

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, APRIL 3, 2023**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, April 3, 2023. We have in attendance the following City officials: Safety Service Director, Barb Sylvester, 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, Mark Lombardi, Jamie Slutz, Mike Snee and Aaron Violand.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN LGREGG – I’d like to make a motion that we excuse Councilman Lewis for this evening.

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

8 yes to excuse Councilman Lewis

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilman Lewis has been excused. Councilman Lombardi.

2. INVOCATION

COUNCILMAN MARK LOMBARDI

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN LOMBARDI

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lombardi. 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

GAYLE DANZY – 2014 Tennyson Ave. N.E., Massillon, OH. I saw something on the agenda; it has a funny name and they applied for an inducement grant and I did a little research on them and it's a lot of questionable things about them and what got my attention was that the questionable things, the best way I can say it is the disrespectful things about them. It got my attention that that passed the Administration. So, I'm really unsure how they got pass the Administration for the Administration to recommend to you to give them an inducement grant.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else wishing to address Council?

6. NEW AND MISCELLANEOUS BUSINESS

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 29 – 2023.

ORDINANCE NO. 29 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE adopting the recommendations of the Massillon Tax Incentive Review Committee (TIRC) with regard to the renewal and termination of Massillon Enterprise Zone (EZ) projects, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, President Istnick. Mr. Maley was in attendance last week at the Work Session and spoke to the TIRC's recommendations to continue the two remaining City Enterprise Zone agreements. Are there any questions from anyone on Council? Madam President, seeing no questions, I make a motion that we suspend the rules requiring three separate readings and bring Ord. No. 29 – 2023 forward for a vote tonight.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Violand. 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. 29 – 2023 has passed. Ord. No. 30 – 2023.

AN ORDINANCE to accept the dedication of road right of way and easements for Kenyon Creek Estates, Phase 3 subdivision, Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you, President Istnick. This is an ordinance to accept the dedication of a new road and right of way for Kenyon Creek. This is the expansion, Phase 3 on the west side. I'd like to open it up now for anybody. We had a question as far as flooding in the last Work Session in which Councilwoman Harwig Smith; did that get answered to your satisfaction?

COUNCILWOMAN HARWIG SMITH – It did. Basically we have no responsibility is what he said.

COUNCILMAN SNEE – Okay. At this time, does any other member of Council have any further questions? Mrs. Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Is this allotment going to have City water into it? As far as like the rain water draining; where's that all going to go?

COUNCILMAN SNEE – To be honest, I don't know. Could we call someone from Administration who might be able to answer that tonight? Thank you, Mr. Maley.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Maley.

DAVE MALEY – Mr. Chairman, Councilwoman Harwig Smith. Everything in the City has Aqua Water and it's our sewer plant. So, basically, it's storm water and we service the storm sewers.

COUNCILWOMAN HARWIG SMITH – Okay. I just know as you get out there that a lot of people have septic systems and wells.

DAVE MALEY – Not in the City.

COUNCILWOMAN HARWIG SMITH – Okay, thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else on Council? Councilman Snee.

COUNCILMAN SNEE – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 30 – 2023 has received first reading. Ord. No. 31 – 2023.

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 2023 Street Resurfacing Project, Contract I, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you, President Istnick. So, this is the 2023 Street Resurfacing Project. I posted this out on social media asking for any questions. I did not receive any. There is an emergency with this ordinance due to trying to get our bids put out first. So, if there's no objections, I'd like to open it up to Council for any comments or questions and if there are no objections, I'll bring it up forward for a vote.

COUNCIL PRESIDENT ISTNICK – Councilman Violand.

COUNCILMAN VIOLAND – Yeah, just briefly, Mr. Snee. Do you know? So, they'll be completing the 2022 list first and then trying to complete the entire 2023 this year also?

COUNCILMAN SNEE – Correct. So, May 1st is when they predict the hot mix plants to reopen and as soon as they reopen, we were told that Massillon should be one of the first in line, if not the first in line to get the 2022 street list redone. If we get these out to bid and accepted in time, then we should hopefully see this by August the 2023 street list go into effect.

COUNCILMAN VIOLAND – Okay. That's all. Thank you.

COUNCILMAN SNEE – No problem.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Snee.

COUNCILMAN SNEE – Thank you. I'd like to waive the rules requiring three readings and make a motion that we bring Ord. No. 31 – 2023 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. 31 – 2023 has passed. Ord. No. 32 – 2023.

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 2023 Catch Basin Replacement Project I, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you, Madam President. This kind of goes hand in hand with the road replacement list; 2023 road replacement list. This is for the Catch Basin Replacement Project I. Also, to get bidding out as soon as possible. This has emergency language. At this time, does anybody on Council have any questions or comments?

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Yeah, I have a question for Administration. I know at one point, we went through and rated all of the catch basins throughout the City and they were starting to replace those that were rated like, a score of four; I think were like the worse catch basins. I'd like to know, did we complete all of the four ratings and are we now working on the three ratings? Like, where are we at with those catch basins that need replaced throughout the City?

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Sylvester.

BARB SYLVESTER – Good evening, Council. We did complete the rating of all of the catch basins and as you recall, in the past two years, we had two contracts when we came forward and Council approved those. This year we do only need one contract and that's going to include about forty catch basins on there. So that should get us to point of what's on our rating schedule. But in saying that, we do still have some catch basins that deteriorate from one winter to the next. We do also have some catch basins that, for whatever reason, could get damaged or so forth. But, Engineering does keep a part of their budget in there for any of those emergency repairs that are out there. But at this particular time, we do still inspect them. You probably see a lot of our Street Dept. workers out there cleaning the catch basins. That's something they do on a regular basis, weather permitting and so we are keeping them clean to keep maintaining them to get them to last as long as they can. But, I believe it was about 4,100 catch basins. So, yes, this contract we have on here will complete about forty of them. Also keep in mind that some of the catch basins will be replaced with the street resurfacing project. So, we always keep that in mind when we put our list together for these catch basins because they will be catch basins that will be replaced in the contract for the resurfacing that was just passed.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Just to clarify, just to make sure that I have this correct. So, the worse catch basins in the City, we rated those. So, with these forty catch basins, are we completing those worse catch basins?

BARB SYLVESTER – We’re completing all of them that were rated the worse with a four and all of them completely out of all of them that we had; with the exception of any that can deteriorate between now and then. So, next year we may have to come back to Council with another contract that maybe will only have twenty-five to thirty on it. To your question, we are all pretty well caught up with all of the worse catch basins in the City. Yes, we are, with exception of some that do deteriorate are coming back around. So, let’s say that some of the worse ones that we did a few years ago, they could be coming back and getting worse again and we would have to replace those.

COUNCILWOMAN CREAMER – But we changed the materials we were using from years back, right? We were using better material, a different structure; so they would maintain for a longer period of time, correct?

BARB SYLVESTER – That’s correct. And that’s why we do go out to contract those out.

COUNCILWOMAN CREAMER – Thank you.

BARB SYLVESTER – You’re welcome.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Snee.

COUNCILMAN SNEE – Thank you, President Istnick. I’d like to waive the rules requiring three readings and make a motion for Ord. No. 32 – 2023 and bring it forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Violand. 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.32 – 2023 has passed. Ord. No. 33 – 2023.

ORDINANCE NO. 33 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1242 Municipal Court ADR (Alternative Dispute Resolution) Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. We discussed this in our last meeting. We’re acting as a pass-through for the Municipal Court funds. Any questions or comments from Council? Seeing none, I’d like to move that we waive the rules requiring three readings and bring Ord. No. 33 – 2023 forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 33 – 2023 has passed. Ord. No. 34 – 2023.

ORDINANCE NO. 34 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation – Legends Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. Mr. Pedro was here at our last Work Session to discuss this ordinance and they need for some repairs and so forth at The Legends. Any questions or comments from Council? Seeing none, I'd like to make a motion that we waive the rules requiring three readings of Ord. No. 34 – 2023 and bring it forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 34 – 2023 has passed. Ord. No. 35 – 2023.

ORDINANCE NO. 35 – 2023

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 ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. Again, we discussed this at our last meeting. Law Director Richard was here to discuss these contracts which we do each year with other cities and villages nearby. In this case, Brewster. Any questions or comments from Council? Seeing none, I'd like to make a motion that we waive the three readings of this ordinance and bring it forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 35 – 2023 has passed. Ord. No. 36 – 2023.

ORDINANCE NO. 36 – 2023

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 ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. Similar to the piece that we just passed, this is an agreement with the City of Canal Fulton for prosecutorial services. Any questions or concerns from Council? Seeing none, I'd like to make a motion that we waive the three readings of Ord. No. 36 – 2023 and bring it forward for a vote.

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

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 36 – 2023 has passed.

8. UNFINISHED BUSINESS

COUNCIL PRESIDENT ISTNICK – At the end of last year we had talked about redoing our mic system. We had Bill Dewalt come in and talk to us and over the next month someone will be coming in and going over it and we want to get this done.

9. PETITIONS AND GENERAL COMMUNICATIONS

Transfer of a Liquor License from Rohr's Wine Room, LLC, DBA Rohr's Wine Room, 1st Floor & Basement, located at 1353 Brookwood Dr., Suite B, Suffield Twp., Mogadore, OH 44260 to Rohr's Wine Room, LLC, DBA Rohr's Wine Room, located at 28 Charles Ave. S.E., Massillon, OH 44646. Permit Classes are A2, B2A and S1 and is located in Ward 2.

COUNCIL PRESIDENT ISTNICK – Councilman Violand, did you get information on this?

COUNCILMAN VIOLAND – Yes, I did. Thank you, Madam President.

COUNCIL PRESIDENT ISTNICK – Thank you.

10. BILLS, ACCOUNTS AND CLAIMS

11. REPORTS FROM CITY OFFICIALS

Auditor's Report - March 2023

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I'd like to move that we accept the Auditor's Report.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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, April 10, 2023, at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 15 – 2023.

ORDINANCE NO. 15 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Carolyn Worthen to provide an economic development "inducement grant" to fund start-up costs including build-out, equipment, etc. for Little Sprouts – West, located at 2112 Lincoln Way W., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. This is an economic inducement grant in the amount of \$5,000.00. Ms. Worthen was here several weeks ago at the Work Session to talk about her expansion for Little Sprouts – West. Are there any

questions from any members of Council this evening? Madam President, since this is at third read, I make a motion that we bring Ord. No. 15 – 2023 forward for a vote.

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

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 15 – 2023 has passed. Ord. No. 17 – 2023.

ORDINANCE NO. 17 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, to add three (3) new positions within the 705 – 730 HEALTH DEPARTMENT, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I passed an amended copy of this ordinance out to Council just prior to the meeting. It's something that Asst. Law Director Mack has altered for us. Specifically, Section 3, "Starting in 2024 and continuing each year thereafter, the Health Commissioner shall appear at the first regular meeting of City Council and shall advise the Council as to (i), the status of each position within the Health Dept. funded by grant or outside funding sources (ii), the amount remaining on any such grant or outside funding sources and (iii), whether such grant or outside funding sources will be renew so as to enable the continued funding of said positions". Any questions or comments from Council?

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I just have one question. So, as it states, starting in 2024 the Health Commissioner is going to appear in front of us at the first regular meeting. We discuss budgets prior to that. So, will that affect, how would that affect the budget piece?

COUNCILMAN GREGG – It would be my understanding that we don't pass the budget until the next year, right? So, we would still have an opportunity to review or have the Health Commissioner explain the funding of the grant positions.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I believe we would pass, we would put the budget up for a vote at the end of that, I would say, starting in 2024. So, at the end of 2023, we would have the budget proposal in front of us. So, at the end of this grant period is where we're concerned about. Where is the funding going to come from? So, that's my concern. At that time, I would like to know during the budget process if funding money is going to be placed in salary positions in the Health Dept. and where that money's coming from? That would be my question.

COUNCILMAN GREGG – I'd like to call Mr. Mack to the mic and he can explain the reasoning for the timing.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Mack.

EDMOND MACK – Thank you, Madam President, Chairman Gregg and Councilwoman Creamer. I think that in discussions with Chairpersons and Law Director Richard, the objective is to get you guys information so that these positions aren't just assumed within the Health Dept. and then these grant funded positions become extinguishable from normal positions. We thought, of course we could make any changes you would like; the question raised with the temporary budgets, those are typically put in place as you identified, prior to the expiration of the year so we can make payroll. The permanent budget is not passed until a month or two after that. There was two competing considerations as to when we make that in-person annual presentation to give you this information you need. Whether we do it prior to the end of the year or before at the next regular meeting, the policy is for you, not for me. But, we ran into the problem that if we do it before the end of the year, then there could be Council members whose term has expired who wouldn't have that information and then ultimately it would be part of the budget process. So, to make sure that the body that's actually going to be putting in place the permanent budget, has that information. That's why it was the first regular meeting of the year and not prior to the temporary budget being put in place? Does that make sense? The reason makes sense, not the policy of it.

COUNCILWOMAN CREAMER – Well, if that Council approves that budget at the end of the year, then we approve those funds to cover positions if the grant expired at the end of that year. So, we've already approved that and then the next Council group would then tie then; because the money's already been allocated for the salaries in the Health Dept.?

EDMOND MACK – The temporary budget would be approved, but that only gets us through the first quarter, effectively. So when the temporary budget's passed by Council in December, usually, that doesn't cover the entire year. You cannot use that budget, your temporary budget, to fund City operations. You have to pass your permanent budget and then that cannot be passed until you have your final certification from the auditor and that doesn't come until after the first. There's other provisions in the Revised Code that speak to when other department heads are to provide their update. Most of the time there in written reports. This is very important, so, we said "no" written forms aren't going to be enough; the person has to come here and talk to you. The Mayor's report is to be at the first regular Council meeting of the year. There was some consistency there and so it seemed, to make it easier, because otherwise, you will have a situation in even number of years where there could be new members on the body that don't get the benefit of that briefing.

COUNCILWOMAN CREAMER – Thank you.

COUNCILMAN GREGG – So, it's for the benefit of the newly seated Council each term?

EDMOND MACK – Yes, that's correct.

COUNCILMAN GREGG – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. I think I tend to agree with Councilwoman Creamer. We need to know this before we put that budget into effect, because once that budget is certified by the auditor the next year, it's almost impossible to change it.

So, we need to know these things prior to that budget being proposed and submitted to the auditor and voted on by the...maybe it's a Council going out or not, but at least the Council coming in knows that those funds were available before we budgeted for them and passed it.

EDMOND MACK – Yeah, I don't disagree with that. That's in terms of picking policies. That could be sound and one way to accomplish that, I don't mean to create legislation here on the podium, but we could have the amendment read in terms of the date, no later than November 30th of any particular year that this brief needs to be provided to you. Whenever you guys need that information.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Gregg.

COUNCILMAN GREGG – Keep in mind, we're not voting on the funding for these positions. The funding is grant funded. We're just looking for information. So, it's not like we need to have that before we vote on the budget, per se. Because the funding's already there provided by grants. Am I wrong?

EDMOND MACK – No. You're absolutely correct for these specific positions that would be subject to this, yes.

COUNCILMAN GREGG – So, they're just asking for the Health Commissioner to come forward and present the fact that the funding is continuing or not continuing to fund those positions.

EDMOND MACK – That's the intention and that's the way I wrote it. Yes.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I believe when the conversation started the concern was once the grant is expired, I believe it was communicated that these positions, there was going to be funds in the Health Dept. to carry these positions on. They weren't temporary. So, that's when we started questioning should we take a look at this a little bit deeper and have some type of wording in here to review this information once the funding from the grant is gone; that where we go forward with these three positions. That's was my interpretation of why this conversation started.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – I still have to hold to my position on that and agree with Councilwoman Creamer. We need to know this information while we're assessing the budget for the next year. We can't wait until after the first of the year and the budget's been passed at the end of the year. We can't wait until the first of the year to find out. The Health Commissioner comes up and says "Oh, no more funds". But we've already budgeted for it now and there's a new Council that has to deal with it. Potentially a new Council has to deal with it. I believe this should be brought up and I believe November 30th is a little late. I think it should be back at October 30th and this should be made a consideration of the Administration, the Health Dept., the Council, before we get a budget put together and then once that budget's passed, when it goes on to a possibly new Council session, they at least know that we have either funded those by the grant, continuing the grant, or that those positions need to be eliminated and I believe that would better serve both Councils, actually.

EDMOND MACK – Whatever the body’s preference is, I can do that and there’s an actual basis for that because prior to the beginning of the fourth quarter, you need this information. So, we could make the date annually no later than October 1st of every year. Whatever the next regular meeting is after October 1st. I can certainly do that.

COUNCIL PRESIDENT ISTNICK – Councilman Violand.

COUNCILMAN VIOLAND – Thank you, Madam President. Am I incorrect in my assumption that we already know when this grant is going to end, technically, correct? Don’t we already have a date?

EDMOND MACK – Yes. And I’ve seen the grant myself. It’s through 2027. Now, there is a possibility then that the grant could be renewed. There could be alternative funding sources that could be used by the Health Dept. to fund these positions. What this would do if this Council would put this in place was give you that information so you’re not learning about, as Councilman Lombardi stated, that actually know that the grant has expired. There is no additional subsidy funding sources at the end of the year and we need additional appropriation from the General Fund of however much it cost to cover three employees.

COUNCILMAN VIOLAND – So I guess my question then is, will we need that information before 2026?

EDMOND MACK – No. I don’t think you would.

COUNCILMAN VIOLAND – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Gregg.

COUNCILMAN GREGG – So the intent was to make this, going forward, a more of a generic type of situation so we don’t have to look at each one individually every time. So, we’ve got something in place that requires the Commissioner to come in front of Council to explain these positions. The timing can be whatever it is, but clearly, we’ve got some additional discussion on this item. It’s at third reading now, the original legislation is at third reading. I think what I’m going to do is propose that we amend...what, should we table or should...that’ll put it at first reading.

JUSTIN RICHARD – I would just table it.

COUNCILMAN GREGG – Okay.

COUNCIL CLERK ROLLAND – Excuse me, Councilman Gregg, if you amend it, that takes it back to first read.

COUNCILMAN GREGG – I know.

COUNCIL CLERK ROLLAND – Okay. If you table it, are you going to table it indefinitely or to a specific date?

COUNCILMAN GREGG – Let’s table it to our next meeting. That will give us a Work Session between now and then to work out through whatever other questions we have or to consider additional amending to this. So, let’s table this until our next regular meeting.

COUNCIL PRESIDENT ISTNICK – The 17th?

COUNCILMAN GREGG – Yes.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Herculane. Roll call to table Ord. No. 17 – 2023 until April 17, 2023.

8 yes to table Ord. No. 17 – 2023 until April 17, 2023

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 17 – 2023 has been tabled.

16. **SECOND READING ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 22 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Allison Merry to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Caffeine & Gunpowder, located at 155 Lincoln Way W., Suite A-096, Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herculane.

COUNCILMAN HERNCANE – Thank you, Madam President. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 22 – 2023 has received second reading.

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

LISA PARAMORE – I live at 8641 Scenic Ridge, Clinton, Ohio. Madam President and Council Members, good evening. I am the Communications Manager for the Stark County Board of Developmental Disabilities and I’m also the parent of a young adult with disabilities. It is an honor to speak with you this evening. The Stark County Board of Developmental Disabilities supports over 41,000 children and adults that live in our community. Our mission is to support choices and create opportunities for those children and adults and their families. Our vision is that people with disabilities will be accepted and fully included in our community. However, there are still barriers that keep people from disabilities and sometimes because of how they look, how they walk, talk or how they learn. At Stark DD, we address these challenges every day. On May 2nd we have a levy that’s on the ballot that is needed for our continued work. It is Issue 21. It is a five-year renewal levy that is not a new tax. Actually, if Issue 21 is approved, our taxpayers will pay less. Presently, a homeowner of a \$100,000 property pays \$98.00 per year. If our levy is approved, the homeowner will pay only \$68.00 per year and the reason this is possible is because of the tremendous economic growth that’s happened in our community over the last ten years. Each year we work with over 700 families that have an infant with a disability or a delay. Each year we provide preschool and school age educational services to

170 with complex needs. In addition to working with 500 children in our local school district. Each year we fund services and support so that 1,800 people can live, work and play in the Stark County community. Once we provide this funding, this funding is for life. So there are people that we may fund for 50, 60 or 70 years. We want you to know us and we want you to know what we do. We also want you to know we are a trusted partner for thousands of families that rely on us. Stark DD provides vital services and high quality support to a steadily increasing number of people with developmental disabilities throughout their lifetime. We are serving 30% or 756 more people than we did a decade ago. All with the same amount of money. Ultimately, we want each person like my son, his friends and your neighbors with a disability to have a good life and we are working with you in the City of Massillon and other communities in Stark County to make this happen. Please help us by voting "YES" for Issue 21. Thank you.

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

BROOK LONGHEIR – I live at 206 Hayes Ave. N.E., Massillon, Ohio. Topic is going to be all over the place. Number one, I've been here the last couple of weeks about these Health Dept. jobs and I don't think the question has still been answered about these three new jobs, but couldn't it just be written that the jobs are contingent on the grants? Again, I'll ask, what work has been done 20 Lincoln Way E. since the 2009 fire? I've still not had an answer for that. I still want to know who decided that it was ever going to be anything but a demolition. From what I understood, the owner that owned it at the time was told they were not allowed to demo it. I was asking, I'll leave his name out, the owner of the properties that were torn down workers last week if they knew who was responsible to clean up the mess. There is still part of 20 Lincoln Way E. standing that was not demolished after the fire and was not demolished in this demolition. There's an electric box out there. There's bricks all over. That's not my property. My property ends at my brick. So, are my customers just thinking I'm a messy, nasty person who just leaves her property like this? Is there a plan for forcing him to clean it up? Is there a plan for taking down that building? When I asked the workers they informed me that they had just spent \$5,000 right before the demolition and had plans approved to fix the building at 14. So that's confusing. We discussed or we heard last week that people are going in 10 to rent it out and I question of how can they do that and I've had plenty of people come into my store and complain about it and ask about it. I'll tell you how. Your building inspectors took the sign off that said "Mandated Vacated". That's how somebody can go in there. The owner of these properties has done what you have allowed him to do for the last, I'm forty-two, since I've been alive. Forty-two years. He's going to continue to do what you allow him to do which means leave property dilapidated, rent out places that shouldn't be rented out. There's another building the owner moved out of because the whole floor floods every time and it's for rent again too. So, if your building inspectors are not going to declare these that no one's allowed in there, how can we get mad at him for letting somebody go in there. And in that discussion as well, it has not been discussed. Is he getting a lien? I know it was a big money project. We got a big grant for it. I still have holes in my building that I can see light through. I still have steel in my building. What portion of this grant is going to cover an owner's expense instead of making him pay for everything like you're trying to do to another owner. Enforce him to sell these buildings. If we sell them to another person and say "Oh, this businessman wants to buy all thirty of his buildings". So we're just going to have a new slumlord? Do we really think somebody's going to come in and buy all these properties and find the money to fix them all or tear them all down? I don't know.

COUNCIL PRESIDENT ISTNICK – Thank you, Brooke. If someone from the Administration has any answers for Brooke's questions, if you could talk to her possibly after the meeting, that would be appreciated. Anyone else wishing to speak?

JOSEPH ALLEN DAVIS – I live at 4285 Everhard Rd., North Canton, OH. I just had a question and maybe a reference. I would like to know what gives the City of Massillon or the Massillon Municipal Court to pass orders on land that is not owned by or seated to the city or the state or the United States.

COUNCIL PRESIDENT ISTNICK – I'm not sure I understand what you're asking, I'm sorry.

JOSEPH ALLEN DAVIS – Forgive me. You have the judges at the Municipal Court who cannot explain the same thing. I think of those as the experts, but here because you guys are hiring them so, if you would need reference, I would say look at ORC or Ohio Revised Code 1.59(g) which gives the definition of the State. I would say look at Article I, Section 8, Clause 17 of the Constitution for the United States of America and I would say look at Case No. 2022CVG02623 at the Massillon Municipal Court for any more reference. Done with the question. That's all I have.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

ROBYN BLOOM – I live at 846 Wellman Ave. S.E., Massillon, OH. This is in regards to the downtown buildings and a lot of the homes that we're losing. All three came down on Lincoln Way. There was no salvage of any of the materials out of there and for me, I think it should be criminal. There should be programs through the city where houses are dismantled as much as can be salvaged, recycled, reused and repurposed should. We owe it to our history and we owe it to our environment.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

GEORGE GLIBA – I live at 222 Lake Ave. N.E., Massillon, OH. I'm a taxpayer. I wanted to weigh in on the buildings downtown as well because you had Frank here last week. And one question you didn't ask him was how long does it take to look at a building and give your recommendations on what needs to be done. Because for the life of me, this is just something that's taking too long. I like what Mr. Herncane said awhile back is maybe we should hire some people to speed this process up. Because a year's time to sit on something is unreasonable considering that we already know the situation that these buildings are in. So, that's what I wanted to advocate is this is taking too long. I mean, we need to speed this up. Nobody ever asked Frank how long does it take to inspect a building? The buildings that needed inspected the most are the ones downtown because they're the façade of this City and they're the ones falling down. I'd just to see City Council to try to speed things up on these buildings and a lot, like I said, the people coming up here want answers about the two buildings that the City paid \$257,000 and then \$200,000 in grant money was \$457,000. We never really got any answers about what's going on. Moving forward, maybe the City ought to invest in some of these properties. I mean, they did buy a hospital. So, that didn't work out too good. So, that being said, it's a great opportunity for the City to invest in the City because the Mayor said we got \$5 million dollars in the rainy day fund. So, I don't understand why this City just drags their feet on so many things. I mean, today things moved pretty good. A lot of things got moved forward with one reading. That's good, but, moving down the road here, I'd like to see the City get more energetic and get things done. And also, some of the answers

that the people in the body want with those two buildings that were torn down...we don't even know if that guy ended up buying that property, that Altman guy. Does anybody know? At one point he did want to buy it. So, I don't know if he backed out that or not to revitalize the City. That would be all I wanted to say.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. I motion we adjourn.

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

8 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT