

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, FEBRUARY 21, 2017**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, February 21, 2017. We have in attendance with us the following city officials: Safety Service Director, Joel Smith, Community Development Director, Vicki Brown, Economic Development Specialist, David Maley and Bob Zedell representing the Law Director's office. On the wall to your left are agendas for anyone who wishes to follow tonight's meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Jill Creamer, Sarita Cunningham, Yvonne Daniels, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson and Megan Starrett

Roll call of 9 present

**A. ADOPTION OF COUNCIL COMMITTEE ASSIGNMENTS
Tabled February 6, 2017 until February 21, 2017**

COUNCIL PRESIDENT ISTNICK – We're going to vote on the Council Committee assignments that was tabled on February 6, 2017 until tonight, February 21, 2017. Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd like to make a motion to amend the recommendation that was given by the President of Council. My motion to amend will be to adjust the Police and Fire Committee where Paul Manson is listed as a committee member and list Megan Starrett as such. I make an amendment to Rules, Courts and Civil Service where Megan Starrett is listed as a committee member and list Linda Litman as such and under Finance, strike Linda Litman from the committee and leave it as a three-member committee instead of a four-member committee.

COUNCIL PRESIDENT ISTNICK – Do you have a second. Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – I so move.

COUNCIL PRESIDENT ISTNICK – Roll call for the amendment.

5 no; 4 yes to amend Massillon City Council Committees

COUNCIL PRESIDENT ISTNICK – Then we will vote on it as it appears. Roll call.

COUNCILWOMAN CUNNINGHAM – Question? How does it appear?

COUNCIL PRESIDENT ISTNICK – I thought she just handed it out, I'm sorry.

7 yes; 2 no to accept

COUNCIL PRESIDENT ISTNICK – You should be in the fourth spot for Police and Fire.

COUNCILWOMAN CUNNINGHAM – Question? There's only three there.

COUNCIL PRESIDENT ISTNICK – There is. I don't believe this is the last one that we looked at.

COUNCILWOMAN CUNNINGHAM – That's why it's confusing.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – Just so we're clear. Are we looking at the one that has four people in the Finance Committee and three in every other committee?

COUNCIL PRESIDENT ISTNICK – Yes, we are.

COUNCILMAN CHOVAN – Okay, thank you. That's what we're voting on?

COUNCIL PRESIDENT ISTNICK – Except Councilman Manson, it was Police and Fire, I believe.

COUNCILMAN CHOVAN – Right. So, he's not on that one?

COUNCIL PRESIDENT ISTNICK – He is on Police and Fire.

COUNCILMAN CHOVAN – Police and Fire.

COUNCIL PRESIDENT ISTNICK – Police and Fire. He's on four committees, yes.

COUNCILMAN CHOVAN – Okay. That's what I thought. Thank you.

COUNCIL PRESIDENT ISTNICK – Roll call.

7 yes; 2 no to accept the Massillon City Council Committees

2. **INVOCATION**

COUNCILWOMAN DANIELS - Gave the invocation for tonight.

3. **PLEDGE OF ALLEGIANCE**

COUNCILWOMAN YVONNE DANIELS – Chairperson of the Rules, Courts and Civil Service Committee led those in attendance in the Pledge of Allegiance.

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 corrections or additions?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – If not, then the minutes stand approved.

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

JIM HUBNER – 55 – 6th St. S.E., Massillon. It's not a big deal but I saw this wanting to change the name of the street and it's just a small street. But we have one of Massillon's most critical institutions which are the City Hall offices and I just don't see the point of changing it. I think that if somebody comes into town and sees that City Hall St. and they know they're headed in the right direction within the City. So, I would think we have more urgent things for City Council to deal with other than worrying about changing the name of that street. Thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else that would like to come forward and speak on an item that does appear on tonight's agenda?

MARVA DODSON – I too am here to speak on Ord. No. 16 regarding the name change of City Hall Court. City Hall Court, as the gentleman said preceding me, is a focal point in our City leading to our city government offices and I feel that we should not change that street name. Not that we don't have a high regard for LaFlavour and the band. We have all enjoyed them throughout the years, but there are many other streets or areas in our city that are unnamed that can be focused on regarding this group. Also, I don't know if there is an ordinance or criteria regarding how or when you rename a street or change the name of a

street that has been established. But if you haven't done that already, I feel as though that ought to be done before making the decisions or recommendations to change names of long time established streets. Thank you very much.

COUNCIL PRESIDENT ISTNICK – Thank you very much. Is there anyone else that would like to address Council at this time?

ROBYN BLOOM – I live at 846 Wellman Ave. S.E. and I'm also going to speak very briefly about LaFlavour Place S.E. There's a gentleman in the Wellman neighborhood who named three streets that were unnamed. As part of him naming them, he had to pay for all the signage. The City wasn't going to foot the bill for him. So, who's going to foot the bill for the renaming of this street? If we're tight on money, why waste the money renaming the street when there is other ones that are unnamed. Thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else?

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. I would like to make a motion that we go to Executive Session to discuss a real estate project.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – I'll second that.

COUNCIL PRESIDENT ISTNICK – Roll call.

9 yes to enter into Executive Session

COUNCIL PRESIDENT ISTNICK – Welcome back to the Council meeting for February 21, 2017.

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 16 – 2017

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE designating LaFlavour Place S.E. the name for a certain street located in the City of Massillon, Ohio, and described as a street off Lincoln Way East, formerly known as City Hall St. S.E.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. As we've heard at the beginning of the meeting, this ordinance does deal with the changing of City Hall St. to La Flavour Place. This has gotten a lot of conversation on social media and otherwise. We've had some council members getting a lot of phone calls already about this ordinance, so I would as I did during the Work Session, continue this through all three readings. So, I will be giving this first reading tonight so we can get all of the remarks of citizens of Massillon before we take a vote, thank you. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Starrett. Ord. No. 16 – 2017 has received first reading. Ord. No. 17 – 2017.

ORDINANCE NO. 17 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance would be appropriating \$200,000 into an account for the NIP Program. Part of the NIP Program is to be able to help us with the

demolition of vacant properties that are beyond repair. The dollars that would be used for this would be submitted for a reimbursement program in which most of this account will be reimbursed to us and it will just be floating from year to year. 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. 17 – 2017 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. 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. 17 – 2017 has passed. Ord. No. 18 – 2017.

ORDINANCE NO. 18 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3104 Vacant Foreclosure Repository Fund, for the year ending December 31, 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – As discussed in the Work Session, the Vacant Foreclosure Repository Fund is funded by banks when they foreclose on a property within the City. The Housing Marketing Reinvestment Program is a program that is utilized with these dollars to help new homeowners to be able give them a grant and encourage them to purchase homes within the City of Massillon. This would be the first year that we are able to give awards and we have \$25,000 available to do so and this appropriation is to free up that money that that can be done. 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. 18 – 2017 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. 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. 18 – 2017 has passed. Ord. No. 19 – 2017.

ORDINANCE NO. 19 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1207 Neighborhood Stabilization Program Fund, for the year ending December 31, 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I will discuss No. 19 and No. 20 together because they do coincide with one another. The Neighborhood Stabilization Program is a program that was run through the federal funding years ago, but is no longer being operated in the same capacity. We do have \$28,375.21 left over from that. So, what we are doing, we are simply moving this money out of the Neighborhood Stabilization Program, but leaving it within the Economic

Development Fund so that it can still be used for similar purposes within the City of Massillon. No. 19 is transferring it out and in No. 20, we'll be transferring back into an appropriated account for its usage. 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. 19 – 2017 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. 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. 19 – 2017 has passed. Ord. No. 20 – 2017.

ORDINANCE NO. 20 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2017 appropriations from within the 1207 Neighborhood Stabilization Program Fund, for the year ending December 31, 2017, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This is the second piece that I've just spoken to. I'd like to make a motion that we suspend the rules requiring three readings, bringing Ord. No. 20 – 2017 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. 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. 20 – 2017 has passed. Ord. No. 21 – 2017.

ORDINANCE NO. 21 – 2017

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the 2017 Street Resurfacing Project, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – This ordinance is putting out to bid our Street Pavement Program that is associated with the discussions that we've had with the engineer lately. This is, obviously, just the first of a five-year plan. 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. 21 – 2017 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. 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. 21 – 2017 has passed.

7. UNFINISHED BUSINESS

8. PETITIONS & GENERAL COMMUNICATIONS

Request for a transfer of liquor license from Mascotas, LLC, DBA Margaritas Mexican Grill & Cantina, 1st Fl. & Patio located at 45 – 1st St. N.W., Massillon, Ohio 44647 to Sky 121, LLC, DBA Margaritas Mexican Grill located at 121 Lincoln Way W. & Patios, Massillon, Ohio 44646. Permit Class D5 & D6, located in Ward 2.

9. BILLS, ACCOUNTS & CLAIMS

The Repository - \$ 958.80 Publication of December Ordinances

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We will pay the bills.

10. REPORTS FROM CITY OFFICIALS

Mayor's Report - December 2016
Treasurer's Report - January 2017

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session is going to be Monday, February 27, 2017 at 6:30 p.m.

COUNCILWOMAN CREAMER – Excuse me, Madam President.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I have a report from the Park & Rec. Committee. I received notification today from the office of Mayor Kathy Catazaro-Perry for an appointment to the Park & Rec. Board. Mr. Ted Schartiger for the term of January 1, 2017 to December 31, 2021. He will be replacing Mr. Mark Hickey due to term expiration. I request that Mr. Schartiger attend our Work Session next Monday so if there are any questions from Council, he may be able to speak at that time. Any questions from anyone? Thank you.

COUNCIL PRESIDENT ISTNICK – Anything else?

12. RESOLUTIONS & REQUESTS OF COUNCIL MEMBERS

13. CALL OF CALENDAR

14. THIRD READING OF ORDINANCES & RESOLUTIONS

15. SECOND READING OF ORDINANCES AND RESOLUTIONS

16. NEW & MISCELLANEOUS BUSINESS

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

GEORGE GLIBA – 222 Lake Ave. N.E. I was coming to these meetings last summer and I remember at one point the Mayor said her administration runs on honesty and transparency. So, I'd like to discuss that for a second because when I spoke two weeks ago about the potholes on my street and it took nine days to fill them and I never got an answer back from anybody which I'm trying to figure out why. That if the transparency part, wouldn't you want to answer the people that come here and have a situation come up and you call the Road Dept. and they really don't have an answer. They say we just don't have the manpower, it's been raining. You can't do it in the rain. All these excuses and I work in another city adjacent, in Orrville and they're filling potholes when it's drizzling at least and it might be a little damp, but I'm trying to figure out, when she says her Administration runs on honesty and transparency, why wouldn't you want the people who live in this City and pay taxes to know what happened? I mean, Joel had every opportunity to come up to me last week and perhaps tell me what happened because I spoke to Joel Smith after that meeting and he just, frankly, defended Mr. McBride about the whole situation. Because I talked to McBride about it. Instead of giving me the benefit of the doubt and say, hey, why don't you let me look into it and see what happened, instead of the excuses. The same thing happened over the summer with the park when I complained up here about the geese crapping over there at Sippo Reservoir Park for four days, the same thing happens. They didn't say, hey, let me check with Steve and see what happened. Instead they gave me excuses. The machines broke down, we didn't schedule anybody. Instead of giving me excuses, why don't you go to the source and get the truth? Which is what I did and that ain't nothing of what was said, that the machines were broke down. I got a totally different answer, just by going to Steve. So, the honesty and accountability, I just don't see it. When the road, this road levy you got here going, I mentioned it over in Orrville; they laid out a fabric over there and it's a highly traveled road and there's not a crack in that road. There's big semi's full of fertilizer. I work over there, so, I'm constantly on that road. It's back Massillon Road. It's between 57 and N. Crown Hill. You can go over there and check it out. But anyways, I had mentioned that two or three weeks ago that you're going to get all these contracts and there's no accountability. I mean, you go over to Keuper Blvd. and they just did that road not too long ago and it's tore up. You look at the top half of Amherst from Wales to Amherst Rd., they just re-did that maybe two years ago and it's all cracking up. You look at downtown, they re-did that maybe like five years ago; it's all cracked up. So, I'm not sure if the right person is getting the right people because this is our tax dollars and to me, they're being wasted because that Keuper Rd. over there, Blvd. where you're putting in that new pharmacy, right in front of that car wash, the road's caving in. If a heavy truck goes in there, it's going to flip. There's going to be sink hole. But nobody ever comes back to us and say, hey, I talked to Mike McKee, now he's not here. I don't know why, but I really haven't gotten an answer on that but maybe I'll bumped into him one day and get answer. But I told him about it, I'm telling you about it and what we would like to see, I think, is I want to see people that come up and I care about the city, you know. I care about our tax dollars and just the accountability part, we never get any feedback. We don't even know, well, what did you do? I mean, did you talk to them? Who did the job? Are they going to do the job this year on our roads? We don't even know. So, there's no transparency and then the other thing I wanted to discuss was I talked to Ohio Geese Control today. I don't know if you ever have or not. I mean, you're involved with the parks, but, real briefly. I called the Ohio Geese Control, I printed out a bunch of pages on the internet today and I talked to the guy and he said it's critical right now that you do something soon because the geese are starting to migrate back now. That park is where they congregate. It's only February but I'm trying to get this on the table so people know about what's going to go on this year and he told me that when them geese hatch over there, they learn to fly over there and they'll never forget that. When

they leave, they always come back to the same place. So, it's crucial to rattle them cages within the next couple of week because they're going to be hatching or whatever they do and it's going to just make it worse and worse down there. But you might need a permit, I don't know to handle them cages. But, I would like the opportunity to talk to Joel or you afterwards. But it seems like the solution, the ultimate solution there, is to have a dog. He said fertilizers aren't going work. The beep things aren't going, but it's looking like because I know his budget with the Parks & Rec. I just want to say from what I can gather, it'd be like \$100 a day, seven days a week. I asked to work for him and he said we can get you in here to work the weekends and I said I could work the weekends, handle the dog. I wouldn't want any pay or anything, but I want to get involved with that park up there and it just seems like you're going to have to have dogs. I mean, and a handler. And I don't know, it's critical, it's crucial. I mean, the geese are getting worse, if you ever visit that park. I mean, I don't think anybody in here goes, I don't think or else they maybe would have said, hey George, I go down there to the park and keep doing what you're doing. Because after Memorial Day when I spoke on that Tuesday, and was pretty livid about it, four day's worth of crap to do that, it got better. I only had to call Steve twice and there's a questionable third time but I didn't say anything because he's got young kids working for him and things happen. But anyways, I just wanted to make sure I was on the table about these geese. Because he even said that they got calls at Monument Parks; they're going to have handlers over there. Where are they going to go? Jackson, Massillon, probably stop in Perry on the way over there on Genoa Rd. there; that lake over there.

COUNCIL PRESIDENT ISTNICK – Are you going to leave your papers with us, George?

GEORGE GLIBA – Yeah. I'll leave them with you. But, I'd like to get involved and I wanted to maybe talk to you or Linda. It's critical, it's like emergency stuff.

COUNCIL PRESIDENT ISTNICK – Councilman Chovan.

COUNCILMAN CHOVAN – Yeah. I had two questions. No. 1, I did go to the park, I was there three hours on Saturday, four hours on Sunday with my grandkids and the track was clean. The grass is not. So, I know what you mean about that. My second question is, when you were here a couple of weeks ago, you were talking about the patching on Lake St. Has that been done?

GEORGE GLIBA – I was done, but it's getting bad again.

COUNCILMAN CHOVAN – But it's done, that's the point.

GEORGE GLIBA – It's done. It's probably the most traveled road in Massillon. Me and Paul might disagree. Let me put it to you like this. I live on that street. Every time I got to get out of my driveway, I got to wait. So, I know, you got people going to Hankins, it's a main artery to Hills & Dales, Amherst, the shopping center there. Trust me, it's a well-traveled, busy road.

COUNCIL PRESIDENT ISTNICK – We appreciate your comments, George. If you leave that and perhaps at the end of the meeting, one of the ladies can get together with you.

GEORGE GLIBA – Alright, thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else that would like to speak on any item that did not appear on tonight's agenda. Please come forward, state your name and address.

JIM HUBNER – I'm still at 55 – 6th St. S.E. I just want to say thank you to whoever's responsible for this sound system because now I can hear you finally. I quit coming to these meetings because I couldn't hear what any of them were talking about. So, this

is dandy. Maybe I'll see you more often. Thank you.

COUNCIL CLERK ROLLAND – Well, you can thank the gentleman back there in the corner with the sunglasses on his head. He's still working on it. We'll give him a hand. I love it.

COUNCIL PRESIDENT ISTNICK – Is there anyone else that would like to speak on an item that did not appear on tonight's agenda? Please come forward. State your name and address please.

ROBYN BLOOM – I just wanted to comment to see if there's any potential, anything in the works for a grocery store on the southeast side of Massillon. It was discussed at a Leadership Council meeting that with Schrader's going out that people that are that don't have access to transportation, you know, bus passes. I think one of the residents was getting it for half off and it was still \$46 per month for them to have a bus pass. So, these people that need necessities such as milk and bread, you know, they're still having to either get a bus to go to Giant Eagle or to go to any other grocery store as opposed to being a walk to a neighborhood store. So, it was something that probably more residents are going to start coming in to discuss. So, I just wanted to throw it out there now for you. Thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else? Please state your name and address.

SHAWN CRABLE – I live at 1313 Greenridge Ave. So, I was listening and you said you have accrued \$200,000 to tear down houses, right? Is there any program like a side lot program or land bank program or something like that you're going to approve to actually do something with abandoned lots?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, Mr. Crable. I believe, is Dave Maley still here? Mr. Maley is probably going to be the most educated and be able to give you all the updates on those programs that are available.

SHAWN CRABLE – Alright. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Is there anyone else that would like to speak on a topic that did not appear on tonight's agenda?

18. **ADJOURNMENT**

COUNCIL PRESIDENT ISTNICK – Seeing no one, Councilwoman Daniels.

COUNCILWOMAN DANIELS – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded Councilwoman Starrett.

DIANE ROLLAND, CLERK

CLAUDETTE ISTNICK, PRESIDENT