MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, SEPTEMBER 20, 2021

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, September 20, 2021. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Community Development Director, Samantha Walters, 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 item that appears on tonight's agenda and under #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I'd like to remind everyone keep your mics off until you're ready to speak, mute your cell phones and anyone calling in, please mute yourself so that we can hold all the background noise to a minimum. Thank you.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Ted Herncane, Ed Lewis, Linda Litman, Mark Lombardi, Jamie Slutz, and Jim Thieret.

Roll call of 7 present

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we excuse Councilman Gregg and Councilwoman Starrett.

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

7 yes to excuse Councilwoman Starrett and Councilman Gregg.

COUNCIL PRESIDENT ISTNICK – Thank you. Councilwoman Starrett and Councilman Gregg have been excused.

2. INVOCATION

COUNCILMAN JIM THIERET

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN THIERET

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Thieret.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

COUNCIL PRESIDENT ISTNICK – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Then the minutes stand approved as written.

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

L.J. DELUCA – Hi, Madam President, Ed, City Council and everybody. There was a good safety meeting that started off at 6:00 p.m.; it started off pretty good. I just wanted to know, Madam President, if you speak at this No. 5 now, did that include that meeting between 6:00 p.m. and 6:30 p.m. where the residents can speak on the safety of downtown Massillon for all of the residents?

COUNCIL PRESIDENT ISTNICK – Excuse me, I'm sorry.

L.J. DELUCA – Okay. If we speak now on No. 5, I'll make it layman's terms, the agenda, does that include with the prior meeting that had that the residents didn't get to speak at or will be penalized and not be able to speak at No. 17? So, are the residents able to speak on the prior meeting that we had that we didn't get to talk?

COUNCIL PRESIDENT ISTNICK – If it's not on the agenda.

L.J. DELUCA – I don't see it on the agenda right now, but I can add it in at No. 17, right?

COUNCIL PRESIDENT ISTNICK – Yes.

L.J. DELUCA – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else want to speak on something on the agenda tonight?

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – I'm not sure if this is the right place, but I, at least want to get it started. There has been quite a few questions about the lack of handicap parking in downtown. I have counted two of them that are hidden in the parking lot next to Bender's; one on Erie St. next Bonnie's, that's on the north side of Lincoln Way. The south side, there's two on First St. down almost to Diamond Ct. there, where 59 Duncan Place is and then there's one on Lincoln Way E. and Erie. But there used to be two on the south side on Erie and Lincoln Way. After Streetscape those were, for some reason, taken away. Some of the business owners downtown want to know why they can't have any handicap parking on the south side of Lincoln Way? Our statistics from the Census Bureau show that there's 53% of our population

is employees over 55. So, we got over 18% that are 55 and older, some of these folks, I know for a fact that would like to visit downtown but you can't get in and out of your vehicle without taking your life at chance. I'd like to ask why we don't have those anymore on the south side of Lincoln Way when we get more information?

COUNCIL PRESIDENT ISTNICK – I have a question and I don't know the answer to this or if anyone here does, but is there a certain percentage of parking spots that have to be handicap? Does anyone know that?

COUNCILMAN LEWIS – I've always been told so, but I cannot tell you the number or the things that concern with Thieret; it might now be the number as much as to local in relation to attraction.

COUNCIL PRESIDENT ISTNICK – Right. We could get that information. I don't know where you'd look to get that information, but if someone could get that.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – A suggestion might be, Mr. Thieret, if you could add that matter to the Streets and Highways Committee that October 4th that we could maybe ask the engineers who would let us know how many we have, how many we should have and where they're located. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. We can get that information from Dept. of Highway Safety. There is a formula, I know, in private business parking lots that it has to be a percentage of your parking spaces. As far as on public streets, I'm not really sure about that, but that should all be available of the website.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Really the most important thing is proximity. The reason they have them is because of the limited mobility. You've got a major highway, Lincoln Way, so you're going to have that distance as close as possible, I understand, but right now, at that end of the world, there's nothing.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – In accordance with Division (G)(3) of Section 121.22 of the Ohio Revised Code, I move that we enter into executive session to include all members of Council, President of Council, Clerk of Council, the Mayor, the Director of Public Service and Safety, Economic Development Director, Law Director, Chief Council and Attorney Patrick Kasson and this is for the purpose of conferencing with the Law Director, Chief Counsel and outside counsel for the City of Massillon concerning a dispute involving the City of Massillon that is the subject of pending court action.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I will be abstaining and not attending the executive session. I'd also like to ask with our relatively light regular agenda that we have that after the meeting.

COUNCIL PRESIDENT ISTNICK – I had talked to counsel and they would like to have it at this point. Councilman Slutz.

COUNCILMAN SLUTZ – I also will be abstaining.

COUNCIL PRESIDENT ISTNICK – Okay. I also will be abstaining from the meeting. Roll call.

5 yes; 2 abstentions to enter into Executive Session – 6:45 p.m.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I'd like to make a motion that we return to Regular Session.

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

6 yes; 1 abstention to return to Regular Session – 7: 15 p.m.

COUNCIL PRESIDENT ISTNICK – Thank you. We are now returning to Regular Session.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 138 – 2021 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Block Grant (CDBG) Program Fund, for the year ending December 31, 2021.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is just the CDBG. The next one that we have is along with the Coronavirus. So, does anyone have any questions regarding this particular appropriation?

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – I'm going ask why that is going towards Massillon Main Street?

SAMANTHA WALTERS – Are you familiar with Massillon Main Street agency?

COUNCILMAN THIERET – Yes.

SAMANTHA WALTERS – That money goes to them as a recipient and they do exterior improvements with that.

COUNCILMAN THIERET – I was just surprised because the number, that number is exactly the same number someone asked me about that the Main Street in the City of Massillon for a "Welcome to Massillon" sign that's supposed to be erected, a statue or something.

SAMANTHA WALTERS – I don't believe that that is correct. I don't believe that Massillon Main Street gave the City money for a sign.

COUNCILMAN THIERET – There was some sort of donation or something from somebody that was supposed to be earmarked for that.

MAYOR CATAZARO-PERRY – Good evening members of Council, Madam President. I can answer that question. Massillon Main Street received $10,000 from the Chamber through MCTV and that is a donation for when we go, well, we're working on a design for Lillian Gish to erect a new sign and we're not there yet to bring it to Council. So that $10,000 is separate from what Sam's CDBG dollars are going to Massillon Main Street. Does that help?

COUNCILMAN THIERET – Thank you very much. It was just amazing that the numbers are the same. I'm glad to see that that is moving forward. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 138 – 2021 forward for a vote.

6 yes; 1 abstention

COUNCILMAN LEWIS – Question? I want to confer with the Law Dept. to make sure that we met the standards for suspension.

BILL BARTOS – It doesn't.

COUNCILMAN LEWIS – It doesn't, so, first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 138 – 2021 has received first reading. Ord. No. 139 – 2021.

ORDINANCE NO. 139 – 2021 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Block Grant (CDBG) Program Fund, for the year ending December 31, 2021.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I know there's more discussion; some people have questions about the Getz Building. I'd like to do that at the Work Session. So, first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 139 – 2021 has also received first reading. Councilwoman Litman.

COUNCILWOMAN LITMAN – The semantics that we received via e-mail is very difficult to read. May I request a printed version of that please?

SAMANTHA WALTERS – I can do that.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Ord. No. 140 – 2021.

ORDINANCE NO. 140 – 2021 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain transfers in the 2021 appropriations from within the 1201 Street Construction M & R Fund, for the year ending December 31, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation of $8,000 to fulfill the city's obligation of refunds to filers that are owed. Any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules of three readings, bringing Ord. No. 140 – 2021 forward for a vote.

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

7 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

7 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 140 – 2021 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMINCATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	$ 418.00	Publication of July Ordinances
Walter H. Drane	-	390.00	Web Hosting Fee (01/01/21-01/01/2022)
Cisco Webex (Rolland)	-	229.00	Webex Subscription (10/19/2020-10/18/21)
		$1,037.00	**Total**

COUNCIL PRESIDENT ISTNICK – Thank you. Councilman Lewis.

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

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman. Roll call.

7 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. I requested a credit card for Council in Diane's name for miscellaneous things like when we get the TV and a stand. So, we're going to submit the letter tomorrow to the Auditor.

11. REPORTS FROM CITY OFFICIALS

Mayor's Report - August 2021

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Sorry, Mayor, I didn't look up. Go ahead.

MAYOR CATAZARO-PERRY – Good evening again. I just have an update for you this evening.

COUNCIL PRESIDENT ISTNICK – Thank you.

MAYOR CATAZARO-PERRY – The Duncan Plaza high-rise apartments auction rose as high as $1,950,000, but did not reach the reserve. So that's what I have to report to you all. Rob Partridge who was a quarterback for the Massillon Tigers was in town. He was in a horrific accident, spun his car three times and then was paralyzed from the neck down. He came into town and boy did Massillon welcome him back. We have him on our television show, but this is an opportunity for anyone to donate to help him continue to go through rehab in Florida. So, if you'd like to, just take your phone, put over the QR code and that'll take you right to the site where you can donate. But he really needs our help to continue his rehab and he actually can pick up a water bottle now and take a drink and they're allowing him to walk with a machine and so, that's helping as well. So, just wanted to share that with you and I have extra so you can set outside so that people come by can pick it up. But, September is National Spinal Cord month and that's why all of the hype in bringing him in for that event. The next thing that I have is the new coffee shop opened up at 1248 Lincoln Way E. and that's in our Chamber President, Debbie Busby's property where Pampered Pooch is and UPS store, right in there is a new coffee shop. 11 of our administrative team walked in the Heart Walk this last Saturday and we were all exhausted afterwards, but just a good reminder that you need to exercise. Lori Boron is currently working on the budget. Just to give you an update on both of our contracts; Contract 1 for street resurfacing, the northeast and southeast side are complete. They're now working on the southwest side and then they will move to the northwest. So, they're working through that. In Contract 2 right now, they're working on the ADA ramp as well as the catch basins and then paving all of that for Contract 2. Augusta Lakes, we had a meeting in the mezzanine level with residents. Mrs. Creamer, our Law Dept., the developer was there as well and members of my staff. Right now, they're excavating dirt and they're moving it around so that it will not allow the flooding. It will push the excess water into the retention system. Also called water quality basin. It's not a retention or detention pond, it's really called a water quality basin. And then, we won another award from Heritage Ohio for the best downtown place making award that we will receive in October of this year between the 18th and the 20th. And then, Diane, if you could share this with all Council members and send it out. We are doing fall yard waste drop. The schedule is they are open on Saturdays,

October 9th through November 20th from 9:00 a.m. to Noon at the Street Dept. Excepting materials are grass, leaves, shrubs, brush, branches, plants and stumps. You do have to show your Massillon I.D. to be able to drop these things off and that's my report for tonight. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you so much. Our next Work Session will be Monday, September 27, 2021 at 6:30 p.m. in Council Chambers. And then when you talked about one on October 4th, Mr. Thieret, do you think a half an hour is going to give enough time? Because I'm going to cut you off at 6:00 p.m. next time. So, do you want to go earlier or do you think 6:00 p.m. will do it?

COUNCILMAN THIERET – 5:30 p.m. then because we have quite a few things to talk about. Thank you, I appreciate that.

COUNCIL PRESIDENT ISTNICK – Is that alright with everyone? 5:30 p.m. on October 4th.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

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

L.J. DELUCA – Thank you, Madam President, City Council. I don't believe, I'm very sad tonight of what I've heard here from our Massillon City Engineer, Jason Popiel. I don't want to see an engineer of Massillon that does the minimum for safety of our residents in Massillon. I did not, I did not like what I heard from Jason Popiel tonight. Being stubborn in your ways doesn't cut it for the City of Massillon in safety. I've talked to ODOT, Mr. Dave Marsh. When they were done with Streetscape, he said that it's in Massillon's hands for safety. He came across, in my opinion, Mr. Popiel came across like he was just going to do the minimum. He should say "Yes, we'll do everything we can". If you mark this meeting, if somebody gets killed in downtown Massillon; I travel there every day, I eat out every day. I know all the business owners there; I've talked to them. I've seen many people almost get killed. If somebody gets killed in Massillon, Ohio, I would not want that on my hands as a city engineer or an administration of Mayor Kathy Catazaro-Perry's office. Yes, they have an option to look either way, but the way it's set up going 50 or 60; I've talked to the captain. In my opinion, I have videoed when all the lights go green; I have a video of it in downtown Massillon. I want them to fire the staff that did this sloppy job and no concern for going over the details. Fire whoever did this for lack of concern for safety. Ask me and I will show you the video tonight. Jason Popiel stood up here and he said that he's going to "stagger" the lights. Don't give me the BS that's in this book by ODOT and stuff like that. The City of Massillon is too much better for that. But, anyhow, I want to get to what I'm saying here real quick; Larry J. Deluca, 2954 Veterans Blvd. S.E., Massillon, Ohio, the Legends of Massillon. The Getz Building too; take your blinders off, okay. Why am I reaching out to you today? $250,000 for restrooms in the Getz Building. COVID 19 money? That's not positive. I met Mrs. Polinger at Giant Eagle today over here in Massillon. She's an advocate like I am for the city people of Massillon. She does for the people that have to do gluten-free stuff like that. She said, "L.J., nobody, nobody

has $250,000 for a bathroom at the Getz Building". $250,000, all accepted it. Mayor Kathy Catazaro-Perry wants it, okay. It's a small building tucked between the Municipal Government Annex and the Government Justice Center where there's a lot of activity that goes on. I'm going to be very short here; we've got the Ivan Getz Building, it's called the curb services building, the Getz Building. They use it for an emergency location for the main computer services. It acts as a meeting spot the City Planning Commission, the Historic Preservation Commission and nine or ten other places too. It was built in 1967, it has like six rooms, one bathroom; I'm not so sure that this bathroom is even handicap accessible. The should be against the law, I'm going to look into it with the ADA. How come we have all these people going into the Getz Building and we're talking about making this handicap accessible. Are you kidding me, are you kidding me? Okay, it has to meet uses. I talked to Gary Zeigler II. Who is Gary Zeigler, why is it important? He works for the Stark County Auditor's office. He appraises all the commercial buildings. I understand that the Fire and Police Dept., at one time, received the signals in there and they sent it to a large antenna, okay.

COUNCIL PRESIDENT ISTNICK – Thirty seconds.

L.J. DELUCA – Okay, thanks, Madam President. And you must know, two years ago, the roof, I mean years ago, not two years ago, they had water in there, two inches. Mayor Kathy Catazaro-Perry wants to designate $250,000 for this to upgrade only the restrooms. $250,000, I think we can do a lot to get all these people in there. In 2022, I talked to Judge Elum and he said they don't even have the magistrate court in there. What is going on with this? So, Gary did, real quick here; in 2020, they upgraded the value of the Getz Building, the Court service building at $169,700. As I said, it was built back in 1967, 51 years old. Madam President, 2021, Gary Zeigler II said he's going to inspect that building again, inspect it and the market value is going to go up to $192,000 a year. I just want the Mayor to reconsider that. I like what she's done Streetscape and everything. I wasn't for it originally because the business owners are my friends, but $250,000? Who has $250,000 bathrooms and not handicap accessible. Thank you, Madam President.

COUNCIL PRESIDENT ISTNICK – Would anyone else like to address Council?

MAYOR CATAZARO-PERRY – Madam President, Members of Council. I debated on coming up here because I don't like to debate Mr. Deluca. However, I'm going to share with you that all those things he just said are not true and I don't mind coming up and sharing that with you because I think it's important to allow lies to go on. The restrooms are being renovated, but the entire building is going to be renovated. And so, I will have Sam Walters go through the renovations with you. But it is important and the handicap restrooms are a big factor because we're not compliant with the ADA and once you find something in your City that is not compliant, you have time, Mr. Deluca, you have time to get those renovated. And we need to take this time and these dollars to do just that. Barb has gone over all of this and Barb, I want you to come up and I want you to go over, quickly, with Council just what we're going to do to the building. It's very important. The other thing I want you to know is that our engineers are highly recommended and experienced and I take offense when my engineers are degraded and demeaned to members of Council. We all work for the City of Massillon. We have a lot of pride in what we do and I think that there should not be allowed to attack our employees because they do a great job for the City. So, Barb, would you please come up and share what we're actually doing to the Getz Building.

COUNCILMAN LEWIS – I don't want to be rude, but, Point of Order. Point of Order. With all due respect, Madam Mayor and the Administration, this is not the time to have that discussion. We'll do that at the next Work Session and we're not in debate forum.

COUNCIL PRESIDENT ISTNICK – No, we're not going to debate.

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – I make a motion that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT