

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, APRIL 17, 2023**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, April 17, 2023. We have in attendance the following City officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, and Economic Development Director, David Maley. Under #5 on the agenda is where the public can speak on any topic that appears on tonight’s agenda and under #17 is where the public can speak on any topic that does NOT appear on tonight’s agenda. I’d like to remind you that if you have a cell phone, please set it to mute, vibrate or turn it off so it doesn’t interfere with the recordings.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I’d like to make a motion that we excuse Councilwoman Julie Harwig Smith.

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

8 yes to excuse Councilwoman Harwig Smith

COUNCIL PRESIDENT ISTNICK – Thank you. Councilwoman Harwig Smith has been excused. Councilman Slutz.

2. INVOCATION

COUNCILMAN JAMIE SLUTZ

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN SLUTZ

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Slutz. Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

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

COUNCIL CLERK ROLLAND – No, there are not.

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

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

LEW GARRETT – I live at 2531 Wildflower Lane N.E., Massillon, Ohio. I'm speaking tonight on agenda point #15, the proposed inducement grant for Caffeine and Gunpowder. Councilman Herncane, would you be so kind as to pass those around, please? I don't believe this is a first amendment or a second amendment issue. It's not that at all. What I think Council needs to do is simply make a decision on the business sense for this particular store. You have to ask yourself about the viability of the store and you also have to ask yourself about the two co-owners. And let's be clear, there are two co-owners of this business. What's being circulated tonight is the articles of organization from February 22nd that granted the LLC to Caffeine and Gunpowder and if you turn to page four you'll find that there are two signatories on this. And if you look at the business plan that they presented, they also show that there are two co-owners. The two-page business plan talks about their background and various other things. There are some things in the background that may be of the co-owners you would like to know. And most of it, in fact, all of it is from public record. Anyone could find any of these issues. So, let's see. Councilman Lombardi, three lawsuits for eviction between one of the founders or the other founder. Councilman Gregg, three lawsuits for non-payment of a debt filed by a financial institution. Councilwoman Creamer, one lawsuit that also had a garnishment of wages attached. Councilman Lewis, a personal injury and property damage suit. Councilman Herncane, a federal lawsuit from the U.S. Dept. of Labor for not paying minimum wage or overtime. This lawsuit has a projected settlement or an outstanding amount due of \$112,000.00 from one of the co-owners of this business. Councilman Slutz, there's a judgement lien against one of these co-owners by the State of Ohio. And Councilman Snee, just six days ago, six days, there was another lawsuit filed against one of the co-founders of this business. Councilman Herncane, if you would be so kind, I'm going to circulate the complaint to all of the Councilmembers. This lawsuit, and let's understand, it's a complaint; it's an allegation. It was filed just six days ago in the Common Pleas Court. It alleges that one of the co-founders and their business has been sued for breach of lease and damages. I'm going to give you the 30,000 ft. deal list looking at the lawsuit.

COUNCIL PRESIDENT ISTNICK – One minute.

LEW GARRETT – One minute. Thank you. On February 1, 2022, one of the co-founders signed a lease for 61 months or the total value of the lease at \$124,000.00. The suit alleges that on February of this year, no payment was made and so, they're on breach of contract. The lawsuit asks for the remaining part of the monies due on the lease and, of course, some small damages. It's a total of \$101,000.00. So what I'm asking Council to do tonight is just maybe take another look at this. I don't think you have to make a decision tonight. Take some time on this. Look, you didn't much due diligence done on this before you got this put in your laps. All I'm asking you is to maybe take some time. I don't know if your constituents would want \$8,000.00 spent for an inducement grant with one of the co-owners who has a lawsuit awaiting them that owes \$101,000.00. Madam President, Councilmembers, thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILMAN LEWIS – Madam President, just for clarification of the record; all charges mentioned by Mr. Garrett were to be speculated as part of the co-owners, not any of the members of Council. Because the way that was presented, that could have been confused as to who you were saying those charges were to be adhered to.

COUNCIL PRESIDENT ISTNICK – Anyone else?

WILLIAM STEVENSON – I live at 1024 Irvington N.E., Massillon, Ohio. I've been here for almost thirty years. I have seen businesses come and go because of certain reasons and stuff like that and as far as the business, Gun and Caffeine, I'm going to tell you something; as being a veteran of 18 years in the military, I've gone down there. I've sat and drank coffee and talk to a bunch of military guys that have been through the same things I have; which I have suffered from PTSD. I have suffered from drug addition, prescription drugs from the VA and also alcoholism. I've been clean for 10 years and I've lived here in Massillon, like I said, for almost thirty years. If it wasn't for places like this, because Massillon has nothing. If you go to the VFW, the American Legion; what do they have in there? Bars. I'm a recovering alcoholic. Massillon has no coffee shops. The one that they do have closes at 5:00 p.m. and as being a military man that needs to speak about their PTSD and talk to other vets and I have helped five suicidal vets out of Massillon. But I'm on the road all the time helping these vets. We need something here in Massillon to help and right now, there is nothing. And the people that work there, Allison, who's a very good friend of mine that I've known for years and I just met Tim. Tim is also of special forces. We've seen more stuff than any of you guys sitting here. I've been on more missions than you guys could ever think of. I have dreamt nightmares on stuff you guys could never even phantom. And that's a relief to go down there and talk about it to vets that know what I've been through and to not get upset and angry; we just sit there and BS and talk to each other. Can't do that anywhere else because people don't understand. And I've been called a baby killer because of the stuff that I did. I was a sniper. I was special forces. I did what I was told and I have nightmares about it and veterans need veterans to help and that place provides it. And as far as the grants and stuff like that, that's totally up to you and about the stuff that was just passed out, I know nothing about that nor do I care about that. But, the City of Massillon needs to do something for the veterans that are here. Not the American Legion, the VFW or well, the DAV now is no longer allowed to carry alcohol. That's according to the National DAV. But we only go to meetings once a month. The rest of the time, what do we have? That's a place to let steam off. Yeah, we get into politics. I'll be the first one to tell you; I get into politics. But I'm going to tell you something right now, what they do in politics is their business. I just have to live by them. Don't like them, but I have to live by them. That's a part of life. So, with the grant that's here now, I don't know who did what as far as the Caffeine and Gunpowder, I don't know who did what. But I know the lady that is the main owner or the main person there, she's good people. She is good people. I've known her for years. She's like my daughter and she talks and she knows what I've been through. She's seen it. She's seen my go through it. And my wife who's sitting next to her, twenty-seven years; she's seen it all. And my outlet is those vets that go down there to drink coffee and BS with each other. So, thank you.

COUNCIL PRESIDENT ISTNICK – I'm sorry, what's your first name?

WILLIAM STEVENSON – William.

COUNCIL PRESIDENT ISTNICK – Thank you, William. Anyone else wishing to speak?

ROBERT WILLIAMS – I live at 2195 Eagle Cir. S.E., Massillon, Ohio. I am here to speak in reference to you all considering an inducement for the business that this gentleman just spoke for. I am also a veteran. I'm a retired police officer of the City of Massillon. I think this is a moral issue. We know the type of poison at the national level. We've seen it seep down into the state level and we don't want to see that continue at the local level. I don't care what your party is, we are brothers and sisters. We live in the same city we don't need that type of divisiveness, that type of poison being promoted in our City, let alone, using our tax dollars for that. I think that is a responsibility for you all as our elected leaders to set the moral tone for Massillon. So please, do not support using tax dollars for hatred. Thank you.

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

GERALD EVANS JR. – I live at 1320 Johnson St. S.E., Massillon, Ohio. President of the Stark County Black Caucus. I actually went into the store and when you go into a store in Massillon, the store represents Massillon. The stores in Massillon represents what we believe and when I walked in, I'm greeted with "F your feelings". I'm greeted with "F Biden and if you vote for him, F you too". "If you find this offensive, I find it funny. That's why I'm happier that you". This is being displayed and is being sold in the store. Hats that say "You can leave". Now, for me, and as my tax dollars, I'd rather see my tax dollars being better serve, that's ready to serve me as well. And this does not serve me, it doesn't serve the community as a whole. It serves one agenda and as pastor said, this is poison that's being circulated and sold. If you want to pass those (pictures) out to those, they can have a look for themselves and again, when I walked in, this is what I'm being greeted with. I understand the gentleman said this is a place for them to congregate and have a place because they don't have a place. But, I believe we have a library. I believe we have other places that they can do that. But, again, this is what's being circulated and this is what I'm being greeted with. So when I walk into the store the first thing I see is "F your feelings" and as Councilmembers and as the City Council, if this is something that you are supporting, what you're saying to me is "F your feelings".

COUNCIL PRESIDENT ISTNICK – Thank you.

GAYLE DANZY – I live at 2014 Tennyson Ave. N.E., Massillon, Ohio. I love this because I've changed everything that I had intended to say. To the gentleman that's the veteran, I respect veterans to the highest and I certainly agree that they should have some place that they should be able to go, be able to converse with each other, be able to go home, be able to relax and we don't know what they've been through. I talked to one of my Sunday school students who killed somebody in the war and when he talked to me about, he told me how hard that was, but it was kill or be killed. So, I understand that. So, that's a challenge to us as a City to put something together, some place that they can go; some place that they can enjoy. Some place that they can express their selves. But it's not the place that we're talking about tonight. The pictures that went around. It's been brought to my attention and people have rights. They can say anything that they want to say. I can say for sure that I won't be shopping at the store and that's what I want to talk about the most is that it's a business decision. I was an executive director of a business for many years. It's a business decision. It is not a store that is welcoming to all of the citizens of Massillon. It's not a good business decision. But we're asking to take tax payers dollars to help them build this up more when it doesn't serve the community. So, I'm going to get pass all the pictures. You don't know how offended I was when I saw those pictures. Couldn't believe it. But I'm going to leave that alone. It's just not a place that serves the entire community of Massillon. We are one. I know there's 32,000 people in Massillon. There's about 16,000 to 17,000 African Americans, so, I know I'm a big

minority. But I'm still a tax paying, abiding citizen of Massillon and I hope that you can make the decision to come up with something to do for the veterans. They deserve that. I wholeheartedly support that. But I hope you will also make the decision not to give our tax dollars to people who don't support all of our community. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Gayle.

SANDRA SMITH – I live at 737 Phillips Ave., Massillon, Ohio. I just want to say that I think, from my point of view, there's some wonderful programs in town that could use support and that are open to everyone. There's a church on Walnut that gives free lunches all summer. I've had a free lunch there from them myself. That Central Presbyterian Church, they have lunches. You know, the library's open. We do have Tremont Coffee and Panera's for coffee shops and I like what she said about let's have a place. If we need a place for people to get together and talk and have coffee that don't drink. I have friends that are in recovery. That's a good thing, you know. But I'm against giving money to this place where it has the guns. I saw the sign the other day driving from Y and I said, "Guns and Caffeine". Oh my God, they don't mix. I mean, it's too heartbreaking to be seeing how many people are getting killed by guns. Just wanted to say that I'm against it. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

CHRISTINA RAY – I live at 26 Goose Ave. N.W., Massillon, Ohio. I can respect what the gentleman was saying that he's a veteran. My dad was a veteran. My grandfather and my son is a veteran and if that place helped him in helping others, that's wonderful. What I disagree with is the signage of maybe making other people not feel welcome there. So, if there are other veterans that could be helped by him because it sounds like he may have helped some, if other veterans who could have used his help did not feel welcome there and that I disagree with in promoting separation. Everybody has a right to vote for who they want to vote for and we're all dealing with it right now with the primary election coming up. Dealing a sort of hatred from people in businesses because of who you chose to vote for, I disagree with that. That is what this country is based off of, your freedom to vote for who you want to vote for. I do not agree with giving our taxpayers dollars to a business that is promoting separation and hatred toward who you're voting for.

COUNCIL PRESIDENT ISNTICK – Anyone else wishing to speak on a topic that does appear on tonight's agenda? Please come forward. Seeing none.

6. NEW AND MISCELLANEOUS BUSINESS

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 37 – 2023.

ORDINANCE NO. 37 – 2023

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a donation from a private Massillon citizen, on behalf of the Massillon Fire Department.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. This is for the \$100 donation to the Fire Dept. from a private citizen. Does anybody have any questions? If not, I would make a motion that we suspend the rules requiring three readings and bring Ord. No. 37 – 2023 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. 37 – 2023 has passed. Ord. No. 38 – 2023.

ORDINANCE NO. 38 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the purpose of the Massillon Fire Department, for the year ending December 31, 2023.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the appropriation that follows along with the ordinance that we just passed. With that being said, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 38 – 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. 38 – 2023 has passed. Ord. No. 39 – 2023.

ORDINANCE NO. 39 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1212 Summer Concert Series Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$15,000 for the Summer Concert Series Fund. This is a pass-through of grants that have been received for the purpose. Any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 39 – 2023 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. 39 – 2023 has passed. Ord. No. 40 – 2023.

ORDINANCE NO. 40 – 2023

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 40 – 2023 has received first reading. Ord. No. 41 – 2023.

ORDINANCE NO. 41 – 2023

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – The next three ordinances on the agenda are looking at the contracts that the Law Dept. has with surrounding communities for prosecutorial services within the Massillon Court system. They are for Navarre, Beach City and Wilmot, respectively. Are there any questions regarding any of these agreements that the Law Director and Law Dept. would be entering into; otherwise, we'll move forward individually for each one? Seeing none, I would make a motion that we suspend the rules requiring three readings, bringing Ord. No. 41 – 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. 41 – 2023 has passed. Ord. No. 42 – 2023.

ORDINANCE NO. 42 – 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 Beach City, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 42 – 2023 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. 42 – 2023 has passed. Ord. No. 43 – 2023.

ORDINANCE NO. 43 – 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 Wilmont, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 43 – 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. 43 – 2023 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

US Bank Equipment Finance	-	\$ 114.30	April Payment for Copier
First Commonwealth Bank	-	9.48	Mailing to OH Sec. of State-Janda Annex.
Total	-	\$ 123.78	

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to pay the bills.

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

8 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

Mayor's Report - March 2023

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, April 24, 2023, at 6:30 p.m. And we have the Mayor coming up.

MAYOR CATAZARO-PERRY – Good evening, Madam President and Members of Council. Just to give you a quick update this evening. 2022 construction has restarted and we hope to have that completed very, very soon. So far the roads that have been completed are Ohio, David, Sheffield, 8th St. N.E. and now they're in Colonial Hills. Wales Rd. is ongoing. Ohio Edison has begun their work on Diamond Ct. We also are being work on 1st St. for handicap entrance for the Museum. So that will be wonderful to have that there for them. The Exterior Renovation Grant began today that we talked about that had \$50,000 that we use from the ARPA Funds and you will apply through the Community Building Partnership Grant. It's on our website and so, it's first-come, first-serve and this is for anything for the outside of your home. A new front door; if you want to put a light out front. If you want to paint your house; anything to do with the outside, including sidewalk. A sidewalk is included in this program as well. Our Sidewalk Program; we are at \$75,000 out of \$125,000 that we put in the budget and that program will end on April 30th. So, anyone interested in the Sidewalk Program has a few more days to get their application in. And that's a program for the audience that may not know this, but if you have a sidewalk project that is \$8,000, the City will pay \$4,000 of your project, up to \$4,000. So, if your project is \$6,000, we will pay \$3,000 and we actually write the check to the contractor. These are not reimbursable monies. We actually write and pay the contractor. So,

you don't have to pay the entire amount up front and wait for reimbursement. Massillon Matters Newsletter was in your sewer bill. So, we do have some tips in there for spring. E-waste is being accepted at the Massillon Rec. Center. That is part of the Massillon Newsletter as well. Nixell; we really want anyone that wants to sign up and be connected to the City to text 888777 and put Massillon in the text box and you'll be directly connected to the City for road closures or like the program that we're beginning today will be being put out through Nixell as well so that the public knows about it. So, it's really a great asset that we have and it comes through a text, so it's not like you have to open up your e-mail. It'll pop up on your text. So, that's a benefit of that program. And if you want to utilize the Nixell and you want to use it through e-mail, we also have that capability. It's just that you have to open up your e-mail to access the message and you can go to our website and on the Home page, go all the way to the bottom and there you will see a way to sign up for it. It's called Nixell and we'll be happy to get you signed up and be able to communicate with you regularly. That's all I have tonight. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

COUNCIL PRESIDENT ISTNICK – Ord. No. 17 – 2023.

