

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, JULY 5, 2022**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, July 5, 2022. We have in attendance the following City officials: Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, Chief Counsel, Bill Bartos and Economic Development Director, Dave 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 everyone keep your mics off until you're ready to speak and please, mute your cell phones. 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, Jamie Slutz, Mike Snee and Jim Thieret

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Before I call on Councilwoman Harwig Smith, Councilman Herncane would like to say a few words.

COUNCILMAN HERNCANE – Thank you, Madam President. I'd just like to take a minute of time to put on record the passing of Dick Bordner. Dick was a lifetime Massillonian. He worked at Republic Steel for many years. He died at the age of 90 Friday morning. As many men of his era, he was involved in many civic organizations in town and was a strong supporter of the Massillon Booster Club. Most notably, his 26 years of service on this Council, from 1960 to 1986. I know for a lot of young people, that is ancient history, but for a lot of us, it's not and during his tenure on Council he was involved a lot with the economic development with MDF in the 1960's. A lot of the industrial parks that we see and maybe even take for granted when we see them today, were part of his work. Also in the 1970's, he became involved a lot with downtown development, specifically the building we're sitting in, in a very creative way that they built and financed and paid this building off in seven years back at that time. Just wanted to take a minute, we don't need to do a moment of silence, but I know that the Herncane family, the Bordner family have been good friends for many decades and I just wanted to acknowledge somebody whose recognition, very often, as we sit in these chairs, I think we think of the folks that came before us that did good things for the City that don't get recognized and I would just like to take this moment to thank Dick for his service and send our condolences to his family.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Herncane.

COUNCILMAN HERNCANE – Thank you.

2. **INVOCATION**

COUNCILWOMAN JULIE HARWIG SMITH

3. **PLEDGE OF ALLEGIANCE**

LED BY COUNCILWOMAN HARWIG SMITH

4. **READING OF THE JOURNAL**

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Harwig Smith. 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**

6. **NEW AND MISCELLANEOUS BUSINESS**

COUNCIL PRESIDENT ISTNICK – Ms. Sylvester, would you like to come up?

BARB SYLVESTER – Good evening. I'd just like to give an update to everyone on behalf of the Mayor and myself. We did receive last Wednesday, June 29th, a notice of retirement from our Police Chief Moser. So, he will be retiring here. His last day is going to be July 17th. So, he's going to be retiring. So, I wanted you all to hear it from us.

COUNCIL PRESIDENT ISTNICK – Thank you. While we have you up here, is there anything else you want to share? Any updates on anything?

BARB SYLVESTER – I don't.

COUNCIL PRESIDENT ISTNICK – Okay, thank you.

BARB SYLVESTER – Your welcome.

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT ISTNICK – Ord. No. 99 – 2022.

ORDINANCE NO. 99 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-3 General Business District to I-1 Light Industrial.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. As stated, this property is located at 3725 Erie Ave. S.W. As stated, the request has been recommended for approval at the June 8th City Planning Commission Meeting. The applicant is Nick Bremmer from Menard’s Inc. and the purpose of this rezoning is to allow for a self-storage facility. Is anyone from Administration available to come up to give us an update regarding this? I believe there is a covenant that’s going to be Exhibit “C” on this request.

DAVE MALEY – Madam Chairman, I don’t really have an update. The covenant that’s going to be attached to the ordinance. As I spoke last week, this is similar to what we did with the rezoning of the K-Mart property, another storage facility that allowed the rezoning for industrial only uses to move forward if we do the rezoning.

COUNCILWOMAN CREAMER – Does anyone from Council have any questions for the Administration regarding this Exhibit “C” covenant? Seeing none, there is going to be a public hearing for the rezoning request. It’s going to be scheduled on August 15, 2022 at 6:00 p.m. here in Council Chambers. So, first reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Creamer. Ord. No. 99 – 2022 has received first reading. Ord. No. 100 – 2022.

ORDINANCE NO. 100 – 2022 **BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE authorizing Judge Edward Elum to accept a technology grant award from the Supreme Court of Ohio on behalf of Massillon Municipal Court, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. As we discussed in our Work Session, this is just a normal thing that we are acting as a pass-through for funds such as these for the Massillon Municipal Court. I intend to move this forward. Are there any questions or discussion? Seeing none, I’d like to make a motion that we suspend the rules requiring three readings and move Ord. No 100 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Harwig Smith. 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.100 – 2022 has passed. Ord. No. 101 – 2022.

ORDINANCE NO. 101 – 2022

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This is an appropriation for the Memorial Banners. It's another one; more funds have become available that we're just passing through. Are there any questions or discussion this evening? Seeing none, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 101 – 2022 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. 101 – 2022 has passed. Ord. No. 102 – 2022.

ORDINANCE NO. 102 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1233 Municipal Court Computer Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is just the appropriation for the grant previously discussed. Are there any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 102 – 2022 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. 102 – 2022 has passed. Ord. No. 103 – 2022.

AN ORDINANCE making certain appropriations from the unappropriated balance of 1212 Summer Concert Series Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Again, this is another pass-through with donations that go to benefit the Summer Concert Series Fund. We're just appropriating for their expenses. Are there any questions or discussion this evening? Seeing none, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 103 – 2022 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 passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 103 – 2022 has passed.

8. UNFINISHED BUSINESS

COUNCIL PRESIDENT ISTNICK – We have the discussion of the PA system presentation. Councilman Lombardi did talk with Mr. DeWalt; would you like to share.

COUNCILMAN LOMBARDI – Thank you, President Istnick. We spoke on the phone last week and decided that as the PA stands and for the purposes that we're using it, we really don't need the upgrade. However, as President Istnick pointed out, at any point we could, who knows what could happen in the future that we could end up going back online and that's where we ended up with the problems with the Public Address system. So, she's going to call him back and have him look getting us a system that's more geared into that realm of getting it back online should we ever have the need. We also discussed that our media Mr. Ress and Mr. McClay and I experienced it last week; I was out sick but I was watching LIVE and our PA system does not pick up well on their cameras and their audio equipment. So, we'd like to provide jacks for them to plug into so that they would be getting directly from our mics and into their feed so that they would have a nice clear record of the Council meeting that they're recording. So, Mrs. Istnick is going to talk that over with him again and we'll see where we can go from there.

COUNCIL PRESIDENT ISTNICK – He said that that was not included in the quote?

COUNCILMAN LOMBARDI – Correct.

COUNCIL PRESIDENT ISTNICK – And I thought you said that there was one other thing that wasn't included in the quote. I thought you said their plug-ins and I thought it was something else. Is that it?

COUNCILMAN LOMBARDI – You waited longer than 10 minutes to ask me. I did say that; it'll come back to me as soon as you wrap the gavel to wrap the meeting up tonight.

COUNCIL PRESIDENT ISTNICK – I will get with Mr. DeWalt and have him update the quote. You know, my husband gets mad at me because if I don't feel good, I go to the doctor. If he doesn't feel good, he waits three months before he goes and then it's really serious. I'm a very proactive person and I would like to get our Council Chambers up to code, the best we can have it so that the public can hear it if they want to listen to it at home. So, I do want to move forward with this. But if the majority of you don't want to, I'm not unreasonable. Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. I did go out to the Danley website, so, the equipment that he was recommending as to what we use; it is audio fowl, professional; as high end as you could probably get. They're using it in sports complexes and things like that. So, I think it would really, really help in that respect and I was pretty sure that he mentioned audio jacks back there for media in at least one of the quotes.

COUNCILMAN LOMBARDI – That was on the one package. But the package that was more suited to where we'd be going, did not have that.

COUNCILMAN THIERET – That would be, I would hope that that would be included regardless of which way we go because that is important.

COUNCIL PRESIDENT ISTNICK – They were included in the second quote.

COUNCILMAN LOMBARDI – I believe it was in the first quote. Was the first quote the higher quote?

COUNCIL PRESIDENT ISTNICK – No. The first one was the cheaper quote.

COUNCILMAN LOMBARDI – That's the one they were included in. They were not included in the more expensive quote and that was because of the mixer that he was going to use, it wasn't possible to do. So, we would have to go with the mixer type that he's using in the first quote and then it was my suggestion that we have the speakers in the back that we need to utilize those. There's nothing wrong with the speakers. What the problem is that we're having is with the drive on the speakers and then up here in Council Chambers, one fixed speaker should be sufficient for all of us to be able to hear.

COUNCIL PRESIDENT ISTNICK – Okay. I was kind of leaning towards options 2 with the better speakers, but, we'll talk about it. Anyone else on that? Thank you. I think that Mr. McClay and Mr. Ress should be able to have the best quality because they come and do this every week. We do appreciate that a lot. Thank you.

COUNCILMAN LOMBARDI – President Istnick.

COUNCIL PRESIDENT ISTNICK – Yes.

COUNCILMAN LOMBARDI – I remembered what we were discussing. We also need a port to plug in a computer when we do go back live. That’s what we were discussing. If that has to happen.

COUNCIL PRESIDENT ISTNICK – And Bill will remember those?

COUNCILMAN LOMBARDI – If not, I’ll write them down after Council.

COUNCIL PRESIDENT ISTNICK – Alright. Councilman Snee.

COUNCILMAN SNEE – Thank you, President Istnick. I think that we have two different stories going on. On the quote here, the mixer is the same for option one and option two and that’s what I asked him. So, you’re saying that they’re not the same, so, I need some clarification on that.

COUNCILMAN LOMBARDI – It’s the software package on the mixer that’s different.

COUNCILMAN SNEE – Okay.

COUNCILMAN LOMBARDI – Between the two mixers.

COUNCILMAN SNEE – Okay.

COUNCIL PRESIDENT ISTNICK – I’ll bring Bill back in at some point. Anyone else.

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

U.S. Bank Equip. Finance - \$ 127.00 July Payment for Copier

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, Madam Clerk. The Clerk will pay the bills and charge them to their proper accounts.

11. REPORTS FROM CITY OFFICIALS

Treasurer’s Report - May 2022
Mayor’s Report - May 2022

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, July 11, 2022, at 6:30 p.m. Councilman Lewis.

COUNCILMAN LEWIS – Yes. At that Work Session we'll get an update about the Getz Building and where everything stands with that. So, if you have any questions, we'll discuss it some more then.

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

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. 73 – 2022.

ORDINANCE NO. 73 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE granting the Mayor of the City of Massillon, Ohio, a one-time salary increase to \$84,000.00 per year, effective January 1, 2024, and another one-time salary increase to \$90,000.00 per year, effective January 1, 2028; also granting the Auditor of the City of Massillon, Ohio, a one-time salary increase to \$71,000.00 per year, effective January 1, 2024, and another one-time salary increase to \$77,000.00 per year effective January 1, 2028.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 73 – 2022 has received second reading. 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 – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. I believe this is a request to review and approved the proposed CDBG, Community Development Block Grant Program Budget for the 2022 program year. Does anyone have any questions regarding this request? Seeing none, I bring forward Ord. No 88 – 2022 for a vote.

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

8 yes; 1 abstention – Herncane abstained

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes; 1 abstention – Herncane abstained

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 88 – 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 – Thank you, Madam President. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 91 – 2022 has received second reading. Res. No. 9 – 2022.

RRESOLUTION NO. 9 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. I believe speaking with the Economic Development Director, Dave Maley, that there has been a compromise with the individual requesting reversing this decision and the Code Enforcement Office. Mr. Maley, would you come up and give us an overview of how we are moving forward regarding this request.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Maley.

DAVE MALEY – Madam Chairman. There has been a compromise. The person at 1637 Tremont showed us the area or the property and has agreed to move the shed back to almost, it's not the original location, but it's very close to the original location. It'll be facing Walnut; the front of the shed now will be facing Walnut. There were two variances allowed in agreement. One was to allow the shed because he has three front yard so we allowed the variance for the shed and the second was to allow more than one accessory building because he has two buildings on the property and everything was agreed to. I think he's in the process of doing that as we speak. So, I guessed we'd ask for you to vote to put this down tonight, the resolution.

COUNCIL PRESIDENT ISTNICK – I have a question. I went over to the property and was knocking on the door and the neighbors said that no one lives in that house. So, the first house is non-inhabited, but it is owned by him?

DAVE MALEY – Both of those properties, I think, are owned by him. Yes.

COUNCIL PRESIDENT ISTNICK – Well, the one on 17th he does not own.

DAVE MALEY – Okay.

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Thieret.

COUNCILMAN THIERET – I don't know if I misunderstood you; you're asking us to turn this down?

DAVE MALEY – Against reversing the decision, yes. To vote against reversing the Appeal's decision.

COUNCILMAN THIERET – Okay. Thanks.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – If they resolved it outside of this Council, why do we have to vote on it?

DAVE MALEY – You can table it indefinitely too.

COUNCIL PRESIDENT ISTNICK - Councilman Lewis.

COUNCILMAN LEWIS – Yes, we have to take action because it was taken to us. So, we either vote “yes”, “no” or table it forever. It's probably a lot cleaner just to vote it down and just be done with it, in my opinion. It won't have to come back to us because they've already got an agreement. The only reason this was brought to us is because the landowner was appealing.

COUNCILWOMAN HARWIG SMITH – So you're saying that they have come to an agreement?

DAVE MALEY – Yes.

COUNCILWOMAN HARWIG SMITH – Okay.

DAVE MALEY – Which is the best resolution for everybody.

COUNCIL PRESIDENT ISTNICK – Mr. Richard, you look like you have something on your mind.

JUSTIN RICHARD – I don't, but I just thought I'd jump in quickly.

COUNCIL PRESIDENT ISTNICK – Okay.

JUSTIN RICHARD – If Council takes no action today, there's sixty days by the time that we were to meet again for a Regular meeting, the decision would stand. So, certainly you can

postpone it, table it indefinitely. No vote would essentially be your affirming the Board's decision.

COUNCIL PRESIDENT ISTNICK – Anyone else? Thank you Mr. Richard, thank you Mr. Maley. Councilwoman Creamer.

COUNCILWOMAN CREAMER – So, based on the information that we've been provided this evening, I would like to bring Res. No. 9 – 2022 up for a vote.

COUNCIL PRESIDENT ISTNICK – So, do we have to suspend the rules to do that since it is second reading?

COUNCILWOMAN CREAMER – I'd like to suspend the rules regarding Res. No. 9 – 2022 and bring it forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 nos for passage.

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

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – I make a motion to 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