

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, AUGUST 15, 2022**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, August 1, 2022. We have in attendance the following City officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, Civil Engineer, Greg McCue, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley, Income Tax/Budget Director, Lori Kotagides-Boron, Parks & Rec. Board Member, Ted Schirtiger, Street Superintendent, Tom Burgasser 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 or set them to vibrate. 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 we begin, I’d like to call on Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I just want to, for the record, mention that Friday is the kickoff of the season for our Massillon Tigers. We’ve got a formidable opponent in Cincinnati Moeller. We’re looking forward to a great season; we want to wish them good luck and they play well and they stay healthy and, go Tigers; beat Moeller, beat McKinley. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Also, I saw a video today of the Obie downtown being lifted in the air. Mayor, is it in place now?

MAYOR CATAZARO-PERRY – It is. I’ll have more in my update.

COUNCIL PRESIDENT ISTNICK – Perfect. Thank you. Councilman Lombardi.

2. INVOCATION

COUNCILMAN MARK LOMBARDI

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN LOMBARDI

4. **READING OF THE JOURNAL**

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

COUNCIL CLERK ROLLAND – No, they are not. I'm still working on them.

COUNCIL PRESIDENT ISTNICK – Okay.

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

GARY MILLER – 1225 Springhill Ave. N.E., Massillon, Ohio. I appreciate the time this evening to make a few comments about what I'm going to call the restroom issue which exists and is contained in Ord. No. 109 – 2022 and is going to be considered later. Over the past few years, I think there have been many and actually I believe most residents as well as the visitors to Massillon have been pleased with the many improvements that there have been here and I think there have been many. I think the Mayor, the Administration, City Council; have made to our community many of those improvements. They're visible from the paving program to Duncan Plaza and I think they're much appreciated by the residents of Massillon. My father always told me that if something's worth doing, it's worth doing right rather than fast and he also said if it worth doing right rather than half fast and I think, certainly, I've always subscribed to that advise and I think tonight this issue of the restrooms contained in Ord. No. 109 – 2022 would apply to that advise that he gave me. My understanding is that any restrooms that are built by the City Administration have to be ADA compliant and that's the law as I understand it and that should be the law. But that really isn't the issue, at least, that I have with regard to this ordinance that's going to be talked about later. The key issue for me is accessibility to the buildings and particularly the restrooms by anyone and everyone whether they're citizens, visitors, guests; I think it's the right thing to do. This is my primary concern whether it's the Getz Building or Reservoir Park or wherever it is with any entity that the City owns. Anyone who knew me and has followed me for my thirty years, at least so far on the Board of Education, knows that I'm always very interested in making sure that everybody sees both sides of every issue and I think it's only then when you get good transparency and I hope tonight, and I know that you will listen to both sides of the issue. My own personal experience with Council is that you do do that and I'm sure if you do, you'll make the decision to maintain this funding for the restrooms which is contained in that ordinance. I think my personal experience, as I said, with Council is such that I'm sure you will and not repeal; it's actually Ord. No. 139 – 2021 which is the ordinance which is being discussed for repeal tonight pertaining to the Community Development Block Grant Fund of \$250,000.00 and I believe in an account called the Getz Building Reconstruction. In closing, during my career over the years, I've had the opportunity to give many speeches around the world and in many different countries on many different subjects and my wife always told me as I left the house whenever she knew I was going to give a speech to say, "Look, you've got to give a disclaimer that says you're not always right, but you're never in doubt when you talk", and tonight when I left, she made an interesting comment to me. Tonight she said "Tonight you're right and make sure you don't sound like there's any doubt". So, thank you very much for listening. I hope you listen to both sides of the story and certainly, make certain that we do have those restrooms. I have been and I am on now the Planning Committee, the Fair Housing Committee, the Historical Preservation Committee; we meet in the Getz Building on virtually all of those committees and I think it's very important that we have those restrooms available for our residents, our visitors and our guests. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Miller. Is there anyone else that would like to come forward?

RICK WHITE – I live at 448 Riverview St., Canal Fulton, Ohio. I'm here to talk about the restrooms situation also. I had the pleasure of being a coach for twenty-two years and I was able to start community connections in Canal Fulton. The first thing they said when I said how many bathrooms do you need and I said whenever you think you have enough, find a place for another one because you're going to need it. Right now there are 57 million people with disabilities in the United States. These people, not only do they need to come to these businesses, but they need to be able to get there. By the year 2030, they'll be 71.5 million baby boomers out there and I'm one of them that's going to need these services. So, we're going to compound that. So, these people need to be able to get out into these facilities and use the restrooms for dignity if nothing else. The other thing is we need to talk to the businesses. They need to understand that there are tax credits out there of \$5,000.00 that will help them get that. E-commerce has grown tremendously right now and that a website that tells people how to get on those websites so that they don't lose those businesses. With all that money that's out there, there's e-marketers projected that retail e-commerce sales will double from \$450 billion dollars in 2017 to \$970 billion dollars by the year of 2023. That's either going to make or break these small businesses and I know I spent a lot of time in Massillon. You do so much good for the City and for the people here and I'm asking you to take a really good look at this and be the City that is the example for other cities that are going to need the same services. If they don't know they need it now, they will in just a few years. So, I thank you for your time and again, I hope you listen to both sides of the story. Thank you.

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

GAYLE DANZY – I live at 2014 Tennyson Ave. N.E., Massillon, Ohio. I'm here to speak to the restrooms. I'm going to be real short because I believe they have to be ADA compliant and if that's a law, I don't think there's any consideration to give to break the law or keep the law. The other thing I want to say is that I've been around Massillon; I was an executive director, so I've probably been involved with Council for thirty plus years and I could be wrong, but I don't ever remember you repealing anything that you've voted on. So, that's a concern of mine that we trust the Council to make good decisions and then to stand by the decisions that you have made. Restrooms, especially in this time of COVID, I'm just going to talk about something else rather than the ADA, which I really think is enough, but no one wants to go to the porta-potty's at this time, nobody. We need to have access where everybody that's downtown Massillon, there's a lot of things going on in downtown Massillon now, which is great. The Duncan Plaza, to me, that's considered a park as any other park in the City of Massillon. So, there should be restrooms available for all of the people that attend there, and again, not a porta-potty, but a ADA compliant restrooms. So once again, I'm going to ask that you stick with the decision that you made. That you not repeal what you already decided to do. Now from the non-profit side of the world; we don't have \$40,000.00 to pay back just because somebody decided that they wanted to change their mind. So, I want you to consider that also. That's \$40,000.00 that could be used which is already been allocated for the purpose, but we certainly don't have any money to give back. Thank you.

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

TED SCHIRTIGER – Good evening. I live at 337 Sandy Ave. N. E., Massillon, Ohio. I just want to say that I agree with everything the lady that spoke before me said. So, I'll keep it short. I think we should install and maintain the restrooms as we should.

COUNCIL PRESIDENT ISTNICK – Thank you, Ted.

TED SCHIRTIGER – Thank you.

COUNCIL PRESIDENT ISTNICK – Is this a tag-team duo?

BENJAMIN MYERS – There's a lot of us here. We're here to represent the Massillon Community Arts Council. We're a newly found, non-profit going for our 501.3(c). I live at 1010 – 4th St. N.E., Massillon, Ohio.

ISRAEL ROBINSON – I live at 2611 List St. N.W., Massillon, Ohio.

SKYLAR PIZZINO – I live at 325 Gnau Ave. S.W., Massillon, Ohio.

NICK NONNO – I live at 505 Harvard Ave. N.E., Massillon, Ohio.

AARON ROBEY – I live at 8264 Traphagen St. N.E., Massillon, Ohio.

MEGAN WANDERER – I live at 1209 Tremont Ave. S.E., Massillon, Ohio.

BENJAMIN MYERS – Us as an organization would like to be able to hold events in Duncan Plaza utilizing the new facility that we have there. The only problem is if we were to do events after hours that the museum is closed, this building is closed; we have other downtown businesses closed. We don't have easy access to restrooms that are clean and ready to use all the time and so, if we wanted to hold events such as our annual "Chalk Walk" that we're going to be doing, which helps with bringing the kids out of the houses that are new lived in after school hours, they don't have that restroom to go to during the chalk walk or if we want to do a film festival in the Duncan Plaza, there's no restrooms after the shop hours.

ISRAEL ROBINSON – So just to add to what he was saying, we're basically here to help the community in any way to bring more creativity to Massillon. We want to be a place where people can go to pretty much say "Hey, we have an idea for Massillon", blah, blah, blah; things like that. So, since this is our first year, we're still developing, we're still getting things going, but, for the following year, we want to get a whole calendar developed so that way, we know what's going on for the City, the community knows what's going on and Duncan Plaza really is a phenomenal space to do a lot of cool things. But, we don't have the restrooms. When you hold something you want to be able to feed them, entertain them and make sure everyone is able to go to the restroom. We just had an event here for the Fun Fest last week and there was a woman changing her baby's diaper on a hood and the baby was a boy, so we all know what that means and she was apologizing and it's just super exposing and as she (Gayle) had mentioned that after COVID nobody wants to be doing anything anymore. We all agree that it would be wonderful to see the restrooms to be put into place.

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

JASON HOUT – I live at 649 Wagoner St. N.W., Massillon, OH. Good evening. First off, thank you to all of you for the time that you give for Council. Mayor, you and your staff, thank you for what you do. It was a privilege to run around on your election campaign a couple to times even though my feet got a little worn out. However, let's just say that I have a slightly different view on these restrooms. I've done a little bit of homework. My relationship with Judge Elum allows me maybe a little bit on the inner orbit of some things. What I have here is a small presentation that I put together and looking at the plans, the original proposal was to be in the Getz Building where there was to be an interior wall that needed to be taken down in order to accommodate the size of the restroom they wanted. That plan was scrapped and I'm glad that plan was scrapped due to the fact that the interior walls and the robustness of that building, I think would've presented some unforeseen challenges. The new proposal is the garage. They are going to now occupy, the new plan is going to occupy over two and a half stalls. The bathroom facilities have now doubled in size. I'm still trying to wrap my head around how and why they doubled in size. Furthermore, that leaves about a six-foot wide, twenty-four deep storage corridor for the Court Services Building to use. Just guessing here, but I'm guessing that the Fire Dept. would have a serious problem with trying to utilize that for storage. I come from business and manufacturing. I guarantee OSHA would not go for that. It is an absolute safety hazard. Third page, part of this plan also includes a new walk way between the Getz Building and the Courthouse. Quick little dot gov. search of OSHA requirements for ADA compliance, 36" wide walk way, can be wider, but minimum is 36". That walk way meets that. The slope on the walk way is 1' over 20' drop. My non-calibrated measurement was a 9" drop over 50'. My question is why are we spending money in places we don't need to? I'm not saying we don't need the bathroom, I'm just saying that this Council has been given stewardship of the resources of this community and I don't care if it's community block grant money or if it's directly our tax dollars. I think that this Council and this body has the responsibility to make sure that there is a plan. Right now, I'm sorry Madam Mayor, you have an idea; you don't have a plan and I voted for you. I think you're a great lady. Secondly, what type of facilities are we going to put in here? Correct me if I'm wrong, I think we have one public restroom in the entire City that is open. The rest of them have been vandalized. So, I pose the question, are the fixtures in the facilities going to be institutional grade or are we going to have porcelain toilets that any knucklehead can go in there and kick off the wall? The next page; just fundamental questions and as a Council I would hope that these questions asked at some point. Do we need a \$250,000.00 bathroom? What is the weekly cleaning and annual maintenance costs? Sorry, these are business questions I would ask or that the owner of my company would ask me if I wanted to spend \$250,000.00 on a piece of equipment or an upgrade that he's building. As I said, most of our public restrooms are closed due to vandalism. If we just amortize the year one cost of this bathroom, assuming approximately 15 events and you say there's 100 flushes in each said bathroom; that's \$166.00 a flush in year one when there's probably going to be zero maintenance other than cleaning charges. Why did the facility size double? Fair question. Why is there a new walk way? Sorry, I think it's a fair question. This is Community Block money. Can it be spread around? Can there be bathrooms around the community that can be upgraded, that can be open? And lastly, this is the most frustrating part; there's now an internal debate between the Executive and the Judicial branch of this community and our community resources are being gobbled up with this. I got a fundamental problem with that one, folks. Next slide please. What is the real need? Initially, Duncan Plaza was built and built without facilities. Was that an oversight? Was it a plan? Was this the long-term plan? We had the first proposition of interior facility. Second proposition of the garage area which is now consuming the entire thing and now the argument's turned to ADA compliance. The goal post seems to keep moving. Sorry folks; that's problematic. And I'm not here just to gripe. I've been in business long

enough to know if you just go into a meeting and you turn it into a “bitch” session, nothing will ever get accomplished. But a potential viable option and I now people maybe don’t like the concept of port-a-john’s, but I’d invite all of you to look at the website on the last page and look at these rollaway facilities. It gives you an extreme amount of flexibility. It gives you an ADA compliant unit well worth the initial investment. So maybe some of this \$250,000.00 can be reapplied for or reallocated and it eliminates a 24’ x 6’ death trap. The cost is \$90,000.00 and they can be configured however you want and these things are not your standard injection molded port-a-johns. These are incredible facilities. They can be moved around the community where they’re needed or if they’re needed somewhere else. All I’m asking for is if may both sides of this argument get together in a room and hash this thing out and try to come up with a reasonable, reasonable conclusion. By spending more money just to have an internal fight seems absolutely ludicrous to me. Ladies and gentlemen, thank you. I appreciate your time. I’m not the “negative Nancy” here.

COUNCIL PRESIDENT ISTNICK – Thank you, Jason.

ANN PALASKI – I live at 2235 Colonial Parkway N.E., Massillon, Ohio. I’ve been an educator at Massillon City Schools for twenty plus years and I want to thank the Council for the work you’ve done at transforming downtown. It has been remarkable to see the genesis of this giant facility and I’m here tonight, obviously, for the restrooms because we have the opportunity to have everything as it should be instead of doing half measures and having a rollaway portable facility to change diapers. You should finish and have a facility we deserve. We are the City of Champions and we need nice facilities for all the events that we want to host. We’re birthing in this brand new amphitheater and we should have for the school kids that come, for the concerts, for all the things that happen through the year. The big Massillon Tiger rally, let’s have the best facility that we can here. You have the opportunity. I think you should stay with the original plan and thank you for your time.

TOM BURGASSER – Good evening. I live at 4388 Golden Eagle Rd. N.W., Massillon, Ohio. I’m an Ohio Certified Fire Inspector and I can assure you that the death traps that the previous person suggested would happen would be in full compliance with the Ohio Fire Code. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

SAMANTHA WALTERS – Many of you know me, but I’m also a citizen of Massillon. I live at 1958 Tennyson Ave. N.E., Massillon, Ohio. And I can tell you that some of the information that you were provided, unfortunately it is inaccurate and I just want to make sure that it’s clear to Council that a rollaway restroom trailer is not eligible for CDBG funding.

JIMMY JOHNSON – I live at 2357 Amberwood Circle N. E., Massillon, Ohio. As your Code Enforcement Officer and working with Frank Silla in your Building Dept., I can assure you that no plans for these restrooms will get through that does not meet the code and there will be no death traps. I guarantee that to you. They will be stamped and approved by plans designers and by the architect or they won’t go in. It’s that easy. We shut them down every day and we have no problem with shutting this down if it doesn’t meet course of the drawings.

COUNCIL PRESIDENT ISTNICK – Anyone else?

HANNAH BURNWORTH – I live at 2609 Fallen Oak Circle N.E., Massillon, Ohio. I am a mother of a son with special needs and we have a very kind of unique need for privacy, for dignity for my son and myself as he ages and as I see other family members aging and we have quite a few family members with different needs; whether it be a wheelchair, cognitive disabilities, there's needs to be that thought in consideration with something's there. You approved and I would like to see it keep moving forward. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

6. **NEW AND MISCELLANEOUS BUSINESS**

COUNCIL PRESIDENT ISTNICK – Mayor, is this where you would like to speak?

MAYOR CATAZARO-PERRY – I can.

COUNCIL PRESIDENT ISTNICK – Okay.

MAYOR CATAZARO-PERRY – Good evening, Madam President, Members of Council. I have a few things to update and the first one I'll just share. The Road Superintendent reached out to me today and said that he would like to open up the garage for later hours. So, Wednesday's from 3:00 p.m. to 7:00 p.m. and Saturday's from 9:00 a.m. to Noon and there's different dates on here, so, I'll just pass this out. We'll make sure that Steve (Grazier) gets one as well. We'll have the garage open for leaves and debris and things, once people clean up their gardens. So, Mr. Burgasser, thank you for that and he asked me to market it. So, this is my first marketing attempt. The next thing is that someone asked about the Prince concert. We were trying to renegotiate a time. We did have a rain that day. We did really well and if you notice, we didn't have to cancel many concerts, but the Prince one we did and I don't know that we're going to be able to find the time that works for them. There are teachers in the band that are going back to work and so, but we'll bring them back next year for sure if we can't get them this year. The street program is under contract and they're going to be starting next week with the catch basins. So that is exciting. St. Andrews, which is Cypress Ave., they're going to be getting that sometime, I believe, in November. So that's exciting as well. Hills and Dales is a pipe replacement and all of those projects were awarded. That one will begin in the spring and we will have to shut down some or part of that road or all of it depending on how they want to work that. But that pipe does need to be replaced and that will be in the spring. Madam President was at Sax in the City. We had a small turnout which was about 45 people that attended the dinner. It was just a wonderful night. We had a nice breeze. Santangelo's cooked the food right on site and it was absolutely delicious. There was chicken and steak and then we had Saxy Rob play as well the band called The Groove and it was an enjoyable evening. The bid is out on Castlewest. It'll be going out in September for you, Mike, and that will probably get awarded in late fall, early winter and then begin next year. What happened with Castlewest is that we didn't receive any bids on it. So, we're putting it back out to bid. So just to update you on that. The Obie statue is in and after the rally on Wednesday, we'll be going over to unveil it. So, if you haven't seen it, if you have seen pictures, they won't do it justice until you go up and see it personally. So make sure you take some time after Wednesday to go over and visit it. The last thing I wanted to share with all of you is that we're

really excited about our Tigers this year as Mr. Gregg had stated and I just want to say, Go Tigers!!

COUNCIL PRESIDENT ISTNICK – Can I ask a question?

MAYOR CATAZARO-PERRY – You sure can.

COUNCIL PRESIDENT ISTNICK – I might have the date wrong, but was the Wales Project supposed to start today?

MAYOR CATAZARO-PERRY – It is starting, it is, yes, it'll be this week.

COUNCIL PRESIDENT ISTNICK – This week?

MAYOR CATAZARO-PERRY – Yes. And that is out all over social media as well. So, the Wales Project is starting this week. They are on track for their timeline.

COUNCIL PRESIDENT ISTNICK – Thank you.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 116 – 2022.

ORDINANCE NO. 116 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE accepting the annexation of 0.530 acres located in the S.W. Qtr. of Sec. 16 Perry Twp., (T-10N, R-9W), Stark County, Ohio, from Perry Twp. to the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 116 – 2022 has received first reading. Ord. No. 117 - 2022

ORDINANCE NO. 117 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Chris Ketler to provide an economic development “inducement grant” to fund start-up costs, including build-out, equipment, etc., for Krack Pots Comedy Club, located at 14 Lincoln Way. W., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herculane.

COUNCILMAN HERCANE – Thank you, Madam President. Last week at the Work Session, we had Mr. Ketler in attendance. He spoke about the project at Krack Pots Comedy Club. We also heard from Dave Maley, the Economic Development Director. Are there any questions or comments from anyone on City Council? Seeing none, I make a motion to suspend the rules requiring three readings and bring Ord. No. 117 – 2022 forward for a vote tonight.

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.117 – 2022 has passed. Ord. No. 118 – 2022.

ORDINANCE NO. 118 – 2022

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending the rules of Massillon City Council by amending Rule 28.1 and 28.2 of 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. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 118 – 2022 has received first reading. Ord. No. 119 - 2022.

ORDINANCE NO. 119 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2022, for the purpose of estimated funding for Economic Inducement Grants, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Ordinances No. 119, 120 and 121 are all working in step with one another, so, we can have open discussion in regards to all. What it is essentially doing is asking for a \$60,000.00 appropriation that allows for the inducement grants such as the one we just approved for the comedy club to be able to be done. Mr. Maley believes that this should be able to get him through to the end of the year. So the first one is that we have to put into the transfer out and then we have to transfer it back in and then we have to appropriate it. It’s a little bit of a financing footwork, but it’s what we have to do to get the money where it needs to be. So, does anyone have any questions or discussion relating to this? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 119 – 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. 119 – 2022 has passed. Ord. No. 120 – 2022.

ORDINANCE NO. 120 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2022 appropriations from within the 1100 General Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This is the second part of what we discussed. I make a motion to suspend the rules requiring three readings, bringing Ord. No. 120 – 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 passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 120 – 2022 has passed. Ord. No. 121 – 2022.

ORDINANCE NO. 121 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK - Councilman Lewis.

COUNCILMAN LEWIS – The final step to get the \$60,000.00 appropriated in the Economic Development Fund. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 121 – 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. 121 – 2022 has passed. Ord. No. 122 – 2022

ORDINANCE NO. 122 – 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 – This is a \$26,000.00 appropriation from grant expenses related to personnel costs at the Health Dept. It is part of the grant monies that they have received. 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. 122 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded 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. 122 – 2022 has passed. Ord. No. 123 – 2022.

ORDINANCE NO. 123 – 2022

BY: FINANCE COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilman Lewis

COUNCILMAN LEWIS – This is a \$750.00 appropriation related to the memorial banners that are hanging in downtown Massillon. As people pay into the program to have a banner created, we're just simply appropriating the money as an accounting measure. Are there any questions or discussion? Seeing none, I make a motion to suspend the rules requiring three readings, bringing Ord. No. 123 – 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. 123 – 2022 has passed. Ord. No. 124 – 2022.

ORDINANCE NO. 124 – 2022

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, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of \$9,166.00 for our Summer Concert Series. Again, this is a pass-through process for accounting purposes. These monies are raised and then placed into the City’s coffers and then later be expended in support of the program. Are there any questions or discussion this evening? Seeing none, I make a motion to suspend the rules requiring three readings, bringing Ord. No. 124 – 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. 124 – 2022 has passed. Ord. No. 125 – 2022.

ORDINANCE NO. 125 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1201 Street Construction M & R Fund, for the year ending December 31, 2022.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is a \$15,000.00 appropriation to cover the cost of a road study or a street traffic study from 17th St. W. all the way to 32nd St. W. As we expand westward in the City of Massillon and with the new school being placed out there, we find this necessary in order to make sure we are having the proper infrastructure to support such improvements. Are there any questions or discussion this evening? Seeing none, I make a motion to suspend the rules requiring three readings, bringing Ord. No. 125 – 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. 125 – 2022 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for a Stock Exchange of a Liquor License for Social Hospitality Group, LLC, DBA Social & Porches located at 824 Lincoln Way E., Massillon, OH 44646. Permit Class is D5 and is located in Ward 1.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi, did you receive this information?

COUNCILMAN LOMBARDI – Yes, I did, thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

A Request for a Transfer of a Liquor License from M & S Bar and Grill, LLC, located at 62 Erie St. S., First Floor Only, Massillon, OH 44646 to Starway Lounge, LLC, located at 45 – 49 Lincoln Way E., Massillon, OH 44646. Permit Classes are D1, D2, D3 and D3A and is located in Ward 2.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret, did you receive this information?

COUNCILMAN THIERET – Yes, I did, thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 1,402.68	Publication of May & June Ordinances & Pub. Hrg.
US Bank Equip.	-	<u>127.00</u>	August Payment for Copier
Total	-	\$ 1,529.68	

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 - July 2022
Mayor's Report - July 2022

COUNCIL PRESIDENT ISTNICK – Thank you.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, August 29, 2022, at 6:30 p.m. Councilwoman Creamer, would you like to remind people of what's going on next Monday if they wish to attend?

COUNCILWOMAN CREAMER – I will be sending out a second e-mail stating that we've asked to attend "Get to know our Neighbor", Aviant Corporation on Navarre Rd. S.W. at 6:00 p.m. next Monday. If you'd like to attend to meet and take a tour of the manufacturing company, please do so. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

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

ORDINANCE NO. 99 – 2022 **BY: COMMUNITY DEVELOPMENT COMMITTEE**
Tabled August 1, 2022 until August 15, 2022

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 District.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. We had a public hearing this evening at 6:00 p.m. regarding this rezoning request of Parcel No. 10011308 located at 3725 Erie Ave. S.W. The purpose of the rezoning is to allow for a self-storage facility. We did have the applicant, Nick Bremmer, come to the microphone and give us an overview of his request. Are there any questions from Council at this point? At this time, I just want to make a statement because there were two statements made at the Work Session last week. I believe that the statements were that we Council do not have the right to determine what businesses come into the City. I would say that that is a true statement except for when there is a rezoning request in front of us; we do have the right to determine what comes into the City. As Ward 4 Council, if this is approved, this ordinance is approved, this would be the second storage unit on the southeast side. Each storage unit would be on the north and south side of Rt. 30. So, I just wanted to clarify since this is a rezoning, we do have that right. So, seeing no questions, I make a motion to bring Ord. No. 99 – 2022 forward for a vote.

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

7 no; 2 yes for passage – Ord. No. 99 – 2022 has been defeated.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 99 – 2022 has been defeated.

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 109 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE to repeal Ordinance No. 139 – 2021 in part, as it pertains to the appropriation of the Community Development Block Grant (CDBG) Fund of \$250,000.00 to an account entitled “Getz Building Reconstruction”, Account No. 1203.845.5.2510.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance was brought forth by members of Council. They did put it onto the agenda without going to Committee first, so, it does take a slightly different course than a typical piece of legislation. So tonight the first vote that we will have is a vote to see if this Council will even allow it to continue forward. I can explain that a little bit more after everybody gets a chance to make any debate that they may have tonight. I do want to say that this ordinance that is being brought up for repeal was passed last year by the Council that was in place at that time. It is using CDBG dollars, but these are CDBG dollars related to COVID, so they do have an even more strict window of opportunity to be utilized and what is permissible and not permissible. I will also point out that these funds have to be fully expended and the project be completed by August 2023. So, the repeal of these funds would mean that the City would have to find new use of these funds or lose these monies all together and having less than twelve months to do so can be quite a tight timeline considering that we would have to identify a project and we’d have to notify all authorities involved of this project, make sure we get proper approval, run it back through this Council and go through the whole process and still allow time for bids to be made and billed-out to occur. So, that does not seem like something that would be very likely to be able to happen in that time. Secondly, there has been \$40,000.00 already spent on this project related to the beginning steps. If we were to repeal this ordinance, that \$40,000.00 does not go away. That is money that the General Fund would then have to make up for and the citizens of Massillon would not have any to speak for that \$40,000.00. In relation to potential litigation that maybe occurring, that is a concern of the courts and of the Administration. This City Council can be aware of it, but to make a decision based off of the fact that one member of one branch may decide to sue another member of another branch could quite basically responsible and that is an internal fight and if they decide they need to take it to that level, Council is not making that decision; those are those branches and they’re the ones that are answerable for those decisions that they have made. So, I would open it up for anyone else to discuss or debate and if there is none, then I’ll go over the procedure for the next vote.

COUNCIL PRESIDENT ISTNICK – Anyone? Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. There’s been a lot of talk here tonight and I appreciate it all, all the citizens that spoke and members of Council that have spoken. I have heard, unfortunately, from my constituency and talking to other folks around

town against what they term a “gross” appropriation of this kind of money for bathroom facilities. I understand that there is a need. We do have ADA compliant right inside the police station lobby. But to put them around the back there, I don’t believe is a good idea at all. Besides the expense; all of a sudden it went from 2 to 10, and again the expenses greatly outnumber, greatly outweigh, I believe, what we would get and I would be on record as opposing the appropriation to that end and I think we can make much better use of the facility, much better use of the funds and I yield before. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. I was just wondering if we could have somebody from Administration and just refocus the scope of the project for us.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Sylvester.

BARB SYLVESTER – Good evening, Members of Council. Yes, if you want me to refocus and just kind of go over the plans that we’ve laid out?

COUNCILMAN LOMBARDI – It just seems like the project, what we’re hearing and what’s being discussed here in Council are restrooms. The project has a much larger scope to it as far as making the entire building ADA compliant. It’s more than just a restroom issue and I’d like you to please reiterate what those different things are that we have to do to make our Getz Building user-friendly to everyone.

BARB SYLVESTER – Yes sir. I can do that. If you recall the meeting of May 16th, I did hand out the drawings as well as I did put an overview scope of the work and I also put the listing of what the building does need to become compliant. So, would you want me to pass these out again? You want these again or do you all have them? It’s up to you. So again, the scope of the work in the layout for the building itself, again, is because of so many of us wanting to do the best that we can for the wellbeing of everybody in our City. So, as we did have some persons refer to this evening, we do use that building for our public meetings that we have. We also know that the Courts use it for some of their agencies as well. So, we’re wanting to make it definitely compliant. I can just go over a few things with you even while you’re referring to the drawing. Just a few references and some points that I can give to you. The City was allocated out of that Community Development Block Grant a total of \$558,334.00. It is a federal grant fund and it’s put in place in accordance with the Coronavirus protection to prevent, prepare for and respond to Coronavirus. And that \$250,000.00 that was allocated to bring the Getz Building up into compliance is approximately 45% of that actual federal funding. As of today’s date, we’ve incurred \$39,767.00 in costs for the planning, the design and all of the redesigns. If funding for this project is repealed, the City will need to appropriate this amount of money back to the General Fund to repay HUD as Councilman Lewis updated everybody. The additional costs have been incurred for bidding and advertising. Advertising began publishing in The Independent on July 20th as that update was given to Councilmembers by Law Director Richard on July 13th. So, when we talk about if the plan would be or could even be amended and we would have to try to meet all of the deadlines, as Councilman Lewis said, we’d write an amended plan. You’d have to have the citizens comment period, City Council presentation and approval and HUD then has 45 days to review and approve or deny the plan. Because as everyone here in Council knows that HUD has already approved this plan. It has been approved by the HUD dollars by those who, again, review all of our plans and give us the approval or denial. The Getz Building will still need to

be brought into compliance with the ADA standards. Even with the new plan that was to move the restrooms into the garage which was a suggestion by Judge Elum on January 13th of this year and that's how we went with the new plan to come up with new ideas and to be able to enhance it to make it even better for all of our citizens. In the packet that was previously provided to you, to Council by Law Director Richard on July 11th, not the 13th; there's a written opinion from architect, John Picard, stating that the Getz Building is currently not compliant with the ADA requirements. I feel it is our responsibility to correct this problem. The Administration has followed appropriate steps. We've updated Council throughout the process. We want to accommodate everyone, especially our taxpayers and the public using the plaza and the Getz Building. As previously stated by our Law Director, the Administration is acting well within the scope of your authority. We've acted in good faith. We've worked diligently to accommodate all parties. Each time the plans and drawings have been amended, the City incurs additional cost. The current plan is the final plan that's being submitted for bidding. Just to go over again as I started out in the beginning when I came up here, the groups that meet in the Getz Building includes the Civil Service Commission, our Fair Housing Board, our Planning Commission, our Historic Preservation Commission and at the last Historic Preservation Committee, I was in attendance as well and we had over a dozen people from the public in attendance and that included representatives from four new businesses. Initially, a few Council members expressed concern with the number of facilities and they wanted us to increase it to have more facilities there. Again, as our City grows and as our City wants to accommodate people and that's how the new design was constructed, again, with Council member's suggestions. We took those all under consideration. We worked with the judges to come up with a new plan to use the existing garage. The existing garage allows us to construct the restrooms as well as bring the building into compliance which is going to need to be completed regardless of the location of the restrooms. I just want to say to Council and I know all of your positions because you do work diligently and have made a commitment to all of our residents, but, it's really heartfully felt for me when I see, for instance, at the end of the school year we get a call at our office that they're going bring down four busloads of third graders from the Massillon School System and they wanted them to have a picnic on the Plaza and that really warms our hearts to see this. This is our future and the students are able to come here and to be here and yes, there is an ADA compliant restroom in the Police Dept. lobby, but there's only one stall in each of those. It is compliant for that building; it is there, but again, for our elementary students, I think that we are a better group that we can make better accommodations for them as well as our residents. Many of our residents live in these senior living facilities. I know Dan Berry called and wanted special parking downtown. They wanted to bring their busses down. They had ten residents in their bus and their staff and they came. They sent the City a very nice thank you note and said how nice it was to be able to be there and have special parking and to enjoy an evening out that some of them really don't have the means to be able to get out. So, that also warmed our hearts to see the happiness that we can bring to others. The Massillon Arts Council uses the Plaza; I think you already heard from all of them. Also other events. This summer we had the Ice Cream Social which was well received as well. We had a three-day live Shakespeare performance on the stage which was received very well. We did also hear from the person, Sammy K. Smith, who organized all of that, that she was concerned because there weren't restrooms here easily accessible to their people. We had Sax in the City Friday night, which you did hear that and also the annual Fun Fest Saturday. It was very well attended. Liz Gessner did an amazing job with that. She had double the exhibitors this year. There were many families here. Our Police did a great job with their exhibit. It was well attended. Also our Fire Dept. did a great job with theirs. Our Housing Dept. had an exhibit there. The Art Council was here, the Boys and Girls Club; there were a lot of people here and I just feel that when we have so many events, we are a better

City than to just have port-a-johns. Also, Wednesday is going to be our kickoff rally. I feel we're going to have a lot of people in attendance for that and, again, even for something like that, we don't have port-a-johns for that. We don't rent them for that, but, again, it would be nice to be able to have the public restrooms for them. Again, we'll be doing the Christmas Light Up this year. The Saturday evening car shows that got started by Jeff Heicher. He's had a great attendance with that. People really love to come downtown for those car shows and, again, there's just a lot of events that I really feel that we have a need for that (restrooms). One other note that I had made and I think you did have that update as well that Samantha Walters did make that inquiry and restroom trailers would not be an eligible use of CDBG COVID Funds. So, I truly feel that this is a great asset for our City and as I said, I gave updates to Council in April also in May and we really just wanted to listen to everyone and I appreciate the gentleman that was here this evening and said that basically, he did a better way of summarizing; I'm summarizing it, but he stated you can really never have enough restrooms and again, these are going to be restrooms to accommodate everybody. We will put the baby changing tables in there as you can see those on the drawings that you have there. If there's any other questions that you have, I'll be happy to answer them and again, I just want to make sure because if you do want to ask some of the technical questions, you can have those answered by John Picard and Greg McCue is here as well. They're both very knowledgeable on those because, again, this evening I just want to make sure that you have all of the correct information.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you, Madam President. Again, I'd like to express my thanks for all of the citizens showing up as well. We too are involved, my family with special needs so I do understand the need. However, I spoke with Mr. Maley earlier in regards to a question about the differential cost between the bathroom and making the building ADA compliant. Do we have a dollar figure on that?

BARB SYLVESTER – A dollar figure of the total amount?

COUNCILMAN SNEE – The differential cost between the bathrooms and making the rest of the building ADA compliant?

BARB SYLVESTER – The rest of building, yes. The total for the rest of the items that are on your list there is \$21,200.00 and that figure was also given to Council at the last meeting or the last update that I gave. \$21,200.00 is the estimated cost until we get the bids back, of course.

COUNCILMAN SNEE – And then the rest will be going towards the bathrooms?

BARB SYLVESTER – That's correct.

COUNCILMAN SNEE – And I guess there lies my issue. So, that's about \$209,000.00 for a bathroom?

BARB SYLVESTER – That includes all of the work that needs to be done. Greg McCue is waving his hand.

GREG MCCUE – Thank you. I just want to make a comment that \$250,000.00 that was allocated, we already explained earlier; I think \$40,000.00 was already for the design and

engineering costs. So, it's somewhere around \$210,000.00 total. So, subtract \$21,000.00, so the remaining is for the restrooms. I just wanted to clarify that. Thank you.

COUNCILMAN SNEE – That's been brought to my attention by many constituents and I don't have an answer for them. That's why I'm asking these questions that maybe I missed in previous Council meetings, but that still seems like a very high dollar figure for some bathrooms where we may have other viable options. That's all.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I agree with Mr. Snee. The \$21,000.00-\$22,000.00 that it's going to cost to bring the Getz Building into ADA compliance is less than 10% of the total dollar amount we're talking about and I think we need to be real with people on what this issue is about and in my mind, it's about bathrooms for public events. I don't think there's anybody in this room that would not support any type of expenditure to get any public facility into ADA compliance. I think this whole argument, I think that has been used as a mask to get us to support an expenditure, a very expensive expenditure, for public restrooms that are probably going to be used about thirty-five times a year. I support the repeal as it is written here because I believe that addressing the ADA compliance is important and we should do that. I think we do have some facilities that are updated and ADA compliant for public events and I don't see any problem with and also feel it is more cost-effective to look at portable bathroom options on those half a dozen times a year that we have people downtown. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. Mrs. Sylvester am I to understand, however, that if we don't do the bathrooms in the garage then we do have to do something with interior bathroom that is in the Getz Building and that was one of the problems we were having originally. We had to remove a concrete block wall and could you elaborate on that and what the costs were compared to putting them in the attached garage?

BARB SYLVESTER – Yes. So, that was the original plan because, to meet the code, we do have to address the restroom as well. So, that was the original plan and members of Council that was on Council at that time, will recall that we did have a plan put together. Again, we were charge for the expenditure of all that. We had the plan put together. I had met a number of times with both judges and both judges did sign off; I have a letter signed off from both of them, but they did have a listing of eleven items they wanted us to address along with that which was our Plan B back at that time. So, we did address all of those; addressed all of the issues at that time and you are correct. There was a wall there that would have to be moved because, again, in order to be compliant, you have to have the size there. You have to have the size of the restroom. So, there was a wall that would have to be moved. So, it was originally approved by the judges and then on, as I said, January 13th, Judge Elum said that he was not in agreement with the plan. He did not want the wall to be moved and that was the meeting where he suggested using the garage, on January 13th. We do have to have ADA compliant restrooms in that building. If it's going to be used by the courts for anything, we use it, as I said for public meetings. So, yes; that is correct.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCAINE – Thank you, Madam President. Mrs. Sylvester, I'm glad you did mention the public meeting with the Historic Preservation Commission that had twelve people. There's ten stalls in here. I don't know any building regulation or ADA code that said that there shall be a stall per person or I don't know if it's on square foot or what. I think ten stalls in the restroom is excessive if we're talking about addressing the needs of a couple thousand square foot Getz Building. I think it goes to the point that this is for a larger project; not addressing the ADA compliance which I think we can do. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

BARB SYLVESTER – I'd just like to make that correction.

COUNCILMAN LEWIS – Point of order. Sorry, you called on me. So, I just want to put in perspective some of this costs. We're throwing around \$189,000.00 for some bathrooms. I sat on this Council for well over a decade now, almost eleven years and I have watched this Council and other Councils, first off, not two months ago, not even blink an eye when the judge renovated, did his own renovations to the Getz Building that involved painting some walls, putting in some lights and what not for \$50,000.00. Didn't blink an eye at that. Nobody thought a problem. The Parks Board comes to us and say they want to put a new pavilion up in a park; \$100,000.00 at least. No blinks an eye at that. Those bathrooms that we keep referencing down at the Police Station; those were \$50,000.00 to \$80,000.00 themselves. Nobody blinks an eye at that. We talk about an opportunity to present the citizens in Massillon ten stalls for their public events that allows those with disabilities to have nice facilities and even those without disabilities to have nice facilities, easy to operate whenever there's an event and it will open up to future growth and usage in the City for \$189,000.00 and also we have a problem. But, six posts and a roof and a concrete slab for \$100,000.00 in the local park, yeah, let's just go ahead, there's no problem with that. I think there's a little bit of a misjudging here. Especially when, like I said, just a couple of months ago, some paint, some wipes cost \$50,000.00 and nobody cared. That's my problem. Now I am very passionate about this. I've dedicated my life to working with people with disabilities and I have seen exactly how difficult it could be for people to get around and I also agree with the comments speaking to our aging population. We already know that the City of Massillon is definitely on its way to being a bedroom community and as such, we will continue to have more and more people that have gait issues and abilities to get in and out of different areas and these are citizens of Massillon who have dedicated their lives to this City and to say that we're not going to bother to spend some of their hard earned tax dollars to make sure that they have facilities in their future is kind of disappointing as well. A roll up trailer is not an option to me. Why would we do that? We have a multi-million-dollar facility downstairs and want to service it with a \$90,000.00 roller trailer. We're going to need two probably 'cause then you'd have one for the men and one for the women which actually is \$180,000.00. So, for the same costs I get roll-up? Or I can get permanent well maintained facilities that serves the citizens of Massillon. It makes no sense to me to go any other direction. As far as the argument about ten for a meeting of twelve. Come on. We know we don't need that many stalls for the one meeting. This is absolutely going to service the public but it also gets to service the building itself for the meetings that they do have. The citizens of Massillon deserve. We're already well on our way. This Council approved it last year. This is a last ditch effort to kill this project by some disgruntle people and I think we should just move forward with it.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, President Istnick. Wow. That was a lot of rederick. Thank you very much. It's not just the ADA compliancy we're talking about here. It's not just \$180,000.00 for a handful of bathrooms. It's about doing things the right way. There was a chance to do that when the whole project was started. It wasn't even considered. As far as the roll ups, the portable bathrooms. The facilities are beautiful, they're usable anywhere in the City. We do have other functions that don't occur in Duncan Plaza that they could be used. They can be towed by a pickup truck, easily maintained and stored. I don't think it's a waste of money. \$90,000.00 is a little on the one. Some are a little less than that and they're absolutely functional and useable anywhere in the City. Like I said, we do have other things. We do have a problem with vandalism at some of our facilities and they end up being closed a lot. Something like this that's stored and maintained could be a much better idea. Thank you very much.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – I'd just like to speak to the roll up bathrooms for a minute. If we install the roll up bathrooms it still does not make the building ADA compliant and this is about ADA compliancy. I went down to look at the Getz Building myself. I had my cane. I was having some problems with my back. I am disabled. I could barely get the front door open. Mrs. Sylvester had to open the door for me. When we were coming out, I tried to push it open to let her through. She had to actually push it too to get it open. This building is not ADA compliant. The thing is that I have a brother that's in a wheelchair and I transport him everywhere. I would have one heck of a time getting him in and out of that bathroom. If he had to go to the bathroom, I would have to transfer him onto the toilet and transfer him off; taking away his dignity completely. The restrooms have to be completely compliant that these people can service themselves in the restroom and fully function within that restroom.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I've given this issue a lot of thought. First of all, talking about the roll up restrooms, the phrase "Lipstick on a pig" comes to mind for me on that. I just don't think our City deserves roll up port-a-johns for our multi-million-dollar Duncan Plaza facility. It doesn't make sense to me. This is a proposal that was already approved. Now we're trying to take a step back. I don't think that makes sense to me either especially if it's going to cost us \$40,000.00 to do it and also the possible loss of \$250,000.00 CDBG grant. Should the restrooms have been included in the original Duncan Plaza design? Probably, but they weren't. So, here we are and having an issue with that causing you to decide to cost the citizens of Massillon \$40,000.00 and the possible loss of a grant doesn't make any sense to me. I think we need to move forward. We need to keep the citizens of Massillon in the forefront of this and we've got a first class facility in Duncan Plaza, we should have a first class facility for it. I understand wanting to save money, but we've already appropriated this money, \$189,000.00 or whatever the figure is for some bathrooms sounds a lot, but we're talking several stalls that allow for growth for the future, allow multiple uses not only for the plaza but for the building and other events that take place in this area. Back to roll ups, I can't think of any event we've held elsewhere in the City that we would need to roll these to. So, that multiple use of a portable john doesn't make any sense to me either. So, I am not for repealing this appropriation that we already decided on. I think we need to move forward and provide our citizens with the facilities they deserve. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Maybe this is a repetitive question. Do we have a plan for maintenance on this yet?

BARB SYLVESTER – Yes, we do.

COUNCILMAN SNEE – And what is that plan?

BARB SYLVESTER – And the plan is that the Getz Building is still a part of right here in our downtown Administration and Justice Buildings. I have two full-time janitorial maintenance persons on staff. They do the maintenance and they do the janitorial work and if you ask anyone in these buildings they will tell you what a good job that both of them do for us. They also help us. They setup for Duncan Plaza downtown. Again, they work hand-in-hand together. They maintain our floors downstairs. They strip the floors, they wax the floors and we have them on hand for any maintenance needs that we do have.

COUNCILMAN SNEE – Can I get a clarification on their hours of operation?

BARB SYLVESTER – Their hours of operation? They're full-time. They come in at 6:00 a.m. and work until 1:00 p.m.

COUNCILMAN SNEE – The bathrooms, I'm sorry.

BARB SYLVESTER – Oh, I'm sorry. I thought you meant the staff members. The hours of operation for the restrooms. It'll be the same time whenever there's activities going on. If there's meetings in there, they'll be open during those hours. We'll do them according to the needs of activities going on. For instance, the schools are bringing students down and there'll be exact hours of when they need to be and when they need to be closed.

COUNCILMAN SNEE – The last comment I just want to say is that we're all caught between a hard place and a rock on this. If you vote "yes" it seems like, once again, we're throwing away money or spending too much money. If you vote "no" it's like you're against ADA compliance. So, I just want everybody to understand and the public that this is not an easy decision for anybody. That's all I have for now. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

BARB SYLVESTER – I'd like to just make a few comments.

COUNCIL PRESIDENT ISTNICK – Okay.

BARB SYLVESTER – I know it was brought up about at the time when Duncan Plaza was constructed, but I would just like to say, again, as far as the Administration, we mirror the same as our Council members do. Your respect for taxpayer's dollars, especially for our General Fund; our General Fund is for the operations of our City and I know that all of you have done a great job with that and what we're doing right now for our operations, all the improvements that we're making on a day-to-day basis as well as to be able to have a healthy carryover. I know that has been all of your desires, our Mayor's desire and we've worked hard at that. So, when it comes to projects that we're doing, this Administration has made a strong commitment and works diligently to get funding from all sources that we can and that was the case with Duncan

Plaza. \$750,000.00 from the Capital Fund. The foundations, the David Foundation, the Aultman Foundation, all of those who are supporters and the goal with that as the Administration and I know all of you at Council is, again, to take the least amount that we have to from taxpayer's General Fund. Our taxpayers deserve that to be for the operations of our City. We do want the capital improvements, but capital improvements that are the assets for this City, if we can do those with grants and funding from organizations that they donate to the City because they care about the City, the care about the residents. And again, we as an Administration just like you as a Council, we work with what we have and that's what we worked with at the time that we did the Plaza. That is what we worked with at that time. Always to have a mind to look into the future, to looking for the restrooms and when the CDBG grant dollars and it was an eligible project to be able to do that with CDBG funds, it's truly a benefit to all of our taxpayers who want to see the greatest benefit from all of their taxes that they pay. So, to look at this and say we're going to use it for something else, if you're going to purchase those roll aways, that's going to have to come out of the General Fund. That's going to take away from our general operations or you're going to have to take it from the carryover and again, that affects this strong healthy carryover that we're trying to show our citizens how much respect that we give to them. Again, as Councilman Lombardi stated that those roll aways will still not make that building ADA compliant. It still will not meet that. So, I just wanted to make those two comments. The third comment is the comment about the ten stalls. If you look at your drawing that's there, there's five stalls in the women's and two stalls in the men's and we were able to put an additional sinks which at this time, again, COVID has made us all realize how much healthier we all want to be and that comes with handwashing, sanitizing and so forth and that's what we want to teach our young people too. And also the baby-changing stations. There was a young lady who spoke about this evening and again, that's important. This is something that's going to be a true added asset to our residents especially help the accommodations for those with disabilities. It's going to help our elderly and definitely going to help our young families.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Sylvester. Anyone else from Council? Councilman Lewis.

COUNCILMAN LEWIS – Okay. So, the first vote that we have tonight, the vote that we have before us right now is since this was brought up as a non-committee ordinance, the first vote we will make is whether or not we will allow it to continue to be on the agenda for this City Council. So, if any member of this Council wants it to continue and to be able to possibly repeal Ord. No. 139, you would vote "yes". If you were to want this ordinance to no longer be able to be considered by this Council, therefore, removing the repeal request you would vote "no" this evening. If this wins tonight, then it will get second reading. If it loses tonight, then it will be taken off the agenda and will not be considered further. Does anyone have questions about the procedure of this vote?

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – So you're saying if we vote to not have it on the agenda, not to take it to the next vote, then it dies?

COUNCILMAN LEWIS – Correct.

COUNCILMAN GREGG – And the plan will move forward?

COUNCILMAN LEWIS – Correct.

COUNCILMAN GREGG – That’s what I wanted to clarify. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Herculane.

COUNCILMAN HERNCANE – Thank you, Madam President. Can I just clarify? I’m going to restate what you said, Mr. Lewis. We’re voting on whether or not to give is second reading, is that correct?

COUNCILMAN LEWIS – Correct.

COUNCILMAN HERNCANE – Alright, thank you.

COUNCIL PRESIDENT ISTNICK – Any other questions? Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to vote to see if Council would permit Ord. No. 109 – 2022 to receive second reading and therefore, stay on the agenda for Council’s further consideration

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

5 no; 4 yes to place Ord. No. 109 – 2022 on the agenda for second reading

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 109 – 2022 will not appear on the agenda at second reading. Ord. No. 115 – 2022.

ORDINANCE NO. 115 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2022 appropriations from within the 1100 General Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is to make some transfers within the General Fund for the Law Dept. to cover the cost of their domestic violence prosecutorial team. There has been a rise in cases and we have an extremely senior member of that team and most of their funding is supported by the grant, but in this particular year, it has slightly exceeded the grant and the Law Director is requesting additional funding. Are there any additional questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 115 – 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. 115 – 2022 has passed. Res. No. 10 – 2022.

RESOLUTION NO. 10 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION reversing the decision of the Massillon Board of Zoning Appeals in the Variance Case No. 2022-8.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Res. No. 10 – 2022 has received second reading.

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

GAYLE DANZY – I live at 2014 Tennyson Ave. N.E., Massillon, OH. I'm going to do this very quickly; I almost feel bad getting. I don't know who's responsibility it is to check the people that are landlords for the City of Massillon; public landlords and business landlords, to make sure that they follow whoever has set the rules that they're supposed to follow before they lease their buildings. So, I just would like for somebody to get back to me to let me know if this is a Council concern because we are now involved with landlords and I'm not going to call name, but a specific landlord who owns several properties in the City of Massillon and for at least the last thirty years has been a horrible landlord. And so I think that somebody needs to address him following the rules or not being a landlord because now he's getting ready to cost money to an organization that's doing a great job in the city because of his lack of or whatever. So, if someone can just let me know who I need to complain to and I know you've already figured out that over the past thirty years that I don't have any problem doing that. So, would someone please let me know at your earliest convenience who is should complain to. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. I make a motion we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Roll call.

9 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT