

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, DECEMBER 4, 2023**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, December 4, 2023. We have in attendance the following City officials: Safety Service Director, Barb Sylvester, Chief Deputy Auditor, Stefanie Myers, Chief Counsel, Earle Wise 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.

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 Aaron Violand.

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilman Herncane.

2. INVOCATION

COUNCILMAN TED HERNCANE

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN HERNCANE

4. READING OF THE JOURNAL

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

COUNCIL CLERK ROLLAND – They are transcribed, but they’re not open for public viewing as they are working on our website.

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I’d just like to give a huge shout out to the Massillon Tiger Varsity football team and their huge win against Archbishop Hoban on Thursday night to bring back the Division II State Championship to Massillon where it belongs and our 25th State Championship; our first during the playoff era. The boys just played their hearts out and fittingly, it was defense that won the day. We did not allow any points to Hoban and had one touchdown of our own that was good enough to win the game. So, great job and I’d like to call for a round of applause for those young men. (Applause). Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

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

6. **NEW AND MISCELLANEOUS BUSINESS**

COUNCIL PRESIDENT ISTNICK – Answers to downtown questions about at our November 6, 2023 meeting, downtown parking from Brooke Longheir. Do we have a response to that?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I know that specifically she had made comment based off of the parking spaces that were allotted to Shearer’s and Mancan in downtown Massillon. I would say that we would have to work with the Administration to evaluate those contracts. Both of those are contracts that were signed and if I’m correct, prior to the current Administration. So, they’ve in place for well over 12 yrs. and depending on the language in those contracts, we may be very limited in what we can do.

COUNCIL PRESIDENT ISTNICK – Thank you.

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT ISTNICK – Ord. No. 134 – 2023.

ORDINANCE NO. 134 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2023 appropriations from within the 1100 General Fund, for the purpose of the Massillon Fire Department, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis

COUNCILMAN LEWIS – Yes. This ordinance is to assist for some finances as we look to fulfill our obligation to the pension funds. This one is for the Fire Dept. specifically. I’ll be looking forward to moving forward tonight unless someone has any questions or discussion. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 134 – 2023 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. Ord. No. 134 – 2023 has passed. Ord. No. 135 – 2023.

ORDINANCE NO. 135 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1209 Police Pension Fund and the 1210 Fire Pension Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – These are the appropriations into the respective funds to make sure we have our pension obligations fulfilled for this year. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 135 – 2023 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. 135 – 2023 has passed. Ord. No. 136 – 2023.

ORDINANCE NO. 136 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2023 appropriations from within the 1201 Street Construction M & R Fund and the 1234 Parks and Recreation Fund, for the year ending December 31, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is appropriating \$5,000.00 out of each of the stated accounts and placing them into the refunds for income tax. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 136 – 2023 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. 136 – 2023 has passed. Res. No. 11 – 2023.

RESOLUTION NO. 11 - 2023

BY: PARKS AND RECREATION COMMITTEE

AN RESOLUTION supporting the City Administration’s grant request for the Reservoir Park stream, pond and pump house restoration project for the Fiscal Year 2025 – 2026 State Capital Budget Funding, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Yes. The resolution is for the stream, pond and pump house at Reservoir Park that we agree with supporting to get grants in order to make the project get started. Any questions or discussion? That being said, I’d like to waive the rules requiring three readings and bring Res. No. 11 – 2023 up 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. Res. No. 11 – 2023 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

Gannet Ohio LocaliQ	-	\$ 172.04	Balance of Publications
Visual Edge IT	-	<u>75.18</u>	Overage Chg. 08/24/23 to 11/23/23
Total	-	\$ 247.22	Total

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Clerk will pay the bills and charge them to their proper accounts.

11. REPORTS FROM CITY OFFICIALS

Treasurer’s Report	-	October 2023
Auditor’s Report	-	November 2023

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to accept the Auditor's Report.

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

9 yes to accept the Auditor's Report

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Auditor's Report has been accepted.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, December 11, 2023, at 6:30 p.m. I will be out of town, so I will not be here for that meeting. Councilman Gregg.

COUNCILMAN GREGG – I'd like to mention that I will not be at that meeting either. So, if there's anything for the Rules and Courts Committee, Mr. Herncane can handle it.

COUNCIL PRESIDENT ISTNICK – Anyone else?

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 110 – 2023.

ORDINANCE NO. 110 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE authorizing the Mayor and/or 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.

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you. This is for the signal improvement project between 24th St. N.E. and 25th St. N.E. Is there any further discussion on this ordinance? Seeing none, I'd like to make a motion that we bring Ord. No. 110 – 2023 forward for a vote.

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

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 110 – 2023 has passed. 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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the \$75,000 that we'll be moving from one of our TIF's in order to support the signals on 24th St. N.E. and Lincoln Way. Any questions or discussion this evening. Seeing none, I motion that we move Ord. No. 113 – 2023 forward for a vote.

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

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 113 – 2023 has passed. Ord. No. 118 – 2023.

ORDINANCE NO. 118 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE amending Section 2 of Ord. 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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Is there any further discussion or questions regarding this matter? It's just the split of how we deposit the funds received in these accounts. Seeing none, I make a motion that we move Ord. No. 118 – 2023 forward for a vote

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

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 118 – 2023 has passed. 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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the City budget. Per our regular process and I'm sure everyone has had plenty of time to discuss and raise questions, I'll be making a motion to table Ord. No. 119 – 2023 until December 18, 2023.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call to table Ord. No. 119 – 2023 until December 18, 2023.

9 yes to table Ord. No. 119 – 2023 until December 18, 2023

COUNCIL PRESIDENT ISTNICK – Ord. No. 119 – 2023 has been tabled until December 18, 2023. Ord. No. 120 – 2023.

ORDINANCE NO. 120 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE amending 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 of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is approving the wage schedules for next year. Are there any questions or discussion this evening? Seeing none, I make a motion that we bring Ord. No. 120 – 2023 forward for a vote.

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

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 120 – 2023 has passed.

16. SECOND READING ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ordinance No. 124 – 2023.

ORDINANCE NO. 124 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ord. 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.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. We discussed this at our last meeting. We’ve had one reading on this also. I think everybody should have received the job description for the new job. Are there any questions or additional comments? Seeing none, I’d like to make a motion that we waive the rules requiring three readings and bring Ord. No. 124 – 2023 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Harwig Smith. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 124 – 2023 has passed. Ord. No. 127.

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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd like to start on the note that I would have to abstain, but after conferring with our legal counsel, the conflict that was believed to exist, does not. So, I'll be able to move forward with these. So, are there any discussion on the TIF regarding Aldi's this evening. Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 127 – 2023 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. 127 – 2023 has passed. 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 (7 Brew); 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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 128 – 2023 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. 128 – 2023 has passed. 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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 129 – 2023 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. 129 – 2023 has passed. 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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion we suspend the rules requiring three readings, bringing Ord. No. 130 – 2023 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. 130 – 2023 has passed. 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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 131 – 2023 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. 131 – 2023 has passed. 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 (Starbuck'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.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 132 – 2023 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. 132 – 2023 has passed.

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

GAYLE DANZY – Massillon, Ohio. I’m not sure if this comes before Council or not; but I’m going to ask the question and hopefully, somebody can tell me. Many years ago, a gentleman by the name of the late Ed Grier was the minority development. I don’t know if that was his exact title for the City of Massillon. He was a full-time employee and then the job became a part-time employee and then the job disappeared. So, when I keep researching the 32,000 people that live in Massillon and about 3,000 of them are people of color. I think we desperately need some position that addresses the needs of the people of color of the City because 32,000 to 3,000 people that look like me are never going to be able to do anything in the City and I accept that and I know I keep coming up fighting and I’m like “Gayle, you’re never going to win”. So I want to know what happened to that position and can that position be brought back to the City so that people of color will have representation in the City. Thank you.

COUNCIL PRESIDENT ISTNICK – Gayle, can you tell me what Ed did?

GAYLE DANZY – That was his job. He made sure that there was African Americans employed in the City. African Americans employed downtown and if you just do the look over, you don’t see too many people that do anything in the City that look like me.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Yes ma’am. I make a motion that we adjourn this meeting.

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

9 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT