

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, JANUARY 3, 2023**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, January 3, 2023. We have in attendance the following City officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Auditor, Jayne Ferrero, Chief Deputy Auditor, Stefanie Myers, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, Community Development Director, Samantha Walters, Economic Development Director, David Maley, Parks and Rec. Director, Steve Pedro, Police Chief, Jason Saintenoy, Fire Chief, Matt Heck, Income Tax/Budget Director, Lori Kotagides-Boron, Chief Building Inspector, Frank Silla, Health Dept. Commissioner, Terri Argent and Housing Director, Beverly Lewis. We have a very large representative from Central Catholic, our future voters. Enjoy the meeting. 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.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilman Slutz.

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 approved as written.

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

6. **NEW AND MISCELLANEOUS BUSINESS**

COUNCIL PRESIDENT ISTNICK – Ordinance No. 189 – 2022.

COUNCIL CLERK ROLLAND – Yes, Madam President, it was brought to my attention by the Massillon Law Dept. dated December 23rd that there was an error in Ord. No. 189 – 2022 whereas the title read that it was one year agreements. However, the agreements for the transport in the different municipalities was a three-year agreement and by signing this letter, we will state that that has been appended.

COUNCIL PRESIDENT ISTNICK – Thank you.

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT ISTNICK – Ord. No. 1 – 2023.

ORDINANCE NO. 1 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Auditor to pay various 2022 bills that have been received and that will be received by her office between January 1, 2023 and March 31, 2023, out of the 2023 appropriations within the various departments of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Is there any discussion or questions regarding this ordinance this evening? Seeing none, I make a motion that we waive the rules requiring three readings, bringing Ord. No. 1 – 2023 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 1 – 2023 has passed. Ord. No. 2 – 2023.

ORDINANCE NO. 2 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the purpose of the Sidewalk Replacement Program, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$125,000.00 for the year three of the Sidewalk Replacement Program. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 2 – 2023 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 2 – 2023 has passed. Ord. No. 3 – 2023.

ORDINANCE NO. 3 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations for the unappropriated balance of the 1221 American Rescue Plan-SLFRF Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, Madam President, I'd like to call forward the Auditor.

COUNCIL PRESIDENT ISTNICK – Mrs. Ferrero, thank you.

JAYNE FERRERO – Madam President, Members of Council, Happy New Year to all. Yes, sir.

COUNCILMAN LEWIS – Would you like to give us more detail to the content in this ordinance.

JAYNE FERRERO – Yes sir. This is all of this ARPA money that I was before you the last time I spoke before you and I misspoke and told you that ARPA funds were going to be in the budget. It wasn't new money; that was already money that we had received in the ARPA, the 2100 fund. So, now what we have to, since this is not in revenue, it was not in the budget. So, now we have to appropriate it to spend it. So, I'm asking you to appropriate the \$14,566,179.00 of the ARPA fund money so that we can go forward with the projects that we're planning on doing this year.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Okay. I'll also point out that if you look on our Statement of Cash Position 1221, you can see these same dollars. You can see what was brought over, you can see all the encumbrances and you can our end amount which is slightly higher than this, but that's due to our miscellaneous encumbrances.

JAYNE FERRERO – Yes.

COUNCILMAN LEWIS – If there are no other questions, I would be wanting to move forward this evening. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 3 – 2023 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 3 – 2023 has passed. Ord. No. 4 – 2023.

ORDINANCE NO. 4 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE reducing the appropriations in the 3105 State Patrol Transfer Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, Madam President. I do have a clarification question and I would need either the Auditor or a representative of her office.

COUNCIL PRESIDENT ISTNICK – Thank you.

STEFANIE MYERS – Yes.

COUNCILMAN LEWIS – So, in all of our ordinances written that the appropriations are hereby reduced in 3105 State Patrol Transfer Fund for the year ending December 31, 2023. Should it be 2022?

STEFANIE MYERS – It should be, yes.

COUNCILMAN LEWIS – Alright, thank you. That's the only question that I had.

STEFANIE MYERS – Okay.

COUNCILMAN LEWIS – I believe that would amount to a typographical error and our Clerk can correct, if anyone has objections.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. No objection, but I do have a question, though. Just briefly, can you tell us the purpose of this fund, State Patrol Transfer Fund?

STEFANIE MYERS – This is something that’s done through the Courts and the Courts, they’re the ones that deposit the money into this fund. So, I really couldn’t answer where the money coming from, but it’s from their Court fees and then we’re just passing it. Half of it, what they deposit, goes to the Law Library and then the other half that’s left at the end of the year goes into the General Fund.

COUNCILMAN GREGG – Okay.

STEFANIE MYERS – And this was just we budgeted for more than what was actually brought in, so we have to reduce it.

COUNCILMAN GREGG – But the title, State Patrol, is that as in State Highway Patrol?

STEFANIE MYERS – I would assume, but I don’t know specifically what the purpose is of it.

COUNCILMAN GREGG – Alright. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – If there are no further questions, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 4 – 2023 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 4 – 2023 has passed. Res. No. 1 – 2023.

RESOLUTION NO. 1 – 2023

BY: FINANCE COMMITTEE

AN RESOLUTION authorizing the sale, during calendar year 2023, of city-owned motor vehicles and pieces of related equipment which are not needed for public use, or are obsolete or unfit for the use for which they were acquired, by internet auction, and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We discussed this last week. If there are no further questions, I’d be looking to move forward with this as well. Seeing none, I make a motion we suspend the rules requiring three readings, bringing Res. No. 1 – 2023 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 1 – 2023 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report - November 2022

Mayor's State of the City Address to City Council - 2023

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, January 17, 2023, at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – I'd just like to mention that I will not be at next week's Work Session.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – Madam President, I just want to clarify that that Work Session is the 9th, next Council is the 17th.

COUNCIL PRESIDENT ISTNICK – Yes. Our next Work Session.

COUNCILMAN LEWIS – You said that the Work Session is the 17th.

COUNCIL PRESIDENT ISTNICK – Yes, you're right. Next Council meeting and at the next Work Session on the 9th, there will be public hearings at 5:30 p.m.

COUNCIL CLERK ROLLAND – So, Mr. Gregg, you'll be out the 9th?

COUNCILMAN GREGG – That's correct. I'm out the 9th.

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 173 – 2022.

ORDINANCE NO. 173 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. The purpose of this rezoning is to allow for the operation of a full service bank. We did hear from a representative from Consumer National Bank a few weeks ago regarding this request. There are two parcels. Both parcels are located on Lincoln Way E. regarding this rezoning request. Are there any other questions from Council? Seeing none, the public hearing will be scheduled January 9th at 5:30 p.m. and I would like to make a motion to table Ord. No. 173 – 2022 until January 17th.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call to table Ord. No. 173 – 2022.

9 yes to table Ord. No. 173 – 2022 until January 17, 2023

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 173 – 2022 has been tabled until January 17, 2023. Ord. No. 174 – 2022.

ORDINANCE NO. 174 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. The purpose of the rezoning is to allow for a motor fuel retail convenience. We did hear from a representative from Get Go. They are requesting to put a café and market place in that location. There are six parcels included in this request and all six parcels are located on Lincoln Way E. There's a public hearing scheduled for January 9th at 5:30 p.m. here in Council Chambers. Are there any questions from any Council members at this time? Seeing none, I make a motion to table Ord. No. 174 – 2022 until January 17, 2023.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call to table Ord. No. 174 – 2022.

9 yes to table Ord. No. 174 – 2022 until January 17, 2023

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 174 – 2022 has been tabled until January 17, 2023. Ord. No. 175 – 2022.

ORDINANCE NO. 175 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. The purpose of this rezoning is to allow for a new residential construction. We heard from a representative from Habitat for Humanity. That is the intent of this zone request. One parcel is included and it is located on 1st St. N.E. Are there any questions from any Council members? There’s a public hearing scheduled for January 9th at 5:30 p.m. here in Council Chambers and I would like to make a motion to table Ord. No. 175 – 2022 until January 17, 2023.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call to table Ord. No. 175 – 2022.

9 yes to table Ord. No. 175 – 2022 until January 17, 2023

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 175 – 2022 has been tabled. Ord. No. 176 – 2022.

ORDINANCE NO. 176 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. The purpose of this rezoning request is to allow for commercial development. We do not have any specifics regarding that, but we did hear from St. John’s Church representative a few weeks back at our Work Session regarding the rezoning request. There are two parcels included that are located at 1900 Wales Rd. N.E. Are there any questions regarding this rezoning request? Seeing none, a public hearing has been scheduled for January 30th at 5:30 p.m. here in Council Chambers and I would like to make a motion to table Ord. No. 176 – 2022 until February 6, 2023.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call to table Ord. No. 176 – 2022.

9 yes to table Ord. No. 176 – 2022 until February 6, 2023

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 176 – 2022 has been tabled. Ord. No. 177 – 2022.

ORDINANCE NO. 177 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Cyrus Ausar to provide an economic development “inducement grant” to fund start-up costs, including build-out, equipment, etc., for Grow Mental Health & Wellness, located at 141 – 1st St. N.E., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. The Economic Development Director has requested additional time on this, therefore, I make a motion that we table Ord. No. 177 – 2022 until January 17, 2023.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Harwig Smith. Roll call to table Ord. No. 177 – 2022 until January 17, 2023.

9 yes to table Ord. No. 177 – 2022 until January 17, 2023

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 177 – 2022 has been tabled until January 17, 2023. Ord. No. 184 – 2022.

ORDINANCE NO. 184 – 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, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I think I’ll be following the theme of third reading tonight and I will be asking that we table this for further discussion. I think there’s a lot more information that needs to be made; questions that some of us still have and some open discussion that we want to have and tonight if anyone wants to make comments, obviously, I’d more than welcome them to do so. But, I do want to make sure that we put on the record and let it be said that I am certain that every one of the members of Council here are concerned about the safety and the wellbeing of the citizens of Massillon and our safety forces or first responders that could find themselves in a situation where they’d have to respond to a building that has been deemed not necessarily up to safety codes. With that being said, though, that this particular property that was being in front of us was being brought forth to us with a proposal that did not follow standard protocol of the City and that is what is causing this hesitation of this Council. It’s not the desire or the need for this to be remedied, but it was a process that was not mirrored with every other business or property owner in the City in the past and we are looking for fairness and justice for all people and to make sure we do our due diligence and are good stewards with the tax dollars that we are entrusted with. So, I just want to make sure that we’re all on that same page and in no way are we trying to delay this and not having the concern or the health and safety of our citizens at mind. With that said, I only desire to make a motion to table, but I will pause for a moment in case another Council member would like to add any comments or questions.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Seeing none, I make a motion that we table Ord. No. 184 – 2022 until January 17, 2023.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. Roll call to table Ord. No. 184 – 2022.

8 yes; 1 no to table Ord. No. 184 – 2022 until January 17, 2023 – Gregg voted “no”

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 184 – 2022 has been tabled.

16. SECOND READING ORDINANCES AND RESOLUTIONS

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

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – I’d like to make a motion to adjourn.

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

9 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Before we adjourned, if Council would make themselves available for the young adults from Central Catholic to sign their papers. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT