

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, NOVEMBER 20, 2023**

PRESIDENT PRO TEM LEWIS – Welcome to the Massillon City Council Meeting for Monday, November 20, 2023. We have in attendance the following City officials: Safety Service Director, Barb Sylvester, Asst. Law Director, Edmond Mack, Economic Development Director, Dave Maley, and Income Tax/Budget Director, Lori Kotagides Boron. Under #5 on the agenda is where the public can speak on any topic that appears on tonight’s agenda and under #17 is where the public can speak on any topic that does NOT appear on tonight’s agenda. I’d like to remind you that if you have a cell phone, please set it to mute, vibrate or turn it off. Thank you.

PRESIDENT PRO TEM LEWIS – 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, Jamie Slutz, Mike Snee and Aaron Violand.

Roll call of 8 present

PRESIDENT PRO TEM LEWIS – Councilman Gregg, can you make a motion for Lombardi?

COUNCILMAN GREGG – Yes. I’d like to make a motion that we excuse Councilman Lombardi from this evening’s meeting.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Snee. Roll call.

8 yes to excuse Councilman Lombardi

PRESIDENT PRO TEM LEWIS – Thank you. Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH

2. INVOCATION

COUNCILWOMAN JULIE HARWIG SMITH

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN HARWIG SMITH

4. READING OF THE JOURNAL

PRESIDENT PRO TEM LEWIS – Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes they are.

PRESIDENT PRO TEM LEWIS – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No there are not.

PRESIDENT PRO TEM LEWIS – Then the minutes stand approved as written.

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

6. NEW AND MISCELLANEOUS BUSINESS

Answer to question asked at the November 6, 2023 meeting:

Downtown Parking – Brooke Longheir

PRESIDENT PRO TEM LEWIS – I don't know if Claudette asked that to be answered by a specific Council person or not. We'll have to forward that on and see how President Istnick would like to have that addressed.

COUNCIL CLERK ROLLAND – Okay.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

PRESIDENT PRO TEM LEWIS – Ord. No. 123 – 2023.

ORDINANCE NO. 123 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the donation of parcel #10003714; a vacant lot located on Cherry Rd. N.W., Massillon, Ohio, from Oxford Princess, LLC, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Mr. Lewis. Mr. Maley spoke about this at the Work Session last week. This is regarding a vacant piece of property by the movie theater on Cherry Rd. to be donated to the City for economic development purposes. Are there any questions or comments from members of Council? Seeing none, I make a motion that we waive the rule requiring three readings and bring Ord. No. 123 – 2023 forward for a vote this evening.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Violand. Roll call for suspension.

8 yes for suspension

PRESIDENT PRO TEM LEWIS – And for passage.

8 yes for passage

PRESIDENT PRO TEM LEWIS – Ord. No. 123 – 2023 has passed. Ord. No. 124 – 2023.

ORDINANCE NO. 124 – 2023

BY: RULES, COURTS & CIVIL SERVICE COMMISSION

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997 by establishing and creating the position of Director of Development and establishing the Class Grade pay schedule for said position within the 845 “COMMUNITY DEVELOPMENT AND PLANNING DEPARTMENT”, and declaring the same to be an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – Thank you, President Pro Tem Lewis. I intend to give this first reading this evening, but this is legislation that was put forward by Councilman Slutz. I'd like to have him speak on this tonight.

COUNCILMAN SLUTZ – Thank you, Mr. Gregg. The economic development position is very important to what I want to achieve as a Mayor. My plan is to combine the Economic Development Director's position and the Community Development Director's position and make that be the Director of Development. I feel like it'll be the most efficient and cost-effective approach to what I want to do. I ran my campaign on cost savings and higher economic development professional. By passing this, I feel this will help me find the best person for my Administration and the City. I have already discussed the job with a few people, but I need Council's support tonight before I can narrow my selection. Between the salaries of both Economic and Community Development, it costs the City roughly \$210,000.00 for both positions, between benefits and salaries. By creating this new position, we can offer a little more in salary to one person, but still cut the overall costs in half. Funding for this would be split between the General Fund and CDBG Funds. This will save money in the General Fund and CDBG grant dollars. That money could be used in our low to moderate income neighborhoods. The money saved in the General Fund that could be used for animal control or additional traffic enforcement in our Police Dept. I ask for your support tonight so that I can assemble my team and hit the ground running come January 1st. Thank you.

COUNCILMAN GREGG – Since I intend to give this first reading this evening, because we did have a chance as a Council to discuss it in our Work Session last week, I want to give it first reading. So, first reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 124 – 2023 has received first reading. The next few ordinances are all from the Finance Committee, but seeing as I am filling in for President Istnick in tonight's meeting, Councilman Gregg will be fielding these ordinances this evening. With that said, Ord. No. 125 – 2023.

ORDINANCE NO. 125 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the purpose of the Memorial Banners, for the year ending December 31, 2023, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Councilman Lewis. We discussed this in Committee. This is just paying for the memorial banners that go up downtown. Any questions or concerns

on this this evening? Seeing none, I make a motion we waive the rules requiring three readings and move Ord. No. 125 – 2023 forward for a vote.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Slutz. Roll call for suspension.

8 yes for suspension

PRESIDENT PRO TEM LEWIS – And for passage.

8 yes for passage

PRESIDENT PRO TEM LEWIS – Ord. No. 125 – 2023 has passed. Ord. No. 126 – 2023.

ORDINANCE NO. 126 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the purpose of the Massillon Fire and Police Departments, for the year ending December 31, 2023, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Councilman Lewis. We discussed this in our Work Session last week as well. Basically, the money is grants that were distributed to the salaries of the Police and Fire Departments and need to be distributed within thirty days of receiving the funds from the State. So, with that in mind, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 126 – 2023 forward for a vote.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Slutz. Roll call for suspension.

8 yes for suspension

PRESIDENT PRO TEM LEWIS – And for passage.

8 yes for passage

PRESIDENT PRO TEM LEWIS – Ord. No. 126 – 2023 has passed. Ord. No. 127 – 2023.

ORDINANCE NO. 127 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose (Aldi's); declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – First reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 127 – 2023 has received first reading. Ord. No. 128 – 2023.

ORDINANCE NO. 128 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose (7Brew); declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – First reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 128 – 2023 has received first reading. Ord. No. 129 – 2023.

ORDINANCE NO. 129 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose (Consumers National Bank); declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – First reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 129 – 2023 has received first reading. Ord. No. 130 – 2023.

ORDINANCE NO. 130 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose (Get Go); declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – First Reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 130 – 2023 has received first reading. Ord. No. 131 – 2023.

ORDINANCE NO. 131 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose (Panda Express); declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – First reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 131 – 2023 has received first reading. Ord. No. 132 – 2023.

ORDINANCE NO. 132 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose (Starbucks); declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – First reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 132 – 2023 has received first reading. Ord. No. 133 – 2023.

ORDINANCE NO. 133 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2023 appropriations from within the 1100 General Fund, for the purpose of the School District Tax Revenue Sharing, for the year ending December 31, 2023, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. Lewis. This is something we do each year, revenue sharing with the schools. We discussed this last week. Any questions or concerns on this legislation tonight? Seeing none, I make a motion that we waive the rules requiring three readings and move Ord. No. 133 – 2023 forward for a vote.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Slutz. Roll call for suspension.

8 yes for suspension

PRESIDENT PRO TEM LEWIS – And for passage.

8 yes for passage

PRESIDENT PRO TEM LEWIS – Ord. No. 133 – 2023 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

Gannet Ohio LocaliQ	-	\$ 764.72	Publication – Sept. Ordinances & Hrgs.
US Bank Equip. Finance	-	<u>133.35</u>	November Payment for Copier
Total	-	\$ 898.07	

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – I make a motion that we pay the bills.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Slutz. Roll call.

8 yes to pay the bills

PRESIDENT PRO TEM LEWIS – The Clerk will pay the bills and charge them to their proper accounts.

11. REPORTS FROM CITY OFFICIALS

12. REPORTS OF COMMITTEES

PRESIDENT PRO TEM LEWIS – Our next Work Session will be Monday, November 27, 2023, at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

PRESIDENT PRO TEM LEWIS – Oh, I forgot you at the top of the meeting; I apologize.

COUNCILMAN GREGG – Thank you, Mr. Lewis. That’s alright. You’re not used to being up there. I just want to shout out to the Massillon Tigers for their great win this past weekend against the Bulldogs from Green; moving onto the State Semi-finals where we’ll face Cincinnati Anderson. The Tigers have been playing great this season. My request is that all business owners that have a marquee, especially those that are located on Lincoln Way, put “Go Tigers” on your marquee. Show support for the team and with that I’ll just say “Go Tigers”.

PRESIDENT PRO TEM LEWIS – Go Tigers. Anyone else?

14. CALL OF THE CALENDAR

PRESIDENT PRO TEM LEWIS – Res. No. 7 – 2023.

RESOLUTION NO. 7 – 2023

BY: FINANCE COMMITTEE

Tabled October 2, 2023 until November 20, 2023

A RESOLUTION in support of waiving the building permit fees for the Massillon City School District’s East and West Side Elementary Schools.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. Lewis. I believe this has become somewhat of a moot point at this point, so, I make a motion that we table this resolution indefinitely.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Slutz. Roll call.

8 yes to table Res. No. 7 – 2023 indefinitely

PRESIDENT PRO TEM LEWIS – Res. No. 7 – 2023 has been tabled indefinitely.

15. THIRD READING ORDINANCE AND RESOLUTIONS

PRESIDENT PRO TEM LEWIS – Ord. No. 106 – 2023.

ORDINANCE NO. 106 – 2023

BY: PUBLIC UTILITIES & ENVIRONMENTAL COMMITTEE

AN ORDINANCE amending Chapter 925 “SEWERS GENERALLY” of the Codified Ordinances of the City of Massillon, Ohio, by repealing Section 925.27 “GREASE, OIL AND SAND INTERCEPTORS” and enacting a new Section 925.27 “GREASE, OIL AND SAND INTERCEPTORS” of TITLE THREE – UTILITIES, PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE of the Codified Ordinances of the City of Massillon, Ohio.

PRESIDENT PRO TEM LEWIS – Councilman Violand.

COUNCILMAN VIOLAND – Thank you, Councilman Lewis. This was the grease trap legislation that initially some members of Council took some issue with. There were some proposed amendments presented. I believe I presented a synopsis of those at our last Work Session. I’ve also emailed the full text of these changes. They include taking out the high temperature language and requiring the menu changes be paired with other evidence of grease and oil issues in addition to adding a fee schedule to that legislation. With that being said, I would make a motion to amend the ordinance to incorporate these proposed changes.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Slutz. Ms. Rolland, do you have a record of those changes?

COUNCIL CLERK ROLLAND – Yes I do.

PRESIDENT PRO TEM LEWIS – Roll call for the amendment.

8 yes to amend Ord. No. 106 – 2023 per the email that was sent earlier today with the amendments

PRESIDENT PRO TEM LEWIS – Ord. No. 106 – 2023 has been amended and is returning to first reading. Councilman Violand.

COUNCILMAN VIOLAND – Thank you, Councilman Lewis. At this point, I would make a motion to waive the rules requiring three readings and bring Ord. No. 106 – 2023 forward for a vote tonight.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Slutz. Roll call for suspension.

8 yes for suspension

PRESIDENT PRO TEM LEWIS – And for passage.

8 yes for passage

PRESIDENT PRO TEM LEWIS – Ord. No. 106 – 2023 has passed.

16. **SECOND READING ORDINANCES AND RESOLUTIONS**

PRESIDENT PRO TEM LEWIS – Ord. No. 110 – 2023.

ORDINANCE NO. 110 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Mayor and/or the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Kettle Creek Capital I, LLC, for a traffic signal improvement at Lincoln Way E. between 24th St. N.E. and 25th St. N.E., Massillon, Ohio.

PRESIDENT PRO TEM LEWIS – Councilman Snee.

COUNCILMAN SNEE – Thank you, Mr. Lewis. This is just for a traffic signal improvement from between 24th and 25th. I haven't personally heard any discussion on this; received emails or any other communication. Has any member of Council received any such indication? See none, I'm just going to make a motion that we waive the rules requiring three readings and bring Ord. No. 110 – 2023 forward for a vote.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Gregg. Roll call for suspension.

6 yes; 2 no for suspension

PRESIDENT PRO TEM LEWIS – Ord. No. 110 – 2023 has not received enough votes to have the rules suspended and will receive second reading. Ord. No. 113 – 2023.

ORDINANCE NO. 113 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1419 Marketplace Infrastructure (TIF) Fund, for the year ending December 31, 2023.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – Second reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 113 – 2023 has received second reading. Ord. No. 118 – 2023.

ORDINANCE NO. 118 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE amending Section 2 of Ordinance No. 148 – 2017 and any other ordinances inconsistent with this ordinance, and authorizing and directing the Auditor of the City of Massillon, Ohio, as of January 1, 2024, to deposit funds received from golfing fees at The Legends of Massillon Golf Course into the 1234 The Legends Operating Fund, the 1306 Bond Retirement Fund and the 1433 Parks and Recreation Capital Improvement Fund.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – Second reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 118 – 2023 has received second reading. Ord. No. 119 – 2023.

ORDINANCE NO. 119 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2024, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Ms. Kotagides-Boron, do we have the Streets Dept. next week?

LORI KOTAGIDES-BORON – Yes we do.

PRESIDENT PRO TEM LEWIS – Alright, Streets Dept. will be in attendance next week discuss their portion of the budget. Councilman Gregg.

COUNCILMAN GREGG – Second reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 119 – 2023 has received second reading. Ord. No. 120 – 2023.

ORDINANCE NO. 120 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE amending the salary and wage schedules for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, CLASSIFIED EMPLOYEES, and UNCLASSIFIED EMPLOYEES in the City of Massillon, Ohio, also amending the MISCELLANEOUS SCHEDULE for part-time employees in the City of Massillon, Ohio, and declaring an emergency.

PRESIDENT PRO TEM LEWIS – Councilman Gregg.

COUNCILMAN GREGG – Second reading.

PRESIDENT PRO TEM LEWIS – Ord. No. 120 – 2023 has received second reading. I'd like to take a moment to just remind all members of Council that as we get close to the end of the year, at the end of 2023, any ordinances that have been introduced to Council must be voted on by the end of the year. Otherwise, they will not carry over into January. They will need to be re-introduced in January.

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

CHRIS WANTZ – 17th St. N.W., Massillon, Ohio. First of all, I just got to give you guys a shout-out. A City Council meeting that starts out with prayer and pledge of allegiance. That's outstanding. I feel comfortable already. I'm here to talk about Green Meadows, the paper factory and the nuisance that its done in our neighborhood. I have a pretty good contingence of neighbors here that would probably agree with what I'm going to say. My wife and I moved here ten years ago and at that time, we talked to some neighbors that had been here before we bought the house and they told us that the noise wasn't that bad and we had been in and out of the neighborhood, so we knew that it really wasn't bad. It's something that you get used to, much like living close to a railroad track. However, this past summer, they put in a new system on top of the building that is quite loud. We're both educators so we're off in the summer; I went over and I spoke to somebody at the factory. They said that they were aware of the noise and that the company that installed it would come out and fix it. Well, they came out and fixed one component of the noise but not all of it. It is extremely loud. It's pulsating. It's going twenty-four seven. Once in a great while, they'll turn it off. But it's gotten to the point where we can't open our windows in spring, summer or fall. We can't sleep with our windows open. When we do have our windows closed, we still have to have a sound machine going at night so that we can sleep; so we don't hear this pulsating constantly going on. They've also installed lights at the company and instead of installing them out into the parking lot going back towards the company, they put them on the company's shining out into the neighborhood. We had to buy black out blinds to install inside of our regular blinds in our spare bedroom so when we have our grandkids over they can sleep. It illuminates the entire front room. It's just a nuisance all around. The truck traffic, the smell; it's just constant. In the summer, spring and fall, the tow motors with the beeping, it always has the bay door open. It's just been a real hassle lately. As I said, I spoke with somebody at the factory, he told me that some was going to be done about it. It didn't happen. We have heard it as far away as Mayflower Village on Harvard St. and Grosvenor. That's up half a mile maybe, I don't know, but it's far enough away that its surprising us. So, I'm here to just ask that something would be done with the company. We're not bad neighbors. We don't want to shut the place down. We just want to be able to have our windows open, we want to be able to sleep at night with our windows open. We want to be able to sleep without a sound machine playing all the time and we can even hear it on the sound machine. So, it's just really has become a total nuisance. I have a couple of videos. I hope it will pick up the sound (plays video with audio noise). Do you hear that pulsating? That's constant. We have to deal with that every day, all day and all night. That's in my driveway and I have a driveway that's a couple of hundred feet long. This is on my front porch (plays video with audio noise). All we want is for the company to fix the problem. We're not looking to shut the doors. We want to be a good neighbor and we want them to be a good neighbor. It's got to be something that can be done to muffle the sound, redirect it someplace else. The truck traffic, I mean, everything that goes up and down 17th St. because of this company has become quite a nuisance. Thank you for your time. I appreciate it.

PRESIDENT PRO TEM LEWIS – Thank you. Is there anyone else?

KAT SCHLABACH – 17th St. N.W. My house is right across the street from the shipping yard. The noise; my house vibrates. I've had a grandfather clock fall and smash in my living room. Stuff coming off my walls. I've recently taken in the last couple of years three of my grandchildren and two of them now have been medicated to sleep at night because of the constant noise. Their ages are eight and nine; she was sleeping all night, my six-year old, barely three to four hours and the truck traffic on 17th is hideous. Last week as we watched the chaos down in Columbus, I watched right in front of my house when they were picking up my grandkids, they come flying down and they're not paying attention by no means. I've watched them come off the hill side by side racing down the street. I've called Massillon and the Sheriff to get them out there and we still wait. I can say I've seen Massillon PD in the park doing whatever. Nobody's being held accountable for the noise. The employees are over there screaming through the night. Yelling for other employees. Again, I've called in also and said "Hey, can we quiet down a little?". People on this side want to sleep. We work and we're here now because nothing's done. Nothing. I'm probably closer to the road than a lot of them. So, we're literally right there. We have a front yard. Nobody can go in our front yard because you don't know what's going to come at you regardless to what's out there. So, it's pretty bad. I grew up in Walnut Hills, I can say I would go back there with my kids in a heartbeat because I was raised there. My children were raised there. I would take my grandkids back up there in a heartbeat because this is just not right for nobody, nobody, nobody.

PRESIDENT PRO TEM LEWIS – Thank you.

LARRY JENKINS – I live on 15th St. N.W., Massillon, Ohio. Been there since 2007. The Paper Hanging Co. used to be called the Paper Hanging Co., this is where they made the tubes. Over the years they've increased. They make paper for cardboard they also have a corrugator. I think the biggest problem with the noise now is this cyclone that was installed as referred to earlier this evening in the early spring. It sits on top of the building. It's probably 35' to 40' tall and it does 24/7 a constant noise. It gets in your head. You have trouble sleeping and we like to read and it's just constant torment. I also would like to add to the fact that the security lights they have down there are just unreal. We live approximately 900 ft. from the plant and these lights shine up in our house, in our bedrooms and illuminate the trees all through the back of our house. Again, I have no idea why they feel that have to have these kinds of security lights. They make paper cardboard. These are probably about 3,000 pounds of paper and they also make corrugated cardboard. You'd have to have a forklift and a truck to steal anything out of these premises. They have a right to have security lights, but we'd just ask for some consideration with regards to the focus of these lights. There must be twenty of them on the back side that harass the neighborhood. There's also an issue with truck traffic. There's a trucking company called Close Trucking; they're out of Millersburg, Ohio. There's two trucks that go in and out of there constantly along with other trucks. These other trucks are new trucks as well, but you don't hear them. These two particular trucks have what I call west coast exhaust systems on the side. They're newer trucks, they look beautiful, they're chrome stacks. But they like to jake brake coming down 17th. That has been somewhat limited in the last several months. I don't know if something was said to them or what, I don't know. But they still have these loud exhausts. You can hear them coming from Rt. 21 up Cherry Rd. past the neighbors up past the K of C, down around the bend where we live on 15th St. We just ask for some sort of consideration for us living there. We want peace and quiet. As was said before, the other gentleman earlier, they operate 24/7. Today it wasn't working with regards to the cyclone on top. But this cyclone, just to give you an idea of what it is, it's a machine that's like a vacuum cleaner. It sucks up scrap paper of cardboard. The corrugator is

making cardboard to certain customers' specific sizes and shapes. The scrap paper is then sucked up through this machine and that's what you're hearing; this constant whining, whining constantly. So, that along with other concerns that I have, recently, again, there's been a pond that they've opened up in the back. There's water back there and it stinks. I don't know what it is. It's about 25 ft. to 30 ft. from the creek. I have concerns that this water was seeping into the creek which goes into the Tuscarawas River. About three or four weeks ago, it was all cleaned up. The water was sucked dry and it was actually in there with some kind of heavy equipment and they dug it out; it was dry. The owners that own this facility are from out of the country, from Israel. They were all in town that particular weekend. Two weeks ago, the water is back again and they actually had someone move the bulldozer or some sort of device, pushing this dirt up around this pond that catches water. I don't know what's in there but I can tell you that it doesn't look good. Appreciate your time.

PRESIDENT PRO TEM LEWIS – Thank you, Mr. Jenkins. Anyone else?

DALE SMITH – 17th St. N.W., Massillon, Ohio. Good evening. I wasn't going to get up here and talk, but there's one thing that you folks need to know. That factory was built, the property that it is built on was zoned residential and there was a variance issued to allow that factory to be a non-conforming business. The warehouse that was built several years ago when someone else owned the factory, they had to get a petition signed by the residents in order to build that warehouse because it was non-conforming to the City's zoning codes. They've had some stuff over there like Chris has said and everybody else has said, that to me, it seems to indicate that they're violating Massillon City ordinances, Massillon City zoning codes. Take that into consideration when you think about this. Thank you.

BOB PRINCEHORN – Cherry Rd. N.W., Massillon, Ohio. I also have an office on Cherry Rd. N.W., just around the bend from my home. My home, we've been there forty-three years and back in the day, that was the Hanger Co. It was pretty quiet when it first started out forty years ago, but over the years it's gotten a lot worse and I know Larry Jenkins, our Mayor over there, he kind of went over the problems that we're having there. My land, I have seven acres there, my land actually adjoins the property down there. So, I adjoin the factory and also the Jenkins properties down there. So, my land goes about a thousand feet on the creek bed over the bank. So, when the leaves go off the trees now, I can see they're lights, like he said; about fifteen to twenty lights glaring and they're bright, real bright. I mean, they're annoying. The sound is very annoying. The trucks at my office shake my windows when they're going too fast. They got to slow down. It's 25 mph and a lot of people go 60 mph down Cherry Rd., seriously. Traffic is horrible on Cherry Rd. The sound, the tow motors, that do that do that beep, beep, beep thing all the time, that was very annoying. Now I haven't heard that as much. I think somebody said something about that. So, I thank you very much for letting me express my voice here and have a good evening.

PRESIDENT PRO TEM LEWIS – Thank you, Mr. Princehorn.

MARTIN JENKINS – 17th St. N.W., Massillon, Ohio. My property abuts about a thousand feet also of Fiber Core's property. Over the years I have been talking to Engineering, I've been talking to Jim down at the code enforcement. Frank Silla of the Building Dept. I've complained to them. If you look at what they are allowed to do and what you're not allowed to do, in industrial one, they're doing everything. The vibration, the noise, the smell, the outside storage, the outside tracking which is paper scraps. I picked up a bag of them today in my front yard. Again, every time I mow, I have to pick up paper scraps. They're bringing it in on

the bottoms of the trucks. They stick to the wheels and the fly off. I stuck some in their mailbox once a few years ago, a bag of them. I just stuck them in there and I thought may they'd get it. Like I said, I've been talking to them and you don't get anywhere. I called EPA. First time they ever had a complaint. I told them that I know damn well that I've complained twice. Other people around here complain; all of a sudden, they have no record of it. It's like with the City; seems like they get a clean slate every year. I know all these people and I'm not exaggerating. I lay in my bed at night; 4:30 a.m., I feel the vibration of that cyclone in my bedroom. We have a well-insulated house; we used to sit out back and enjoy the patio. In the summertime, you're just sitting there listening to it. Duh, duh, duh, duh, duh. And then there's a wawh, wawh. That'll drive you nuts. You can't sleep at 4:00 a.m. because something's in your ear. It's like an earworm. If you look at what they're allowed to do and what they're not allowed to do, everything they're not allowed to do, they do and I haven't gotten any help from anybody and we've been there, it'll be fifteen years in April. Before I built it, I talked to Keith Kalisky and he said "We're sick of them. They're not going to be allowed to build anymore. They're not going to be allowed to add on any more. They've reached their limit". Since then, four buildings and all this new equipment. Where does it stop? Our property value goes down. They run it 24 hours a day. But last night, they did shut it down. I was laying in bed going "It's not on". So, that's me. Thank you for your time, but something got to be done. I mean, they're pretty brass when you try to talk to them; they try to blow you off. So, thank you.

PRESIDENT PRO TEM LEWIS – Thank you, Mr. Jenkins. While he's signing in, I do want to make sure everyone aware that we have received a letter from the Tuscarawas Twp. Board of Trustees for those of you who do not live in the City and that has been passed on to our Law Dept. as well as Councilman Aaron Violand and as many of the councilmen for the City residents has been in contact with the Administration to investigate further as to any potential violations that we can address. Go ahead sir.

DANNY HINEN – Cherry Rd. N.W., Massillon, OH. I thank you for the opportunity to explain this. I really don't have to explain; they've said it all, except I started doing some research on the negative effects on mood and physical health from constant vibration and it's not good. I got lost in the research and I'm not much of a researcher. But I talked to the managing engineer from Superior Dairy in Canton. He said "What do you have to go to City Council for?" He said that when one of the machines makes the noise that irritates the neighbors they call and it's my responsibility to make sure that its fixed. This is not getting fixed. They've got horrible; I didn't notice much of anything else until early summer when that vibration started. I mean, it almost bounces back and forth in the walls inside your house. It's driving me crazy. I must say on the other night, it was silent and it was like the best night sleep I've had since it came in. So, something has to be done because its affecting people's moods and their physical health. Thank you.

PRESIDENT PRO TEM LEWIS – Thank you.

DAVID MARTIN – Cherry Rd. N.W., Massillon, OH and I live directly across the street from the Knights of Columbus. I have a little different perspective than some of my neighbors. I work in a factory, Crown, Cork and Seal, directly across from the stadium. It used to be Central States Can. I've been employed there for 37 years. If anybody would notice noise, it's me. We're required to wear earplugs. We have a cyclone in the plant which chops and sucks up or metal. The noise that we get from that cyclone it's to the point where you cannot be around it for more than five minutes. You get a headache, your body trembles; it's noisy. Truck traffic, we got trailers that deliver twenty to twenty-two thousand pound coils, three on a trailer coming down

the hill, if you're familiar with where the stadium is; coming down the hill before the tracks; it's a hill. No jake brakes. There's no reason to use the jake brakes going into this factory either. Cut down on the noise. These trailers can haul eighty thousand pounds coming down the hill and stop with no jake brake, you don't need one over there. The cyclone up on the roof, our cyclone is only twenty to twenty-five feet, but they got a forty footer. I feel sorry for the people that live right next door. It's that noisy. The lighting, I agree with the one neighbor. It should be pointed from the road in. Forklifts, you can't do nothing about the beeping. It's an OSHA requirement, forklifts beep in reverse. Nothing they can do about the beeping. They're required to have a certain decibel level. Maybe you could have that checked and make sure they're not exceeding the decibel level, but they're required by law to have a certain decibel level on the forklifts. Whatever they're doing on the midnight shift down there, it's sounds like trains buckling. That's how loud it is. I'm thinking they're using their forklifts to dump scrap in the roll off boxes. Which we do at the factory where I work at. We have mobile hoppers that forklifts pick up; we pull up to a roll off box, lift it up, pull the lever, dumps the scrap into the roll off box. I don't know if they're pounding on these boxes to break debris loose with sledge hammers or what, but I personally have emptied four or five hundred hoppers in the roll off boxes. They're not that noisy. So I don't know what they're doing down there, but somebody needs to look into it because they're making excessive noise and the smell. In the summer time that pond; now you got to go up a hill through the woods to get to Bob Princehorn's and my property and in the summer time, it's rank. If the wind is blowing through the woods, it's rank. You can't even sit outside at night or in the afternoon. So, somebody needs to address the town, the jake brake issue and the water retention down there because it can't be legal, what they're doing. It just can't be. I mean, I see what my factory goes through and requirements that we have to hold and I can't believe that these people are getting away with this stuff. So, somebody needs to go down and survey those properties. Go through whatever OSHA laws are being violated. Call OSHA; have them come in and inspect the noise and make sure the employees are wearing earplugs. Make sure decibel levels are correct inside and out. Because I got a feeling that they're cutting a lot of corners down there. And everybody and the neighbors around there are the ones that are paying for it. Thank you.

DENNIS JENKINS – 15th St. N.W., Massillon, OH. My parents bought property down there at the end of 15th which is where I live back in 1956, I believe it was. My parents have been there way before there was any company there and with people down there at the factory. So if you guys moved in after we did this, I used to ride my ponies down there before there was anything. It was an open field and railroad track and they were allowed for any reason that they could come in is because they said "Very limited truck traffic. It's going to be on the railroad". Well, you know what happened there. So, the lights are horrible. You know, what these people have said, I'm like, yeah, yeah, yeah. The lights, the smell at times, it's just "Wow". And that noise, horrible. The trucks, the jake brakes. I went down there and confronted them. I talked to the guy one time, very nicely. Politely I asked him not to use the jake brake. Well, he still did. So next time I went and so I went down with a camera to take a picture and the manager told me "Get the hell of my property". Okay, I understand but when I asked him "Do you know why I'm here?". Yeah, cause the noise is too loud for your ears. So, the remedy would be to build something for the noise. The lights, just put them down. My house, the elevation is a little bit higher than theirs and the lights come right into my windows too just like my brother's which we're side by side. So just put them down. Build something for the noise. Put the lights down. The smell, I don't know about that. What are you going to do? Can you put a sign on 17th St. and Cherry Rd., no jake brakes? Because he knows a sign like that right now, so right there. Because otherwise he'll go "Well, I can do what I want". These

guys all hit things I wanted to hit, but it's a big problem. So, I guess that's it. Thanks for listening.

PRESIDENT PRO TEM LEWIS – Thank you, Mr. Jenkins.

AARON SMITH – 17th St. N.W., Massillon, OH which is right across the street from the entrance to the plant. I can just collaborate with what everybody is saying, basically. The noise; I've only been there about two and a half years, but I notice at the beginning of the summer the noise level went way up and more so than that with the vibration, it does come in the house more as vibration than noise. You feel it everywhere. The lights are shining bright. I have a row of pine trees, of course, but they still shine through right into the windows. The truck traffic. I mean, I understood that was the thing when I moved there, but I can tell you, a few months ago it changed. The noise level went up, the lights got worse. I just hope that they will listen and try to do something about it because there's a lot of things; there's dampeners, there's silencers. You could wall it up. There's a lot things that they can do. Change the direction of the lights. So, yeah, just wanted to say that I can collaborate with what everybody is saying; the noise is excessive all the time. The main concern is the noise. It's a high pitch oscillation noise that penetrates the house. My house is well insulated. It has storm windows in it. The sound on the outside is the same on the inside. There's no change. It's exactly the same noise. I had a Mr. Johnson up with a decibel meter. He checked the decibel readings. He came up around noon one day and he checked it and he said "The decibel readings are between 70 and 90 which is acceptable. I don't see how this could be acceptable when it keeps you up all night. This is a constant high pitch oscillation sound. You go to the back of the house; you still hear it. I don't know how it comes through storm windows because most noise, in cases like that, you put your storm windows in. It gets quieter in the house, but now in this case. It stays the same. I went in the basement; you can hear it in your basement. So, one of the things that somebody brought to my attention is that the bridge limit is something like twenty-seven thousand pounds right down there, oh, twenty-seven tons and these trucks are thirty-five thousand pounds, empty. So, they're over the limit for going over that bridge. I don't know much about that. All I'm concerned with is this noise. I want this noise to stop. It's just nuts. It would drive anybody here nuts. If it was next to your house, you wouldn't like it. Thank you.

PRESIDENT PRO TEM LEWIS – Well, thank you everyone that has spoken out tonight. Obviously, we are not able to provide answers at this direct moment. For some of us on Council, this is our first hearing of some of the changes that have occurred on 17th St., but I am sure that we will have conversation with our Health and Welfare Committee which would oversee some of the code enforcement elements of what you're discussing and see where we go from there. But I do appreciate you.

MARTIN JENKINS – Can I add something?

PRESIDENT PRO TEM LEWIS – Thirty seconds, Mr. Jenkins.

MARTIN JENKINS – So, that bridge; there's signs on both sides of the bridge. Twenty-seven ton, fifty-four thousand pounds. So, they actually did, the County, because that's County; sheriff's had deputies sitting my neighbor's driveway for three or four mornings in a row and I was like "Hey man, Steve, what you'd do?". What's the sheriff sitting in your driveway for? He said, "Oh, they're pulling over these trucks and telling them that they are not allowed to cross that bridge". Then all of a sudden, poof, they were gone. George Maier, when I asked him

about it because I saw him at Buehler's and I was bending his ear, he was trying to get away from me but, you know, I attacked him. He said "I didn't know nothing about it". I told him that they're his deputies. "You should know that you've got somebody sitting there pulling over trucks because they're not allowed to go across that bridge. Then I was told that, I don't know if it's true or not; didn't see it, but the Massillon Police then came down and told the deputies, "Let them go". There used to be no trucks; you weren't allowed to do through the park with semis. They get stuck on the hill all the time and people got to go around them. The other day I went up there, pulled out of my driveway and a truck passed their driveway right up by the walking path. You've got oncoming traffic coming this way, people backed up behind him and he's backing down 17th St. and it's a hazard. Somebody's going to come up over that bridge and get killed. The bridge is not rated for that weight. Neither is Earl Rd. bridge. They're not supposed to go down Earl Rd. either. So, I don't know if they need to figure how they're going to get their stuff in and out of there, but it's really not my problem because we've been nice for years. What do you do? I got blown off by EPA, the Army Corp. of Engineers, when they put that levee around the back of the property to stop the water in creek if it overflows the banks so it won't get into their property. But then my property then gets flooded. It happens once a year. It'll come up over the banks and I was told by Delewsy that they were just spreading materials around and they were going to put a wood pulp plant in to burn as fuel for their boilers and stuff and then something happened there because that never happened but they let them build the other building anyways. I just wanted to clarify. Somebody's letting them get away with anything they want to do and I think we know the tax money is probably the root of it. But meanwhile, like I said, everybody else wants something. So, thanks again.

PRESIDENT PRO TEM LEWIS – Thank you, Mr. Jenkins.

PALMER BEEBE – The managing engineer from Superior Dairy in Canton said that "It's not the decibels that's the problem, it's the frequency, the frequency.

PRESIDENT PRO TEM LEWIS – Thank you. Thank you all for your attendance this evening.

18. ADJOURNMENT

PRESIDENT PRO TEM LEWIS – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – I make a motion that we adjourn.

PRESIDENT PRO TEM LEWIS – Seconded by Councilman Slutz. Roll call.

8 yes to adjourn

PRESIDENT PRO TEM LEWIS – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

EDWARD LEWIS IV, PRESIDENT PRO TEM