

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, JUNE 20, 2023**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, June 20, 2023. We have in attendance the following City officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, 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. Thank you.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

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

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Thank you. All present and accounted for. Councilman Gregg.

2. INVOCATION

COUNCILMAN MIKE GREGG

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN GREGG

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Gregg. 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 – Massillon, Ohio. I just wanted to say there is something on the agenda for Walnut Rd., the development that’s going on and I know there’s a possibility that I could have missed the meeting. But I don’t ever remember hearing that talked about at Council meeting. I did talk to the man that’s doing it and I took him around and showed him everything that I had done in the neighborhood; Sinclair Village, I showed him Steve Smith’s Augusta Lakes on the golf course. So, I just wanted to go on record saying that I hope and pray that what he’s doing is not going to bring down any property values or change what we’ve worked so hard to do in the southeast. And then I said to myself, I don’t live in the southeast, so I guess it’s really not my business, but I just wanted to go on record because my goal for southeast Massillon when I did Sinclair Village was to make southeast Massillon like all the rest of Massillon and to date, it still isn’t. So, I just wanted to go on record saying that I hope that he would do that. I had a long conversation with him. I know tax credits are wonderful, although we have had two failed tax credit projects. You know that, right? 59 Duncan Place failed and also Ballinger Estates had failed that it’s now owned by people in Akron. So, I wanted to point out that we have had two tax credit projects, although tax credit projects are excellent and they bring a lot that you couldn’t do without their money. So, I just pray that they will be used well and that this will benefit southeast Massillon.

COUNCIL PRESIDENT ISTNICK – Gayle, are you talking about Walnut Woods?

GAYLE DANZY – Yes.

COUNCIL PRESIDENT ISTNICK – Okay. Thank you. Anyone else?

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, in accordance with Division (G)(3) of Section 121.22 of the Ohio Revised Code, I move that we enter into executive session to include all Members of Council, President of Council, the Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Economic Development Director, David Maley, Chief Counsel, Earle Wise, Asst. Law Director, Edmond Wise for the purpose of conferencing with the Asst. Law Director and Chief Counsel to discuss imminent court action.

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

COUNCIL CLERK ROLLAND – Just a correction, Councilman Lewis; it’s Edmond Mack not Edmond Wise.

COUNCILMAN LEWIS – Okay.

COUNCIL CLERK ROLLAND – Okay.

9 yes to enter into Executive Session – 6:35 p.m.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We will now exit our Regular meeting and to into Executive Session.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I 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 exited Executive Session and are back into our Regular Session.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 61 – 2023.

ORDINANCE NO. 61 – 2023

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into contract upon award and approval of the Board of Control with the lowest and best bidder for the Health Department Rear Parking Lot and Storage Area Improvement Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – This is in reference to the rear parking lot at the Health Dept. and the storage area. It's an estimated cost of \$100,000.00. Are there any questions? Seeing none, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 61 – 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.

8 yes; 1 no for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 61 – 2023 has passed. Ord. No. 62 – 2023.

ORDINANCE NO. 62 – 2023

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into contract upon award and approval of the Board of Control with the lowest and best bidder for the Erie Street S. and Tremont Ave. S.E. Parking Lot Improvement Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – Thank you. This one is for the parking lot at the corner of Tremont and Erie St. S. It's estimated cost is \$75,000.00. Any questions? Mr. Gregg.

COUNCILMAN GREGG – Can you tell me what...I'm sorry, but I wasn't at the last Work Session. What does that include? It's that's just repaving, the project?

COUNCILMAN SLUTZ – Would someone like to speak on that?

COUNCIL PRESIDENT ISTNICK – Thank you, Barb.

BARB SYLVESTER – Good evening. It is to do a complete upgrade, so it will be the grading and paving of that and that's the parking lot that's right across the street from Fire Station No. 1.

COUNCILMAN GREGG – Right. That parking lot is lit, correct?

BARB SYLVESTER – It is.

COUNCILMAN GREGG – Has any thought been given to electrical vehicles charging stations to our parking lots? I know it's probably too late for this one, but.

BARB SYLVESTER – Well, there have been discussions on that, yes.

COUNCILMAN GREGG – That's something I would say that we should be looking at because if we want to be a progressive city, that's something that I've seen more and more and more is happening in cities.

BARB SYLVESTER – That's correct. The Mayor's actually attended webinars and has put a bit of work into that. But at this point, it's not ready to bring forward just yet. But, again, looking for funding and revenue sources for something like that.

COUNCILMAN GREGG – So, it's something we're definitely considering for the future?

BARB SYLVESTER – Yes.

COUNCILMAN GREGG – Hopefully not too distant future?

BARB SYLVESTER – Not too distant.

COUNCILMAN GREGG – Okay. Thank you.

BARB SYLVESTER – You're welcome.

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – Any other questions? There is emergency language on here so it can be completed by the end of fall. If there are no other questions, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 62 – 2023 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes; 1 no for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 62 – 2023 has passed. Ord. No. 63 – 2023.

ORDINANCE NO. 63 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of sanitary sewer easement for Walnut Ave. S.E., for the proposed Walnut Woods development project, Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

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

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 63 – 2023 has received first reading. Ord. 64 – 2023.

ORDINANCE NO. 64 – 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 appropriation is for \$29,500.00. It is the Summer Concert Series where we act as a pass-through for donations that have come in for this concert series. 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. 64 – 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. 64 – 2023 has passed. Ord. No. 65 – 2023.

ORDINANCE NO. 65 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations for the un appropriated balance of the 1100 General Fund, for the purpose of the Sponsorship Program, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$1,275.00. Again, it's a part of the Sponsorship Program with the Memorial Day flags on the poles. Any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 65 – 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. 65 – 2023 has passed. Ord. No. 66 – 2023.

ORDINANCE NO. 66 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Capital Improvement Fund, for the year ending December 31, 2023.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is a \$50,000 appropriation related to the Pump House at Sippo Park also known as The Rezy. There was a project that we were working on. The Rotary of Massillon did give a donation of \$50,000.00 for the project, but since the project had been on hold the Rotary has asked kindly to receive their money back so that they can put it to more immediate use and need in our community and that is what this ordinance does. 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. 66 – 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. 66 – 2023 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for the Transfer of a Liquor License from Red Rocket of Massillon, LLC, located at 48 – 2nd St. S.E. & Porch, Massillon, Ohio 44646 to Ed & Bert’s Smokehouse, LLC, located at 48 – 2nd St. S.E. & Porch, Massillon, Ohio 44646. Liquor Classes are D1, D2, D3 and D3A and is located in Ward 2.

COUNCIL PRESIDENT ISTNICK – Councilman Violand, did you get a copy of this?

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

COUNCIL PRESIDENT ISTNICK – Thank you.

A Request for a New Liquor License to Styx Acquisition, LLC, (Buehler’s), located at 2208 Lincoln Way N.W., Massillon, Ohio 44647. Liquor Classes are C1 and C2 and is located in Ward 6.

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

COUNCILMAN SNEE – I did. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

10. BILLS, ACCOUNTS AND CLAIMS

Copley Ohio Newspapers	-	\$ 1,383.35	Publication of March and April Ordinances
US Bank Equip. Finance	-	<u>127.00</u>	June Payment for Copier
Total	-	\$ 1,510.35	

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 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	-	May 2023
Mayor’s Report	-	May 2023

COUNCIL PRESIDENT ISTNICK – Thank you.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, June 26, 2023, at 6:30 p.m. Come on down Mayor.

MAYOR CATAZARO-PERRY – Good evening, Madam President, Members of Council. First, I would like to introduce you to a new member our staff and his name is Alex Pitts. He's our new Engineer. He has a P.E. and Alex lived in Massillon, so, I'm very excited about that and he was working in Mansfield, Ohio, and came over from Mansfield as their Chief Deputy City Engineer. So, please give a warm welcome to Alex Pitts. (Applause).

CHIEF ENGINEER ALEX PITTS – Good evening. As Mayor had said, my name is Alex Pitts. Previously I was the Chief Deputy City Engineer for Mansfield. A lot of the work that I did there was mainly traffic related. Of course we did storm sewers and sanitary sewers. We also had a water system as well. Granted we don't have to worry about that here in Massillon, but I'm just ready to get the ball rolling and today is my first day and I'm extremely excited to be here. So, thank you.

MAYOR CATAZARO-PERRY – We're excited to have you too. Just a couple of other announcements. The road closure will be on Wales Rd. between Hankins and Lake. It will be closed June 27th and June 28th next week from 7:00 a.m. to 7 p.m. They're doing a water line. So, that is between Hankins Rd. and Lake Ave. next Tuesday and Wednesday. You can have the residents go to their homes. That is going to be open and any kind of emergency traffic will be open as well. We do have a ribbon cutting ceremony tomorrow at 11:00 a.m. at the Lake Ave. Trailhead and this is for the levy improvement project. So, if you're available, please join us. We recently had a ribbon cutting ceremony for the Health Dept. and I'd like to thank the Council members that attended. We appreciate your being there and helping us welcome the new Health Dept. to have their own home. The Aldi's opened last Wednesday. We did a ribbon cutting at 8:30 a.m. and if you haven't been there, it's a beautiful store. There was a line around the building. So, it was a great day to welcome the new Aldi's. And if you haven't noticed, the Chic-fil-La, the walls are up so fast. So, that's very exciting. The public ADA restrooms are now complete and will be open to all public events on Duncan Plaza. We also have a survey posted on our website and multiple city's Facebook pages. We'd like you to complete that survey. Its asking our residents, what do you want to see in our city? Do you want ice carvings, you want festivals, and as somebody mentioned that they would like to see a 3-on-3 basketball tournament? So, please take your time and fill that out for us. One thing, we have the 720 Market coming this Saturday. I'll pass this around. These are the vendors that are going to be there. It's from 10:00 a.m. to 3:00 p.m. They did a great job last year in September and wanted to come back to Massillon. They love our setup on Duncan Plaza and they've already booked for next year in June. So, that's exciting as well. And the last thing that I would like to give you tonight is the concert list and I'll pass those around to you. The concerts are all scheduled and they will begin next Thursday at 7:00 p.m. No longer 7:30, at 7:00 p.m. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. **THIRD READING ORDINANCE 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 – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As we discussed previously, this request is enacting the Land Reutilization Program. We received the program, the document along with the available property, but as I stated at the Work Session, there was one parcel missing from Exhibit “A”. So, are there any questions before I move forward with this?

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I believe this was answered at a prior Work Session, but I do just want to verify just once again; Council will approve every transaction that goes through this program. Is that correct?

COUNCILWOMAN CREAMER – That is correct.

COUNCILMAN HERNCANE – Alright. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Creamer.

COUNCILWOMAN CREAMER – Seeing no questions, I would like to make a motion to amend Ord. No. 46 – 2023 to include Parcel No. 680624 in Exhibit “A”.

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

9 yes to amend Ord. No. 46 – 2023

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. At this time, I’d like to make a motion that we waive the rules requiring three readings and bring forward Ord. No. 46 – 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. 46 – 2023 has passed.

16. SECOND READING 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 – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 55 – 2023 has received second reading. 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 Istnick. This is, again, for the micro surfacing for U.S. 62 in the City of Massillon. Does anybody have any questions at this time from Council? Seeing none, I'd like to waive the rules requiring three readings and bring Ord. No. 57 – 2023 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Violand. 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. 57 – 2023 has passed.

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

JIM RUBIN – 3927 Ashford St. N.W., Canton, OH. Good evening. In January of 2022, Mr. Maley called us and said that if we applied for this particular grant and we agreed to give permission to demolish our property, in return for our cooperation and upon his promise, that all cost would be paid for by the State and we would not pay anything because the grant covered all those costs. We agreed to do that based upon that promise. Thank you. That's all we have.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I move that we adjourn.

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

9 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT