

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, MARCH 21, 2022**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, March 21, 2022. We have in attendance the following City officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester and Economic Development Director, Dave Maley. Under #5 on the agenda is where the public can speak on any item that appears on tonight's agenda and under #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I'd like to remind everyone keep your mics off until you're ready to speak, mute your cell phones and anyone calling in, please mute yourself so that we can hold all the background noise to a minimum. Thank you.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

8 yes to excuse Councilman Lombardi

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Lombardi has been excused.

2. INVOCATION

COUNCILMAN ED LEWIS IV

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN LEWIS

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lewis. 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 corrections or additions to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Then the minutes stand approved as written.

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

6. **NEW AND MISCELLANEOUS BUSINESS**

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT ISTNICK – Ord. No. 50 – 2022.

ORDINANCE NO. 50 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept an “Obie the Tiger” statue, on behalf of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. At the Work Session we had three individuals from the community come and present to us; Dr. Charles Paquelet, John Picard and Harry Haines, 2022 Booster Club President. They presented to us and discussed the request to accept Obie the Tiger statue that they would like to place on City property on the corner of Lincoln Way and 1st St. N.E. Are there any questions at this time regarding this request?

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – One in particular that came to my attention was that there were several people called and ask why they would put it in downtown and not by the stadium. So, is the downtown location set in stone?

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Can we have someone from Administration come up and answer that question for us?

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor.

MAYOR CATAZARO-PERRY – You are welcome. Good evening, Madam President, Members of Council. They did answer that question, Mr. Thieret, last week. They did say that they considered the high school, but they wanted it to be seen by many people. So, it is a set site. That’s where they decided on it. They asked us what we thought and we approved the site as well. You have the final say.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Seeing none, first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 50 – 2022 has received first reading. Ord. No. 51 – 2022.

ORDINANCE NO. 51 – 2022

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, 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 Parks and Recreation Playground Systems Replacement Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, Madam President. Mr. Pedro came and talked to us twice about this. This is going to be paid for with ARPA funds, the American Recue Plan Act. Just to reverberate, “the Director of Public Service and Safety of the City of Massillon is hereby authorized and directed to advertise and receive sealed bids and enter into a contract with the lowest and best bidder, on the approval of the Board of Control for the Parks and Recreation Playground Systems Replacement Project”. The project cost is \$218,760.25. This was previously approved by the Recreation Board on March 2nd by a vote of 4 – 1. I would like to waive the three readings rule and bring Ord. No. 51 – 2022 for a vote tonight so they can get started on bids.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 51 – 2022 has passed. Ord. No. 52 – 2022.

ORDINANCE NO. 52 – 2022

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into contract with the lowest and best bidder, upon the approval of the Board of Control, for the Parks and Recreation Tennis Court, Walking Path and Skating Rink Improvement Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, Madam President. This is also an ordinance where we are using the ARPA funds for Parks and Recreation Tennis Courts, Walking Path and Skating Rink Improvement Project. The cost estimate is \$160,450.00. This is also approved by the Recreation Board. For this one, also, so they can get started on getting bid, I want to waive the rules requiring three readings and bring Ord. No. 52 – 2022 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 52 – 2022 has passed. Ord. No. 53 – 2022.

ORDINANCE NO. 53 – 2022

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract for the purchase of a custom Street Sweeper using Ohio State Term Schedule Purchasing, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. This is a request to allocate up to \$250,000.00 to purchase a new street sweeper through the State to, obviously, get better deals that way. It does have emergency language so, are there any questions? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 53 – 2022 forward for a vote tonight.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 53 – 2022 has passed. Ord. No. 54 – 2022.

ORDINANCE NO. 54 – 2022

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This appropriation is for a total \$2,524.00 and it's just making adjustments to salaries due to the cost-of-living number being larger than what was budgeted for. 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. 54 – 2022 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 54 – 2022 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository - \$ 256.00 Publication of January Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we pay the bills.

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

8 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

Auditor's Report - February 2022

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

8 yes to accept the Auditor's Report

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

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, March 28, 2022, at 6:30 p.m.

COUNCIL PRESIDENT ISTNICK – Madam Mayor, do you have anything?

MAYOR CATAZARO-PERRY – Thank you, Madam President. We have four updates for you this evening. The first one, they're going to pass out a form so that you all have it; former Council Member Tim Bryan came to me and asked if we would put a noise retro-fit barrier up on 21st St. We have to apply for that to ODOT, which we have done. It would be on the east side from 1st St. to just north of Lake and Willow St. There's also a link on our website under Engineering, if you'd like to go there. But, this is going to give you, the form that you're getting now is a form that we're using, we're sending this out to the residents in the area to sign off on it. It's mostly all public property. Zero cost to the City. This is paid by ODOT. If you can look at some of the walls in Jackson Twp., it's a noise barrier wall that the residents have been requesting. They need to sign this form. It's on the back sheet. These are all going in the mail. We just wanted you to be aware of this, so that if you get calls, it's just a form to sign off; if you get calls from anyone, we didn't want to you to be caught off guard. Yes, Mr. Snee.

COUNCILMAN SNEE – Just clarification. This is an easy one. It's SR 21, not 21st St., correct?

MAYOR CATAZARO-PERRY – SR 21, yes.

COUNCILMAN SNEE – Thank you.

MAYOR CATAZARO-PERRY – I'm sorry. Did I say 21st? I apologize, SR 21. This is all paid for by ODOT as well. We're required to send these out to the neighbors in the area and so, we just wanted you to know in case you get a phone call from anyone. Councilman-at-Large or those in the Ward. This is why you're getting the letter. So, it would be nice to have a sound barrier wall for that area. So, we did apply a couple of years ago. The timeline for it to go in is probably 2026. It takes a long time for these to go in and that's probably; we're not even sure yet when that will go in. So, that is the first item I wanted to update you on. The second item, and this is for everyone, our staff has worked extremely hard on the budget, on paying off debt with the Auditor's office and I would like to share and you may clap if you feel the need to, but, we had our Moody's rating increased from a BAA-2 and we went up two levels to an A-3. So, I do have that information for you as well. I wanted you to know about that. It's really a big deal for the City when you're going to borrow money. They use that rating and your interest rates are lower then. So, this is very, very exciting for the City.

COUNCIL PRESIDENT ISTNICK – Who gives us the rating?

MAYOR CATAZARO-PERRY – Moody. Moody gives us the rating and they typically don't up you two levels. So, we were very, very pleased that we were increased by two levels and this just happened. So, they just put it on their website, I think, last Thursday, maybe Wednesday. So, I wanted to share that with you. And then the last (applause), yes, it's really big news. Oh, the other item I wanted to update you on is that our Health Dept., as you know, went through the accreditation process during COVID. So, we had the staff working on accreditation and working on COVID. It was a very difficult time for the Health Dept. with the small staff that we have. They put together over 400 documents for this accreditation and I'm happy to report that on March 9th, our Health Dept. did receive a National Accreditation and we are secure now with our Health Dept. in the City of Massillon. We do not have to partner, we always partner with the County, but, we don't have to move to the County with our Health Dept. and that is a big deal. Our residents want to come to the Health Dept. in Massillon, not to travel up to Belden Village. So, congratulations to our Health Dept. They worked very hard on that. And then the final...yes.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – How long is that accreditation? Is it every two years that you have to go through the process or every four years?

MAYOR CATAZARO-PERRY – I think it's five.

COUNCILWOMAN CREAMER – Okay. Thank you.

MAYOR CATAZARO-PERRY – And I don't know if you all remember and some of you are new Council members, but, last year they wanted to consolidate the Health Departments and we fought viciously to keep our Health Dept. here in Massillon. We wrote letters, some people went down and testified, so, it really is a big deal that they received the accreditation. Especially during COVID. And the last thing; we came up with a new program. This is a banner program. I announced this at the breakfast on Friday and this is where we're going to be hanging the banners like they have for the students. A week before Memorial Day and the week after; it'll go for three weeks, these banners will be placed and those are for deceased Veterans. Then on Veterans Day, you're going to see where we're going to honor all of the veterans that we have in Western Stark County. So, Perry Twp., Jackson, Brewster, Massillon, Navarre. They're \$75.00, but our Patriotic Caring Committee, we have a gentleman on there, Terry Roan, and he said no one will be turned away. So, if somebody doesn't have the \$75.00, no one will be turned away. They will get a banner. We have 110 slots; they go back to back. We have 55 brackets for that. The banners are 30' x 60'. We do hope that people will sponsor the banner for a family member or a loved one. This is really exciting. And then for the Fourth of July, we'll also do active military as well. So, if you have a loved one, we need these in as quickly as possible. We're working with Studer Signs and they are making the banners. I have one that looks just like this, but it's very large. It's 30' x 60'. It's going to be wonderful to see that up with our flags. So, if you have a veteran or a deceased veteran or an active duty veteran that you would like to honor from Western Stark County, you can fill that out and share it with your constituents as well. And that's all I have.

COUNCIL PRESIDENT ISTNICK – They can be veteran or deceased?

MAYOR CATAZARO-PERRY – Correct. Or if someone's active duty. Once they sign up, I'm being schooled by Terry Roan and he knows everything about veterans, but once you sign up and you join, you are already a veteran. So, the veterans that are not active duty will all be up on Veterans Day. The active duty will be up on the Fourth of July.

COUNCIL PRESIDENT ISTNICK – Okay.

MAYOR CATAZARO-PERRY – Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

COUNCIL PRESIDENT ISTNICK – Ord. No. 5 – 2022.

ORDINANCE NO. 5 – 2022

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

Tabled February 22, 2022 until March 21, 2022

AN ORDINANCE to accept the dedication of road right of way and approve the Replat of Out Lot 927, Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. It was tabled because we had some of the paperwork and certifications that had not been received through the Law Dept. and the Building Dept. So, we had to wait until we could bring it back on the calendar. Is there any discussion on this tonight?

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you, Madam President. Thank you, Mr. Thieret. So, we also had a number of people come and speak on issues about this ordinance. We had Mr. Silla was here, Mr. McCue; they spoke on this as well and informed us. I received a call earlier today, a little less than an hour before Council, stating that some of these issues have not yet been resolved in that area. I went out immediately to verify and I was able to verify that they have not been resolved. So, the discussion that we had was a culvert that needed to be installed. We were informed by Mr. Glick’s son who was here and spoke on his behalf that there would be a culvert installed. I can verify and testify that there has not been a culvert installed which is creating flooding to the adjacent property, still. I was informed allegedly that the basement now on that property has flooded as well. Now the gravel that was placed in everybody’s yards due to the construction on the roadway has been cleaned up. So they did fulfill that request. Also, the corner mudding looks like it’s been semi-addressed. It’s not as bad as it was, but, still it needs to be flattened out and probably reseeded, at this point. But, due to that, and I’m by in no means trying to hold up the process. I do want to support growth in my ward, especially since west is the only way we really can grow. I do not want to create any kind of issue or anything like that, but, until some of these issues continue to be resolved, I’m not comfortable bringing this forward for a vote yet. So, I’m going to very humbly request that we table this for the next Council meeting, again, on the 4th.

COUNCILMAN THIERET – Or we could just give it first reading. Go ahead, Mrs. Creamer.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – If we are going to discuss this again and table this again, I request Engineering to come back here and clarify these. Because I specifically asked questions and it was my understanding that everything was done and completed to date. The culvert I understand because I specifically asked; that was not a requirement for the City. That was something, I believe, the developer was doing to help and aid in the flow of water. So, since these issues are ongoing, I need to be sure that we’re all on the same page with what is required by Engineering and what problems exist and how they can be resolved. Thank you.

COUNCIL PRESIDENT ISTNICK – Mr. Maley, did you want to come up and talk?

DAVE MALEY – Thank you, Madam President. I don't have all the answers to this. I wasn't updated as far as what's happening at the property at the current time. I know Mr. Glick is here though if you would want to direct some of these questions to him. He's in the audience and could at least answer some questions, if you had any for him, specifically.

COUNCIL PRESIDENT ISTNICK – Councilman Snee. Oh, I'm sorry. Councilman Thieret.

COUNCILMAN THIERET – I would like very much if there's any questions that could be addressed tonight before we move forward on this one way or another.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN THIERET – So, if there is someone who can verify anything, yes, no or maybe about this, Mr. Glick.

COUNCIL PRESIDENT ISTNICK – Mr. Glick, if you'd come up to the microphone. Anyone have any questions for Mr. Glick? Councilwoman Creamer, Mr. Thieret, Mr. Snee, anybody?

COUNCILMAN SNEE – Yeah. So, on the 22nd, I believe your son came up?

MR. GLICK – Yes.

COUNCILMAN SNEE – And he said that there would be a culvert installed. I was told, I believe we were all told on Council by Mr. Silla that there was a permit pulled and approved for that?

MR. GLICK – No.

COUNCILMAN SNEE – Okay.

MR. GLICK – You don't install culverts by a building permit. No culvert gets installed. I met with Jason Haines and Jeff today at 1:00 p.m. We walked the whole property over today. They said "Kevin, everything is in mint condition" and I am to tell you that tonight. They said everything is exactly what they want in the specs. We got to do culvert, we got to do catch basins and I agreed to do. But, we can't do it until its split and when you go get building permits, you put culverts and driveways and stuff when you get a building permit. But this has been sitting, I was promised this would be through in December. It went to January, February, we're now in March. The lot has been sitting there for two houses waiting for this to be signed. Since December 1st. This is the worst thing I've ever heard of. I've built 300 houses in Massillon and I've never had such a thing. Jason and Jeff both told me, tonight to let you know that everything is to their specs. We are going to do culverts, but we have to put new driveway in, but they got to get permits. But they can't get permits if you don't have a house number; if you don't have a building permit. These lots are to be split and then they'll give me building permits and I'll put the culverts and stuff in as such. But at this point, there's nothing I can do until you guys are done. I don't know what else to do. There's nothing that has changed since December. Nothing has changed since December. We're waiting for this to split. Besides the one house that they agreed to let me start and build, but even that culvert isn't done until we have the joining culverts and the house to the north. All the waterways, the yard, it's all been up to stuff.

COUNCILMAN SNEE – Is there a reason why your son said that there would be a culvert installed and now we're not?

MR. GLICK – There will be a culvert installed but my son don't understand they won't sell you a permit until you get a house number. My son's right; there'll be three or four culverts installed, but we got to get a house number after it's split and then we'll install them and catch basins and everything. When Jason and Jeff both and I walked it over today at 1:00 p.m., they wanted to make it tomorrow, but I told them no, we're doing it today, there's a meeting tonight and they said "Okay, at 1:00 p.m. we'll go", and then they told me to tell you all of that. But, we're still waiting. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer, do you have any questions for him?

COUNCILWOMAN CREAMER – I do not.

COUNCIL PRESIDENT ISTNICK – Okay. Anyone else?

GENTLEMAN IN THE AUDIENCE – I do.

COUNCIL PRESIDENT ISTNICK – This is really not a questions and answer period. I do apologize for that. Anyone else on Council? Councilman Lewis.

COUNCILMAN LEWIS – I understand the concerns that Mr. Snee has brought forward. I understand the concerns that other Council Members have, but I also can sympathize with the builder. They want to address the concerns that the people have brought to them. However, the current ordinance won't allow them to address that without us passing this. So, it kind of puts us in a situation where if we hold this up, we're not allowing any remedies to happen, is what it sounds like. The only reason I would say, if we want to hold it up, and I don't want this to sound insulting, Mr. Glick, but is if we want to validate his statements and ask Mr. Haines himself. That would be the only reason I would think for holding this up.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I do recall that Engineer, Greg McCue did state that everything was completed and up to standard at that point. But, I understand the issues that are currently happening due to the water. So, I don't have any issues with holding this up or anything. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. My opinion is that I do share the concerns with the residents and sympathetic towards their situation and they have legitimate concerns that need to be addressed, but I don't think holding up this legislation is the way to do that. I think the legislation needs to go through and let the builder address those concerns. At that point, if they are not addressed, then that's going to be between the residents and the builder.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Mr. Glick, if I could ask one more question? There was a road off of Raynelle, an access road that was installed. How was that installed when there was no house number? Because that's the problem that's creating the water problem. There's a ditch there where the water goes along and that was filled with base concrete.

MR. GLICK – If you look, it's five to seven inches lower the road. It never ran out in the road, it never crossed the road there.

COUNCILMAN SNEE – I looked at it. It's level with the road.

MR. GLICK – No.

COUNCILMAN SNEE – Well, I can show you, I've got pictures.

MR. GLICK – I just looked at it today with Jason and Jeff and they both said "It's fine". We just put it in to get equipment out. It's winter time. We're trying to keep mud off the road. So, if you get on and off access off the road, I dumped a load of gravel which they would have requested temporary, called a temporary drive, a load of gravel to put it in. It just rained the weekend. We were out there. There's absolutely no water to ever cross the road in that whole vicinity. When we hit the water main, way up on the corner, the water came across with the main hit up at the corner then come around the corner. But that had nothing to do with that driveway. That water has never run across the road and it is lower than the road. It considerably lower than the road. If you put a level across there, you'd be shocked. Obviously, didn't put no level across there. Because it's down off the road, it's dipped right with the original yard. There's grass on both sides the same height of the gravel. So, you didn't look at it right. Get out of your vehicle or something if you're telling me it's dipped. This has gone on way too long. This has gone way too long for the City. This is very frustrating for me. I expected this in December. Paperwork, we've been working on this two years and it just filled me with more frustration because of the length and the way everything goes. So, Jason and Jeff both told me nothing is to be changed until this is complete.

COUNCILMAN SNEE – I understand that and I'm trying to get understanding.

MR. GLICK – It's lower. Your argument to my argument, but no water is running across the road there.

COUNCILMAN SNEE – Any time you put in any kind of material, it's going to raise the level.

MR. GLICK – I put the material in and it sloped down. I've done this for a while.

COUNCILMAN SNEE – That's not what I saw.

MR. GLICK – Well, it was dug out.

COUNCILMAN SNEE – With all due respect, that's not what I saw. So, and I hope you understand where I'm coming from.

MR. GLICK – No, I don't because...

COUNCILMAN SNEE – Well, I have several complaints from many neighbors back there...

MR. GLICK – Not on that street.

COUNCILMAN SNEE – I have one on that street.

MR. GLICK – From the water when we hit the main. Never since or before.

COUNCILMAN SNEE – I was told today again, allegedly, that basement flooded.

MR. GLICK – What basement?

COUNCILMAN SNEE – Adjacent to that property. So, I'm hoping you'll understand that I have to look out for my constituents that are coming to me with these complaints.

MR. GLICK – There's nothing to do with what we did on the property to change any water at any point to flood any basement.

COUNCILMAN SNEE – Okay.

COUNCIL PRESIDENT ISTNICK – Mr. Maley.

DAVE MALEY – I would just like to state that I did text Greg McCue in the Engineering Dept. and ask him and he said that basically that everything is good at the property. The only thing is that he's going to adjust the drainage pipes in the two drives is what he told me. But, everything else was up to code.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN THIERET – Thank you, Madam President. That all being said, this is in our second readings now. Is there any reason to postpone this? Because it's been going on for quite a while. Any reason right now to not call for a vote?

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – We do have a gentleman in the galley that would like to speak, at some point, on this.

COUNCIL PRESIDENT ISTNICK – Then he should have come forward under Item No. 5 for any topic that appears on tonight's agenda.

COUNCILMAN SNEE – Correct. So, that's one reason I would like to postpone it so that way, during our next Council meeting, he does have a reason to come up to address and an opportunity to speak on this.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance was stated that would be discussed tonight thirty days ago and then again in two weeks ago, it was mentioned again at the meeting, the time was posted; it's always at 6:30 p.m. We gave a thirty-day notice of this meeting. I do feel bad for the gentleman for not being able to speak, but, there was a thirty-day notice.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – There was a thirty-day notice, however, new information has been continuously brought forth to our attention. Therefore, the discussion continues and keeps changing within that notice.

COUNCIL PRESIDENT ISTNICK – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Is it possible to make an exception and let him speak pursuant to two weeks so we can process this?

COUNCIL PRESIDENT ISTNICK – I was just going to ask Council if they would have a problem with that.

COUNCILWOMAN HARWIG SMITH – I would not have a problem.

COUNCIL PRESIDENT ISTNICK – I don't want to set a bad precedence.

COUNCILWOMAN HARWIG SMITH – Right. I'd just hate for it to be delayed.

COUNCIL PRESIDENT ISTNICK – I totally understand and I was leaning towards that as well. Just knowing that we don't do this. We did have an opportunity under Item No. 5 to speak. I don't know if you were here at time. But I will allow you to come up.

COUNCILMAN LEWIS – Point of order.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – You can't do that without a motion and approval of Council.

COUNCIL PRESIDENT ISTNICK – Okay. Would you like to make a motion?

COUNCILWOMAN HARWIG SMITH – I'd like to make a motion to allow the gentleman to speak on this topic that we're discussing right now.

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

7 yes; 1 no to allow the gentleman to come up and speak regarding Ord. No. 5 – 2022

COUNCIL PRESIDENT ISTNICK – Please limit your comments to four minutes or less. State your name, address and topic you wish to discuss.

MR. WILSON – 199 Harmony St., Massillon, Ohio. I have a list here to go over, bear with me. There's not silt containment at the job site. This is what holds water back. Soil, contamination, ditches from overflowing, which is required. No posted address, no posted building permit, no posted Worker's Comp. insurance, others, etc., not posted. The job site is a hot mess. There's no place for concrete washout. There was a house demoed and currently, there is an oil tank sitting on the property. Is it empty, is it full? I don't know. Is this an EPA concern? The building site is being used as a storage yard for material. There's no culvert installed, but

he said you have to have a permit to put a driveway in which is installed level with the road and does, when it rains, all of that water comes down on that site, runs across the street. There's an open trench at the road right now that was used for the water and electric. If you go right now, there's a hole, four feet deep at the edge of the road, no fence, no nothing. And this was better than it was a week ago. And as far as these plans go, it's more than one house. Where are the plans for the layout, storm sewers and curbs and water containment, what do they call it? Retaining pond. We do not even have the layout for this. He wants to replat the land; do we have anything to go on? How many houses? What's next? I haven't seen anything and that's what I would like to say. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President Istnick. Well, it seems to me that both sides have addressed this and the normal order of construction would follow the path described by Mr. Glick and none of the items that were on that list can be addressed until after replat. So, if all our officials say it's fine and ready to go and we're holding it back, we are contributing to the problem, as far as I can see. So, as of right now, I would like to move this forward for a vote tonight and get this process moving and get these residents some relief.

COUNCIL PRESIDENT ISTNICK – Any questions or concerns from Council? Councilman Thieret.

COUNCILMAN THIERET – I make a motion that we bring Ord. No. 5 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Snee. Roll call for suspension. Isn't it at second reading?

COUNCIL CLERK ROLLAND – This is call of the calendar.

COUNCILMAN LEWIS – What reading was it at when it was tabled? I believe it was at third reading.

COUNCIL PRESIDENT ISTNICK – Does that go back to first then?

COUNCILMAN LEWIS – It stays at third.

COUNCIL PRESIDENT ISTNICK – Okay. Roll call for passage.

6 yes; 2 no

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 39 – 2022.

ORDINANCE NO. 39 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from O-1 Office District to B-2 Central Business District.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you Madam President. The City Planning Commission has recommended the approval of this rezoning request. It is located at 212 – 1st St. N.E. We have scheduled a public hearing for April 18th at 6:00 p.m. here in Council Chambers. Are there any questions this evening? Seeing none, second reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Creamer. Ord. No. 39 – 2022 has received second reading. Ord. No. 40 – 2022.

ORDINANCE NO. 40 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with John Soptlean to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Johnny’s Music Shoppe located at 2492 Lincoln Way E., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herculane.

COUNCILMAN HERCANE – Thank you, Madam President. This is at second reading. It is for a \$3,000.00 economic development “inducement grant”. We have heard from the Administration; we have heard from the applicant. Are there any questions or comments from Council this evening? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 40 – 2022 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 40 – 2022 has passed. Ord. No. 41 – 2022.

ORDINANCE NO. 41 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Grant Agreement for the 8th St. S.W. Sanitary Sewer and Water Replacement Project with the Ohio Department of Development, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Sneer.

COUNCILMAN SNEE – Thank you, Madam President. This is one of three ordinances all dealing with the 8th St. Sewer Replacement Project. I'd like to open this up to Council for any discussion that they may have heard from their constituents at this time. Seeing none, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 41 – 2022 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 41 – 2022 has passed. Ord. No. 42 – 2022.

ORDINANCE NO. 42 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the 8th St. S.W. Sanitary Sewer and Water Replacement Project, all in accordance with Sections 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you, Madam President. This is two of three for the 8th St. Sanitary Sewer and Water Replacement Project. I'd like to open this up to Council to see if they had any comments from their constituents. Seeing none, I'd like to make a motion we waive the rules of three readings and bring Ord. No. 42 – 2022 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 42 – 2022 has passed. Ord. No. 43 – 2022.

ORDINANCE NO. 43 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, 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 8th St. S.W. Sanitary Sewer and Water Replacement Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you, Madam President. This is three of three for the 8th St. Sewer Replacement Project. Does anybody on Council have any questions? Seeing none, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 43 – 2022 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 43 – 2022 has passed. Ord. No. 45 – 2022.

ORDINANCE NO. 45 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is just the funding for Ord. No. 40 – 2022. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 45 – 2022 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 45 – 2022 has passed. Ord. No. 47 – 2022.

ORDINANCE NO. 47 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1201 Street Construction Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the funding for Ord. No. 53 – 2022 that was passed tonight. Are there any questions or discussion? Seeing none, I make motion that we suspend the rules requiring three readings, bringing Ord. No. 47 – 2022 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 47 – 2022 has passed.

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

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I'd like to make a motion to adjourn.

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

8 yes to adjourn.

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT