

**MINUTES OF THE SPECIAL MEETING  
MASSILLON CITY COUNCIL  
HELD TUESDAY, JUNE 21, 2022**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Special Meeting of Massillon City Council for Tuesday, June 21, 2022; originally scheduled for Monday, June 20, 2022. We have in attendance the following City officials: Safety Service Director, Barb Sylvester, Chief Deputy Auditor, Stefanie Myers, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley and Code Enforcement Officer, Jimmy Johnson. Under #5 on the agenda is where the public can speak on any topic that appears on tonight’s agenda and under #17 is where the public can speak on any topic that does NOT appear on tonight’s agenda. I’d like to remind everyone keep your mics off until you’re ready to speak and please, mute your cell phones. Thank you and welcome. Before we move into roll call in the beginning of the meeting, I’d like to take just a moment to offer Jill and her family condolences on the loss of her mother.

**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, Jamie Slutz, Mike Snee and Jim Thieret

Roll call of 8 present

**COUNCIL PRESIDENT ISTNICK** – Thank you. Councilman Lewis.

**COUNCILMAN LEWIS** – I’d like to 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 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**

**MICHAEL MITCHELL** – I live at 135 Wales Rd. N.E., Apt. #2, Massillon, Ohio, and that's the house I live in when I was a kid in 1978 when I went to Massillon City Schools, except it was a house then. It's apartments there now, but I just wanted to say that I moved down here from Michigan and I was a permanent resident there and was on the mental health Board of Directors and for eight years. I was glad to serve there and I was in the Navy. That's when I left Massillon, went overseas in 1982 after I graduated. We're having our 40-year reunion this year, my class, so, I'm looking forward to that. But, I'm glad I made it back to Massillon and just wanted to thank you guys for all you do and thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mike. Could you sign the paper up here on the desk, Mike?

**MICHAEL MITCHELL** – Sure.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Is there anyone else that would like to address Council?

**JOHN BOLAN** – I'm the one that moved the garage and I'm here about the variances.

**COUNCIL PRESIDENT ISTNICK** – John, could you give us your address, please?

**JOHN BOLAN** – 1629 Tremont Ave. S.W. and this property is on 1637 Tremont S.W., Massillon, Ohio.

**FRIEND OF JOHN BOLAN** – May I?

**COUNCIL PRESIDENT ISTNICK** – Absolutely.

**FRIEND** – We were told to bring pictures of the current building and anything that we spent on it and whatever. Can I give that to someone?

**COUNCIL PRESIDENT ISTNICK** – Yes you may.

**COUNCIL CLERK ROLLAND** – Do you want me to make copies?

**COUNCIL PRESIDENT ISTNICK** – Go ahead, John.

**JOHN BOLAN** – The reason that I moved it more is when I got in there and inspected after I bought this property, half of the floor is rotting out on it, about half of it and it's sitting in a pile of water. The water was coming down the back side of the garage and running into it. I never

gave it a thought about getting a permit at the time. I just wanted to save the building because I don't have the money to buy a new one. I don't have the money to buy a new building, so, I proceeded to move it and I put it up where it's on level ground and it's solid and it ain't full of water no more and the other spot, I got to level it up yet. I haven't had time for that; I got a guy coming to do that. Basically, I just moved the building to try to save it. And that's all I can really tell you. Here's what I spent on equipment and parts and putting a new partial floor into it and new 4x4's all through there to hold the floor that I put in and that's basically all I did was to try to fix those buildings up.

**COUNCIL PRESIDENT ISTNICK** – Is there anything else? We'll get the papers distributed.

**FRIEND** – May I speak?

**COUNCIL PRESIDENT ISTNICK** – Yes you may.

**FRIEND** – He's mad at this. We were told that if you guys decided against keeping it where it is that it would be able to be moved back to its original spot where it was. That's probably the plan, I don't know, but, if it is, we have an alternative that is close to the original but not exactly the original that we would be comfortable moving it back if, and when, you guys decided that it was not acceptable where it is. Would you like to see the alternative plan?

**COUNCIL PRESIDENT ISTNICK** – The Planning Commission voted this down, correct?

**FRIEND** – Yes.

**COUNCIL PRESIDENT ISTNICK** – And they're coming to us for the appeal? Councilman Lewis.

**COUNCILMAN LEWIS** – Correct. I would say maybe when we get to that point of the agenda, if the conflict at that time, we can inquire.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else? Is this about something on the agenda tonight?

**WENDY NADER** – It's just about this property.

**COUNCIL PRESIDENT ISTNICK** – Go ahead.

**WENDY NADER** – I live across the street from this property. 1617 Walnut Rd. S.W., Massillon, Ohio, and I just wondered what problems were listed that you can't have it where it's at because in that same property, 1637, there was a haunted house put up every year. And that was about a six-months. Because for the construction, it was about three months that he worked on it and there's three streets there involved. I don't know how that was ever passed and this, which I think is a simple thing, the neighbors that it affects are either right across from me and Mr. Marceric, have no problem with it. So, I don't understand how a haunted house in a residential area with three connecting streets...it was really a safety hazard, I felt. I let it go because it was a nonprofit thing and I think he raised quite a bit of money for it. So, I would kind of just schedule my time to come home late or stay earlier because a lot of times I couldn't get in my driveway. But it didn't make a big deal out of it because, like I say, it was a nonprofit. But how does something like this gets passed and it probably had maybe five ordinances

against it; five violations I would say. The three connecting streets. A lot of times, there's a stop sign there and people couldn't see to even move onto 17<sup>th</sup> St. from Walnut, at that point. They park on both sides of the street and it was loud. There was a lot of music. To my knowledge, no one was asked were they okay with this. It just transpired.

**COUNCIL PRESIDENT ISTNICK** – Anything else, Wendy?

**WENDY NADER** – Well, no. I just don't understand why one person's denied over such a seems like a very minor thing to me as opposed to something like that that really should have been overruled. That was right across from a store as well. I just don't understand it.

**COUNCIL PRESIDENT ISTNICK** – Well, unfortunately, this is not a question/answer, so.

**WENDY NADER** – Right, I understand.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**WENDY NADER** – But I would kind of like to get a list, if there's a list of ordinances or whatever.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**6. NEW AND MISCELLANEOUS BUSINESS**

**7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 88 – 2022.

**ORDINANCE NO. 88 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I would ask for Ms. Walters, please.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Ms. Walters.

**SAMANTHA WALTERS** – Good evening.

**COUNCILMAN LEWIS** – Are you up against a time crunch or can we wait until Councilwoman Creamer comes back?

**SAMANTHA WALTERS** – You can definitely wait until she comes back.

**COUNCILMAN LEWIS** – Thank you. First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 88 – 2022 has received first reading. Ord. No. 89 - 2022.

**ORDINANCE NO. 89 – 2022**

**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 an anonymous donor, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Harwig Smith.

**COUNCILWOMAN HARWIG SMITH** – Yes. This is a donation in the amount of \$3,000.00 to the City of Massillon Parks and Recreation Department. It shall be placed into a miscellaneous revenue account that going to be used for youth memberships at the Massillon Recreation Center. Does anybody have any questions on this? If there's no questions, I'd like to waive the three readings and bring this to a vote tonight so that they can implement and get this money out to the community.

**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. 89 – 2022 has passed. Ord. No. 90 – 2022.

**ORDINANCE NO. 90 – 2022**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending Section 961.13, "LIQUOR, DRUGS PROHIBITED" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. We discussed this in our last meeting. Mr. Pedro was present to answer questions, which he did. This deals with the ability to have liquor and beer on the Duncan Plaza property for special events as approved by the Recreation Board. They'd like to move this forward because of the upcoming Island Party for the Massillon Museum. I know we did discuss this a little bit. Are there any further questions or comments or concerns? Mr. Thieret.

**COUNCILMAN THIERET** – Thank you, Mr. Gregg. I had one; I talked with Mr. Pedro this afternoon or this morning and he advised me about this, but, in the language here, it says "held at Duncan Plaza". So, is this limited to and only the place that they're allowed? But I thought some of our pavilions you could do that. I was just kind of curious.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – This ordinance applies strictly to Duncan Plaza. It even excludes Veterans Park. So, that's not covered as well. But, no, it does not apply to pavilions and my understanding from Mr. Pedro is they do not approve those requests.

**COUNCILMAN THIERET** – Oh. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Gregg.

**COUNCILMAN GREGG** – Given that, I'd like to make a motion that we suspend the rules requiring three readings and move Ord. No. 90 – 2022 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Herncane. 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. 90 – 2022 has passed. Ord. No. 91 – 2022.

**ORDINANCE NO. 91 – 2022**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE enacting Rule 25.2 of the Rules of Massillon City Council, as codified in Section 121.02 "RULES OF COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 91 – 2022 has received first reading. Ord. No. 92 – 2022.

**ORDINANCE NO. 92 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2202 Insurance Fund, for the year ending December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is an appropriation of \$30,000.00 into employee insurance. It covers the cost, I believe, of COBRA. Are there any questions? Seeing none, I make a motion to suspend the rules requiring three readings, bringing Ord. No. 92 – 2022 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 passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 92 – 2022 has passed. Ord. No. 93 – 2022.

**ORDINANCE NO. 93 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1235 Community Health Services Fund, for the year ending December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is an appropriation of \$22,548.61 to services and contracts. 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. 93 – 2022 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. 93 – 2022 has passed. Ord. No. 94 – 2022.

**ORDINANCE NO. 94 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Castlewest Improvement and St. Andrews Improvement Projects, for the year ending December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – The following three are adjustments that we had to make due to the bid process and the cost of goods in order to complete road projects. So, I'll start with Ord. No. 94. This is for Castlewest undrain and St. Andrews drainage for a total of \$130,000.00 in appropriations. Are there any questions or discussion this evening? Seeing none, I make a motion to suspend the rules requiring three readings, bringing Ord. No. 94 – 2022 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. 94 – 2022 has passed. Ord. No. 95 – 2022.

**ORDINANCE NO. 95 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for Street Resurfacing, for the year ending December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is an appropriation of \$350,000.00 in additional funding for the street resurfacing throughout the City. Any questions or discussion this evening? Seeing none, I make a motion to suspend the rules requiring three readings, bringing Ord. No. 95 – 2022 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.

7 yes; 1 no for passage – Snee voted “no”

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 95 – 2022 has passed. Ord. No. 96 – 2022.

**ORDINANCE NO. 96 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1206 Municipal Motor Vehicle Tax Fund, for the year ending December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is \$30,500.00 for the Hills and Dales Rd. Rehab. Project. Any questions or discussion this evening? Seeing none, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 96 – 2022 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. 96 – 2022 has passed. Ord. No. 97 – 2022.

**ORDINANCE NO. 97 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to accept and enter into a collective bargaining agreement between the employees of the Wastewater Treatment Department and the City of Massillon, Ohio, effective April 1, 2021 through March 31, 2024, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – As it says, this is the contract for the Wastewater Treatment Plant employees. Are there any questions or discussion this evening? Seeing none, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 97 – 2022 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. 97 – 2022 has passed. Ord. No. 98 – 2022.

**ORDINANCE NO. 98 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to accept and enter into a collective bargaining agreement between AFSCME, Ohio Council 8, Local 996, AFL-CIO and the City of Massillon, Ohio, effective April 1, 2021 through March 31, 2024, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the contract agreement with the AFSCME employees and employees covered by that union representation. Are there any questions or discussion this evening?

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – Thank you, Madam President. Just one, why is this a year late? I know negotiations often go over, but, this is a little over a year past the voting today. I'm just curious if there were some issues or is that not up for discussion?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I would have to ask the Safety Service Director if she's able to respond.

**COUNCIL PRESIDENT ISTNICK** – Mrs. Sylvester.

**BARB SYLVESTER** – Good evening. I can respond, but that is how long it took for the negotiations. Any other information is privileged that we discussed in Executive Session.

**COUNCILMAN THIERET** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I'd like to make a motion that we waive the rules requiring three readings, bringing Ord. No. 98 – 2022 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. 98 – 2022 has passed. Res. No. 9 – 2022.

**RESOLUTION NO. 9 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

A RESOLUTION reversing the decision of the Massillon Board of Zoning Appeals in Variance Request Case No. – 2022-5, and declaring the same to be an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. As we went over last week at the Work Session, quite lengthy, and we heard a little bit tonight; we did see some photographs of the current status. We also saw the cost involved, we heard the reasoning behind the relocation of the out building and now it is up to us to make a decision as to how we would decide to rule. Essentially, what it comes down to is this particular building is in violation because you're not allowed to have such buildings in the front yard. Obviously, this property is at the disadvantage of all three of its yards are considered or could be considered front yards because they have a street running on all three sides. The code enforcement officer did go out there and were willing to offer some variances if it was back closer to the property or the home where it originally came from and they stated that they would allow for appropriate amount of time to take place so that they

could make drainage repairs and things of that nature as was brought up tonight. So, it is open for discussion and questions if anyone has any this evening.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. Mr. Bolan mentioned when he was speaking over there about another possibility of a way to satisfy the request of the Zoning Dept.; I was wondering if Mr. Bolan could reproach and tell us if you've discussed that with Zoning Dept. Have you had any discussions regarding that?

**JOHN BOLAN** – No.

**COUNCILMAN GREGG** – So, the Zoning Dept. is not aware of this new proposal?

**JOHN BOLAN** – No.

**COUNCILMAN GREGG** – Okay, thank you. My inclination would be to see if the Zoning Dept. could work with Mr. Bolan and with this new proposal, this new idea and see if they can work the situation.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, President Istnick. I agree with Mr. Gregg. I believe that we should probably let Mr. Johnson see the alternatives and then both parties maybe come back to Council and bring those alternatives to us; whatever agreement they can come up with.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – Thank you, Madam President. I agree with that as well. A viable alternative. But, I have a couple questions; the building now sits on an old City lot, if I'm not mistaken and I've been through this before and I don't know what the dimensions of a lot are, but some of these lots were cut apart or established before the modern codes and there were grandfathers or whatever, if you would, that would allow building variances; footprints for one thing. I came across that. I had a lot before and it was so small that to even put a small shed on it would be beyond the footprints. But I came to understand that because the lots were the way they were when they were carved out, if you would, that did not apply because it wasn't a full city-sized city lot. So, if that be the case here, what authority do we have to dictate that they put a building some place other than where they could put it. And like you said, no matter where they put it, it's going to be wrong, you can't punish them for that, the way they put the lot down originally. So, I would have serious questions about them challenging this.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Just to pick up where Mr. Thieret is; Mr. Thieret the packet that we discussed tonight, if you go to that last page, that is prior to the move. So, if you look, you can see a barn-like structure at the top. That is where it was prior to the move. He rotated it 90 degrees and made the long side of the building run along the sidewalk along Walnut there. So, he moved forward closer to the street and rotated it 90 degrees. So, I would have to also inquire of the Law Director because I do have a question regarding that. I'll tell you personally

one of things that I'm debating is that from my understanding that Mr. Bolan owns this piece of property and the piece of property that is just east off of the image that we have tonight. Is that correct?

**JOHN BOLAN** – Yes.

**COUNCILMAN LEWIS** – And the building's entrance that he moved is actually now on the property line and facing the property just east. It doesn't even service the property in which it sits. It services the property to the east of it. Which causes me a little bit of concern because they are not parceled together. It's not like two parcels that are sold as one lot. They are two separate lots within the City as well. That would be like taking your garage and making the garage door open to your neighbor's property and you'd have to access your neighbor's yard in order to enter your own garage. Which I consider a potential issue. But, either Code Enforcement or the Law Director, whoever can answer this, don't we have to have a response tonight in order for the appeals process?

**JUSTIN RICHARD** – The code says sixty days after it is received by Council Clerk.

**COUNCILMAN LEWIS** – So we could give it a reading tonight, then? Or my thought is also, and I'm just trying to talk through this a little bit, with the revised proposal potential from the resident and owner, we don't necessarily amend these things. We either say yes or no and even a revised proposal would be a no from us. So, the only reason we vote yes is if we're saying leave it where it is. Now if we're interested in hearing a revised proposal because it needs to be moved, we still have to vote this down as a no, either way.

**JIMMY JOHNSON** – I would agree with that comment, Mr. Lewis and I would recommend that you vote it down. We will take consideration into a revised proposal from them. We made the revised proposal at the Zoning meeting to put it back to its original location after drainage was fixed and grant the variances needed for that. Now, if they have a new plan that I heard you say is close to the original location we will heavily consider that and I will make sure that it gets the review that it needs in the fastest possible manner.

**COUNCILMAN LEWIS** – Madam President, can we take the liberty and ask the owner how quickly they can get that proposal to Code Enforcement?

**COUNCIL PRESIDENT ISTNICK** – Certainly.

**COUNCILMAN LEWIS** – How quickly can you get that proposal to Code Enforcement?

**FRIEND** – We would just have to go down and submit it to them, right?

**COUNCILMAN LEWIS** – Yes.

**FRIEND** – Well, we can do that tomorrow. We can take it down to the Building Dept. and give it to them.

**COUNCILMAN LEWIS** – Thank you. I'm leaning towards maybe just giving this a reading. Not because we're necessarily going to vote yes because we know that even with the alternative proposal we'll have to vote not, but just to make sure that this stays in front of Council and we can be assured that we stay part of the conversation. So, that's my thoughts.

**COUNCIL PRESIDENT ISTNICK** – So, if you give it a reading and then they could make an amendment at that point?

**COUNCILMAN LEWIS** – By just giving it a reading, it just assures us that Council does not fail to follow-up a make sure that things are moving along in some kind of fashion or another.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**COUNCILMAN LEWIS** – I believe Councilwoman Harwig Smith has a question, though.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Harwig Smith.

**COUNCILWOMAN HARWIG SMITH** – Yes. I drive by this property every day and I will say that Mr. Bolan has been working very hard to make the property nice and I've gone to the property and look up close and the building was literally sinking into a giant hole. So, it will be hard to fill. Even if he moves it, I think we should allow him, I mean, if he has to turn it because that was the only thing objected to, but along as he's far enough from the sidewalk, I think we should give him a variance to allow him to keep it there. And the reason being, I know the zoning law is he basically has three front yards. His address is the front yard. It was an old garage, people in the neighborhood used to go there and get candy; it has a lot of history. The people that I've talked to have no problem with the building. If it had to be turned, I can see that, but I don't think we should make him put it all the way to the original spot. Maybe just back farther if he would consider that because of the ditch and the drainage. But, I can see he's worked really hard and he's put a lot of money into it to make it all look very nice and he's still be working on it. So, I think people should just consider that. The building is an odd thing. I mean, who has three front yards? And the first two houses which is kind of the same way. After you get to that, the point goes out and then it back yard to back yard and everybody had front yards. But that historic corner, it's just the way it is. So, I hope Council will consider that.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, President Istnick. I just have a question that maybe Mrs. Harwig Smith may be able to answer. Is this the property that used to be occupied by Chad Heck?

**COUNCILWOMAN HARWIG SMITH** – Yes.

**COUNCILMAN LOMBARDI** – That's what I thought. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Res. No. 9 – 2022 has received first reading.

8. UNFINISHED BUSINESS
9. PETITIONS AND GENERAL COMMUNICATIONS
10. BILLS, ACCOUNTS AND CLAIMS

**11. REPORTS FROM CITY OFFICIALS**

Auditor's Report - May 2022

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we 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 27, 2022, at 6:30 p.m. in Council Chambers.

**13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. I will not be in attendance next week at the Work Session.

**COUNCIL PRESIDENT ISTNICK** – Okay. Anyone else?

**14. CALL OF THE CALENDAR**

**ORDINANCE NO. 73 – 2022**                      **BY: FINANCE COMMITTEE**  
**Tabled June 6, 2022 until June 21, 2022**

AN ORDINANCE granting the Mayor of the City of Massillon, Ohio, a one-time salary increase to \$90,000.00 per year, effective January 1, 2024, and granting the Auditor of the City of Massillon, Ohio, a one-time salary increase to \$77,000.00 per year, effective January 1, 2024.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I'll hand this over to Mr. Lombardi for further discussion.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, President Istnick, Mr. Lewis. I would like for Council to consider an amendment to this ordinance. I would like to amend the Mayor's salary from \$90,000 per to \$84,000 per year and the Auditor's salary from \$77,000 per to \$71,000 per year beginning with the term January 1, 2024 and then the term January 1, 2028, we take the

Mayor's salary to \$90,000 per year and the Auditor's salary to \$77,000 per year and at that point, we let the cost-of-living increase take effect from there forward.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I second.

**COUNCIL PRESIDENT ISTNICK** – Any further discussion? Councilman Snee.

**COUNCILMAN SNEE** – Mr. Lombardi, thank you for the compromise. I know we've been at odds on this and I just want to take a second to say that I appreciate all your work and everything you've done on this; Mr. Thieret, you as well. That's all. I just wanted to thank both of you for this.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – I appreciate those kind words. I am looking forward to some progress on this. I think that it's so long overdue and even the \$90,000 was a compromise from our original trying to make it more attractive salaried position for our City. I think a Mayor of a City like ours, deserves that kind of pay when other cities around us are making that and more for smaller cities and I hope we'll catch up soon. I do appreciate the approvals of Council. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Lewis.

**COUNCILMAN LEWIS** – Mr. Thieret already made the motion. I seconded it.

**COUNCIL PRESIDENT ISTNICK** – Roll call for the amendment.

8 yes to amend Ord. No. 73 – 2022 to reflect Mr. Lombardi's amendment

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 73 – 2022 has been amended. Councilman Lewis.

**COUNCILMAN LEWIS** – This will take it back to first reading. I don't know, does Council want to proceed on a vote tonight or do we want further debate? With that said, I'd like to make a motion that we suspend the rules requiring three readings, bringing Ord. No. 73 – 2022 forward for a vote.

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

5 no; 3 yes for suspension

**COUNCILMAN LEWIS** – So, that does not suspend, that leaves it at first reading. It'll actually take it to second reading in two weeks.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 73 – 2022 has received first reading.

15. **THIRD READING ORDINANCE AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 79 – 2022.

**ORDINANCE NO. 79 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Mayor and/or the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a commercial real estate purchase agreement with Campbell Oil Company for the purchase of Parcel Nos. 614431 and 601521, further known as 611 Erie Street South, Massillon, OH 44646; further authorizing the Mayor and/or the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an escrow agreement with Alpha Land Title Agency, Inc., and to take all other actions necessary to facilitate said purchase; also authorizing the relocation of the Massillon City Health Department; and declaring the same to be an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. I believe that there is an amendment that is going to be needed. I would call the Law Dept. forward.

**EDMOND MACK** – One of the things I'm obviously learning is interacting with Council and I believe this because I know this to be true, you can't do anything significant in a city without Council support and without Council being on board because any type of deal like this, requires you guys to not only understand what's going on, but then ultimately sign off on it. So, after our last meeting when we talked about this, I think the day after or maybe the following day we actually received an email from the seller's attorney, Campbell Oil's attorney, asking if we would still be interested; he saw the article. The direction from Director Richard through Director Maley was yes and we'll see if we can get the same thing in place and we don't know when the appropriate would be to have it for a vote but see if it's still there. So, I turned around a revised agreement that day and sent it over to him and we didn't hear anything from then, really, until Thursday or Friday. And the changes to the agreement are really just the dates. The dates are now, if you look at the conditions page, we have to have this done by July 1, 2022. There are several other approvals we have to have, the Health Board, the Auditor, but nothing that will take more than a day or two and yesterday while it was a holiday, we received their signature page. So, we have a done deal should this body be so inclined to approve it. The terms are exactly the same except the approval dates. So, if this body were to approve it, the next thing that would happen would be the Mayor and Safety Service Director would sign it. We will in front of the Health Dept. in a couple of days again just to approve it once more and then we should be away and running starting our due diligence. What questions can I answer. And thanks you guys and gals for your patience.

**COUNCILMAN LEWIS** – I don't have any questions, but once the body's done with any questions that they may have of Attorney Mack, I do have an amendment to make that we'll take the new exhibits and place them in this ordinance. It would place this back to first reading which would mean we would then have to suspend the rules if we wanted to move forward tonight.

**COUNCIL PRESIDENT ISTNICK** – Anyone with any questions or concerns? Councilwoman Harwig Smith.



**COUNCILWOMAN HARWIG SMITH** – So, when will we take ownership, the first of the year?

**EDMOND MACK** – Yes. I mean, there or abouts. We’re going to work together if there are any issues.

**COUNCILWOMAN HARWIG SMITH** – I mean as far as getting into it the first year, we won’t get ownership until the first of the year or ownership immediately and the current tenants will pay rent to the City?

**EDMOND MACK** – When we take ownership, it’ll be at the first of the year. It will then not have any tenant in the building at that time. So, we will be able to start whatever we want to do. The tenant, their lease is up December 31, 2022. We don’t want to be a landlord for a lot different reasons; that’s complicated. But it just lines up. Like there was no early termination or anything like that. It’s just when their tenancy is over.

**COUNCILWOMAN HARWIG SMITH** – I’d like to say that I think this is a really nice building and as a nurse, this is going to be a nice place for our Health Dept. and we’re getting it based on the value; it was almost \$100,000 and the cost of maintaining, we’re giving an asset to the City that we’re able to pay with funds and then we just have to maintain. So this is very positive and I thank you for all your hard work.

**EDMOND MACK** – It’s certainly Director Maley and Director Sylvester, they just gave it to me and I put the deal together. They did all the hard work, so credit to them.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Thieret.

**COUNCILMAN THIERET** – I just want to also say thank you so much for all the work you’ve all have put in. I know you were nail-biting for a while and I appreciate your perseverance because I believe this is going to be, like you said, a tremendous asset to the City and we were very fortunate that we were still able to even make another competitive bid. Thank you guys so very much you did a good job; thank you.

**EDMOND MACK** – Well, thank you and Director Richard; he’s the one that gives me directive and one thing he wanted me to make sure I said, because it’s the truth, that the deal is still there. The Campbell family, Campbell Oil, they wanted us to have this building. They are Massillon through and through. When they relocated, they kept it in the City. I don’t know them, but I’m learning about them and they seem like great, great people.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Snee.

**COUNCILMAN SNEE** – Thank you, President Istnick. Again, thanks for your work. I am glad that we did give people a chance to speak up because I did receive one question as to this and maybe our Pro Tem can help me out; I’m not sure. But, the first, I’m just going to read her comment; her first concern or thought was “Where’s the nearest SARTA bus stop?” She knows “That the Health Dept. provides services for many families who do not have the luxury of owning a vehicle. They rely on SARTA for transportation to receive services at the Health Dept. I believe there is a bus stop near there, but we’re not sure. So, can we figure out exactly where that bus stop is?” And the further example she gives is “For the Massillon Middle School, SARTA was not able to get a bus stop near the Middle School. They had to

walk from Lincoln Way all the way to the Middle School and she doesn't want to see the same thing happen. So, we're just curious where the bus stop is at, if Mr. Lewis knows or yourself?

**EDMOND MACK** – I heard the Mayor say to another person, so, this is hearsay, alright. I don't know where the bus stop is. I know it's important that it's on the line, like you just said and I heard the Mayor say that there's a bus stop right by there. This is an important thing, a good thing. So, to the extent that answers the question, I know it's been thought of.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – There's one currently on the corner of Walnut and Erie which is probably about a block, maybe two at the most, away.

**COUNCILMAN SNEE** – Okay. I will relay that information. Thank you very much. I appreciate both of you.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. I just want to echo the comments made earlier thanking yourself and the Administration for working on this. I'm glad to see that the conditions stayed the same. Everything stayed the same except the dates. We didn't cost ourselves any money by delaying and I just think it's an extremely good deal for the City and I'm wholeheartedly behind it.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I move to amend Ord. No. 79 – 2022 by replacing the previous Exhibits "A" and "B" with the replacement pieces that were provided to us this evening.

**EDMOND MACK** – Thank you, Madam President.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Mack. Seconded by Councilman Gregg. Roll call on the amendment.

8 yes to amend

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 79 – 2022 has been amended. Councilman Lewis.

**COUNCILMAN LEWIS** – I'd like to make a motion to suspend the rules requiring three readings, bringing Ord. No. 79 – 2022 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.

7 yes; 1 no – Herncane voted no

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 79 – 2022 has passed.

16. **SECOND READING ORDINANCES AND RESOLUTIONS**

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 83 – 2022.

**ORDINANCE NO. 83 – 2022**

**BY: ECONOMIC DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Tom Green to provide an economic development “inducement grant” to fund start-up costs, including build-out, equipment, etc., for Discount Tire Outlet, located at 2034 Southway St. S.E. Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. But, it is my understanding that we need to amend this to reflect the correct name of the applicant as Tom Davis and not Tom Green. Is that correct?

**COUNCIL CLERK ROLLAND** – Correct.

**COUNCILMAN HERNCANE** – Then I’d like to make a motion that we amend Ord. No. 83 – 2022 to reflect the owner of Discount Tire Outlet, located at 2034 Southway St. S.E. to be Tom Davis and not Tom Green, as stated.

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

8 yes to amend

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 83 – 2022 has been amended. Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. Are there any questions or comments on this matter from members of Council?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Harwig Smith.

**COUNCILWOMAN HARWIG SMITH** – Yes. We hadn’t heard anything from Tom Davis. Do you know exactly what he plans to do with the \$10,000?

**COUNCILMAN HERNCANE** – He was here. He was here last week.

**COUNCILWOMAN HARWIG SMITH** – Oh, okay.

**COUNCILMAN HERNCANE** - What he is adding is a diner, a barbershop and a general store at that location which would create the equivalent of twenty jobs and proceeds going to local nonprofits.

**COUNCILWOMAN HARWIG SMITH** – Okay. Thank you for clarifying that.

**COUNCILMAN HERNCANE** – Seeing no more questions, I make a motion to suspend the rules requiring three readings and bring Ord. No. 83 – 2022 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Thieret. 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. 83 – 2022 has passed.

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

**MIKE MITCHELL** – I live at 135 Wales Rd. and that's like two houses up from Lincoln Way and I just have a question about flags. Is there an ordinance that exist? Because I don't anything about one. My landlord didn't say nothing about it, but, we can put flags on our house there right in front? Because it's a state route and I see other people having flags, because I want to put my Massillon Tiger flag and the U.S. Flag, but I didn't know if there's an ordinance against it for that street?

**COUNCIL PRESIDENT ISTNICK** – On Wales Rd.?

**MIKE MITCHELL** – Yes.

**COUNCIL PRESIDENT ISTNICK** – Well, this isn't a question and answer session, but, I have an American Flag and a Marine Flag and I live on Wales Rd.

**MIKE MITCHELL** – Okay. Because it would be like right in front where all the traffic is and that and that's why I didn't know if we were allowed to do that or not.

**COUNCIL PRESIDENT ISTNICK** – If I spoke incorrectly, if someone from Administration could tell him, but I believe that you may.

**MIKE MITCHELL** – There's no written ordinance or anything that I can read or nothing about it?

**COUNCILMAN LEWIS** – Maybe Mr. Richard can assist him after the meeting.

**COUNCIL PRESIDENT ISTNICK** – Our Law Director will assist you after the meeting, thank you. Anyone else?

**MIKE MITCHELL** – I just want to say one other thing.

**COUNCIL PRESIDENT ISTNICK** – Go ahead.

**MIKE MITCHELL** – Thank you for letting speak and to be here as a citizen and I’ll be living here until I die and I always put a word out for Massillon on the You Tube, the people that I talk to on You Tube, because I’m not on social media or nothing, but I do a lot of posts on You Tube and I tell people about Massillon and to come and visit. That’s the other issue that I was wondering about; are they going to build any more bigger hotels downtown Massillon? Has that ever been on the agenda or nobody’s put in for it or anything?

**COUNCIL PRESIDENT ISTNICK** – Again, maybe someone from the Administration can answer that after the meeting.

**MICHAEL MITCHELL** – Okay.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Michael. Anyone else?

**18. ADJOURNMENT**

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. 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.

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DIANE ROLLAND, COUNCIL CLERK

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CLAUDETTE ISTNICK, PRESIDENT