

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, SEPTEMBER 19, 2022**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, September 19, 2022. We have in attendance the following City officials: Safety Service Director, Barb Sylvester, Asst. Law Director, Edmond Mack, Chief Counsel, Tim Piero and Economic Development Director, David Maley. Under #5 on the agenda is where the public can speak on any topic that appears on tonight’s agenda and under #17 is where the public can speak on any topic that does NOT appear on tonight’s agenda. I’d like to remind 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 and Mike Snee.

Roll call of 8 present

**2. INVOCATION**

**COUNCILMAN MICHAEL SNEE**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILMAN SNEE**

**4. READING OF THE JOURNAL**

**COUNCIL PRESIDENT ISTNICK** – Thank you, Councilman Snee. 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 as written.

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

**JIM HUBNER** – I live at 55 – 6<sup>th</sup> St. S.E., Massillon, Ohio. I’m going to speak very briefly about Ord. No. 126, that’s the zoning change in the Wellman neighborhood. I’ve talked to all of you about it before. I think you know where I stand and I’m just here to reiterate that I’m opposed to that particular action. I encourage everyone to vote against it. Thank you.

**NENO MILAN** – I live at 511 Wellman Ave. S.E, Massillon, Ohio. I'm here tonight to speak in opposition to Ord. No. 126, as Mr. Hubner said. I just wanted to express that I'm against it. Thank you very much.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**JEFF MASTERS** – I live at 35 Pine St. S.E., Massillon, Ohio. I'm here with my family as well. I've said this before here, but, when we purchased the house this was not supposed to be filled with rentals. We are against that as well. Please vote "no" on it.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**ANGIE COMPARA** – I live at 829 Wallace Ave. S.E., Massillon, Ohio. I am also against Ord. No. 126. I've lived there almost 41 years and you've got more than an abundance of rentals in this area. Most of which are not taken care of. I don't really want to see another one. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**ROBYN BLOOM** – I live at 846 Wellman Ave. S.E., Massillon, Ohio. I said this before; I'm against Ord. 126 – 2022. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**FRED BUTLER** – I live at 48 – 6<sup>th</sup> St. S.E., Massillon, Ohio. I'm against the zoning change but I'm also in favor of keeping the neighborhood in single residence arrangements to keep the neighborhood integrity intact.

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

## 6. NEW AND MISCELLANEOUS BUSINESS

**COUNCIL PRESIDENT ISTNICK** – We need a replacement for Jim Thieret on the Historic Preservation Commission. I'm going to refer this to you, Mr. Lewis.

**COUNCILMAN LEWIS** – Why don't we give everybody a week to think about it? We'll discuss it at Work Session next week.

**COUNCIL PRESIDENT ISTNICK** – Sounds like a wonderful plan. If you have interest in it, please let Mr. Lewis know. Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. I just wanted to congratulate the Massillon Tiger Varsity Football team on a huge win on Friday night at the Paul Brown Tiger Stadium. They took on the previously undefeated No. 1 ranked and defending State Champion, St. Edward's Eagles. Fought through a tremendous amount of adversity, made some clutch plays and pulled it out at the end. So, they represented Massillon extremely well and I'd just like to urge everyone to, since it's in Massillon, to come out Friday night. We've got another tough game against Austintown Fitch who comes in undefeated as well and highly ranked. So, we don't want to let the boys down. We wanted everybody to get behind them and support them. So, Go Tigers. Beat Austintown, beat McKinley. Thank you.

**COUNCIL PRESIDENT ISTNICK** – I was at the game and I don't watch football at home, but I watched the whole game on the replay. It was just amazing. Go Tigers.

## 7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 133 – 2022.

**ORDINANCE NO. 133 – 2022**

**BY: HEALTH, WELFARE AND BUILDING REGS. COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed Request for Qualifications (RFQ) for the design and inspection of the Improvements to the City of Massillon Municipal Buildings HVAC Systems Project, all in accordance with Sections 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Slutz.

**COUNCILMAN SLUTZ** – This is to replace the HVAC systems in Municipal buildings. Are there any questions? If not, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 133 – 2022 forward for a vote.

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

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 133 – 2022 has passed. Ord. No. 134 – 2022.

**ORDINANCE NO. 134 – 2022**

**BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Department of Transportation (ODOT), for the Annual Municipal Bridge Inspection Program, PID 117554, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. As stated, this authorizes the Director of Public Service to sign the Consent Legislation with ODOT for the bridge inspection program. This inspection program occurs every two years. This would include inspecting all bridges within the City except for the one on Cherry Rd., which I believe falls under the County. Are there any questions regarding this inspection program? It does have emergency language, so, I make a motion to waive the rules requiring three readings and bring Ord. No. 134 – 2022 up for a vote.

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

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No.134 – 2022 has passed. Ord. No. 135 – 2022.

**ORDINANCE NO. 135 – 2022**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Block Grant (CDBG) Fund, for the year ending December 31, 2022, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the appropriation of the CDBG budget that was approved earlier in the year. Are there any questions or discussion this evening? Seeing none, I make a motion to suspend the rules requiring three readings, bringing Ord. No. 135 – 2022 forward for a vote.

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

7 yes; 1 abstention for suspension – Herncane abstained.

**COUNCIL PRESIDENT ISTNICK** – And for passage.

7 yes; 1 abstention for passage – Herncane abstained.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 135 – 2022 has passed.

**8. UNFINISHED BUSINESS**

**9. PETITIONS AND GENERAL COMMUNICATIONS**

**10. BILLS, ACCOUNTS AND CLAIMS**

US Bank Equip. Finance	-	\$ 127.00	September Payment for Copier
Office Depot	-	27.50	Office Supplies
U.S. Postal Service	-	<u>11.76</u>	Postage-Certified Annexation Documents
		<b>\$ 166.26</b>	<b>Total</b>

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

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

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

8 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 - August 2022  
Mayor’s Report - August 2022

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**12. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT ISTNICK** – Our next Work Session will be Monday, September 26, 2022, at 6:30 p.m.

**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. 126 – 2022.

**ORDINANCE NO. 126 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from R-1 One Family Residential to RM-1 Multiple Family Residential.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. This rezoning request is located at 56 – 5<sup>th</sup> St. S.E., Parcel No. 604597. The zone change is from an R-1 One Family Residential to RM-1 Multiple Family Residential. The applicant is Eric Gray. The purpose of the rezoning is to allow for rental units and an office. On August 10, 2022, at the City’s Planning Commission did not give its recommendation to this request. There is a public hearing scheduled for October 17, 2022 at 6:00 p.m. here in Council Chambers. Do any Council members have any questions regarding this? Seeing none, second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 126 – 2022 has received second reading. Ord. No. 129 – 2022.

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for funding to the Ohio Public Works Commission for the funding year 2023, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the application to OPWC for both Tremont Ave. and Lincoln Way, as discussed. Are there any questions or discussion this evening? Seeing none, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 129 – 2022 forward for a vote.

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

7 yes; 1 no for suspension– Herncane voted no

**COUNCIL PRESIDENT ISTNICK** – And for passage.

7 yes; 1 no for passage – Herncane voted no

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 129 – 2022 has passed.

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

**DAVE KERESTES** – I live at 715 – 2<sup>nd</sup> St. N.E., Canton, Ohio. I’m here seeking help from somebody, maybe some information or tutelage in a matter that I’m involved in in the Massillon Court where I’m seeking transcripts from a case and they’re telling me that they lost the first two pre-trials and the third one, they’re telling me that it’s inaudible. Now the reason why I’m doing that is because I quite clearly walked in here and confessed to something, a crime that was a misdemeanor. I didn’t know it was on the law books, but it was and I just confessed to that. But also on the same aspect, I spoke with constables out of control down at the bus garage and how I ended up going to court and I’m not allowed to speak and how I’m being threatened by people. And so, the last time I was in court, I’m looking right here in this case and it says “because if you show up at your pretrial on December 15<sup>th</sup> in this court without a lawyer, I’ll take you into custody and get you one down at the jail”. Now quite clearly I’m trying to pro se my way through the court system which would be true, while everybody’s trying to think of a lie. Now, I don’t know, and then I go to this case over here and here I am being evicted by Matt Schuring where I filed for bedbugs and other matters which I don’t even want to get into. But the bottom line is that on September 10, 2021, I’m evicted in the Massillon Court by Schuring Real Estate, but quite clearly it says “no eviction by Federal law until August 6, 2021. So, now we have people violating law and I asked Judge Elum to look into these things and they’re not looking at what I’m seeing or quite clearly I just don’t know what I’m doing. But my intentions are to file under 501 and I don’t have the exact ORC at this time on the constables for unethical conduct and I intend on doing that and now I’m just going to ask them to quite frankly to bring to small claims court what they didn’t have when I went to my hearing. And so, that’s my intention and I only have until the 28<sup>th</sup> of next month to do that

which would be one year. And so, I need this by the 3<sup>rd</sup> and I didn't know if anybody could help me get that transcript by then.

**COUNCIL PRESIDENT ISTNICK** – After the meeting, maybe our Law Director, Mr. Mack, could talk to you and direct you.

**DAVE KERESTES** – Okay. Well, thank you for your time.

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

**18. ADJOURNMENT**

**COUNCIL PRESIDENT ISTNICK** – Councilman Snee.

**COUNCILMAN SNEE** – I make a motion to adjourn.

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

8 yes to adjourn

**COUNCIL PRESIDENT ISTNICK** – Meeting adjourned.

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DIANE ROLLAND, COUNCIL CLERK

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CLAUDETTE ISTNICK, PRESIDENT