

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, FEBRUARY 6, 2023**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, February 6, 2023. We have in attendance the following City officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Asst. Law Director, Edmond Mack and Economic Development Director, David Maley. 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 Violand.

2. INVOCATION

COUNCILMAN AARON VIOLAND

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN VIOLAND

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Violand. 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

GEORGE GLIBA – 222 Lake Ave. N.E., Massillon, Ohio. I'd like to talk about the Tiger Rags store. I've been here since the beginning. I've heard all the discussions. It's been going on for a month. Lewis said people have been in his ear. The people that own this building don't have skin in the game. I disagree. \$40,000; tried to save it. 40 years, landmark in the community. Probably have given back thousands and then you come up with a 5 to 4 vote. Lombardi over there talks about taxes. It's taxpayer dollars. Well, I didn't see Lombardi up here when you unveiled Imagine Massillon and those were city taxpayer dollars. I mean, we got funded but, we were in it too, just like the amphitheater. We paid for part of that. So, I didn't hear him say nothing then. I think I was the only one up here that night when it got unveiled and I disagreed with it, but, I'm not going to agree with the Mayor all the time, but when she's right, she's right and when I think she's wrong, she's wrong and I'll say something. So, I said something to her and she said something back and we moved on. So, it got accomplished. So, listening to the discussion, I thought at one point it was getting personal against the Mayor and I didn't like that. I mean, she's here to try to be a business-friendly community and the five people that voted "no" are all new to the Chamber and they tried to over think it, I think. Because the way I looked at it is that the money was there, it's been approved, it's not costing the City anything. You got a buyer over here wanting to buy it. Like I say, you're over thinking it. You want to put a lien on it and do all of this other stuff. You know I totally disagree because I'm behind the Mayor on this. It's business-friendly. That's the bottom line. The money's there, you get it torn down, you got a buyer and then you guys want to chime in and put a lien on it and then try to get into their personal finances and whatever. To me, that was just government overreach because I think, I thought about it and thought about, I'm thinking, well, probably the business community just listening to this discussion are calling you and saying that it's not fair. It's simple; the money was granted to tear down that building. Just because they missed the cut, I think it's sour grapes to me. And that's just my opinion. You got 5 people that voted "no" and it's supposed to be a business-friendly community. You got a buyer for the property, let's move it. Let's move on. It's been a month. You keep dragging your feet and dragging your feet. Let's just get it done. Thank you for your time, I appreciate that.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Gliba. Anyone else want to speak on a topic that is on the agenda this evening?

DENISE RIDER – 1915 Devonshire Dr., Canton, Ohio. I am the secretary of St. John's Church and I'm here to just do one final plea and talk a little bit about the ordinance that you're going to be voting on today. St. John is the anchor of commercial area right there at Wales and Hills and Dales; the corner of. We've been there for sixty years and one would say that St. John's is in all respect a business. Yes, that is the Lord's business and it's not just souls that we are trying to save and take care of, but also the community and in all respect, we have probably hundreds of cars that exit and enter the parking lot in a week's time. So, to say that if we sold a small 1.93 parcel at the corner of our current property that that would make for more traffic or congestion is highly speculative and probably doesn't bear any logic, to be honest. We've been there sixty years, thirty years longer than any other business there and far longer than our neighbors. The 29 people that were contacted originally on the notification who were within the 300 ft. notification requirement; 8 of them have only lived there five years, 16, only ten. We've been there sixty, and you know what, when ten more are gone in five years, we'll still be there, God willing. When all of them moved, all of the people that have moved there have been there after all of the businesses including St. John, were there. So, it's a little indigenous to say they don't want to be around business and traffic since it's been there since they moved in. Obviously, it wasn't a deterrent. The other thing is we've heard lots of people

who have come; they've signed petitions, they come from all over, blocks away. Some of them on Lake Ave., down on Erie. And that's all well and good. They're entitled to their opinion, but their opinion really is not relevant. They're not really a stake holder and even though it's interesting and they have their right, it should not influence your decision. You should be looking for the interest of the community of which we are the anchor and the benefit to Massillon; the taxes that have been paid from our employees, all of the community events, the Scouting, the AARP, all the various, you know, the voting precinct. The weddings, the funerals and everything else that we are a pillar of are, I would think, are more relevant and should be given some prior consideration when you're making your vote tonight. I thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Denise. Anyone else?

KEVIN COFFEY – I live at 1776 Springhaven Cir. N.E., Massillon, Ohio. My backyard is directly adjacent to the church property. I come again tonight to renew my objection and I believe the majority of our neighbor's objection to the rezoning. Just to address some points that were recently brought up, the fact that a few hundred cars come and go from the church parking lot on a weekly basis, pales in comparison to the thousands on Wales Rd. that go by every day. That means that Springhaven is blocked at times, which is fine. It's a busy road. But with the widening of Wales Rd. the thousands are going to increase. That means more traffic jams, more traffic going in and out. These cars just wouldn't be entering the church parking lot, they'd be entering and leaving from a driveway of whatever business chose to go in there, that's within about forty yards of one of the busiest intersections in that area. To quote statistics concerning people who live in a 300 ft. radius of the church is to mischaracterize the entire thing. It's not just people within 300 ft. that are affected. It's people on three, four, five streets that have lights coming in, that hear the traffic noise that are directly affected by the traffic. That's not 300 ft., that's blocks. That's why blocks of people object to this proposal. I would counter the church's statements that they're the anchor of the neighborhood by saying the neighborhood is its own anchor. That's where hundreds and hundreds and hundreds of thousands of property is owned by people who don't want the neighborhood disturbed. More traffic, more noise, more lights. A unanimous recommendation by the City Planning Commission who is charged by City Council with examining and taking public comment and exploring issues such as this. That Commission unanimously voted against this idea. A couple of weeks ago we stood at this meeting and we had one of Council's members tell you that the church should be able to do whatever it wanted it to with its property. If that's the case, why have zoning? Let's everyone do what they want with their property. Zoning laws are designed to protect neighborhoods and protect areas. It's not a question of wanting to do whatever you can with your property. That's ridiculous. It's doing what's best for the community. Here's the community that's affected by the rezoning. I think by their turnout, by their comments and by their past actions, they've demonstrated they're very much against it. I urge Council to heed the recommendation of the Planning Commission, to heed the voices of the residents and to heed common sense and say "no" to this rezoning. Thank you very much.

COUNCIL PRESIDENT ISTNICK – Thank you, Kevin.

NANCY DONATO – I live 2913 State St. N.W., Uniontown, Ohio 44685. I work for Jim Rubin designing floral arrangements and dressing the windows. The members who voted against using the grant provided by the State of Ohio feel that the plan was giving Jim Rubin a handout and that it was unfair to other property owners. Currently, there are no other property owners who's buildings have been condemned by the City of Massillon in order to be demolished as

was Jim Rubin's. After being condemned, the City ordered Jim to close and vacate the store and have it stabilized until such time that it could be demolished which has now dragged on for two years. This was on the tails of trying to recover from COVID losses. In the process, he lost eight months of any kind of income until he could find another building to rent. He owned and operated Howard's rent free. This long process cost him thousands of dollars not only in sales but in moving expenses re-establishing his business elsewhere and now having to pay monthly rent he never had to pay before. He also has to continue to pay property taxes and property insurance on two condemned vacant buildings. He applied for and was awarded a grant from the State of Ohio, not the City of Massillon. There's no cost to the City. He has done everything the City has asked him and continues to be denied the grant money. His family businesses have been operating in Massillon for 45 years. He has been a loyal business man choosing to continue to support the City of Massillon by keeping his businesses here when he could have taken them to Belden Village, Johnson Controls or elsewhere leaving more empty buildings. Jim Rubin is not asking for a handout. These constants delays have cost him thousands and thousands of dollars that he will never be able to recoup. He is merely asking the grant awarded him be used exactly for the purpose that it was intended; nothing more. No handouts. He's just trying to keep his head above water and I hope you will reconsider. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Nancy.

JIM RUBIN – I live at 3927 Ashford St., Canton, Ohio. We appreciate all those who have supported us throughout this difficult time. Our intentions have always been for the betterment of Massillon and we have proven our loyalty time and time again to this community since 1978, 45 years. We had the building repaired in 2016 for approximately \$40,000 as soon as we were told that the building was structurally unsound. But unfortunately, that repair did not do what was intended to do. We have complied in every way to adjust in fair resolution for our property. We are not asking for anything that would be considered unfair. We simply want to resolve this problem as fairly and as equitably as soon as possible for all concerned. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Jim.

MARY DONNA RUBIN – I live at 3927 Ashford St. N.W., Canton, Ohio 44718. Again, we would like to thank all of you who supported us throughout this most difficult time. We have always had the best interest of the City of Massillon at heart. We have always tried to do the right thing. Something that we want to share is that we are not profiting anything from this grant and from this offer by Mr. Altman to develop our property. I repeat, we are not profiting anything. We are only trying to minimize our losses. These buildings have been in our family, have been our family for 45 years. It is a "Mom and Pop" store as I told you weeks ago. We did not ask to have our building condemned; the City condemned them. We did not ask to have our business close and have to relocate. We chose to relocate in Massillon after several offers and I think you heard this today, for a business elsewhere. We have lost thousands of dollars in paying city taxes, renovations, mandatory closure, moving costs plus paying property taxes and insurance on two condemned buildings not even totaling our lost revenue. A grant, a reimbursable, that means pay back 100%, has been awarded to the City of Massillon to demolish these buildings. The professional and upstanding and outstanding developer, Mr. Rick Altman, has offered to buy the property and develop something great for Massillon which would generate tax money to Massillon, create jobs and be aesthetically attractive. A lien is not even sensible. Yet, that's the word we keep hearing. Governor DeWine created these

grants to do what is right. He created reimbursable grants to enable cities to remove blighted and unsafe buildings. These grants were offered to cities on a first-come-first-serve basis. That's the fair and the right way to disburse grant money. He never said them to put a lien on the properties. That is not the intent of this grant. He goal is to better Ohio, to revitalize Ohio and not to punish those who have suffered losses. The people who are here to support us tonight are here because they want to do what is right. We, the owners of Howard's Tiger Rags and the adjacent buildings and land, have always tried to do what is right. We have complied to everything asked by the City and, therefore, all we are asking is for you to do what is right for the City of Massillon and use this grant as it is intended to be used and not as an instrument to create a business-unfriendly city and to punish those who already are affected by the loss of their buildings and business. Thank you very much for your time and attention in this matter.

COUNCIL PRESIDENT ISTNICK – Thank you.

BROOK LONGHEIRE – I live at 206 Haigh Ave., Massillon, Ohio 44646. I'm just here, I own a building downtown directly next to what's going on right now. I have been out of my business for three weeks and I'm here in support of Mr. Rubin. I'm assuming all of you that voted "no" have never taken a scholarship in your life or a grant when you went to college; because that's what it is. In twenty years, are you going to look at me at tell me you're not going to give me help because I can't afford to put hundreds of thousands of dollars in my building? From what I heard last week it sounded to me like the City went to him and said you need to tear this down. He said I don't have the money right now; I can put something up to hold it up for a while while we find a grant. Sounds like they found a grant; they offered it to him and now you all want to say "no" it's not fair. Well, I'm a fellow business owner that owns a building next to the one being demolished and I'm saying you're being unfair. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Brook. Anyone else?

NORM WOODS – I live at 1821 Wales Rd. N.E., Massillon, Ohio. I listened to the secretary of the church speak and I agree with several of her statements. The church definitely an anchor. It's beautiful place. But where I disagree with her is, she's says it's going to continue to be an anchor, but I believe we've seen over the last several years, that's not true. They have tried to the church with a zoning change to a Nissan dealer. They wanted to sell it to Rite-Aid. They wanted to go to Progressive and I think if they get a zoning change, as soon as they get it, they're going to sell out, they're going to be gone anyways. So, I wholeheartedly disagree with the zoning change. Thank you very much.

COUNCIL PRESIDENT ISTNICK – Thank you, Norm. Anyone else?

SARITA CUNNINGHAM – Thank you, Council. I live at 1167 Lennox Ave. N.E., Massillon, Ohio. I have lived at my house since 1977 of October. Approximately 18 to 20 years ago, I came to this microphone and spoke because I had heard that Rite-Aid wanted to come in and I loved having the green space and I remember saying that I like the green space at the end of my street. With the widening of Wales Rd., even before the widening, at 8:00 a.m. to 5:00 p.m., it is almost impossible to get out of Lennox as well as Springhill. I am not in favor of this and when I was on Council, I voted with my constituents who would call me. They did not want this to happen and, again, believe me, I believe in progress for our City, but not at the expense of our neighborhood. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Sarita. Anyone else?

JOHN CARPENTER – Associate Pastor at St. John Lutheran Church, 1900 Wales Rd., Massillon, Ohio. Thank you for your time. Thank you for your listening ears; tentative to listening. I would just like to request that every Council person to look at what has been presented before you in all the hearings and readings to make a good solid decision. Not only for the community that change on finds itself in, but the entire City of Massillon. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, John. Anyone else?

RANDY LAMP – I live at 1256 Lennox Ave., Massillon, Ohio. It seems like I've been here the last twenty years off and on with this same situation. My wife and I have only lived there for about twenty-nine years, but that's pretty much half a life time for us and we put a tremendous amount of effort into making the house we purchased into a home and we're unique in that and you can tell that by neighbor's homes and the way their cared for. Without beating the dead horse, I'm going to say this; the young lady from the church that was representing the church made a statement at the last planning meeting and her comment was that that property on the corner is worthless as residential property because who would want to live by all these businesses? I think that pretty much says it for us. That is the very most north border of Massillon, Ohio, for years and when the automobile dealerships moved out of Massillon; they all moved out and Remlinger and Pontiac dealer and Progressive, they all moved out of the city limits and I guess in a good way, this was part of the annex back into the City. But that corner property is there to protect us, our neighborhoods from just that, the businesses. I guess we look at you guys to help us protect it because once it's gone, it's gone. Thank you very much.

COUNCIL PRESIDENT ISTNICK – Thank you, Randy.

MIKE VERANT – I live at 1760 Springhaven, Massillon, Ohio, and I'd just like to urge City Council to vote against this rezoning of the St. John's Church property. That intersection does not need any more commercial development. I'd just like to see it stay the same. I know the church says the maintenance is expensive of mowing the lawn, it's a great deal of lawn to mow. There's alternatives to grass. What a wonderful sight it would be on that corner if it was a whole field of wildflowers or some flowering shrubs or trees and you wouldn't have to mow it. As far as more black top surfaces, I know there's some neighbors, me included, that have trouble with water run-off. I know some neighbors in the past have had water in their basements. My backyard and my neighbor's backyard floods every spring and I think it's probably from the parking lot and the water running down towards our properties. But, like I said, I'd like to urge you keep our neighborhood intact and vote against this. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mike.

BOB DEHNKE – I live at 1326 Lennox Ave. N.E., Massillon, Ohio. I'm here to speak about the church rezoning. I am one of the one's she spoke about at the beginning. I've been in the neighborhood for about six years. One of the reason for that was the neighborhood. It's a wonderful neighborhood, always has been and I know that the church mentioned that they've been there for sixty years. I think the neighborhood if you back and look, the land was dedicated back in 1927. So, the neighborhood's back that old. So, a lot of the houses are older homes in that area. Moving there, I realized that there was businesses in the area and one of the other things that was there was the church across the street and some open area

that helped protect us and helped protect the neighborhood in that area. When the dealership got turned down, they put up a couple of bright lights on the side of the building that light up half our neighborhood and that's an intrusion into our rights too. So, I don't think we need anything else on that corner that's going to make another intrusion in one of the nicest neighborhoods in Massillon. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Bob. Anyone else?

DON CARLSON – I live at 1834 Coventry Rd. N.E., Massillon, Ohio. Just to reiterate a couple of things; you've already seen that current zoning does not address lighting at these businesses. I'd encourage the Council to look at the zoning laws to require things like cut-off lighting and things like this moving forward. Not just for potentially this project should it ever pass, but also when you look at other neighborhoods and other areas in town. Apparently, current zoning does require that you keep the light within your property and having part of a business that built some properties where you're required to have that, I assure you, you can do it. The light does not need to shoot three, four, five hundred feet off your business property when you own it. So, I would encourage Council to look at what the zoning laws are regarding lighting and perhaps get a little bit of help from the professionals in that area. As to the age of the neighborhood, I actually, we're one of the ones that have been here less time. We moved here less than five years ago for the neighborhood. And when I looked at it, the Charity Rotch neighborhood, the first house according to the internet and I hope it's true, was built in 1864. The last house in this neighborhood was completed in 2020. This neighborhood that's being affected by this is a large part of the history of Massillon. You have to think about that when you look at all of this. I do want to take just a moment and address the other situations that was brought up here about the Tiger Rags buildings and I guess my concern is, if there was a grant from the State of Ohio that originally was designated for this and saying "no" to using it for what it was designated for, what happens to those funds? Most grants aren't open ended to run forever. They expire generally after a year. You don't get them back. Maybe even less time; I don't know the details on that, but once again, to have money that was allocated by the State government for something, I'll be the first to admit that I don't know all of the details, but I just feel like that this just doesn't feel quite right. Because last week it was mentioned that people are in favor of economic development. We have the money to tear it down, we have the developer who wants to re-develop the property in downtown. What more can you ask for economic development than that? Just a simple question for everybody. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Don. Anyone else?

KATHY FATIGATI – I live at 1248 Providence Rd. N.E., Massillon, Ohio. I appreciate what the secretary had to say, but we're not here because we don't want the church to be there. We're here because we don't want the additional land to be developed commercially. And, as I said before, we're looking at a certain part of the parcels, there's other parcels. I think we have to have forethought and realize that once that passes, the additional parcels, most likely, will be zoned commercial. Now we have from the traffic light almost to Providence Rd. that will be buildings or blacktop and to address that some of the people have not been there as long as the church, my house, I believe, is around 70 years old. So, I'm almost that age. So, yes, there's been a couple of owners. The houses surrounding me, 1920's. So, obviously, there's going to be new owners. So I think that's a little bit irrelevant. We did buy house even though it's been there five or six years, that green space existed. They didn't buy it with commercial property there. Maybe they would have had a second thought if commercial properties were there. So that's kind of my point. If you think about, we don't know who's going to be there as

in the past. We're speculating Progressive and it's going to be a big parking lot and eventually it's going to be bigger parking lot and one of the Councilwomen at last meeting was talking about "Oh, we need the income". Well, you're going to get the income from the profit of the business. A parking lot, all that's going to do is house the cars that they already have at another lot. They just want to bring them over. You're not going to generate that much more money, if any more money. It's just the profit of the business. This is just a parking lot. So, I urge you to protect our neighborhood. Consider anything that might go in there. Think about that intersection. If you drive that intersection at three o'clock, four o'clock, five o'clock, from the traffic light. Its way backed up. Now you're going to have people trying to get in and out of whatever business is there. It's going to be a mess. So, that's all I have to say.

COUNCIL PRESIDENT ISTNICK – Thank you, Kathy. I appreciate all of you that came out to speak this evening and we have heard you. Thank you.

6. NEW AND MISCELLANEOUS BUSINESS

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 8 – 2023.

ORDINANCE NO. 8 – 2023

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$500,000 that will be used to cover the cost associated with the emergency demolition of two buildings downtown on Lincoln Way. That project has already been taken care of due to the safety concern of the community. If there's no questions tonight, my plan is to move it forward. Seeing none, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 8 – 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. 8 – 2023 has passed. Ord. No. 9 – 2023.

ORDINANCE NO. 9 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is the appropriation of \$30,000 to Services and Contracts. It is to help fund additional economic development grants throughout the year. 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. 9 – 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. 9 – 2023 has passed. Ord. No. 10 – 2023.

ORDINANCE NO. 10 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3112 Donation Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an ordinance that will be appropriating \$4,187.74 out of donated funds for the purpose of the new skating rink in the City of Massillon. 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. 10 – 2023 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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. 10 – 2023 has passed. Ord. No. 11 – 2023.

ORDINANCE NO. 11 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3104 Vacant Foreclosure Deposit Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$13,000 to our Housing Market Reinvestment Program Grant. 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. 11 – 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. 11 – 2023 has passed. Ord. No. 12 – 2023.

ORDINANCE NO. 12 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Block Grant (CDBG) Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$138,150.10 and the purpose is that due to the fiscal split, we do have to appropriate the additional dollars to get through the remainder that was not spent last year in accordance with the CDBG funding. If there are no questions or discussion, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 12 – 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. 12 – 2023 has passed. Res. No. 3 – 2023.

RESOLUTION NO. 3 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION reversing the decision of the Massillon Board of Zoning Appeals in the Variance Case No. 2023 – 1.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. This Resolution is requesting to reverse the decision of the Massillon Zoning Board of Appeals made on January 12, 2023 denying a variance, Case No. 2023 – 1 from the Massillon Zoning Code requesting to operate a home-based occupation of a licensed massage therapist at 300 Taggart Ave. N.E., Massillon, Ohio. Parcel No. 612447. It's in a R-3 Single Family zoned district. The appeal was filed at the Clerk of Council on January 17, 2023. I would like to schedule a public hearing for this appeal for Tuesday, February 21, 2023 at 5:30 p.m. here in Council Chambers. Following the hearing at the regular scheduled Council Meeting at 6:30 p.m., I intend to request Council to suspend the statutory rules requiring three reading of legislation to vote on this. We will be getting transcripts from the Law Dept. from the Zoning Board. So, look for other information coming in your e-mails so that we can have a discussion at the next scheduled Council meeting. So, first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Res. No. 3 – 2023 has received first reading and there will be a public hearing on February 21, 2023 which happens to be a Tuesday at 5:30 p.m.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

A Transfer of a Liquor License from Karen M. Buttermore DBA Jay's Pizza 1st Fl., located at 818 – 15th St. S.W., Massillon, Ohio 44647 to ATMJAYZ LLC, located at 818 – 15th St. S.W., Massillon, Ohio 44647. Permit Classes are C2 and C2X and is located in Ward 5.

COUNCIL PRESIDENT ISTNICK – Councilwoman Harwig Smith, did you receive a copy?

COUNCILWOMAN HARWIG SMITH – Yes, I did.

COUNCIL PRESIDENT ISTNICK – Thank you.

10. BILLS, ACCOUNTS AND CLAIMS

11. REPORTS FROM CITY OFFICIALS

Auditor's Report - January 2023

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 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, February 13, 2023, at 6:30 p.m. Councilman Slutz.

COUNCILMAN SLUTZ – Thank you. I'd like to have a committee meeting next week at 5:30 p.m. I'd like to invite Frank Silla to kind of go over some of the ordinances in question. Last week he spoke and he made a couple of comments that I'd like to get out in front of, so we don't have these kind of issues again like we did with these buildings. So, I'd like to speak about that next week and invite Frank Silla.

COUNCIL CLERK ROLLAND – What committee?

COUNCILMAN SLUTZ – The Health and Welfare and Building Committee.

COUNCIL CLERK ROLLAND – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Mayor.

MAYOR CATAZARO-PERRY – Good evening, Madam President and Members of Council. I have three updates for you this evening. The first one I promised I'd come back and tell you what our carryover is. We have that number tonight. So, the carryover for 2022 is \$5,696,135.62. The second thing I'd like to just bring to your attention from just recently working with the Eslich Co.; I just wanted Council to know how wonderful they have been to work with. They have been able to save two buildings. They showed so much compassion for the owners and they just went above and beyond I would say with communicating with our staff, with the Law Dept. They just have been wonderful to work with. So, I just wanted to thank them. They even worked weekends to get this done and get the roads back up and open and the roads on the south side of Lincoln Way are open now. So we're very happy about that for our businesses downtown. My last information I wanted to share with you was a press release from Governor DeWine's office talking about the support to demolish nearly 600 additional blighted buildings in Ohio. I don't know if you all had the opportunity to see this. I get the feeds from their office through the news feeds that this was also on their website as well. They gave 599 additional structures in 15 counties to help demolish from the Ohio Building Demolition and Site Revitalization Program. I wanted to read this one piece to you, a quote that they had, "By ridding our state of eyesores that are hindering development and impacting property values, we can revitalize our communities and attract new investments, businesses, jobs and housing opportunities", said Governor DeWine. "Many of our communities have truly transformative ideas for these properties and I'm pleased that we're able to help remove these barriers to development". So, I just wanted to share that with you. This was for all of the State of Ohio, not just for Stark County. So, this was designed by the Governor and I believe the final disbursement went out and that's why they sent out this press release. So, I just wanted to share that with Council. Thank you.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT ISTNICK – Councilman Violand.

COUNCILMAN VIOLAND – Thank you, Madam President. I would make a motion to reconsider Ord. No. 184 – 2022 regarding the Tiger Rags prior legislation.

COUNCIL PRESIDENT ISTNICK – Councilman Snee. Roll call.

8 yes; 1 no to reconsider Ord. No. 184 – 2022 – Lombardi voted “no”

COUNCIL PRESIDENT ISTNICK – Ord. No. 184 – 2022 has been reconsidered. Councilman Violand.

COUNCILMAN VIOLAND – Thank you, Madam President. I’ll open it up for discussion. Just briefly want to discuss how important this is to me and my constituents that something be done about this particular situation. This is the only time we can do a motion to reconsider. We’re running up against a timeframe of, I believe, May 1st for getting something done on this. Briefly, to all those who have known the intent of the grant, I would just ask, first, if you read the grant? If not, I would encourage you to do so and you may have a different opinion on what its intent was. This is not a college scholarship or a college grant. This is a state demolition grant for the benefit of the cities that take advantage of it. That being said, I feel it is important to acknowledge that the Rubin’s have poured resources into this community. Before I make any additional motions, I will open this up for discussion.

COUNCIL PRESIDENT ISTNICK – Anybody? Councilman Lewis.

COUNCILMAN LEWIS – I’m very curious as to where this is going to go tonight. I come with an open mind, but I do want to point out that we tonight just passed Ord. No. 8 – 2023 which had the same language for \$500,000 with the same purpose with no debate, no discussion, no concerns and I find that curious that two buildings got torn down for \$500,000 and we were like “Okay”, but two other buildings right down the street for \$225,000, we said “no”. Just something to consider that the Ord. No. 8 – 2023 has no strings to it. It does not guarantee liens; it does not guarantee anything. All it did was us appropriating a half of a million dollars. This ordinance as it stood when we voted “no”, did not guarantee liens, did not guarantee grants, did not guarantee anything. It just appropriated \$225,000 in order to get a building torn down. I actually believe that citizen, George Gliba, was right. We got caught up in the mess of details that had nothing to do with the actual ordinance that was in front of us and we made a poor decision and we voted it down and now we still have a building standing and citizens concerned about the health and safety of our downtown. We can debate the other matters in another way. At the end of the day, though, we got to get this building torn down.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I’d like to say a couple of things on this matter. One is related to Chapter 1307 of our Building Maintenance Code of the City’s Codified Ordinances, Section 1307.06(f) under Demolition Costs states that “the City shall certify the cost and expense of the demolition to the County Auditor as a lien on the real estate or sue the owner directly in court for the cost of said demolition”. In the event of emergencies,

that chapter also addresses in 1307.02 “Procedure and Policy” emergency cases, Subsection (b) “That all cost incurred, therein, by the City will become a lien on real estate”. In the program guidelines for the Building Demolition Site Revitalization Program guidelines, under program income, I’m going to read the short paragraph that it states. It says that “This program’s goal is to encourage demolition and revitalization beyond its current funding allocation. Revenues may be generated by a lead entity or sub recipient during this process as a result of collection of liens, assessments, salvage proceeds and/or final disposition of vacant properties. Any revenue generated in connection with this program will remain with the lead entity or sub recipient and is restricted to future demolition ground field for mediation, neighborhood stabilization activities or economic development activities. The lead entity should submit to development at final program report at the close of the grant agreement”. The other item is in an article in The Independent on January 31st. It says here “Council approves the funding”. Dave Maley, our Economic Development Director, “The plan is to assess the property owner’s property taxes to recoup \$257,000 grant. Grant “Fuzzy” Kowell was the owner of both structures”. The reason I bring these up is I don’t think, I know I don’t speak for anyone, but I know I don’t have an objection to tearing these buildings down as a safety matter, but I do think since it has been said that we will not be placing a lien on the property, I think the program guidelines clearly state that they encourage us to do so to extend the current funding allocation of the program for the uses I specified. And I think it’s also important to know that it is clearly stated in our own codified ordinances that we “shall” do this and “will” do this in two separate places in Chapter 1307. I think it’s only appropriate that as we expect the citizens of Massillon to follow our rules, I think we should follow our own as well. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Gregg.

COUNCILMAN GREGG – Going back and forth on this, well, actually not. I’ve been on the side of this from the beginning, but, not with-standing what Mr. Herncane just said; I don’t see how we, as a City, can place a lien on property to recoup expenses that we didn’t incur. Yes, we can get some money from them and we’re allowed to do it, perhaps by what the ordinance says. But that doesn’t mean it’s right. I believe that if this grant isn’t available as it has been stated to pay these expenses, that’s what it should be used for and requiring the business owner to pay something that didn’t cost the City anything just doesn’t make sense to me. I think the aspect of the tax situation, again, it’s not City of Massillon taxes. The State of Ohio who wants to spread that cost out over all the taxpayers in Ohio and put another fraction of a penny back in their pocket, okay. But, do we really think that’s what would happen? If we don’t take this plan, what’s going to happen? We’re going to lose it. The money’s going to go back into the program and some other community’s going to get to use that money for something that they need to be done or they want to be done. In this case, we need this to be done and the money’s there to do it, let’s do it. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Violand.

COUNCILMAN VIOLAND – Thank you, Madam President. I would make a motion to amend the current ordinance to, hopefully, solve all of these issues. I have a copy of it here. I want to give thanks to Mr. Mack for answering the call at the eleventh hour and helping to facilitate this. Basically, this is a proposed ordinance that would appropriate the funding. In addition, it would take out the compulsory language in 1307.06. Because as it stands, I don’t even know if we are able to not assess it. This would make that language permissive. He changed the words to “may”. It also limits the percentage that would be assessed against this property. I,

personally, am open to other options as far as what that percentage is. It's written into the amendment as 60%. I don't know if we can take a second for Council to look it over before there's any seconds on that.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we take a five-minute recess so that we can review the information that was just given to us.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Snee. Roll call

9 yes to take a five-minute recess to review submitted information

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Violand.

COUNCILMAN VIOLAND – Is there any other discussion on this?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Before we get into some of the other “nitty-gritty” on this, I want to be clear that what this is stating here is essentially changing 1307.06? What this amendment does then, is bigger than just this demolition. We're literally changing the law in the City and that is not something I can use a five-minute recess to make a decision based upon. What I will say and I will lean because I think, Mr. Herncane, even though we might have been coming from different angles, we were saying the same thing. I would urge this Council to go ahead and pass it as written without an amendment. Because as written with the current 1307.06 in place, we must put the lien against the Rubins and just move forward. Now, that does not mean I'm in support of a lien against the Rubins. What I'm in support of is somehow us navigating how to use this grant, but we need to move forward with the tear down. This to me is not the answer because it actually changes the law within the City. I can't make that decision on five-minutes. I need more time to discuss and evaluate that.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Could we have a representative from the Law Dept. come forward?

COUNCIL PRESIDENT ISTNICK – Thank you gentlemen.

JUSTIN RICHARD – Good afternoon, President, Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. Richard. I was asking if the language Mr. Herncane read, our we interpreting that correctly that we have to put a lien on the property?

JUSTIN RICHARD – That is correct.

COUNCILMAN GREGG – Even though we incur no cost?

JUSTIN RICHARD – Yes, that is correct. In 1990 Larry Slagle, as a Council Member, amended the law to as it reads today.

COUNCILMAN GREGG – So, even if there's no cost incurred by the land owner, we have to put a lien on the property?

JUSTIN RICHARD – According to our Massillon ordinances, yes. The Ohio Revised Code does not require that, but in 1990 we took a State law and detailed it to specifics for the City of Massillon.

COUNCILMAN GREGG – Does it state what percentage or what amount we have to put, as far as the lien's concerned?

JUSTIN RICHARD – The way that it reads, it says "all".

COUNCILMAN GREGG – 100%

JUSTIN RICHARD – Yes. Of course, anything can be changed with Council vote. Anything can be amended.

COUNCILMAN GREGG – So we could take the legislation as is and put a lien and then at a later time determine the amount of the lien?

EDMOND MACK – The amount of the remediation has to be certified to the Auditor by our Clerk and so, once the invoices come in then the Clerk will have to send that to the County Auditor and there's actually a one-year timeframe in order to make that certification. So, to answer your question, all of the cost, however much it costs us to tear that down; the way the ordinance reads now.

COUNCILMAN GREGG – But if there's a grant that's paying the cost, is it costing us anything to tear it down?

EDMOND MACK – I hear what you're saying. That's the policy decision, but just based on the language of the ordinance, it's not discretionary.

COUNCILMAN GREGG – Mr. Richard, you said that we could determine the percent?

EDMOND MACK – You can, but you have to change that and amend the ordinance.

COUNCILMAN GREGG – At the time we pass the ordinance?

EDMOND MACK – Yes.

COUNCILMAN GREGG – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Mr. Violand.

COUNCILMAN VIOLAND – Thank you, Madam President. Just briefly, if we did pass this without the amendment and the costs were assessed, is there a way to forgive that or waive that, of course, on the back end?

EDMOND MACK – I think that's right. You have a situation where the statute says you "shall". Those invoices aren't going to be ready tomorrow. It's going to take a bit of time to get those

put together. So, yeah, I think in a future meeting soon, that could be done. I don't see why it wouldn't be able to be done.

COUNCILMAN VIOLAND – Okay.

EDMOND MACK – I guess I would just pause and say that's exactly what the Finance Chairman is suggesting. If you'd just pass it as is, there will be a time where the Clerk's and the Building Dept. is going to get these invoices and you guys may not hear from it again. They may be making their way to the County.

COUNCILMAN VIOLAND – So if a perspective purchaser was looking to buy the property and it was under water with these liens, we could make accommodations to get property sold and put to valuable use?

EDMOND MACK – You could, Councilman.

COUNCILMAN VIOLAND – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – I have a question. So, if we pass it as is even though the law says you have to put a lien, how can we pass it as is without a lien?

EDMOND MACK – The lien will happen if you do nothing else. So, for instance, if you pass it as is and Council, you know, it's out of sight, out of mind, the other mechanics of City government are going to continue and those invoices are going to be sent to the auditor.

COUNCILMAN LOMBARDI – Assessing the property.

EDMOND MACK – Exactly.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. So am I correct in assuming if we bring Ord. No. 184 – 2022 forward and we pass it, going forward all assessments will be at 60% of the value of the demolition?

EDMOND MACK – If that's what you decide.

COUNCILMAN LOMBARDI – As this is written?

EDMOND MACK – As this is written. That number is subject to your discretion. You have to change the ordinance that Councilman Herncane identified. That has to change in order to make any percentages or do anything other than assess it. You have the same ordinance; you make that change which really just matches our ordinances up to Revised Code then you can make it whatever percentage you want.

COUNCILMAN LOMBARDI – Right. But, I mean, as this is written, we'd be looking at 60% going forward on all assessments in the future?

EDMOND MACK – No. On this assessment. It's not all assessments; that's the number. What that number is in the future is up to this body.

COUNCILMAN LOMBARDI – It's written here at 60%.

EDMOND MACK – Yes. For these specific properties, the Tiger Rags buildings.

COUNCILMAN LOMBARDI – So, this legislation here is changing the law for this particular situation?

EDMOND MACK – That's fair. It changes the law inasmuch as it no longer has to be 100%. It doesn't have to happen at all. It would be completely up to you guys whatever you would want to do and then for this particular property, the number is 60%.

COUNCIL PRESIDENT ISTNICK – Councilman Herculane.

COUNCILMAN HERNCANE – Thank you, Madam President. I'm going to ask the same question, but in a different way. So, if we pass the amended ordinance that we were handed out fifteen minutes ago, Section 2 permanently changes Chapter 1307 of the Codified Ordinances, but Section 3 is specific to this ordinance in this matter at hand.

EDMOND MACK – Correct.

COUNCILMAN HERNCANE – So, by passing or approving the amendment, we're addressing it on an individual case, but we're also changing subsection in "Demolition Costs" and instead of shall and will, it says "may".

EDMOND MACK – Exactly.

COUNCILMAN HERNCANE – So if we pass this, it's a permanent change but also a change pertinent to this case.

EDMOND MACK – It gives you the tools to do that. I'm just working with the different Council Members and trying to help. I mean, that number's not something that the Law Dept. created.

COUNCILMAN HERNCANE – But changing shall for "may" means in future cases its going to be a decision by someone on whether to place a lien on a demo case or not.

EDMOND MACK – Or sue them and there's another mechanism under the statute. I'd don't want to get in the weeds, but in fairness, our ordinance doesn't match up with the statute. The statute actually gives us a tool that's not mentioned in that ordinance. I don't want to confuse the issues though, because you can't do anything other than 100% unless you change "shall" to "may".

COUNCILMAN HERNCANE – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I'll reiterate, I feel like this is great research and I think it needs addressed, obviously. Because it pigeon holes us a little bit much when it comes to taking care of our properties and our City and economic development. Because honestly, this is becoming an economic development discussion, not just a building tear down discussion. I'm going to recommend that we try to move forward tonight as is. The law already satisfies the

majority of last week as far as putting a full assessment on the property owners and then we can hash out how that grant will be distributed next week at Work Session. We can discuss this at greater length and go from. We're not going to figure this out tonight as far as trying to change a law and there's a lot of people here that are upset, but quite frankly, unless we want to be here until midnight, this is something that we should have been made aware of six weeks ago; not the week after it was voted on and during a vote for reconsideration.

COUNCIL CLERK ROLLAND – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCIL CLERK ROLLAND – Law Director, we can't change our codifies...our codifies are changed in an ordinance all by themselves.

EDMOND MACK – Right, right. You're absolutely right. It's the same subject matter as the original appropriation dealing with this demolition. So, we've researched that. If you guys were to move forward on it, I think you could do it with an amendment and we would still be perfectly picking our boxes because you can amend it. You would have to suspend the rules, of course, and you'd have to have enough votes to do that. But if you did, you can amend an ordinance without giving it three readings as long as it's the same subject matter and this would be. Great, great point. Yes, the rules would have to be suspended though, Council Clerk.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. I believe going on to No. 184 – 2022, I think we're treading thin ice here. I think before we make such a drastic change, I think we need to also have guidelines that actually guides so that Council has a path to follow when these things come up. I think taking this on right now is just really broadening the law and I don't think that's fair.

COUNCIL PRESIDENT ISTNICK – Councilman Violand.

COUNCILMAN VIOLAND – Thank you, Madam President. If I may, I would like to retract my motion to amend and proceed on the original motion to reconsider. The Chairperson from that Committee would like to discuss and bring that up for a vote, that's fine.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I guess I'll just make a motion that we bring Ord. No. 184 – 2022 back up for a vote as originally written.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call to reconsider Ord. No 184 – 2022.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Which brings us to first reading. Councilman Gregg.

COUNCILMAN GREGG – I was just going to state that if we’re reconsidering this for a vote, I want to be clear on what the vote is that “yes” means we’re passing No. 184?

COUNCILMAN LEWIS – I want it to be clear that we just passed it. That “yes” vote that we just gave, passed No. 184 – 2022. We already voted to reconsider. That’s why we got into the debate. My motion was to bring it up for passage and just passed it.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 184 – 2022 has passed.

14. CALL OF THE CALENDAR

COUNCIL PRESIDENT ISTNICK – Ord. No. 176 – 2022.

ORDINANCE NO. 176 – 2022 **BY: COMMUNITY DEVELOPOMENT COMMITTEE**
Tabled January 3, 2023 until February 6, 2023

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. This ordinance is requesting a rezone of Parcel No. 680121 and Parcel No. 680731. Both of these parcels are located at 1900 Wales Rd. N.E. The acreage to be rezoned is 1.9390 acres. The request is from R-3 One Family Residential to B-3 General Business District. We had a public hearing last week. We heard from many individuals “for and “against” this rezoning request. The City Planning Commission on November 9, 2022 did vote to deny the following request. So, I would like to make a motion to bring Ord. No. 176 – 2022 up for a vote.

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

COUNCILMAN LEWIS – Pardon me, Madam President. For clarity, I just want to make sure that a “yes” vote is in favor of the rezoning and a “no” vote is opposing the rezoning. That is accurate?

COUNCIL PRESIDENT ISTNICK – So, if you’re against the rezoning you’re going to vote “no”?

COUNCILMAN LEWIS – Correct.

COUNCIL PRESIDENT ISTNICK – Roll call.

7 no; 1 abstention; 1 yes – Slutz abstained; Harwig Smith voted yes

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 176 – 2022 has failed.

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

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

GEORGE GLIBA – 222 Lake Ave. N.E., Massillon, Ohio. I got some pictures I want you to look at here and the situation that's going on there. I want to go through from the beginning with this first picture. The first picture is coming down Lake St. approaching my house at 222. The next one is a little statement of what happened there on the 27th of January. Cars getting totaled; people coming down the road. As you can see in the front coming down the road, it takes a curve. You go to the next one, this is December 20th. More pictures, more damage. Cars getting totaled. And then on the last one, July 19th parked side down vehicle. So, on the 19th, 2019, I think Barb Sylvester was our Safety Service Director, she replaced Joel Smith. So, after that happened, these are my neighbors, now. Three doors down, two doors down. I approached and told her that something needs to get done on Lake St. A car gets totaled, drunk drivers, telephone poles getting taken out. I talked to her and she kind of blew me off in a way, you know. She said they would put up some speed limit marquees, letting people know how fast they're going. That was in 2019, so, moving forward we go up to 2020. Same thing. Coming down Lake St. take out three more cars. Now what happened on the 27th of January, another car comes out of Lake St., takes out two cars and fortunately two doors down, they weren't home. Their cars weren't there, they got safe. But the guy came all the way to the third house where Halco's live. Took out their lamp post. Mine's the next house. So that being said, I'm wondering, I talked to the neighbor three doors down, Wendy Cain and she said we just walked into the house unloading groceries. If we have been out there, we would have gotten killed. So, you know, nothing's getting done. So I want to try to get some legislation for a guardrail to be put up there. Got \$5 million-dollars' worth of carryover, let's get it done. What's the problem? You want somebody to die? I don't. Grandkids, they got grandkids, I got a granddaughter. They come visit on Memorial Day every year and we have a party. Somebody dies, that's not going to be good for the City. So I would hope we can get legislation to get this done in a week or two. Her reasoning was that it it's inside the City limits. So we can't have a guardrail inside the City limits. Whether that's true or not, I don't know. So, maybe we could revise the code, but, you got all the pictures. This is being documented tonight. Totaled out probably six cars in the last three years and two telephone poles. So, I'd like to get some kind of response to this. Probably from Mike, Mike's the streets guy, afterwards. Maybe have a talk with him. Maybe I can talk to Barb; maybe even talk to the Mayor, I don't know. I'm hoping. By the way, I did want to say that I live at 222 Lake Ave. N.E. Now you got my address. So if you want to send me a Christmas card, you got ten months to think about it. Now, I'll send you one back if you send me a Christmas card. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you for your comments, George.

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Violand.

COUNCILMAN VIOLAND – Motion to adjourn.

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

9 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT