

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, MAY 1, 2023**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, May 1, 2023. We have in attendance the following City officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Civil Engineer, Greg McCue, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, Community Development Director, Samantha Walters 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, Julie Harwig Smith, Ted Herncane, Ed Lewis, Mark Lombardi, Jamie Slutz, Mike Snee and Aaron Violand.

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. All present and accounted for. Before we continue, I’d like to call on Law Director Richard.

JUSTIN RICHARD – Thank you, Madam President. I just want to take this time to introduce everybody to our new Chief Counsel, Earle Wise. E.J., would you stand. He also goes by E.J. He’s formerly of the Fifth District Court of Appeals. He brings over two decades of experience to the Massillon Law Department. We are happy to have him.

COUNCIL PRESIDENT ISTNICK – Thank you and welcome E.J. I notice a lot of young adults in the audience. What school are you representing?

STUDENTS – Jackson.

COUNCIL PRESIDENT ISTNICK – Jackson. Welcome and after the meeting have one of the council people sign your papers. Councilman Snee.

2. INVOCATION

COUNCILMAN MICHAEL SNEE

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN SNEE

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Snee. 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 – I live at 2014 Tennyson Ave. N.E., Massillon, Ohio. This is something on the agenda, but not for you to do tonight. Just for you to give consideration to. You're voting on the CDBG budget and my request is that at some point, I would love to help you, that you can get more familiar with the purpose of Federal funds; what they are to be used for, what they're not to be used for. Because you are the governing body of the City, not the Administration. So, I want to make sure that you have the opportunity to know everything about those funds so you can vote for the best of your knowledge or the best of how you feel about it. Thank you.

COUNCIL PRESIDENT ISTNICK – If you wish to speak, please come forward and state your name and topic you wish to discuss.

ROBERT MACKO – I live in the City of Massillon, Ohio. I want to know why we have to pay about the Kimble contract?

COUNCIL PRESIDENT ISTNICK – Well, unfortunately, this is not a question-answer, this session. This is just where you can make comments on anything that's on the agenda. After the meeting, perhaps somebody can answer your question.

ROBERT MACKO – I called Kimble and they told me to call City Hall to talk to you guys about it and you guys told me to call Kimble. Which is it? And plus, I don't have a contract with the City of Massillon about \$23.00. Why should I pay for it when I don't have a contract with you guys?

COUNCIL PRESIDENT ISTNICK – After the meeting, Councilman Violand will talk to you.

ROBERT MACKO – I got to say what I got to say because I go back home because I got to take of two people that's got diabetes. So, I'm here just to say what I got to say and I got to leave right away. I don't have online or email or anything.

COUNCIL PRESIDENT ISTNICK – Mr. Maley will speak with you now. Thank you.

ROBERT MACKO – Thank you for letting me speak.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. In accordance with Division G(2) of Section 121.22 of the Ohio Revised Code, I move that we enter into Executive Session for the purpose of considering the purchase of property for public purposes, the sale of the property at competitive bidding or the sale of other disposition of unneeded, obsolete or unfit for use of the property in accordance with Section 505.10 of the Ohio Revised Code. If premature disclosure of information would give an unfair competitive or bargaining advance to a person whose personal private interest is averse to the general public interest. I'll be inviting to the Executive Session all members of Council including the President of Council, the Law Director and his representatives, the Safety Service Director, the Mayor and I think that is it.

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

9 yes to enter into Executive Session – 6:40 p.m.

COUNCIL PRESIDENT ISTNICK – Mr. Lewis, would you like to expand your invitation?

COUNCILMAN LEWIS – Yes. As long as no one objects, I would expand to include the City Engineer, Greg McCue.

COUNCIL PRESIDENT ISTNICK – And??

COUNCILMAN LEWIS – Samantha Walters, apparently.

COUNCIL PRESIDENT ISTNICK – And I don't know if David Maley was on that list?

COUNCILMAN LEWIS – No, he's not. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd like to make a motion that we exit Executive Session.

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

9 yes to exit Executive Session – 7:00 p.m.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We have now exited Executive Session and back to our Regular Session.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 44 – 2023.

ORDINANCE NO. 44 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE approving the proposed Community Development Block Grant (CDBG) Program Budget for the FY2023 Program year, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, President Istnick. Each year, City Council is asked to review and approve the proposed Community Development Block Grant Program Budget. This year, we're being asked for the 2023 Program year. The Program year is from July 1, 2023 to June 30, 2024. The major objectives of the Community Development Block Grant Program is to provide descent, safe and affordable housing to promote a suitable living environment and to expand economic opportunity. We received a list of proposed projects on the documents that were provided to us. There's activities to be undertaken by the City includes housing rehabilitation, code enforcement, downtown street improvements and those activities for which CDBG funding will be provided to local organizations. Samantha Walters was here at our Work Session and she did answer our questions and give us an overall of this program. There were some changes. The total budget for this year was \$663,912.98. Does anyone have any questions regarding this ordinance this evening? I was planning on moving it forward, but if there are any questions or concerns, I'll open it up for questions. Anyone have any concerns? No questions regarding the budget that we have before us? Seeing none, I'd like to make a motion to waive the rules requiring three readings and bring Ord. No. 44 – 2023 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 44 – 2023 has passed. Ord. No. 45 – 2023.

ORDINANCE NO. 45 – 2023

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is, I believe, from the Mayor's Breakfast and it is an appropriation from the donations received. Are there any questions or conversation this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 45 – 2023 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 45 – 2023 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report - March 2023

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, May 8, 2023, at 6:30 p.m. Mayor, come on down.

MAYOR CATAZARO-PERRY – Good evening, Madam President and Members of Council and those in the audience tonight. A couple of things that I wanted to share with you; we did have the Mayor's Breakfast about a week ago and it was well attended. We gave away 22 awards. Many from our staff, but also those in the community. So, if you'd like to see who won those awards, it is on our website. Next, I wanted to just talk about our street paving for 2022. As you recall, last year the contractors were hard to acquire because everybody was doing road paving and so, 2022 is at 60% roughly complete and we should be starting 2023 around July. We are opening up the catch basin program for the year. The bid opening is May 4, 2023. So, we're excited to get that program going. The aggregation electric program that we have in the City of Massillon, many of you have probably have heard that the electric rates are going up. But those that are within our program, your rates will be staying the same and if you're not in our program right now, there's a phone number, I'm going to read it. You are to call Energy Harbor at 866-636-3749. So, I just wanted to let you know that and that is through May 2025. So, you can still join our program, our aggregation program. The phone number is, it's called Energy Harbor and the number is 866-636-3749 and we'll put that on our website also. The electric is going up significantly. So, we want our residents to be able to utilize our program. The Sidewalk Program you all were approving of an increase of 125 this year and right now, the Sidewalk Program is closed and we are at \$115,000 out of the \$125,000. So, outstanding. Just an update on Charles and Erie; work has begun and so you'll continue to see ongoing work on Charles and Erie. Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. I'd like to go back to reports of Committees. Councilman Snee, are you having the Streets and Highway meeting next Monday at 5:30 p.m.?

COUNCILMAN SNEE – On the 15th at 5:30 p.m.

COUNCIL PRESIDENT ISTNICK – Okay. Thank you.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – Thank you. I will not be here next week.

COUNCIL PRESIDENT ISTNICK – Okay. Anyone else?

14. **CALL OF THE CALENDAR**

15. **THIRD READING ORDINANCE AND RESOLUTIONS**

16. **SECOND READING ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT ISTNICK – 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 – Yes. This ordinance is the additional monies to be appropriated to cover the cost, the anticipated cost of the street resurfacing project. Is there any discussion or questions this evening? Seeing none, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 40 – 2023 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 40 – 2023 has passed.

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

JANICE THOMAS – I live at 1234 Tremont Ave. S.E., Massillon, Ohio. I've lived there near Sippo Park for a number of years. Raised my kids here, they went to the schools and did very well afterwards. I like this community. I want to stay here. I am a cat lover. I'm an old lady, 71 years old. I have several cats. I have built, in November or October of 2021, somebody's called it a catio. I have some pictures to pass around to give you an idea. This is a drawing of my house that I submitted with the request to get it approved, after it was already done. I did do some preliminary work. I didn't find anything in any of the laws or rules or regulations against a catio. I did not see anything that related to that. This is just a picture off the internet I got of what a cation looks like. This is what my catio looks like with pine planks. This is the

side view from Tremont; the other one is facing South Sippo and Code Enforcement does not like it and the reason they don't like it is because of something they call workman like manner. Whatever that means. Actually, I looked it up and it applies to a contractor who builds homes. I don't think it's specifically designed to cover patios, but it's apparently open to interpretation and if they don't like it, it's illegal and it's considered an illegal structure and has been since November 21, 2021, apparently. The main complaint, and this was from April 2022, the Massillon Board of Zoning of Appeals, the first appeal that I had, from James Johnson, "Okay, I think I can offer some recommendations to the Board, to the Chief Building Official; I think the problem here is that one side is large and it isn't properly constructed being wrapped around those tree stumps. That's an issue for us". The tree stumps, which could easily be hid, obviously. So, having denied my appeal, I appealed, the next step was to Massillon City Council. This is my hand delivered appeal on May 9, 2022 to Diane Rolland. I got a call from her, it was scheduled for the June 21, 2022 meeting. And I know it was on the agenda because when I did a record request in November, this is what I got. That is a form that says that you were at least considering approving my appeal. Of course it had to be voted on and approved, but at least it was a form that you were going to consider it June 21, 2022. I never appeared here. I don't know if any of you remember what happened, but I got a call from Diane Rolland a few days before hand that Jim Johnson had come to her office and told her to take it off the agenda without consulting me, without calling me, without notifying me. She notified me and I came right down here and I talked to her and what she said was, she confirmed again what she told me on the phone. When I asked what basis did Jim Johnson drop my appeal and get it struck from the Council's meeting agenda, in which I was to make an appeal to keep my cat enclosure, she stated that Jim had referenced the proposal that I submitted which is a ladder and cedar fence planks and was willing to work with me. I did do that in May, I have a copy of it somewhere, if I can find it. It was just basically a handwritten note with some pictures, here it is. To both of them, Jim Johnson and Frank Silla. I never got a response. Not in writing, not a phone call, nothing. So, it was stricken off the agenda in June. I didn't have a chance to appeal it, that's what happened. So then, I get a letter in November with a demo order and the demo order says right here, this was filed November 2, 2022, "Your appeal of this matter was then denied by City Council". Denied by City Council. "This office has allowed more than sufficient time for you to correct this situation". So, you all denied it without me being here? I wish I was kidding, but I'm not. It's in writing. That was in November.

COUNCIL PRESIDENT ISTNICK – Janice, you need to wrap it up, please.

JANICE THOMAS – Okay. I will attempt to do that. Okay, so then I got a demo order. I sent off an e-mail asking for everything. I got a call from Jim saying that there was going to be another hearing November 15, 2022. On November 13, 2022, this was another appeal. November 13th he called me and cancelled it. He said we're going to have another appeal, whatever the last one was and you'll be notified. I was never notified, but apparently they had a meeting in December and I got a teardown order in April, April 7th. A teardown order on April 7th and what he put in there is just incredible, literally incredible. He said "The variance request was turned down by City Council, also failed to overturn the variance as well. Code Enforcement gave the owner the option to install a privacy fence to block the view". Remember, the one thing I passed around is that I initiated that and I never got a response. And he also stated which the owner cannot afford, which is not true. I did not say that. I said I couldn't afford to tear the whole thing down and rebuild it. But I didn't say I couldn't afford a fence. "The structure does not comply with building or zoning requirements". Based on what? Based on what? It's wrapped around trees, okay. That was it. "Owner was notified of today's

meeting and did not show”. This is the one from November. Not true. “Jim Johnson recommends that the Commission upholds the twenty-day demolition order”.

COUNCIL PRESIDENT ISTNICK – Janice, I’m going to cut you off. I’m going to have, Mike, are you her Councilperson?

COUNCILMAN GREGG – Yes.

COUNCIL PRESIDENT ISTNICK – I suggest that you talk to Mike Gregg, your Councilperson and appeal to Council again and we’ll bring it back up.

JANICE THOMAS – Okay. I am requesting that the teardown order be vacated and I think put up some kind of privacy fence if necessary as long as my cats have some kind of a view. It should be a compromise. That’s it. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

DAVID MCCUNE – Good evening. I live at 2152 Winslow Ave. N.W., Massillon, Ohio. I want to thank you for providing me a moment or two of your time. Tonight I’d like to touch base with you in regard to Ord. No. 22 – 2023, the proposed business inducement grant for Caffeine and Gun Powder, LLC. I am a firm believer that any business that has a solid business history, along with a business plan of growth in both business and employment, should be considered for and provided with a grant from the city. Unfortunately, Caffeine and Gun Powder, LLC, seems to fail in both regards. Their past business failures, which the public records of have been provided to Council, included within having their rights to do business in the State of Ohio revoked not once, but twice, then couple those findings with the impending lawsuit from a former employee, and together they leave me believing that this business is NOT a business The City of Massillon should be investing in. I do not understand why it has been attempted by some to make this inducement grant’s consideration into a first and second Amendment issue when it is simply a business decision. For regardless of a person’s personal beliefs, if serving as an elected official, one must consider any business that meets the aforementioned requirements for a grant, regardless of its nature, and if it meets said requirements, the business should be eligible for the awarding of a grant. But, again, from the information within the public records that has been presented to Council, Caffeine and Gun Powder, LLC, seems to fail to do so in both regards. I also found the recent statement regarding vetting this business more than any other business previously curious, as the Administration currently doesn’t have a vetting process and simply follows a longstanding point system, and Council typically doesn’t perform any vetting in-depth. So, when the citizens Council is elected to represent find it important enough to explore public records, to vet a business, if you will, and then provide their findings to Council for consideration, I would believe all members of Council would be honor bound as well as sworn to take that information into account and do with it what is best for the City, and in this case, the citizens findings clearly indicate Caffeine and Gunpowder, LLC, to be a poor investment opportunity. I have also seen the signs within the business in question that have been mentioned at previous Council meetings and they do seem to leave the business far from being an all-inclusive business. In fact, the signage within the establishment, although within the rights of the business owner, is attacking, hateful, vulgar and not conducive to being an all-inclusive business in any way. Again, at least in my humble opinion, only adding to making the business in question a poor investment opportunity. As a responsible gun owner who would like to see a similar business established in Massillon, I would NOT like to see this business, with the aid of a grant, be the one established in

Tigertown, as it would mean I would still have to commute to a neighboring city for my weapon and ammo needs. With all that said, I respectfully urge all of you to consider voting NO on Ord. No. 22 – 2023, providing Caffeine and Gunpowder, LLC, with a business inducement grant from the City of Massillon. Madam President, I would like to submit this statement as part of tonight's records, if I may.

COUNCIL PRESIDENT ISTNICK – Yes, you may.

DAVID MCCUNE – Thank you.

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

GWENDOLYN HALL – I live at 317 Shriver Ave. S.E., Massillon, Ohio. I want to bring it to the attention of the city that there's been a vehicle parked on the sidewalk at a house where there's a two-car garage and it actually can accommodate four cars in the driveway and then the garage would still be there for their use. That car has been there broke down for two years because I took pictures of it just to see how long it would stay there without getting a ticket, without the owners being told that they needed to move it or do something. Also, my grandson is blind and there's a sign that says "Blind person in the area" and the over growth from the tree on the person's property, that's at the corner of Shriver and Johnson and it's been blocking the view for two years. Now I happen to be up visiting with my aunt when the people that own the property had a tree company come out and look at it. Probably asking them if it was possible that they could take care of it. When the tree is in a person's property and the branch grows over and it covers the sign on the street that says that a person in this area is blind, who's actually responsible for that? Is it the City or that when it's on the tree line property that the City is responsible for cutting it?

COUNCIL PRESIDENT ISTNICK – Again, this is not a question-answer, but at the end of the meeting, perhaps somebody could talk to you about that.

GWENDOLYN HALL – Okay. Because I'd like to see that car moved, but actually, the sign is unblocked because a woman that I talked with was kind enough when they came to cut. They took care of that first, so that it wouldn't be a blithering by limb. Another question or complaint I have is that on Third St. if you're going, I guess, south if I'm coming from Walnut, towards town, that side of the street is "No Parking". People park there, at will, and the signs have been bleached by the sun where you can't read them and the City's not even come to check to see what needs to be taken care of up there. They've been like that for years. I just want to complain about it because my grandson is blind. He does walk through the area. The SARTA curb-to-curb does come to pick him and he is able to maneuver and go and visit people. But if the signs are not up so that, I don't want to call anybody reckless, but people do run the stop sign down there on a regular basis. I've complained to the Police Dept. about that also. Of course, they never run the sign when the police are sitting up in Shiloh's parking lot, but I took my grandson's cane myself and walked down the street just to see what they would do and they sped up when they saw me coming. My grandson is twenty-one, but his vision hasn't gotten any better and I want him to be able to maneuver down in the neighborhood peacefully and safely, if that makes any sense. So, that's what I would like to have looked into. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Again, if someone from Administration could talk to Gwendolyn, I'd appreciate it. Anyone else?

BISHOP GERALD EVANS – I live at 1750 Shawnee S.E., Massillon, Ohio. A couple of complaints; one just kind of follows what she just said, however, I've been living in Massillon and then the house that I've lived for a good over eight to ten years. My grandmother owned it over eighty something years, but on Sunday morning, oh, let me go back; we heard the complaining about Caffeine and Gunpowder and since I spoke out against that, I've been pulled over twice. We heard individuals say how he don't feel that we should give our address and now I'm beginning to understand why he mentioned that we shouldn't give our address when we speak out. So, since I've gave my address I've been pulled over twice, but then on Sunday morning, surprisingly, I get a knock on my door with an officer serving me a warning that I need to move my vehicles off of a property that I've been maintaining, my grandmother has been maintaining over fifty something years saying that, and I quote, "the Mayor came by and saw and wants this stuff removed from City property". Again, over fifty something years, I've been there over ten years and been maintaining the property. It's said to be the parks property, however, the park does not maintain it. I cut the grass around it and before there is a whole lot that has to be cut that belongs to the City and is not cut until I cut it. So, surprisingly, again, on Sunday morning; I don't believe code enforcement operates on Sunday morning, but I get a knock on my door telling me that the Mayor came by and wants this stuff removed which is not a problem, but however, you would think that this is a sort of harassment or retaliation. However way you want to look at it. I find it very surprising and following her remarks when there is a car parked on the sidewalk there, I'm just hearing, for over two years that code has not even looked at or gave a warning. But, on Sunday morning, I've being faced to move my boats off of some grassland that I maintain. So, again, this is just something I wanted to bring up and it may not, it may be a coincidence, but however, again, it looks like harassment to me.

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

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – I'd like to make a motion that we adjourn.

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

9 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT