

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

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, December 19, 2022. We have in attendance the following City officials: Mayor, Kathy Catazaro-Perry, Auditor, Jayne Ferrero, Chief Deputy Auditor, Stefanie Myers, Law Director, Justin Richard, Asst. Law Director, Edmond Mack, Economic Development Director, David Maley, Police Chief, Jason Saintenoy, Police Captain, Mike Maier 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 everyone keep your mics off until you’re ready to speak and please, mute your cell phones or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Ted Herncane, Ed Lewis, Mark Lombardi, Jamie Slutz, Mike Snee and Aaron Violand.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. 8 present; 1 absent. Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to excuse Councilwoman Harwig Smith.

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

8 yes to excuse Councilwoman Harwig Smith

COUNCIL PRESIDENT ISTNICK – Thank you. Councilwoman Harwig Smith has been excused. 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, I’m still working on them.

COUNCIL PRESIDENT ISTNICK – Okay.

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

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I’d like to make a motion to go into Executive Session pursuant to Ohio Revised Code 121.22(g)(3) to have a conference with the attorneys for our public body concerning disputes involving the public body that are subject of pending or imminent court action. I’d like to invite members of Council, President of Council, the Mayor, Safety Service Director, our attorneys from the City Law Dept., our Economic Development Director, our Income Tax/Budget Director and Clerk of Council.

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

8 yes to enter into Executive Session – 6:35 p.m.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I’d like to make a motion that we exit Executive Session.

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

8 yes to exit Executive Session – 6:45 p.m.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We have now exited Executive Session and are now back into our Regular Session.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 186 - 2022

ORDINANCE NO. 186 – 2022

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE enacting Section 149.02 “Age Requirements” under CHAPTER 149 “POLICE DEPARTMENT” and amending Section 151.02 “Age Requirements” under CHAPTER 151 “FIRE DEPARTMENT” of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. This is the legislation to raise the age of hiring from 35 to 40 in the Police Dept. and, I believe, 36 to 40 in the Fire Dept. Does anybody have any questions for Chief Saintenoy or Captain Maier? Seeing none, I make a

motion that we suspend the rules requiring three readings and bring Ord. No. 186 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Slutz. 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. 186 – 2022 has passed. Ord. No. 187 – 2022.

ORDINANCE NO. 187 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1209 Police Pension Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is going to appropriate \$33,254.76 for the Police Pension. Are there are questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 187 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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.187 – 2022 has passed. Ord. No. 188 – 2022.

ORDINANCE NO. 188 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE reducing certain appropriations from the unappropriated balance of the 1210 Fire Pension Fund and the 1409 Municipal Road Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Both of these reductions in appropriations is clean up for the end of the year. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 188 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll 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. 188 – 2022 has passed. Ord. No. 189 – 2022.

ORDINANCE NO. 189 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into one-year prisoner transport agreements between the City of Massillon and political subdivisions using the City’s prisoner transport service and authorizing the Auditor of the City of Massillon, Ohio, to deposit said funds into the 1100 General Fund and the 1401 Capital Improvement Fund effective January 1, 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an agreement we go into every year for the transporting of people for the courts. 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. 189 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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. 189 – 2022 has passed. Ord. No. 190 – 2022.

ORDINANCE NO. 190 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE reducing the appropriations in the 1100 General Fund, for the year ending December 31, 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, Madam President. Can I call for the Auditor for the City of Massillon?

COUNCIL PRESIDENT ISTNICK – Yes. If you could come up, Jayne.

JAYNE FERRERO – Madam President, Members of Council; good evening.

COUNCILMAN LEWIS – Yes. Can you just take a few moments and explain this appropriation? We did discuss it a little bit last week and there are some confusing points.

JAYNE FERRERO – Sure. This has to do with the ARPA funds which is the American Rescue Plan. We have received \$16,373,501.00 in ARPA funds. Now, those funds are restricted funds and back in 2022 for our budget last year, we put \$2,780,000.00 in the General Fund. Well, we are not allowed to use ARPA funds out of the General Fund. So that is the reason why we are reducing this appropriation. Because once you approve the budget, you appropriated that money into the General Fund. Anytime that you approve a budget, those line items, you all have agreed that they can spend that money. So you agreed we could spend this money. Well, we're not allowed to do it that way. It has to go back into the 1221 fund which is the ARPA fund. So I'm asking you today to reduce the appropriation which you have appropriated in the budget by \$2,780,000.00 and if you would please pass that tonight so we can get it done by year end so that it doesn't carry over into the 2023, that would be absolutely wonderful. And I can answer any questions.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – So then, in the budget that we are looking at for 2023, this \$2,780,000.00, is that already in the appropriated account in that budget then?

JAYNE FERRERO – It is.

COUNCILMAN LEWIS – And so we'll be reducing tonight and then when we pass the 2023 budget, we'll be re-appropriating into the proper account?

JAYNE FERRERO – That's absolutely correct, yes.

COUNCIL PRESIDENT ISTNICK – Any other questions? Councilman Herculane.

COUNCILMAN HERNCANE – Thank you, Madam President. Mrs. Ferrero, is this going into a new fund?

JAYNE FERRERO – No. We have an ARPA fund already designated in the 1221 fund.

COUNCILMAN HERNCANE – Okay. So, if the statement of cash position that is front of us tonight shows an ending balance of \$6,700,000.00 in the 1100 General Fund, is this \$2,780,000.00 coming out of that amount and then into the 1221?

JAYNE FERRERO – So, the \$6,700,000.00 will then become approximately \$4,000,000.00?

JAYNE FERRERO – That's correct.

COUNCILMAN HERNCANE – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I'd like to make a motion that we suspend the rules requiring three readings, bringing Ord. No. 190 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. 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. 190 – 2022 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 862.80	Publication of October Ordinances
US Bank Finance	-	127.00	December Payment for Copier
Graphic Enterprise	-	<u>59.99</u>	Overage Chg.- 08/24 to 11/23
Total	-	\$1,049.79	

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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

Mayor's Report - October 2022

COUNCIL PRESIDENT ISTNICK – Thank you. Madam Mayor, do you have anything that you'd like to say? Thank you.

MAYOR CATAZARO-PERRY – Good evening, Madam President, Members of Council. Just a few things I wanted to share with you this week. The trees on Rt. 21, there's a lot of conversation out there in the community, the trees are being taken down by the City; not by ODOT. They're being taken down for safety concerns and drainage concerns. So, I just wanted to clear that up. We have to have them down before April because of there's a bat law that you can't take trees down because of the mating season for bats. So, it's a law in the State of Ohio and we have to follow it. So, that's why the trees are coming down now and not

in the spring. Also, Wales Rd; they have stopped working on Wales Rd. right now and that's a good thing because they did ask to do a one-lane throughout the winter, not ask, but ODOT declined that. They did not want them working in the winter months on Wales Rd. with only one lane. So, the project completion is still going to be June of 2024, but they will not be back until about April. So, I just wanted to give you that update for those of you that live or travel on Wales Rd. And then, Chik-fil-A, if you've seen in the transfers and newspaper, the property did transfer from Fisher's Foods to Chik-fil-A. So that is going to be happening and we'll soon be reviewing plans and we anticipate a build in the spring. So I just wanted to give you an update on those things. Just a quick update on the ice skating rink; we hope to have a news release out this week concerning the ice skating rink. We're working on bringing the product in right now and I'll keep you posted as to when we're going to have a grand opening. Merry Christmas everyone.

COUNCIL PRESIDENT ISTNICK – Thank you. Merry Christmas.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Tuesday, December 27, 2022, at 6:30 p.m. I will not be in attendance at that.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

COUNCIL PRESIDENT ISTNICK – Ord. No. 160 – 2022.
Tabled December 5, 2022 until December 19, 2022

ORDINANCE NO. 160 – 2022

BY: FINANCE COMMITTEE

AN ORDINANCE amending Ordinance No. 143 – 1976 to enact a new Section “ALLOCATION OF FUNDS – INCOME TAX” by repealing Section 13 “ALLOCATION OF FUNDS – INCOME TAX” and enacting a new Section 13 – “ALLOCATION OF FUNDS – INCOME TAX” and repealing Ordinance No. 151 – 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This is the annual budget, for short. Any further discussion or questions this evening?

COUNCIL CLERK ROLLAND – I thought this was the split, Ed.

COUNCILMAN LEWIS – Oh, this is the split, sorry. The next one is the budget. Yes. This is the split; 93% and 7% to capital improvement. We have been looking at this for a couple of months. Are there any questions this evening? Seeing none, I make a motion to bring Ord. No. 160 – 2022 forward for a vote.

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

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 160 – 2022 has passed. Ord. No. 161 – 2022.

ORDINANCE NO. 161 – 2022 **BY: FINANCE COMMITTEE**
Tabled December 5, 2022 until December 19, 2022

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2023, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Alright. This is the annual budget. Is there any further discussion this evening? Seeing none, I make a motion that we bring Ord. No. 161 – 2022 forward for a vote.

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

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 161 – 2022 has passed.

15. THIRD READING ORDINANCE AND RESOLUTIONS

COUNCIL PRESIDENT ISTNICK – Ord. No. 166 – 2022.

ORDINANCE NO. 166 – 2022 **BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, 845 COMMUNITY DEVELOPMENT-PLANNING DEPARTMENT to increase Class Grade Pay Schedule for Economic Development Director from 22S SU UN to Class Grade 26S SU UN.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. We've given this two readings already. The purpose of this is to align the Economic Development Director's class grade to reflect current market conditions of comparable positions and reflect increase job responsibilities and obligations. Is there any further discussion or questions? Seeing none, I move that we bring Ord. No. 166 – 2022 forward for a vote.

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

7 yes; 1 no for passage – Councilman Snee voted no

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 166 – 2022 has passed. Ord. No. 167 – 2022.

ORDINANCE NO. 167 – 2022

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending CHAPTER 165 of the Codified Ordinances of the City of Massillon, Ohio, by enacting Section 165.01 to require that employees of the city reside within Stark County or any adjacent county.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. Again, I've given this two readings. The purpose of this is to bring our legislation in alignment with the provisions of the Ohio Revised Code 9.481 regarding the residency requirements for employees of the City of Massillon. Is there any further discussion or questions? Seeing none, I move that we bring Ord. No. 167 – 2022 forward for a vote.

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

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 167 – 2022 has passed. Ord. No. 178 – 2022.

ORDINANCE NON. 178 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an Enterprise Zone Agreement for a tax abatement for Mast Trucking, Inc., and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. A couple of weeks ago we had the owner of Mast Trucking at a Work Session or actually a Regular Meeting, at that time and this tax abatement agreement is to assist in the relocation of Mast Trucking to 2800 Business Place to construct a 27,000 square foot facility to relocate 40 jobs to the City of Massillon. Are there any questions in this matter?

COUNCIL PRESIDENT ISTNICK – Councilman Snee.

COUNCILMAN SNEE – Thank you, Madam President. I just wanted to say that I am for this ordinance, however, due to my ties to the trucking industry, I'm going to have to abstain. But I do encourage others to vote in favor. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I make a motion that we bring Ord. No. 178 – 2022 forward for a vote tonight.

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

7 yes; 1 abstention – Councilman Snee abstained

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 178 – 2022 has passed.

16. **SECOND READING ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT ISTNICK – Ord. No. 173 – 2022.

ORDINANCE NO. 173 – 2022

BY: COMMUNITY DEVELOPOMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from RM-1 Multiple Family Residential to B-3 General Business District.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. The City Planning Commission recommended the approval of this request at the November 9th meeting. The zoning change is from RM-1 Multiple Family Residential to B-3 General Business District. Both of these parcels, #600285 and #606737 are both located on Lincoln Way E. The purpose of the rezoning is to allow for the operation of a full-service bank. We did here from a representative from Consumer National back weeks back. We do have scheduled a public hearing here in Council Chambers on January 9th at 5:30 p.m. Does anyone from Council have any additional questions regarding this? Seeing none, second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 173 – 2022 has received second reading. Ord. No. 174 – 2022.

ORDINANCE NO. 174 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property form RM-1 Multiple Family Residential to B-3 General Business.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. The City Planning Commission recommended the approval of this request at the November 9th meeting also. It includes Parcel #10000012, Parcel #10000013, Parcel #619349, Parcel #604626, Parcel #685875 and Parcel #605876. All of these parcels are located on Lincoln Way E. The rezoning request is from RM-1 Multiple Family Residential to B-3 General Business District and the purpose of the rezoning is to allow for a motor fuel retail convenience. We did have a representative here from Get Go weeks back to communicate to Council their intent to have a café and market at this location. Are there any questions from Council at this time? There is a public hearing scheduled for January 9th at 5:30 p.m. Seeing no questions or concerns, second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 174 – 2022 has received second reading. Ord. No. 175 – 2022.

ORDINANCE NO. 175 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. The City Planning Commission also recommended the approval of this request at the November 9th meeting. It includes Parcel #609331 which is located on First St. N.E., Massillon, Ohio. The purpose of this rezoning is to allow for new residential construction. We did have a representative from Habitat for Humanity here weeks back to discuss this request. Are there any questions from Council regarding this? Seeing none, a public hearing is scheduled here in Council Chambers on January 9th at 5:30 p.m. and I give it second reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Creamer. Ord. No. 175 – 2022 has received second reading. Ord. No. 176 – 2022.

ORDINANCE NO. 176 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from R-3 One Family Residential to B-3 General Business District.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. The City Planning Commission voted to deny this request at the November 9th meeting. It includes Parcel #680121 and Parcel #680731. Both parcels are located at 1900 Wales Rd. N.E. The purpose of the rezoning is to allow for commercial development. We did have a representative here from the church to communicate the intent for the zoning request. There is a public hearing scheduled for January 30th here in Council Chambers at 5:30 p.m. Does anyone from Council have any questions regarding this at this time? I would like to bring up the Law Director to give an update on any type of information he may have at this time.

JUSTIN RICHARD – Madam President, Members of Council, good evening and happy holidays. I believe you all received a communication dated December 12th sometime last week authored by Keith Cleave of the St. John Lutheran Church as titled as the treasurer. I wanted to address that because, specifically, in paragraph #2 and I guess I'll just read the parts that the Law Dept. had issue with. "We followed their advice and hired John Rambacher who filed a suit against the City of Massillon on our behalf. After the suit was filed, our attorney worked with the attorney representing the City in a possible compromise. We were advised by the attorney representing the City to withdraw our suit requesting a zone change for the entire property." I'll stop there. That's not true. Our attorney did not address the congregation or members and never made those representations. I'll continue. "The attorney also advised to go through the zone change process for just the empty parcel north of the church building which would leave the southern portion of our property zoned residential and the church to act as a buffer to the neighborhood. We have withdrawn our civil suit in good faith as suggested by the City's legal representative." Not true. "And ask that you also, in good faith, vote in favor of our revised zone change request." I've included on your seats you can see communication with both Patrick Cassum who represented the City in this matter. I asked him "Were there

any assurances contingencies, anything for the future?” Mind you, it would be improper and illegal to bind your vote in the future based on any compromises, but we didn’t do that and he said “Absolutely not. They asked for all kinds of assurances and we gave none. Additionally, I reached out to Atty. Rambacher, I’m not going to read that in it entirety, but he denies ever advising his clients of that and also denies that Patrick Cassum ever made those representations. So, you, as usual, are able and free to vote however you see fit on this matter, but I did want that. It would be improper to have this misinformation guide you in your vote. Are there any questions? Thank you.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Mr. Richard. Seeing that no one has any questions, second reading.

COUNCIL PRESIDENT ISTNICK – Mr. Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. Just one question; do we have a public meeting scheduled for this one?

COUNCILWOMAN CREAMER – Yes. January 30th at 5:30 p.m. here in Council Chambers.

COUNCILMAN LOMBARDI – Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 176 – 2022 has received second reading. Ord. No. 177 – 2022.

ORDINANCE NO. 177 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Cyrus Ausar to provide an economic development “inducement grant” to fund start-up costs, including build-out, equipment, etc., for Grow Mental Health & Wellness, located at 141 – 1st St. N.E., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Herculane.

COUNCILMAN HERNCANE – Thank you, Madam President. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 177 – 2022 has received second reading. Ord. No. 180 – 2022.

ORDINANCE NO. 180 – 2022

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, upon the approval of the Board of Control, to enter into a Master Service and Purchase Agreement with Axon Enterprise, Inc., for the purpose of purchasing the CORE+ (TASER and Body Worn Camera Program) and Fleet 3 Advantage (In-Car Program) package bundles for the Massillon Police Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. As the legislation says, this is for the equipment for the tasers, the body cams and the dash cams for the Police Dept. If there are any questions, the Chief and the Captain are both here tonight. Does anybody have any questions? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 180 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Slutz. 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. 180 – 2022 has passed. Ord. No. 184 – 2022.

ORDINANCE NO. 184 – 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, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 184 – 2022 has received second reading. Ord. No. 185 – 2022.

ORDINANCE NO. 185 – 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, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is the actual appropriation that goes along with Ord. No. 180 – 2022. 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. 185 – 2022 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. 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. 185 – 2022 has passed.

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

GEORGE GLIBA – I live 222 Lake Ave. N.E., Massillon, Ohio. I haven't been here in a while. It's been probably a couple of years, but, I do know a few people in here; I've talked to them. But, one question I have right off the cuff is when Paul Manson left, I had suggested one Council meeting a month that we could ask this body questions and then give us answers. So, I don't know if that transitions to your position, does it still stay that way or is that off the table.

COUNCILMAN LEWIS – Are you asking me?

GEORGE GLIBA – Yeah, because you're the Council at Large and he was the one that kind of approved it.

COUNCIL PRESIDENT ISTNICK – No, this is not question and answer, George. At the end of the meeting somebody can answer you.

GEORGE GLIBA – No. What I'm asking is he approved that; one Council meeting a month, people in this audience can ask you questions so we can get answers. Because after the meetings, everything kind of private and we never know what's discussed or what's going on in the city. So, that was one of my first questions. But anyways...

COUNCIL PRESIDENT ISTNICK – At the end of the meeting, Councilman Lewis will address that with you.

GEORGE GLIBA – I'd like to just get some feedback because I'd like everybody to know the answers to what you got to say instead of being isolated. That's all I was getting at. So anyways, one thing I was pretty adamant about was businesses and residence that established here in taking care of their properties. Now that it's winter, there's a lot of pothole problems. So, in the past, I asked Linda Litman if she could do something about the parking lot over there by Domino's Pizza because there were a lot of potholes there. She made the call and it got fixed. All I'm getting at is that people want the businesses and entities to take care of their properties and now that it's winter; like up there at Home Depot. I see a problem up there with the parking lot with potholes and stuff and I think the citizens in this community deserve better than that. So, and I think there should be some type of accountability to the businesses and I remember a while back that there was supposed to be something like if the businesses weren't taking care of their properties, there would be fines and that would be another question that I have is, how much has the City of Massillon acquired from fines this year because it's the end of 2022. So, that would be something I think the people of this community would like to know. How much is brought in, because I'm a taxpayer here in Massillon and I think that if you run a business here, you should be taking care of your property. Because that makes the City look run down. That's what I'm getting at. So, we need to have some accountability with the business here in Massillon from the north side to the south side. That's all the people here want and I'm speaking for the people. That's why I come up here because nobody else will. Very seldom. So, I've been gone for a couple of years but, I'm back now.

COUNCIL PRESIDENT ISTNICK – We appreciate that, George.

GEORGE GLIBA – All I want is accountability.

COUNCIL PRESIDENT ISTNICK – I appreciate your comments. Thank you.

GEORGE GLIBA – Okay.

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – I motion we adjourn.

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

8 yes to adjourn

COUNCIL PRESIDENT ISTNICK – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT