mark on Southway, the smoke and pump house addition is \$3 million dollars, so another addition there. GoJo is doing a sprinkler and restrooms upgrade at \$350,000.00. Heitger Funeral Home remodel, \$100,000.00. Kraft Heinz is doing a \$5 million-dollar line addition. Mast Trucking, we approved their site plan. It's a \$2 million-dollar new build. Paradigm Shift Brewery, \$100,000.00 new addition. PNC Bank, \$150,000.00 remodel. RG Williams on Ventura is a \$1.3 million-dollar storage units. R2Landing Holdings on Millennium is a new building, \$4 million-dollars. Also, Ross Dress for Less will be going in at Market Place and that's a new business with a \$500,000.00 remodel. Sergeant Car Wash did a remodel of \$375,000.00. I know we're all waiting to get our cars washed, but, we're almost there. And SARTA will be building a new building on Tommy Heinrich at \$5.2 million-dollars and we have not received a site plan on that. So, I don't know the date as of yet. So, those are our updates and then I did get an update over the weekend to, Mrs. Istnick, Wales Rd. was started today and they were prepping prior to starting today. So, that does count as being actively setting up. However, the start was today. So, I witnessed that myself. One of the greatest things that Linda worked on this year was to bring the 720 Market to Massillon and it's Saturday, September 24<sup>th</sup> and I think it's 10:00 a.m. to 3:00 p.m. They're going to have about 80 vendors here in town. So, please take time to stop down and then October 1<sup>st</sup>, we're also having our Pause for Cause and that will be on Duncan Plaza and that's a mixture of different agencies working together and they'll be providing some resources for your medical health as well as resources for rehab or possibly jobs. So, the Plaza is going to be full as well on that day. So, that's October 1<sup>st</sup> and that's, I believe from 11:00 a.m. to 2:00 p.m. So, a lot is happening within the City.

**COUNCIL PRESIDENT ISTNICK** – Will Wales Rd. be closed in both directions?

**MAYOR CATAZARO-PERRY** – I don't believe so. I think one direction will always be open. And I do want to correct one thing on the legislation you gave first reading tonight for Tremont and the Lincoln Way Streetscape. It's only First St. S.W. to First St. N.W. That's the only area that we're applying for fund for to finish that up for the Streetscape Project. So think of Kozmo's is on First St. S.W. and then go to First St. N.W. That area right there. It's going to be underground utilities and new sidewalks and the mast arms will be coming over. So, I wanted to clarify that as well. Anything else, any other questions?

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. Thank you, Mayor, for the update. The 720 Market on September 24<sup>th</sup> in Massillon, where will that be located?

**MAYOR CATAZARO-PERRY** – On Duncan Plaza.

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

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

**MAYOR CATAZARO-PERRY** – Thank you.

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

**COUNCIL PRESIDENT ISTNICK** – Councilman Slutz.

**COUNCILMAN SLUTZ** – I just wanted to let you know that I will not be here next week.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**COUNCILMAN SLUTZ** – Thank you.

14. **CALL OF THE CALENDAR**

15. **THIRD READING ORDINANCE AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** – Res. No. 10 – 2022.

**RESOLUTION NO. 10 – 2022**                      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

A RESOLUTION reversing the decision of the Massillon Board of Zoning Appeals in the Variance Case No. 2022-8.

**COUNCIL PRESIDENT ISTNICK** - Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. Thank you, Madam President. As stated, this request is to reverse the decision of the Massillon Board of Zoning that took place on June 23<sup>rd</sup>. They did grant the applicant, Jason Welsch, his request for the variance which is located on Woodruff Ave., vacant lot, Parcel #603098. Mr. Welsch would like to build a new two-story, with a loft, a single-family dwelling on that vacant property. We did receive on July 6<sup>th</sup> Notices of Appeal by two residents. They have not shown up to any of the Work Sessions to speak on this, so, at this time, I would like to ask Council members if there are any questions before I bring it forward for a vote?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Harwig Smith.

**COUNCILWOMAN HARWIG SMITH** – Is it a “yes” vote?

**COUNCILWOMAN CREAMER** – No, we’re repealing. So it would be a “no” vote.

**COUNCILWOMAN HARWIG SMITH** – Thank you for clarifying.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. If I’m not mistaken, one of the applicants for appeal withdrew. Is that not correct.

**COUNCILWOMAN CREAMER** – That is correct.

**COUNCILMAN GREGG** – So, only one and the person that continued the appeal never came to a meeting?

**COUNCILWOMAN CREAMER** – Did we receive two or three letters, Diane?

**COUNCIL CLERK ROLLAND** – We received three letters; Mr. Vess came to a couple of meetings and withdrew his appeal.

**COUNCILWOMAN CREAMER** – Right.

**COUNCIL CLERK ROLLAND** – Mr. Conti sent a letter and withdrew his appeal. Mrs. Rader never showed up.

**COUNCILWOMAN CREAMER** – Okay.

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

**COUNCILWOMAN CREAMER** – Seeing no more questions I bring forward Res. No. 10 – 2022 for a vote.

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

8 no for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Res. No. 10 – 2022 has been defeated.

## 16. **SECOND READING ORDINANCES AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 116 – 2022.

**ORDINANCE NO. 116 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE accepting the annexation of 0.530 acres located in the S.W. Qtr. of Sec. 16 Perry Twp., (T-10N, R-9W), Stark County, Ohio, from Perry Twp. to the City of Massillon, Ohio.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. This request for this annexation is part of Augusta Lakes Allotment. It has been approved by the Stark County Commissioners. Are there any questions from any Council members at this time? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 116 – 2022 forward for a vote.

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

8 yes for suspension

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

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 116 – 2022 has passed. Ord. No. 118 – 2022.

**ORDINANCE NO. 118 – 2022**

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

AN ORDINANCE amending the rules of Massillon City Council by amending Rule 28.1 and 28.2 of 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. Mr. Herncane.

**COUNCILMAN HERNCANE** – Thank you, Mr. Gregg. I would ask that this matter be tabled indefinitely. I will make the motion, if you like.

**COUNCILMAN GREGG** – Is that a motion?

**COUNCILMAN HERNCANE** – I make a motion that we table Ord. No. 118 – 2022 indefinitely.

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

8 yes to table Ord. No. 118 – 2022 indefinitely

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 118 – 2022 has been tabled indefinitely.

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

**GAYLE DANZY** – I live at 2014 Tennyson Ave. N.E., Massillon, Ohio. Maybe I’m not doing the right thing, but I’m still waiting to hear from Council and I think it’s the Health Committee. I want legislation to be developed by Council to address slum landlords so that they are not able to rent properties that don’t meet code. There’s something in the Ohio Revised Codes, 5321-04 that talks about landlord obligations. So, I don’t know if that’s something that could be looked at, but in the research that I’ve done and I’ve talked to some of you and found out that I am right, that the Council has to come up with the legislation that will stop slum landlords from renting to start with. That way we don’t have to wait until they rent and people are abused, for the most part, and then try to get it changed. We need to have something so that they cannot rent if they’re not following the rules. And I’m speaking specifically, as I have been, about the Straight Path site at Lincoln School and Mr. Fuzzy does have “For Rent” signs up. He’s going to rent it out again with code violations already being, he’s already been told that he has code violations from the City, but there’s nothing that says that he can’t rent it again and I think that’s ludicrous that you cannot follow the rules and rent it out again. So, that’s what he’s getting ready to do. My second comment is that I’ve been trying, I’m going to say, to get vacant land that’s in the Walnut Rd. area southeast Massillon and as you know, we built Sinclair Village and built the first affordable housing in southeast Massillon in over fifty years. We did that in 1997 or 1998, I think. And I got our organization closed, I’m back and I want to do that again. So, I’ve been asking how can land be given to a non-profit and I’m going to say the same thing

I said when we did Sinclair Village. We took vacant land and gave the City tax dollars. Land that was bringing no benefit to the City. When we built those houses in Sinclair Village and when we build houses in southeast Massillon; that brought money to the City. So, we're just trying to do that again. I spoke with the former law director and asked him if he knew anything about things like that; annexations. He's a friend of mine and this isn't a slight on anybody. I'm just trying to find out what we need to do to move forward. And I don't remember exactly what he said, but there's an organization called the Community Development Corporation, maybe. And he said that all that needs to happen is that the land be given to them and then it can be passed to the non-profit. So, if it's that simple, could someone look into that and see if that can be done? My builder, Steve Smith, who built Augusta Lakes and he also built Sinclair Village, he's waiting. He's ready to work with me to build more affordable housing to bring tax dollars to the City of Massillon. Now, I don't know how I get on the agenda because I keep talking about this slum landlord. What do I need to do to get on the Council agenda or to be on a Committee agenda so that we can discuss this and try to get something resolved?

**COUNCIL PRESIDENT ISTNICK** – Gayle, this is not a question/answer session.

**GAYLE DANZY** – Right. So, I'll just throw that out. But, I've been asking now, let the record show that this is the third time I've asked for somebody to contact me. So, I await contact from someone. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Talk to Diane after the meeting. I think she can tell you how to get on the agenda.

**GAYLE DANZY** – Okay.

**AMBER DANNER** – I live at 1228 – 3<sup>rd</sup> St. S.E., Massillon, Ohio, right across from Shriver Park, Ward 4, I believe. We're wondering what we need to do to clean that park up more. Shriver Park, the bench is broke. The basketball bench and we have tons of kids from that part of our community that play there all the time, all summer long and now their bench is broke. So, we've seen a decline in kids over there, because I live right across the street from it. So, I can see the impact that it's having. There's a lot of little kids over there and we don't have a baby swing anymore. I know there's other members that were over there that have brought this up before to kind of clean up Shriver Park. Because, me and my neighbor right now, we're over there going to the park and picking up the trash. They have done an awesome job as far as keeping the lawn mowed and everything. But just certain things need to be fixed like the benches and the graffiti. What steps should I take? Is there a committee I need to talk to? The Parks Committee?

**COUNCIL PRESIDENT ISTNICK** – After the meeting maybe Julie Harwig Smith could talk to you.

**AMBER DANNER** – Okay. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Are you going to speak, Miss?

**JESSICA WALLS** – I live at 1228 – 3<sup>rd</sup> St. S.E., Massillon, Ohio. I am here to speak on the same matter because our community does come together and have nice little celebrations. I would like to keep that area more safe and more clean for the children. Because I do watch a lot of kids go over there and make a big mess and leave plastic and big things that other

children could potentially hurt themselves on or choke and I just feel that should be watched out for and cleaned up.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?

**18. ADJOURNMENT**

**COUNCIL PRESIDENT ISTNICK** – Councilman Slutz.

**COUNCILMAN SLUTZ** – I make a motion to adjourn the meeting.

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

8 yes to adjourn

**COUNCIL PRESIDENT ISTNICK** – Meeting adjourned.

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DIANE ROLLAND, COUNCIL CLERK

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CLAUDETTE ISTNICK, PRESIDENT