

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, JUNE 5, 2023**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday June 5, 2023. We have in attendance the following City officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Chief Deputy Auditor, Stefanie Myers, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, Chief Counsel Earle Wise Jr. 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: Mike Gregg, Julie Harwig Smith, Ted Herncane, Ed Lewis, Mark Lombardi, Mike Snee and Aaron Violand.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we excuse Councilwoman Creamer.

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

8 yes to excuse Councilwoman Creamer

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilwoman Creamer has been excused.

2. INVOCATION

COUNCILMAN ED LEWIS

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN LEWIS

4. READING OF THE JOURNAL

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

COUNCIL CLERK ROLLAND – No, I’m still working on them.

COUNCIL PRESIDENT ISTNICK – Okay.

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

6. **NEW AND MISCELLANEOUS BUSINESS**

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Thank you to Diane for catching this for us, but looking forward into the month of July, our first regular session of Council would be on July 3rd. This is the same day that the City will be having its Fourth of July festivities out here. So, there's probably going to be an issue there with coordination. So, the resolution that we are thinking that we can do is that since there are five Mondays in July, we would shift our meetings down a week. So, the regular session of Council that would have occurred on the 3rd would now be on the 10th, the committee meeting that would be on the 10th would be on the 17th, the regular session of the 17th would be on the 24th and then the committee meeting would be on the 31st of July. Seeing that as, I believe, a practical resolution, I believe the President's in agreement with that recommendation.

COUNCIL PRESIDENT ISTNICK – I have no problem with that. Does anyone have a problem with that? Councilman Slutz.

COUNCILMAN SLUTZ – Since there are five Mondays in the month of July, we're normally off on the 4th (Monday), so I booked a vacation on the fourth week of that month since we were off. So, if we do do that, I will not be able to attend.

COUNCIL PRESIDENT ISTNICK – We do appreciate you taking into consideration of Council meetings, but we will understand your absence.

COUNCILMAN LEWIS – I would have to make a motion to adjust the calendar so we have it on the record, if everybody's okay with that?

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – I would make a motion that we adjust the calendar of City Council meetings for the month of July to reflect that the regular sessions that would normally be held on the first and third week of the month would be held on the 10th and 24th of July and the committee meetings would be held on the 17th and 31st of July.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call

7 yes; 1 no to adjust meetings in July to reflect the celebration of the City of Massillon's July 3rd Celebration

COUNCIL PRESIDENT ISTNICK – Thank you.

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT ISTNICK – Ord. No. 55 – 2023.

ORDINANCE NO. 55 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1137.08 “Frequency of Applications” under CHAPTER 1137 “CHANGES AND AMENDMENTS” of TITLE THREE – ZONING ADMINISTRATION, PART ELEVEN – PLANNING AND ZONING CODE of the Codified Ordinances of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 55 – 2023 has received first reading. Ord. No. 56 – 2023.

ORDINANCE NO. 56 – 2023

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Parks and Recreation, on behalf of the Massillon Recreation Board and the City of Massillon, Ohio, to accept a donation from the Community for the Improvement of Lawndale Park, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, President Istnick. This is a donation from the group that was formed by a bunch of neighbors and they are called the Community for the Improvement of Lawndale Park. The goal is to raise \$30,000.00 to improve the park and they’ve submitted a plan and the Board approved it 5 – 0. There have been some changes since the City itself is going to be doing the basketball courts, but right now, this is just to accept what they have raised so far which is \$11,000.00 and this is in memory of why they formed. Jacob Brown, he was a high school student from Central Catholic who died in a car accident and played there as a child. So, this will be in memory of him to make the park better. Are there questions from anybody? Then I’d like to waive the rules requiring three readings and bring this to a vote because they’d like to get started on this project.

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. 56 – 2023 has passed. Ord. No. 57 – 2023.

ORDINANCE NO. 57 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with Ohio Department of Transportation (ODOT) for the micro surfacing of U.S. 62 within the City of Massillon, PID 94136, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you, President Istrick. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 57 – 2023 has received first reading. Ord. 58 – 2023.

ORDINANCE NO. 58 – 2023

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is to cover the cost related to health insurance increases that the City has received in their quotes. Are there any questions or discussion this evening?

COUNCIL PRESIDENT ISTNICK – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – I have one. We're getting all of these; I understand that everything's going up, but we just entered into a brand new plan last year. So, why is everything going up when it's not even been a year since we agreed to the new plan? Or is it just because of new hires and the number of people changing so it went up because of that?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I'd like to call forward Mrs. Sylvester.

COUNCIL PRESIDENT ISTNICK – Mrs. Sylvester.

BARB SYLVESTER – Good evening. As Council will recall the Healthcare Committee voted for the premium acceptance and it was brought before Council and that was passed. That was not completed until near the year-end and the budget had already been submitted and the budget amount that was put in there was 8% and the actual premium increase then was 14%. So this is to pick up the difference from that that was not included in the original budget adopted by Council. But Council did approve the increase. So, the calendar year for the health insurance is January 1 to December 31.

COUNCILWOMAN HARWIG SMITH – So, what you're saying is this increase is when we agreed to the increase it a 14% increase?

BARB SYLVESTER – That is correct.

COUNCILWOMAN HARWIG SMITH – And that it wasn't included in the budget?

BARB SYLVESTER – 8% is what was included in the budget. The Committee was still in negotiations for the renewal.

COUNCILWOMAN HARWIG SMITH – Okay.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis. Thank you, Barb.

COUNCILMAN LEWIS – I make a motion to suspend the rules requiring three readings, bringing Ord. No. 58 – 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. 58 – 2023 has passed. Ord. No. 59 – 2023.

ORDINANCE NO. 59 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations for the unappropriated balance of the 1201 Street Construction M & R Fund, the 1219 WIC Program Fund, the 1232 Clerk of Courts Computing Fund and the 1242 ADR (Alternative Dispute Resolution) Fund, for the year ending December 31, 2023.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Similar to what we just discussed, it's due to the rise in healthcare cost. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 59 – 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. 59 – 2023 has passed. Ord. No. 60 – 2023.

ORDINANCE NO. 60 – 2023

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance covers the cost associated to salary increases in the Treasurer's and Council's office due to the cost-of-living index that it is based off of. Are there

any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 60 – 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. 60 – 2023 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

Copley Ohio Newspapers	-	\$ 311.76	Publication of February Ordinances
Visual Edge IT	-	<u>44.65</u>	Overage Charge-02/24/23 to 05/23/23
Total	-	\$ 356.41	

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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

Treasurer's Report	-	April 2023
Auditor's Report	-	May 2023

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

8 yes to accept the Auditor's Report

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

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, June 12, 2023, at 6:30 p.m. There will also be an Economic Development Committee meeting that night at 6:00 p.m. here in Council Chambers.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 46 – 2023

ORDINANCE NO. 46 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE enacting 166 “LAND REUTILIZATION PROGRAM” under TITLE FIVE – ADMINISTRATIVE of PART I – ADMINISTRATIVE CODE of the Codified Ordinances of the City of Massillon, Ohio, and authorizing and directing thereunder the disposition of certain nonproductive land not needed for municipal purposes.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 46 – 2023 has received second reading. Ord. No. 47 – 2023.

ORDINANCE NO. 47 – 2023

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a 3-year billing agreement with the Board of Trustees of Jackson Township, Stark County, Ohio, for the processing and collection of EMS charges for the Massillon Fire Department and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. This is the ordinance to have the Jackson Twp. Trustees do the billing for our EMS for our Fire Dept. This is a new contract to replace the one that we have in place now. There was a slight increase in fees. Does anybody have any questions or comments, if not, I’m going to bring this forward for suspension tonight? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 47 – 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. 47 – 2023 has passed.

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

BROOKE LONGHEIR – I live in Massillon, Ohio. First with your first meeting, I think I agree with, I believe it was Mr. Lombardi, if you're going to make an ordinance about an age of buildings or whatever, it should not just pertain to downtown. It should pertain to all those in the City that could be that old. I think that a grading system is a good idea. There is a lot more that goes into a building than its age and who knows, like somebody said in an earlier meeting, there's some buildings around here that have been revitalized and just because they are 120 years old doesn't mean that their inspection wouldn't be great and you might be wasting city dollars to send a building inspector in there every year just because they are "X" amount of years old. As far as the second and third floors go, I think maybe you guys should talk to downtown building owners and business owners and see how many actually have second and third floors that are being used. I don't want to over exaggerate, I don't personally know, but I would like to say if you decide a second and third floor has to be completely operational, you might lose half your downtown businesses. As far as what's going on with my building, as soon as I was given paperwork I contacted my insurance company. It is a convoluted situation as you can imagine. My insurance company doesn't just want to fork over money for something that has been an ongoing situation for over a decade. So, they are currently investigating. I spoke with them on Friday and they have been waiting on our Building Dept. to get back to them. They had to call the Building Dept. and specifically ask "Can you please answer my email?". So, as far as my timeline goes, if the City's not going to answer emails from my insurance company, how can I meet my timeline? So, I don't know what I'm supposed to do. Do I ask for an extension? This is it. I'm asking for extension on this 45-90 day because my insurance company is still investigating. That's all I have to say tonight. You guys have a wonderful day.

COUNCIL PRESIDENT ISTNICK – Thanks, Brooke.

GEORGE GLIBA – Massillon, Ohio. I also want to weigh in these downtown buildings as well and I agree with Harwig Smith here, that is it necessary to heat the floors that are occupied? Because you're going to squeezing these owners out of money. The economy's in the tank right now. So, I think that's a little bit of government over-reach. So, up until this point, it's not been an issue. The issue is with when Frank Silla was here is the roof. Water causes damage. Houses, buildings and that should be addressed as quickly as possible because with three months, six months, one year you'll come back and check it, that's not good and you can see what happened to the buildings that have fallen are basically our fault. He even said that it was a water issue that never addressed and never got fixed. So, for a long period of time it causes stress to the structure and it fell down. So, I agree with Harwig Smith on that. And then I also wanted to address that last week you talked about Tiger Rags again and I do not know this guy from Adam, never met the guy, but moving forward; I've heard different types of repayment. 100%, 80% all the way down to 20%. But, the bottom line to this body is that it's

got to be something. Now, I've been here since the beginning of this conversation about Tiger Rags. There should be a grading system, I agree with that. But, I'm adamant about 45 years of hard work and dedication to the City, landmark in the City, everybody knows Tiger Rags, so it is what it is. But this 100%, I don't agree with. One question that was never asked is "What about all of the previous grants?". Do people have to pay them back? I don't know. That's never been addressed here until this situation. And then I think another problem is from what I'm hearing from different people is "Well, he's got the money, he should pay". Then again, I think is getting into government over-reach. The guy was awarded the grant. This situation kind of solidified what to do next because some people don't want him to get the money and not pay anything and we've been all around the room. From Aaron, to you, to Gregg, to Lewis, to Mr. Herncane. We've been all around the room. So, what I'm trying to emphasize is does anybody know what happened to all the grants previously to this? Did the other people...I don't think it's fair to him if the other people didn't have to pay? This is a situation that kind of brought attention to the grant that's given to people. So, I mean, it's a good topic to discuss but, this particular situation I think for the most part, he should get a pass or minimum. Because it's never been brought up about the previous grants that have been issued through the City and if anybody wants to bring that up in further discussions down the road because this is an open discussion, it has been an open discussion throughout the beginning of the grant being awarded. So, it's been like a two or three-month conversation. So, that being said, and I did want to say one other thing, I want to make a comment about Gunpowder and Coffee. I'm a firm believer in the U.S. Constitution. People come to this country because of that U.S. Constitution, they're protected. If you don't like it, don't go there. It's about choice. Your whole life, you personally and your kids, when you go out in life, it's all about choices. You make good ones; you make bad ones. If you don't like it, don't go there and that's my opinion on Gunpowder and Caffeine. I didn't even know nothing about it 'til I come up here and there's this situation where the derogatory sign is up or something like that and I never knew nothing about it. But, I did want to say that to let people know how I feel about that situation. If you don't like it, don't go there.

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

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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