

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, MARCH 2, 2026**

COUNCIL PRESIDENT SLATER – Good evening. Welcome to the Massillon City Council meeting for Monday, March 2, 2026. We have in attendance the following City officials: Mayor Jamie Slutz, Safety Service Director, Renee Baker, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, Director of Development, Ted Herncane, and Street Superintendent, Josh McClay. 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 you that if you have a cell phone, please set it to mute, vibrate or turn it off. Thank you.

COUNCIL PRESIDENT SLATER – Roll call, please.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Holly Bryan-Huth, Sarita Cunningham, Mike Gregg, Julie Harwig Smith, Seth Marcum, Mandwel Patterson, Eric Ray and Tony Townsend.

Roll call of 8 present

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, President Slater. I make a motion that we excuse Councilman Paquelet from tonight’s meeting.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Marcum. Roll call.

8 yes to excuse Councilman Paquelet

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Councilman Townsend.

2. INVOCATION

COUNCILMAN TONY TOWNSEND

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN TOWNSEND

COUNCIL PRESIDENT SLATER – Thank you, Councilman Townsend. Let the record show that Mr. Alex Pitts is now in attendance.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT SLATER – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

COUNCIL PRESIDENT SLATER – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT SLATER – If not, then the minutes stand approved as written. Thank you, Madam Clerk.

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

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT SLATER - Reconsideration of Ord. No. 19 – 2026

ORDINANCE NO. 19 – 2026

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the LPA Federal Local-Let Project Agreement for the ~~Erie St. S. Improvement Project~~, PID-120493, and declaring an emergency.

COUNCIL PRESIDENT SLATER - Councilman Patterson.

COUNCILMAN PATTERSON – Thank you, Mr. President. This is an ordinance authorizing the Public Service and Safety Director of the City of Massillon to sign the LPA Federal Local-Let Project Agreement for the Main St. and Tremont Ave. roundabout. We had to amend the name of the project on this ordinance. We talked about this on Monday. So, if there's any questions on that? Go ahead.

COUNCILMAN MARCUM – So we just need to do a motion to reconsider to bring it back in front of us; a motion to amend to correct it and then a motion to waive three readings and then a motion to pass. We just have to do all four of those things. We all on the same page?

COUNCILMAN PATTERSON – I think so.

COUNCILMAN MARCUM – Alright.

COUNCILMAN PATTERSON – I make a motion to reconsider.

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

8 yes to reconsider

COUNCIL PRESIDENT SLATER – Councilman Patterson.

COUNCILMAN PATTERSON – I make a motion to amend.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Cunningham. Roll call.

8 yes to amend Ord. No. 19 – 2026 to strikeout Erie St. S. Improvement Project and replace with Main St. and Tremont Ave. Roundabout Improvement Project.

COUNCIL PRESIDENT SLATER – Councilman Patterson.

COUNCILMAN PATTERSON – Now I make a motion to suspend the rules requiring three readings.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Cunningham. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 19 – 2026 has passed.

7. **CONSENT AGENDA**

COUNCIL PRESIDENT SLATER – Ord. No. 22 – 2026.

ORDINANCE NO. 22 – 2026

BY: RULES, COURTS, & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the City of Massillon, Ohio, to adopt a Cyber Security Policy to comply with Ohio Revised Code 9.64, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Ord. No. 23 - 2026

ORDINANCE NO. 23 – 2026

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – I would like to pull this from the Consent Agenda.

COUNCIL PRESIDENT SLATER – Okay. Ord. No. 24 – 2026.

ORDINANCE NO. 24 – 2026

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Please pull from the Consent Agenda.

COUNCIL PRESIDENT SLATER – Okay. Ord. No. 25 – 2026.

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

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Pull it from the Consent Agenda, please.

COUNCIL PRESIDENT SLATER – Ord. No. 22 – 2026. Councilman Marcum.

COUNCILMAN MARCUM – At this time, I would like to make a motion to suspend the three readings rule and bring forward for a vote the remaining items on the Consent Agenda, the remaining item being Ord. No. 22 – 2026.

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

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 22 – 2026 has passed.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, President Slater. Ord. No. 23 – 2026, Ord. No. 24 – 2026 and Ord. No. 25 – 2026, which we pulled from the Consent Agenda, I'd like to ask someone from the Law Dept. to come forward to discuss.

JUSTIN RICHARD – Good afternoon, Council.

COUNCILMAN GREGG – Good afternoon. Thank you for joining us. Pretty quick question; simply question, but I thought since you made the effort to be here tonight, I bring you forward to ask it.

JUSTIN RICHARD – Thank you.

COUNCILMAN GREGG – These three items, I believe only one was a price or fee change from the previous year, is that correct?

JUSTIN RICHARD – No, I don't believe where there's a price change or fee change rather.

COUNCILMAN GREGG – I thought I saw one.

JUSTIN RICHARD – Which one?

COUNCILMAN GREGG – For Brewster. This year it's \$13,300.00 and the information that I received was that last year it was \$12,300.00

JUSTIN RICHARD – No, last year was \$13,300.00 as well. That was the first year that there was an increase from 2024 to 2025, but last year was there first year at \$13,300.00.

COUNCILMAN GREGG – So no change on any of these three from the previous year?

JUSTIN RICHARD – No, Councilman and if you like, I can explain the reason for the change?

COUNCILMAN GREGG – Yes, please.

JUSTIN RICHARD – So from at the end of 2024 to 2025, we offer more of an ala carte service for the Law Dept. and we kind of broke it down as far as certain types of prosecutions, whether or not we would do the appeals, whether or not we would do their local ordinances and so, we kind of had them check which boxes; and Brewster at that time, chose everything. So, that brought them from 2024 to 2025 to \$13,300.00 a year which they paid us last year.

COUNCILMAN GREGG – Alright. So do you just negotiate from year to year?

JUSTIN RICHARD – Yes. Based on our numbers; I pull all of our numbers from the Clerk of Court. We do an internal audit and basically make sure that we can still continue to do the numbers which that municipality is requesting and sometimes, like we did two years ago, we adjust it to fit what our budget is to off put cost or at least, break even and that's what we did two years ago.

COUNCILMAN GREGG – Alright. That's all of the questions that I had.

COUNCIL PRESIDENT SLATER – Any further questions?

JUSTIN RICHARD – Do you want to know how many cases? I've got all kind of numbers.

COUNCILMAN GREGG – Lay it on us.

JUSTIN RICHARD – Canal Fulton, as of the year January 2, 2025 to December 31, 2025; Canal Fulton, we had 74 criminal cases with 200 traffic cases. So, a little under 300 cases. Hills and Dales did 4 criminal cases and 5 traffic cases. So, those are the two, but I've got all the other numbers if you want to know. Obviously, we can or maybe this isn't obvious. So we can charge those folks that are not in the City of Massillon that are incorporated or like Canal Fulton; if they're a village, Brewster, Wilmot. What we cannot do is the unincorporated townships. So they, unfortunately, at least in the eyes of the City of Massillon, they get our services for free. So, our biggest provider of services, as you would imagine is Massillon Police Dept. Our second is Jackson Twp. and they're not far behind Massillon and yet, they offer us no compensation for all the work that we do for them. Of course you could throw in the other townships; Perry and Lawrence, but they're behind Jackson. That was always a something to me. That was a "huh". Any other questions?

COUNCIL PRESIDENT SLATER - Councilwoman Cunningham.

JUSTIN RICHARD – Yes ma'am.

COUNCILWOMAN CUNNINGHAM – Thank you, Mr. President. Mr. Law Director, when you say Canal Fulton and the traffic citations, that's Lawrence Twp.?

JUSTIN RICHARD – No. That’s just Canal Fulton. Lawrence Twp. have their own. Lawrence Twp. actually has a large number.

COUNCILWOMAN CUNNINGHAM – Yeah, I know.

JUSTIN RICHARD – I think you do. No, they’re off the charts as far as their traffics to criminals.

COUNCILWOMAN CUNNINGHAM – And they don’t come to Massillon?

JUSTIN RICHARD – They do. We just don’t get recompensed for them. No, they all come to Massillon. Anything west of Whipple comes to the Massillon Municipal Court, but we’re talking about my office still has to prosecute all those criminal cases that are west of Whipple, but all of the unincorporated townships get, ultimately, our use for free. They get all of our experience, all of our hard work for nothing.

COUNCILWOMAN CUNNINGHAM – Is that due to how the State works it or...?

JUSTIN RICHARD – Ohio Revised Code. It’s been that way since they setup townships way back longer than anybody in this room was born. Twenty-two, I’ve looked into it. It’s something like twenty-two and a half miles, they laid out these townships in Ohio and then cities would somehow start to incorporate and then they would chip off a lot like Perry and Canton are right now, that they would bring in other parts of the city. But, yes, those unincorporated townships do still have some, what I would call archaic benefits.

COUNCILWOMAN CUNNINGHAM – Thank you.

COUNCIL PRESIDENT SLATER – Any more questions?

JUSTIN RICHARD – Thank you. Have a good evening.

COUNCILMAN GREGG – Thank you. We still need to pass the Consent Agenda, right?

COUNCILMAN MARCUM – We’ll just have to go item by item now.

COUNCILMAN GREGG – What about Ord. No. 22 – 2026?

COUNCILMAN MARCUM – We passed Ord. No. 22 – 2026, so now we just have to vote on No. 23, No. 24 and No. 25.

COUNCILMAN GREGG – Okay. Gotcha.

COUNCILWOMAN HARWIG SMITH – I have a question on the rules. Could we have done just these three together as one Consent Agenda, separate from the other one?

COUNCILMAN MARCUM – Under the current structure of our rules, we have the Consent Agenda. Anything that survives the Consent Agenda gets voted on as part of the Consent Agenda, anything that gets pulled from the Consent Agenda gets addressed immediately after those other items that survived the Consent Agenda and then get addressed individually. We’ll just have to treat them individually right now.

COUNCIL PRESIDENT SLATER – Ord. No. 23 – 2026.

ORDINANCE NO. 23 – 2026

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, President Slater. As we just discussed, this is an agreement to provide prosecutorial services for the Village of Hills and Dales. Any further questions? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 23 – 2026 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Marcum. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 23 – 2026 has passed. Ord. No. 24 – 2026.

ORDINANCE NO. 24 – 2026

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, President Slater. Again, as discussed, this is an agreement to provide prosecutorial services for the Village of Brewster, Ohio. Any questions or further discussion? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 24 – 2026 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Marcum. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 24 – 2026 has passed. Ord. No. 25 – 2026.

ORDINANCE NO. 25 – 2026

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, President Slater. As discussed, this is an agreement to provide prosecutorial services to the City of Canal Fulton, Ohio. Any further questions or discussion? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 25 – 2026 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Marcum. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 25 – 2026 has passed.

8. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT SLATER – Ord. No. 26 – 2026.

ORDINANCE NO. 26 – 2026

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, President Slater. This is a rezoning. The Planning Commission recommended unanimously to pass this request. It is for 446 South Ave. S.E. The property description is Parcel #610674, Lot #2923 and Part Lot #2924, a 0.35-acre parcel on the north side of South Ave., between 3rd and 8th St. S.E. The zone change is R-1 Family Residential to RM-1 Multiple Family Residential. I think he's the one who talked to us last week, Mr. Martinez, right? I don't think he's here tonight. Our President also put in a good word about this one. There's separate utilities; he just wants to change. Did anyone have any questions about this? We have to go through the motions on this one because it's a rezoning, so this will be second read and then...

COUNCIL CLERK ROLLAND – First read.

COUNCILWOMAN HARWIG SMITH – I'm sorry. Yes, first read tonight and then we're going to try for a public hearing on April 20th. So, it will end up getting tabled.

COUNCIL PRESIDENT SLATER – Ord. No. 26 – 2026 has received first reading. Ord. No. 27 – 2026.

ORDINANCE NO. 27 – 2026

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning a certain property from R-2 One Family Residential District to R-1 One Family Residential District.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, President Slater. Ord. No. 27 is a rezoning for Parcel #504839, Out Lot #915 and Parcel #10005027, Part Out Lot #1137. It's 22.33 acres. This is Frontier Land Group. I believe this is Phase V for the Westbrook Estate Developer. We do have Mark Holz here. You want to come on up and kind of explain the development and why we need to go from R-2 to R-1?

MARK HOLZ – Sure. Thank you and thank you for giving me the time tonight. I'm the owner of Frontier Land Group and we have been developing residential subdivisions in Northeast Ohio; this is our twenty-fifth year in business. We've developed thousands of lots. We're also the developer of Sippo Reserves. We're finishing that our right now, Phase III and we'll be starting Phase IV shortly. The property is currently zoned R-2 and we're looking to get it rezoned to R-1. It represents about an 8.5% reduction in lot size. This is strictly because home affordability has become a hot issue and this is a way for us to reduce the cost of the development that we can then pass through to the homeowners. It costs us approximately \$1,500 a lineal foot to develop, so we're asking to go from 80 foot lots to 65 foot lots which represents about \$2,200 a lot that can be passed onto the price of the house. The thing to note is that while the lot sizes will be smaller, the houses will be basically the same size as what's already in the subdivision. Buyers have been telling us that they want less land to maintain. Less grass to cut, etc. So, the houses are going to be the same. They'll be in the same spirit of the Westbrook neighborhood, but the lot sizes will be reduced from 80 feet to 65 foot frontages. I'm available to answer any questions.

COUNCILWOMAN HARWIG SMITH – Does anyone on Council have any questions at this time?

MARK HOLZ – I do want to add that based on our experience at Sippo Reserves, we absolutely love developing the City of Massillon. I really genuinely mean that. It's been a pleasure. The Engineering Dept. has just been fantastic to work with and we're excited about having a new project to continue on here.

COUNCIL PRESIDENT SLATER – I appreciate.

COUNCILWOMAN HARWIG SMITH – Thank you. Mr. Holz has kindly offered to come back to other work sessions and meetings if we need him. If anyone feels a need that we need to bring him back, please let me know. Otherwise, I think we're probably good on this one.

MARK HOLZ – I'm sorry to interrupt you. I forgot to mention one other thing. We held a town hall meeting. We rented a room in the Community Center and we held a town hall meeting. We sent letters to everybody within 300 feet of the parcel and I think it was approximately seventy-five homeowners. Only seven people showed up. One person showed up with a

checkbook ready to write a check. There was nobody upset. Nobody was complaining. They thanked us for holding the town hall. So, the neighbors didn't seem bothered by what we're going to try and do there.

COUNCILWOMAN HARWIG SMITH – That's great. So, on this too, we'll have to table it eventually and the public hearing will be on April 20th. So tonight is first reading. Thank you.

COUNCIL PRESIDENT SLATER – Ord. No. 27 – 2026 has received first reading. Ord. No. 28 – 2026.

ORDINANCE NO. 28 – 2026

BY: PARKS & RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of the Parks and Recreation Center of the City of Massillon, Ohio, on behalf of the Massillon Recreation Board, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the Recreation Center Parking Lot Resurfacing and Pavement Repair Project, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – Thank you, Mr. President. We discussed this last week in the work session as well. This is going to be a full repave of the Rec. Center parking lot. It'll be the first time in its history to have this done. The monies have been budgeted for and it was approved by the Park & Recreation Board. Did anyone have any additional questions? Seeing none, I'd like to waive the rules requiring three readings and bring Ord. No. 28 – 2026 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 28 – 2026 has passed. Ord. No. 29 – 2026.

ORDINANCE NO. 29 – 2026

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1206 Municipal Motor Vehicle Tax Fund, for the final design for STA-21-10.46 Lake Ave. Improvement Project, for the year ending December 31, 2026, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, President Slater. As it indicates and as we discussed, this is to provide funds to move forward on the Lake Ave. Improvement Project. The reason for emergency request is to release funds to continue design efforts in order to meet scheduled deadlines for project improvement. Any questions or discussion? Seeing none, I make a

motion that we waive the rules requiring three readings and bring Ord. No. 29 – 2026 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Marcum. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 29 – 2026 has passed.

9. UNFINISHED BUSINESS

10. PETITIONS AND GENERAL COMMUNICATIONS

11. BILLS, ACCOUNTS AND CLAIMS

Visual Edge IT - \$ 142.40 Overage Charge – 11/24/25 thru 02/23/26

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, President Slater. I make motion that we pay the bills

COUNCIL PRESIDENT SLATER – Seconded by Councilman Patterson. Roll call.

8 yes to pay the bills

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. The Clerk will pay the bills and charge them to their proper accounts.

12. REPORTS FROM CITY OFFICIALS

Treasurer's Report - January 2026
Mayor's Report - January 2026

13. REPORTS OF COMMITTEES

COUNCIL PRESIDENT SLATER – Our next Work Session will be Monday, March 9, 2026, at 6:30 p.m.

14. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Mr. President. I will be absent for the next Work Session and then the next General Meeting.

COUNCIL PRESIDENT SLATER – Thank you.

15. **CALL OF THE CALENDAR**

16. **THIRD READING ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT SLATER – Ord. No. 6 – 2026.

ORDINANCE NO. 6 – 20926

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, by rezoning a certain property from R-1 Single Family Residential District to B-1 Local Business District.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, President Slater. This is another zoning request from R-1 Single Family Residential to B-1 Local Business District. Parcel #6000689, a 0.13-acre Lot 6149. If you recall, this was a request by Michael Fisher. The business there is Ferrall Pools. They bought the property and they're planning on building an addition on this property for storage. At this time, I'd like to table this and we have a public hearing scheduled for March 16th at 6:15 p.m. and at that time, then will be tabled until March 16th and then we'll vote that day after the hearing.

COUNCIL PRESIDENT SLATER – Ord. No. 6 – 2026 has been tabled until March 16th.

17. **SECOND READING ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT SLATER – Res. No. 20 – 2026.

RESOLUTION NO. 20 – 2026

BY: COMMUNIT DEVELOPMENT COMMITTEE

A RSOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on January 28, 2026, wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code to allow for a variance of five (5) feet for six (6) single family homes to be constructed on Candell St. S.E., Massillon, Ohio.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, President Slater. This is the one that we had talked about. There was some question on whether our existing laws, because it was an existing property that was annexed in, that he didn't need a variance, we weren't sure. So we requested legal opinion. We do have our attorney here this evening. Atty. Mack, if you can come up and give us a recommendation of how we should proceed forward with all this.

EDMOND MACK – Thank you, Chairwoman. I appreciate you bringing me up here. Right now my recommendation is if this appeal of the BZA decision is not withdrawn by the next meeting, then have your hearing and make a determination on the appeal. I would suspect that the appeal will likely be withdrawn because we have reviewed this pretty thoroughly as you and I discussed earlier this week. This is a pretty unique situation. A pretty unique parcel. So, you guys spoke earlier about a developer who's looking to have a zone change for the lot dimensions. This is something that has already been platted. It's already been laid out by the

developer. But it was laid out in the 1960's and it was laid out under the Stark County Subdivision regulations in Perry Twp. It was never laid out under the Massillon ordinances and their requirements in Massillon. Fast forward to 1996, this development that was never built within thirty years. It was annexed wholesale into the City of Massillon. As when we annex anything, we apply our zoning ordinances to it at that time. We zoned it as R-1, but as the gentleman who's representing Schalmo's identified, there's a pretty unique provision in our ordinances that states if a lot's nonconforming to the dimensions as they exist now, which does not, it's still permissible, it's still buildable if at the time the zoning ordinance was applied for that property, those lots were in existence and that's exactly what happened and we've gone through and we've researched it. When we zoned it as R-1, we kept the lots as they were already designated by the plat that was approved at that time. So, we'll be sending, we're still confirming all of this. We've done even more work on this today, but I mean this is going to be determined likely firming up every lot number, matching every lot number, etc. and then I've spoken with Mr. Boylan even today about it as well, that I expect that we're going to have a letter that goes to him this week that says "Your appeal of the variances that you've asked for just for the lot dimensions based on this ordinance and based on when these annexations happened, you don't variances to build according to these lots". So, I would expect that once he gets that letter, he's going to withdraw his appeal of the BZA decision. If he doesn't for no reason, then of course you would go ahead and hear it, but that's our course of action and he can build as it is.

COUNCILWOMAN HARWIG SMITH – Okay. Thank you. Does anyone on Council have questions for Atty. Mack? Councilman Townsend.

COUNCILMAN TOWNSEND – So when he initiated when he initially plotted that area and it was in Perry Twp. and so when Massillon annexed that particular area, wouldn't he conform to the rules and regulations of Massillon at that point?

EDMOND MACK – He would if we didn't have that unique ordinance that says that legally established lots, even if they're nonconforming, at moment the zoning is applied to him, they conform with that. If that makes sense. If we didn't have that line in that ordinance, then he would have to get it replatted. He would have to lay it all out. To add another wrinkle onto this, it is very unusual that we would annex in something that's already been platted and not built. I've been here now five years or so working with you guys and I've never seen that before. Whenever something is annexed in its always usually a lot that's going to be developed like the gentleman over here is working on. It's pretty unusual for it to already have been platted and then come in for annexation after that. It's also very unusual for a development to sit not developed and to be platted for this period of time. Its highly unusual. What effect that may have under the county subdivision regulations that may have to go back to the drawing board. You can many circumstances where it would no longer be buildable. But when we annexed it in in 1996, we gave it new lots, we accepted those lots as they were drawn out by the auditor. I don't think it's something we need to change our ordinances on because, honestly, this ever happening again, I think it's probably going to be pretty unusual.

COUNCILWOMAN HARWIG SMITH – Councilman Ray.

COUNCILMAN RAY – Thank you, Councilwoman Harwig Smith. My question is, obviously, let's just say time constraints, we already did a first read, this will be a second read; if time constraints brings us to a point where we have to make a decision on this, obviously, since the resolution is calling for this thing to be reversed, we would be putting it to the floor because if we say "yes", then...

EDMOND MACK – You would have to take it up the next; we still have time because the decision has to be made within sixty days. And its sixty days counting from when it first appears on the agenda of a regular meeting. So, we're well within our time frame now. But if we were to get to that end, then I would say to keep it as it is. The next regular meeting in two weeks if not done before, we've done this before. We've had hearings and as you guys remember and we'll take the evidence and do whatever. But I think this thing is going to be resolved by itself.

COUNCILMAN RAY – Alright. Thank you.

COUNCILWOMAN HARWIG SMITH – Anyone else? Thank you, Atty. Mack.

EDMOND MACK – Thank you.

COUNCILWOMAN HARWIG SMITH – That's all for this resolution. Second reading.

COUNCIL PRESIDENT SLATER – Res. No. 20 – 2026 has received its second reading.

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

SAM DAUT – I live at 849 Cherry Rd. N.W. I kind of want to address my Ward Councilman, Mr. Eric over there. I had spoken with you last week about the Huth problem which our zoning people back there to bring up more zoning. My complaint is lately the current owner was dragging all of that mud out of his tank. Now so that you don't misunderstand, he's not using the dedicated street to nowhere on 5th. He cut his own street in there and he's never really come through planning or zoning. I'm starting to believe that this man sort of like self-regulates and self-governs himself. Now I don't know if you actually came up Cherry Rd. and addressed my complaint, did you come there and see the mud and debris?

COUNCILMAN RAY – Yes.

SAM DAUT – Well, do it tomorrow or the next day because it is supposed to rain. There's absolutely no reason that man should be using that mud. He has a gravel pit there, a concrete company and I don't understand why he cannot address that mud driveway that he has created there. Now, I'll try to cut this short. To give an example of how negligent this individual is, okay; his truck is already leak concrete about three years ago down at the Lillian Gish Blvd. and I don't know if you're familiar with the fact that his concrete truck rolled over in the southbound lane of Rt. 21 a few years ago. Now here's my point, when does the city taxpayers stop cleaning up the mess that this man creates. You said to go, that you were going to talk to him. He's not a child. He knows he has a problem and he should address it or the City should. I don't know whether it's Code Enforcement should do it, but somebody should because the man really creates a lot of havoc and has for all the residents in Cherry Rd. Am I upset? Absolutely. This man is less than 200 ft. from my back door with a gravel pit that this City left open there. That has no business being near any residential or small business at all. So that's why I've come down here. But don't take my word. Tomorrow drive down Cherry Rd. Just go down there tomorrow and take a look at the mess he's made. You people have passed an increase on for those storm sewers. That's the reason they're basically in the condition that they are. Because of companies like Huth Redi-Mix and other people that cause all of that debris going down there. But don't take my word. I have a legitimate complaint and have had for the last four years putting up with this guy. So I really wish somebody in this City would address that man. Thank you.

COUNCIL PRESIDENT SLATER – Thank you, sir. Anyone else?

19. ADJOURNMENT

COUNCIL PRESIDENT SLATER – Councilman Townsend.

COUNCILMAN TOWNSEND – I make a motion we adjourn.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Ray. Roll call.

8 yes to adjourn

COUNCIL PRESIDENT SLATER – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

MIKE SLATER, PRESIDENT