ORDINANCE NO. 17 – 2023 **BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**
Tabled April 3, 2023 until April 17, 2023

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. Yes, this ordinance we've discussed several times in Committee. We've amended it now twice and I believe it's ready to be passed. The amendment was to add language so that starting in 2023 and each year thereafter, "The Health Commissioner shall appear at the next regular meeting of Council immediately following October 1st and shall advise Council as to the status of each position within the Health Dept. funded by the grant or other outside funding sources, the amount remaining on any such grant or outside funding sources and whether such grant or outside funding sources will be renewed so as to enable the continued funding of said positions". So this relates, right now, specifically, to three positions that the Health Dept. wants to add. One is a summer intern and then two other permanent positions, again, connected the grant. Are there any questions or comments by City Council? Seeing none, I'd like to move that we vote on Ord. No. 17 – 2023.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Herncane. Roll call for suspension. Just of passage?

COUNCIL CLERK ROLLAND – No, because when you amended it, it took it back to first reading.

COUNCIL PRESIDENT ISTNICK – Roll call for suspension.

COUNCILMAN GREGG – Okay.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

5 yes; 3 no for passage – Herncane, Lombardi and Snee voted “no”

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

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN LEWIS – Just to let the record reflect, I do not believe that emergency language. So, it will be thirty days before the Administration can act on said legislation.

15. **THIRD READING ORDINANCE AND RESOLUTIONS**

COUNCIL PRESIDENT ISTNICK – Ord. No. 22 – 2023.

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 Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. Based on the information that we received earlier, I believe further discussion on this matter is required. I’d like to do that at the next Work Session. Therefore, I make a motion to table Ord. No. 22 – 2023 until May 15, 2023.

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

6 yes; 2 no to table Ord. No. 22 – 2023 until May 15, 2023- Gregg and Snee voted “no”

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 22 – 2023 has been tabled until May 15, 2023

16. **SECOND READING ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT ISTNICK – 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. Hearing no further discussion on this, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 30 – 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. 30 – 2023 has passed.

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

BROOK LONGHEIR – 24 Lincoln Way E., Massillon, Ohio. You've been reading ordinances to me all night, so, let me read you one. 1341.23 – "Protection of party walls. Whenever a building or other structure or part thereof on one side of a party wall is removed existing party walls shall be maintained in a safe, weather-proof condition", listen to this part, "by at the expense of the person, firm or corporation causing the building or other structure to be removed". Not me; it wasn't me that caused it. "Temporary or permanent bracing, temporary or permanent bracing shall be provided as necessary for maintaining the stability of such party wall or adjoining building whenever stability is endangered by the removal of a building structure or part thereof. Open beam holes and party walls exposed by removal of a building or other structure or part thereof, shall be closed with approved masonry by and at the expense of the person, firm or corporation causing them to be exposed". Again, not me. Now today, we were given orders for our building that we are responsible for 100% of. So, let me just read you a few points of the structure report that I have. "The now exposed west wall consisting of three...is in poor to moderate condition despite recent masonry repairs after the January demolition. Wall cracks and penetrations remain in the wall. Although it appears the efforts to stabilize the laterally support west wall to complete the emergency demolition of 14 and 20 were successful", assuming because my wall didn't fall down, "the current configuration of angles, brackets and bracing, is not likely sufficient. Incomplete masonry repairs and weather-proofing prevents opportunities for weather intrusion into the building and continued masonry deterioration. Due to the significant alterations to the building, we won't ... the demolition of the approximately 50% of the original construction, retain the services of another structural engineer to evaluate the remaining gravity and lateral system to address compliance requirements of the current building code. Evaluations will likely conclude that the minimum, blah, blah, blah". All I see is my life blowing away, my money going away. I had a Council person tell me I'm facing the same thing as Caffeine and Gunpowder. Really? I'm facing

wondering if I can get \$8,000 grant and start a new business in Massillon? No, we're 126-year old business in Massillon. The City decided for whatever reason, that building had to be demolished immediately. They demolished it. Now I'm being told today this ordinance is not for the City to enforce. It's for me to take the property owner to court and enforce it in court, in civil court. It's not for the City to enforce. So, now I'm blessed, what are we just finding this out at 2:00 p.m. today, going to my other job, getting off my other job at 6:00 p.m. and then coming here. So, I really haven't even had the time to process this. Process the fact that my life is now over and I'm probably going to be in debt for the rest of my life over something that we had no control over. Go look at our last structural engineer report for the City. Everything in here is west wall, west wall, west wall. We didn't do anything to the west wall. The poor building inspections, the people that didn't make the old owner take care of it. That was done. So, I don't know what I expect y'all to do. I know that there was a lot of grant money that went towards that and if this ordinance is here and states that this should be done, then why isn't that grant money being spent on my wall instead of forcing me to sell. Maybe I'll just sell to Fuzzy, who knows. Have a great night.

LYNDA BLANKENSHIP – I live at 958 Oakhill Dr. N.E., Massillon, Ohio. I wasn't going to speak, but I want to support this woman. Fourteen years ago, I was running the Lincoln Theatre when that fire happened. Mike Phillip took me into the building that the fire happened in. They had moved next door, but, he still owned the building. We were on the second floor of the building where they used to live. There was an end of the floor and we looked over the end of the floor and there was nothing but dirt. Nothing, absolutely nothing holding that building up. No, nothing. Fourteen years, how did that be let go? Has Fuzzy paid his bill? I know you probably can't tell me that, but, whatever happened to those two buildings on the side, did not need to happen and somehow it got left for fourteen years. Why her business which we've all known, we've all grown up with it there, has to suffer? I don't understand. It's not fair. It's not Massillon and that place is a mess now. Clean it up. It doesn't seem that difficult. We have money for other things. That's all I want to say, but, let's see what we can do. We did it. We ignored it. Just like the Rezzy. We kept ignoring it thirty years then we lost it. Thank you.

GAYLE DANZY – I don't think I have to sign again, but I just wanted to come back. A couple of weeks ago, I complimented you because I heard you were thinking about doing some legislation to go after the people who have these raggedy buildings that they don't fix. So, I just wanted to come back and reiterate. I hope that maybe in your Committee meeting next week, that that will be on your agenda that you can actually start talking about what you're going to do to these people that own these dilapidated buildings. In fact, this one particular person actually owns thirty of them downtown. I think I said that before. So, I hope that in your Committee meeting that that just wasn't blank talk that I heard a couple of weeks ago. That that is still fresh in your mind that we need to do something. I've supported Duncan Jewelers forever. The original owners before was one of my daughter's teacher. Wonderful woman and this lady should not have to suffer because we, the City, let something go that many years. What the owner has against or whatever with the City, I don't know. But I wish I could own thirty buildings and not take care of them and have nothing done to me. Even when you place the lien, if you would consider talking about this in your Committee meeting, know that you need to have something in the lien because I've talked to legal people that will make him have to pay. Because we are wonderful at loop holes. You've heard me talk about that, what we do to put a band aid on so we don't have to do what you really want us to do. So, as you're considering this, please try to fill up the loop hole in the gap and see if we can get something from Mr. Anonymous. Thank you.

J.D. RESS – I guess mine is just a technical issue. I'd like you guys to maybe consider, since we're live and we broadcast live, to maybe not have people announce their home addresses in front of the camera. Now, they're written down here, so, that's a good thing. You already have them file. But this was kind of a sensitive night tonight. No other legislation in the future that will be sensitive; maybe not having people announce their addresses so that the whole world can hear where they live. That's a consideration and I hope you'll consider that. Thanks.

COUNCIL PRESIDENT ISTNICK – Thank you, J.D. Anyone else?

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – I make a motion that we adjourn.

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

8 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT