MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, NOVEMBER 2, 2020

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, November 2, 2020. 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, Chief Engineer, Jason Popiel, Economic Development Director, Dave Maley, Fire Chief Tom Burgasser and Income Tax/Budget Director, Lori Kotagides-Boron. Under item #5 on the agenda 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.

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, Nancy Halter, Ed Lewis, Linda Litman, Mark Lombardi, Megan Starrett and Jim Thieret.

Roll call of 9 present

2. **INVOCATION**

COUNCILMAN ED LEWIS

3. **PLEDGE OF ALLEGIANCE**

LED BY COUNCILMAN ED LEWIS

4. **READING OF THE JOURNAL**

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

COUNCIL CLERK ROLLAND – Yes they are. All minutes have been posted.

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**

PATTY SCULLY – I live at 1406 Springhaven Cir. N.E., Massillon, Ohio. Surely the 73 signatures I provided you with plus the ten or more people in the movie theatre Wednesday

night that chose to show up other than sign the petition has to count for something. Does at least 54 homeowners saying "no" to rezoning, also three of the people who spoke against rezoning at the movie theatre Wednesday, don't even live in the neighborhood and they are against rezoning. Craig Sanders can park 500 cars anywhere. We on the other hand, can't move our homes. Thank you and good night.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Scully. Next.

SANDRA BUTLER – I live at 1324 Springhaven Cir. N.E., Massillon, Ohio. I am against rezoning. We bought this home as a retirement home for ourselves. It's a nice lovely neighborhood. We do not need a big huge parking lot to cheapen it and make it more commercial. I really feel that that piece of land should be made a city park by the City of Massillon. We need more green space. We need more playgrounds for kids to play on. We need a more beautiful area. We don't need more parked cars. Thank you and have a good evening.

COUNCIL PRESIDENT ISTNICK – Thank you. Next.

MIKE VERANT – Good evening. My wife, Jayne, and I live at 1760 Springhaven Cir. N.E., Massillon, Ohio. We are both against the rezoning. I know at the public hearing at the movie theatre last week, we had to listen to people with thoughts of a rotting church, which is not true and the activity in the parking lot which was pointed out, was only a traffic stop. I don't know if this is supposed to scare us into changing our mind or what, but, we are just against rezoning. We're not against the church, we not against Progressive Auto Group. We don't want commercial encroachment into our neighborhood and I think the only logical compromise I can think of would be for the Progressive Auto Group to purchase the original four acres that were put up for sale. He could park a lot of cars in that four acres and it would be minimal impact to neighbors or the neighborhood. Please consider voting "no" against this rezoning. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Verant. Next.

STEVE SEDERLAN – I live 1733 Chittenden Cir. N.E., Massillon, Ohio. As a neighbor of the property within the Springhaven Circle, my family and I object to rezoning of this property to B-3 General Business District. This rezoning would be detrimental to the whole surrounding area of Massillon, but especially the near neighbors surrounding the St. John Church property. This drastic change with have both short and long term consequences of which have been highlighted far too many times, that I don't feel I need to review again. We're in the midst of a pandemic right now and as times had been normal, I believe you would have seen more consistent community opposition to this rezoning at meetings taken place in Council Chambers instead of over this telecommunication platform. The presence and message of many neighbors heard at the public hearing last week, again, in objection to this proposed change should solidify a "no" vote by Council members. Progressive Auto Group currently is in possession of 5.71 acres and 4.45 acres, respectfully, within the City of Massillon for their two dealerships. When you look at other Chevy dealerships near here in Stark County, the largest parcel possessor with like 4.96 acres while a competing Chrysler, Dodge, Jeep brand dealership in Alliance sits on only 2.73 acres. I ask, do we really need an additional 7 acres of residential land for a parking lot of a car dealership when they are already in possession of 10 acres of property? I respectively request a "no" vote on the proposed rezoning request. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Sederlan. Next.

JAIME SLUTZ – I live at 1752 Springhaven Cir. N.E., Massillon, Ohio. I just want to say, again, that I am against the rezoning along with my wife; she is also against that. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Before the next person speaks, I would really, really appreciate you keeping your comments brief and I hope that continues. Next.

MARGARET COFFEY – Good evening. My husband, Kevin, and I have raised our five children during the past twenty years in our home located at 1776 Springhaven Cir. N.E., Massillon, Ohio. We are opposed to the rezoning. Our kitchen window looks out onto the church property. As many of the women in the audience can attest to, we all know how many times a day we glance out our kitchen windows doing our household activities. What can you see? You see joyful neighborhood children and grandchildren swinging, sliding and climbing on the two wooden playsets located on the church property. You see families playing catch, a quick game of football, throwing Frisbees and even practicing golf swings. One spring you watch a dad pulling a small two wheeler bike out of the car truck so that his daughter can practice riding in the church parking lot. Ten years later, you see that child, now a teen driver practicing maneuverability skills with orange cones in the open church parking lot. A couple of parents stand and direct the future driver. And church activities; weddings, Easter egg hunt, vacation bible school and family reunions, anniversary and birthday parties in the church pavilion. What about the very full parking lot when the church members welcome the new associate pastor? The church sponsored Boy Scout Troop meeting is held weekly by the scouts. Scouts and their leaders are setting up tents and practicing their survival skills for their monthly campouts. And the very recent Cub Scout Truck or Treat held just on Monday. It's not every day you see a dinosaur running in a church parking lot and you can't miss the wildlife either. Deer, a family of red tail hawks, this summer. The gofer that wills under the Scout building. Geese, the occasional wild turkey, raccoons, rabbits and yes, even a skunk or two. What do we not want to see out of our kitchen window? A commercial zoned lot. Keep our peaceful neighborhood. Please vote "no" to rezoning. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Coffey. Next.

JOHN DUNN – I don't reside in Massillon, but I work at Progressive Chevrolet and I've been to a lot of the hearings, meetings on this and I just wanted to speak out for a lot of the people that are for this. I have over a hundred employees report directly to me in the Progressive organization and they understand that we need this expansion and I think something else that Council needs to consider is that there are a lot of people looking at what's going on with this situation and I don't think Massillon wants to get a reputation for not taking care of and working with companies that have been in their town for decades; let alone, why would I want to move my business there? So, I want say that I am for this rezoning.

COUNCIL PRESIDENT ISTNICK – Thank you. Next.

TOM SEESAN – I live 1050 – 4th St. N.E., Massillon, Ohio. I appreciate the gentleman who just spoke from Progressive because I would like to speak in favor of the rezoning. I'd like to remind City Council members, especially those at-large that you already have heard from the people of Massillon who voted you in to your office. The hope that you would represent the needs of the entire city, not just a select neighborhood in a specific part of town. That also goes for Ward Council people who you must uphold the desires and the best interest of the

people in your wards also. We're talking about a business here that employs 200 people, is a thriving, successful job producing taxpaying business that has been here since 1939. At the Public Hearing that we had not too long ago, Mr. Schultz talked about what makes a good community strong, strong neighborhoods and good schools. Well, what makes strong neighborhoods and good schools? Jobs, people have to work to be able to uphold those neighborhoods, schools, taxes, property taxes that go into the schools that make those schools good. I don't know if I want to take the risk of voting against this and I don't know what Mr. Sanders plans are if it goes down. But if the business should happen to leave, if he's lured to another area, you have yourselves to look at and say, you know, we did this. We lost these millions of dollars of tax revenue to our City and I don't think the people of Springhaven and Charity Rotch realize that they also depend upon these tax dollars. I just recently had my street fixed and I depend upon the tax dollars, the income tax dollars and the property tax dollars that are generated by the businesses in this town to take care of that. So, I really think you need to take that into consideration and finally, the article in the newspaper last week said that our budget was down by $3 million dollars. Can we take the risk of losing another business and have another impact on our budget? So I just really think that City Council must take this into consideration, especially after Craig Sanders had worked diligently with everybody. I really think that he was not treated very kindly by a lot of the people at the Public Hearing. So, I really think that the zoning should pass because I represent the other 32,000 people who live in this community that depend upon the taxes.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Seesan. Anyone else?

MRS. JOHN MCFARREN – I live on Wales Rd. and I really don't think that Progressive would ever leave this area. It sounds like that's just kind of a threat to get this passed. I'm against the rezoning with a lot of my neighbors. So, I just wanted to call in and let you know.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. McFarren. Next.

STEPHEN COFFEY – I live at 1776 Springhaven Cir. N.E., Massillon, Ohio. My wife called earlier. I had not planned to speak tonight, but I heard a few previous callers and I'd just like add a few comments. First of all, for the caller to presume to speak for 32,000 other people is ridiculous. We haven't taken a city-wide vote on the rezoning. We don't know the opinions "for" or "against" other than the people in this area who are directly, most directly affected. The drop in city tax revenues is an anomaly. We know it's due to the COVID-19 crisis. That's something that's going to continue; it will eventually resolve. I have nothing personally against Mr. Sanders or Progressive, but to even suggest that he would pull up stakes and move a multimillion-dollar car dealership just out of spite that he lost a rezoning issue is ridiculous. We're the ones who live here. We're the ones who are directly affected. A caller said he had 100 people reporting to him. You have over 300 signatures of people who are affected in front of you. That's a fact. I believe the rezoning should be denied. I believe that one of the things that people look for when they're moving to Massillon is a City Council that looks out for the interest of its residents. Thank you very much for the opportunity.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Coffey. Anyone else?

ROBIN SCHUMACHER – I live at 1784 Springhaven Cir. N.E., Massillon, Ohio. My backyard is adjacent to St. John's parking lot. So, this rezoning directly affects me. I look at the parking lot from my deck. I was one of the earliest residents of Springhaven Cir. I bought my house in 1988, raised two kids here and watched the neighborhood grow. I understand the blight of the

church and Progressive's desire for growth. But I feel that this commercial zoning will change the character of our neighborhood and will reduce the property value of our homes. I also worry about the future developments on the property because there are no guarantees that it will always remain a parking lot. So, I strongly oppose the zoning change. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Schumacher. Next.

DAWN HENDERSON – I live at 1771 Springhaven Cir. N.E., Massillon, Ohio. I just want to say that I'm new to the area. I've been here three months and we moved here in the intent of enjoying the neighborhood and which we do. As far as the zoning that's going on, we don't agree with it because this is not what we moved into. We moved into a beautiful area. As far as the church, it hurt me a little bit when I heard them say it being ugly and I wanted to say that my husband had been at that church and helped a lot of alcoholics with their issues and I think that the City Council should consider the rezoning. Thank you very much.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Henderson. Next.

CHRISTINE AVERS – I live at 1725 Chittenden Cir. N.E., Massillon, Ohio. We've lived here since 1977 when we then Perry Twp. We became a part of the City and was essential for the City's expansion. We opposed to yet another asphalt parking lot and the loss of green space. We love our neighborhood and we want to keep it. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Avers. Next.

CINDY CASABAR – I live at 1768 Springhaven Cir. N.E., Massillon, Ohio. As I'm hearing everybody talking about the pros and cons, the only thing I see is that the only people that are going to benefit from this is Progressive. So, I'm going to say "no" to rezoning. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Casabar. Next.

RONALD MILRODT – I live at 1792 Springhaven Cir. N.E., Massillon, Ohio. Our backyard goes into the church parking lot and we are definitely against the rezoning. Nothing against Progressive or anything, but, we like this neighborhood. We bought this neighborhood because of what type of neighborhood it was and we'd like to see it kept that way. I appreciate it.

COUNCIL PRESIDENT ISTNICK – Thank you, Ronald. Anyone else?

L.J. DELUCA – 2954 Veterans Blvd. S.E., Massillon, Ohio. I just wanted to say that I can see the people that live there because I was in the same situation years ago. However, I just want to say that I didn't like the way that done with Progressive Chevrolet and the citizens that live near there. I think we should have handled it different. I think the Mayor have spoken about this. We should have taken maybe a group of five or six residents living on Springhaven, Lennox and so on and so forth and have a more in-depth detail. Not that we have an open thing like this that it was bashing Craig Sanders and a business because we do. Let me tell you, I've been working with some businesses. I've been in this town and we do have a problem getting businesses. But then again, I can see the neighbors thing too. But I want to say that I don't believe that City Council did a good job. I think Craig Sanders did a wonderful job with his presentation, but then again, it was more like a potpourri of people saying everything and I don't think we got very much accomplished by that. Craig Sanders did that,

the people that live there close to those directly affected did their thing and it just seems like it was a bash session. I did like Mr. Seesan's presentation; it was very detailed at the Lions Lincoln Theatre. And I want to thank you, Madam President, for your help there at the Lions Lincoln Theatre and Diane Rolland, as well. Thank you, Madam President.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Deluca. Next.

CHRIS HENDERSON – I live at 1771 Springhaven Cir. N.E., Massillon, Ohio. I just wanted to say that I'm against the rezoning. I recently moved here to this community and I was attracted more of the serenity because of the commodorie I have among my neighbors and just a very lovely location. I would hate to see that impacted by a lot of traffic, business traffic. A just a lot of commercial dealings around here. And it's really sad that when I consider the church, a church I've been affiliated with for over ten years, that we cannot replace the church with something of a more civic nature. Because a parking lot, the community is based on these certain elements and one of the elements was something that engages civictivity and the church has done that and when you take that away, what is there to replace it, cars? No, I think we ought to find something to replace that and I think Mr. Sanders has a great opportunity to demonstrate that he's real in a part of our community as he says. He is a neighbor. So, as neighbor, let's do the right thing. Instead of revisiting it with a bunch of cars. Let's try to rebuild that church up or at least put some kind of community center in there that's going to benefit the community and also benefit Progressive. So, if that's not going to be under the plan then I'm definitely against the rezoning for commercial purposes. Thank you for hearing me out.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Henderson. Anyone else?

CRAIG SANDERS – Good evening President Istnick, City Council, Mayor and all of those tuned in tonight. I am President of Progressive Auto Group. The only new vehicle, automobile dealership within the city limits of Massillon. First off, I need to give a shout-out to Coach Nate Moore and his staff and the players for last week's win and I'm sure I'll be tuned in this weekend to listen to Ray Jeske on ESPN 990, the next playoff game. So tonight after many meetings and over twelve months of planning, City Council will vote on a zone change to the property that is on the corner of Hills and Dales and one of the busiest traffic State Highways in Stark County, which is in the process of starting a $9.9 million-dollar road widening improvement project. That tells me that it's a busy road…

COUNCIL PRESIDENT ISTNICK – Mr. Sanders?

CRAIG SANDERS – Yes.

COUNCIL PRESIDENT ISTNICK – Can I interrupt you for a minute?

CRAIG SANDERS – Sure can.

COUNCIL PRESIDENT ISTNICK – Thank you. I will not tolerate the comments in the background. If I need the Clerk to mute everybody except the person speaking, I will. But I will not tolerate the yacking in the background. Respect the person speaking. Thank you. I'm sorry, Mr. Sanders.

CRAIG SANDERS – Thank you. This area is already very commercial. When I bring people in from out-of-town, they look at it and they don't understand why it was ever zoned residential. The church that sits on this proposed property already has a large parking lot and a commercial looking structure on it. What I would be doing is hiding the commercial side of things, improving people's backyards and making it a prettier view that wildlife will flourish in. The children will be able to play and ride their bikes, swing on swings and do all kinds of things that residents love. One of the residents, though, told City Council last Wednesday that this rezoning is more than just a vote for rezoning or a decision on a landscape plan. And I couldn't agree more. This vote is about setting a precedence. This vote shows the business community and other municipalities, not just Massillon, but all around northeast Ohio just how friendly Massillon, Ohio, is to business.

COUNCIL PRESIDENT ISTNICK – One minute.

CRAIG SANDERS – Community support that establishes businesses or chooses not to support businesses; it will send a message to future business that are deciding where to expand. Communities need businesses and businesses need strong communities. But there are many communities searching far and wide for a business like you have right here, which is already in your backyard. If a community gets a reputation that it doesn't support businesses, then it's a slippery slope and soon that city may find it hard to attract new businesses.

COUNCIL PRESIDENT ISTNICK – Please wrap it up.

CRAIG SANDERS – We are being watched by many people. This vote is being watched, I will. This vote is being watched by many people because many people know and respect Progressive Auto Group. The 2019 Progressive Auto Group on Hills and Dales had a payroll of $10,826,820.00. For easy math, that's 216 jobs earning $50,000 per year and paying City Income Tax per year of $216,500.00. That's over a million dollars paid to the city in five years. But don't forget, we've been doing this for over 80 years in Massillon.

COUNCIL PRESIDENT ISTNICK – Five seconds, Mr. Sanders.

CRAIG SANDERS – Please meet the rezoning to grow. The City of Massillon needs this to grow and Massillon's future and reputation needs this too. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

DAVID SCHULTZ – I am not going to repeat everything that I've said previously. It would be time consuming and redundant. But I will respond to a couple of things. I don't think Mr. Sanders needs the property that he wants to exceed in his business. As somebody noted earlier, he has plenty of acreage to operate a viable automobile dealership. What he wants to buy is a parking lot and the parking lot comes at the expense of a neighborhood. In terms of taxes paid, I would simply add up all the taxes paid by all the residents around the dealership and what we've paid over the years, the man hours that we've donated to community projects and the thousands of dollars that we've paid to charitable organizations as well. Massillon is friendly to business. It always has been and it always will be.

COUNCIL PRESIDENT ISTNICK – Are you finished, Mr. Schultz?

DAVID SCHULTZ – Yes, I am.

COUNCIL PRESIDENT ISTNICK – Thank you very much. Next. Anyone else?

MRS. JOHN MCFARREN – Can I say something else? I was on a little bit ago. Could I add something to my comment?

COUNCIL PRESIDENT ISTNICK – This will be the last one; go ahead.

MRS. JOHN MCFARREN – Okay. Why can't just a portion of that church property be sold? Leave the church and the parking lot alone and then the neighborhood would be happy about that. Just take maybe, three-quarters of the property or a half or something and then everybody would be happy. He's getting the part that he needs and the church and parking lot are there for the neighborhood, likes it's been.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. McFarren.

MRS. JOHN MCFARREN – I belong to the church and I'd hate to see it be torn down. Okay, thank you for listening.

COUNCIL PRESIDENT ISTNICK – Thank you so much.

6. NEW AND MISCELLANEOUS BUSINESS

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 114 – 2020 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Lepley & Co. LLC to provide an economic development "inducement grant" to fund start-up costs including build-out at the property located at 13 Penn Avenue S. E., Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you. First reading.

COUNCILMAN LEWIS – Ord. No. 114 – 2020 has received first reading. Ord. No. 115 – 2020.

ORDINANCE NO. 115 – 2020 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with the Legacy Project of Stark to provide an economic development "inducement grant" to fund the costs for expansion at the property located at 708 Tremont Avenue S.W., Massillon, Ohio, and declaring an emergency.

COUNCILMAND LEWIS – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you. First reading.

COUNCILMAN LEWIS – Ord. No. 115 – 2020 has received first reading. Ord. No. 116 – 2020.

ORDINANCE NO. 116 – 2020 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY 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 Erie Street South Underpass Guardrail/Attenuators Replacement Project, and declaring an emergency.

COUNCILMAN LEWIS – Councilman Thieret.

COUNCILMAN THIERET – Thank you, sir. This is ordinance is pretty straight-forward as Mr. Popiel, I believe, was helping us with last week. It's to improve and increase the safety factors at the underpass on S. Erie. Are there any questions for Mr. Popiel? I believe he's on the call.

COUNCIL PRESIDENT ISTNICK – I'm not seeing any.

COUNCILMAN THIERET – Then I will make a motion that we waive the rules requiring three readings and bring Ord. No. 116 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. 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. 116 – 2020 has passed. Ord. No. 117 – 2020.

ORDINANCE NO. 117 – 2020 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain transfers in the 2020 appropriations from within the 1100 General Fund, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. First can I request that we mute-all, just to cut back on the background noise?

COUNCIL CLERK ROLLAND – Okay.

COUNCILMAN LEWIS – Thank you. First reading.

COUNCIL PRESIDENT ISNTICK – Ord. No. 117 – 2020 has received first reading. Ord. No. 118 -2020.

ORDINANCE NO. 118 – 2020 **BY: FINANCE COMMITTEE**

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 118 – 2020 has received first reading. Res. No. 17 – 2020.

RESOLUTION NO. 17 – 2020 **BY: FINANCE COMMITTEE**

A RESOLUTION requesting the Stark County Auditor and Stark County Treasurer to make an advance payment to the City of Massillon, Ohio, of real estate taxes collected by Stark County on behalf of the City during the 2021 fiscal year.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This Resolution is just a standard resolution that we pass every year allowing the City to collect income due to it from the County, actually advance of collection by the County. Are there any questions or discussion this evening? Alright, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 17 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. 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 17 – 2020 has passed. Res. No. 18 – 2020.

RESOLUTION NO. 18 – 2020 **BY: FINANCE COMMITTEE**

A RESOLUTION accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor as listed on the attached Exhibit "A", and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Again, this is an annual resolution that we submit to the County showing the need for the levies that are operating within the City. Are there any questions or discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 18 – 2020 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. Res. No. 18 – 2020 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMINCATIONS

10. BILLS, ACCOUNTS AND CLAIMS

Graphic Enterprises - $ 279.96 Thermometers, Mask & Wipes
(Covid-19 Funds will be used to pay bill)

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

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

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

9 yes to pay the bills

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

11. REPORTS FROM CITY OFFICIALS

Mayor's Report - September 2020

COUNCIL PRESIDENT ISTNICK – Thank you. The Mayor's Report has been accepted.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, November 9, 2020 at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

ORDINANCE NO. 88 – 2020 **BY: COMMUNITY DEVELOPMENT COMMITTEE**
Tabled October 20, 2020 until November 2, 2020

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

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. Obviously, this is a decision that Council has been contemplating and struggling over for about the last almost six months, at this point. So, is there any further discussion before this come to vote at this time?

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. Before we vote on this issue I want to make sure that all thoughts are minimized. I've listen to and read all of the objections of the citizens living in the area about the proposed rezoning. Many mentioned the 300 signatures of citizens that oppose this rezoning. Upon reading the recently submitted publication containing these lists of signatures, I could not help noticing that the Lions share well over 200 were actually collected in 2017. The list contains less than 30 signatures, but I understand that there were a few more added tonight that were marked on this 2020 sheet. I can only possibly conclude that many of those rejected the rezoning in 2017 have either seen something better proposed with this or possibly made to believe that this proposal is worth a compromise. However, even if all 300 are still adamant against the rezoning, what about the 500 or so members of the congregation at the church that has been desperately trying to sell this property for nearly 10 years? They have rights too. They have the right to be heard and considered. Right now they cannot fulfill their mission because all their resources are being spent maintaining a building they no longer need or can afford. These citizens and neighbors have been more than patient and kind throughout this ordeal, but it's time to consider their needs as well. And while we're on the subject of numbers, let's say the 30,000 plus taxpayer's citizens of Massillon throughout the rest of the City. Although I did not personally speak to everyone, no one outside of the few that have addressed Council from the immediate area any objection to the rezoning. I have been urged in every turn to grant this rezoning; deciding that the City needs the jobs and tax revenue. I've heard numerous times at the suggestion to using this plot to build housing and I understand that the church administration has been trying to do just that, but to no avail. The location is not suitable for development as residential as indicated by the lack of market interest. So, this parcel is ideally suited for the commercial development that we see proposed before us. This unique and beautiful country of ours was founded on solid principles, one of which is the fair attitude of government towards the workings of a free market. That is one of the great benefits of our republic versus socialism where the government controls every aspect of life. To us, this issue is being drawn out for all this time; it seems like forever. In a partly socialist country, like England, it can literally take decades to buy and sell property because of government regulations. The subject of traffic is spoken of many times. Wales Rd.; State Route 241 is and has been a very busy highway. When you buy or build a house on or near a highway, you cannot complain about the traffic that goes through there day-by-day. This being said, I urge all members of Council to pass this legislation and grant the rezoning as enumerated before us tonight. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, President Istnick. As I'm sure it is for many other Council people, this decision has been very difficult for me, personally. I have walked the neighborhoods several times. I have used Progressive dealership myself on many occasions, as well as looked at the church area itself, and you can really put yourself in any of those three organizations or individual's shoes and certainly it's understandable why there are such differences of opinions because it is truly what is benefiting or detrimental to that specific group of individuals. So, I will say that as an elected official, it's my view that we are to not make this a personal decision. Because I wasn't elected to bring Linda Litman's agenda to this forum. It's my job as an elected official to listen to my constituents and to me it's not just the constituents of the 6th Ward. It is constituents of the entire City because we all benefit or have some detriment to this decision. My thought is that I believe that there is a compromise to be had and it was very interesting that one of the callers previously has asked Mr. Sanders, if there is an opportunity for him to do what he needs to do, because I, personally, am very pro-business for the City of Massillon; are we able to look at a compromise where a portion of this property would certainly satisfy the needs of the dealership, which of course would be the direct corner that is already commercialized versus the backyards of so many of the neighboring residents. So, I think at this point, I'm looking at…this problem does not go away with this vote because if this is a vote that is turned down, then I think that it's going to rise again at some point in the future. So, we are certainly kicking the can down the road to perhaps new Council members, new Administration, new residents, for that matter. So, I would ask, at this point, that we, as Council members, consider…and I would say voting "no" for this particular ordinance, but I would like to see a compromise where the corporation; I'm very much a fan of Progressive Chevrolet, I think they do a lot for our City. I think they can certainly expand on, perhaps a four-acre lot there. But recognizing that, I'm for rezoning when it comes to a particular area in that 7.2 acres that can satisfy both parties. So, I'm not looking for something to be done immediately, but certainly I think that there's an adjustment that can be done to this ordinance that will be able to satisfy both parties. Unfortunately, I don't think that this has really been pursued prior to this vote, but, again, I feel for the residents because I walked that property again today, just trying to feel…putting myself in their shoes. I walked the property of Progressive, putting myself in his shoes and quite frankly, they're both right and I think there's a compromise to be had if we work together to do so. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Litman. Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. This has been an extremely difficult decision for me. I've got close friends in that neighborhood. I've talked to many people from the neighborhood. I think if you ask anybody that's approached me to talk, I've been willing to talk. I've spent time with one-on-one, one-on-two, small groups. I've been in the meetings. I met with Mr. Sanders and I've gone over his proposal. As far as a compromise is concerned, my feelings are that a compromise is already in front of us. I think Mr. Sanders has done more than could be expected to address the citizens' issues and concerns about this proposal. I think that the issues come down to not wanting change which is something we can't control. Change is going to happen and this gives us a chance to maybe have some control over that change and also the concern about property values and I can't say and no one can, say what will happen to those property values. But I don't think they will diminish by any amount, any significant amount, perhaps even be enhanced because you have a well-manicured, well-maintained area instead of a building that's deteriorating and a lot that's sitting empty. So, I have given strong consideration both ways. I had, early on, fluctuated back and forth on this

decision. I've talked to many people, as I said, but I'm in favor of rezoning. I think that we need to show not only businesses that would be considering coming to Massillon, that we are business-friendly, especially businesses that have been here for decades, that we are willing to support them and allow them to grow. And I don't mean it at the detriment of our citizens. If I thought that this was to the detriment of the neighbors to any great degree, I wouldn't be in support of it. But I don't believe that it is and therefore, I support it. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Gregg. Anyone else? Anyone else? Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Mrs. Istnick. Before I bring this forward for a vote, I do have one final comment. I do appreciate all of Council member's difficult thoughts and the time that everybody has put in to making this decision, but I will say that I agree with Mr. Gregg at this point. There's been multiple requests for rezoning that has come before City Council over the years for this piece of property and I think this has been the most comprehensive, most considerate and the most thoughtful plan that has been put together. It was clearly a lot of planning and a lot of meetings with residents and a lot of consideration for the residents placed into this plan before it was even brought before us. I think a "no" vote is just kicking the can down the road for somebody else to deal with. It's pretty clear that the church is going to be vacating that property within the next, how many years and I think the future of that piece of property is in City Council's hands at this point. I know the City has already been dealt a pretty hard blow with the loss of the hospital and City Council attempted to do what it could to bring some employment back to that area and we were unable to do it and at this point, I feel worried that a "no" vote would cause another blow to the City's economy and we'll lose another large business in the City. That's my comment and are there any others? Mrs. Istnick, I do see Mr. Lewis has a comment before I bring it forward for a vote.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I'm sorry, Ms. Starrett. I was debating whether or not I wanted to speak. This has been an extremely difficult decision for me and a lot of thought and listening. There's a few things that I have considered heavily over the last week. One of the things is I think the way this entire question has been framed to Council has been framed in error. This is not a rezoning being done necessarily by Progressive Auto Group and a group of citizens that are opposed to it. This is a church asking for rezoning. Progressive Auto Group does not own that property. With that said, in the past three months I don't believe I've seen or heard from one member of that church. So, if the petitioning party has not asked me to do the rezoning and come and spoken in favor of it; it was said that this church could potentially have up to five hundred members, well, where are all those members speaking to Council? I haven't heard from them. They haven't called me, they haven't written to me, they aren't flooding our phone lines to speak at Council meetings. That's concerning to me that that has not occurred. It's been said that maybe housing can go there, maybe it cannot. I am not a real estate expert so I cannot speak to what could or could not go there. But as I drive around the area, I can say that on the corner of Stuhldreher and Hills and Dales, there is new condo developments and I want to say that that intersection is nearly as busy because everybody that makes a right turn onto Hills and Dales ends up at Stuhldreher, in less than a mile and they are doing residential development right on that corner, as well. As a Council member, I am elected as at-large. I am elected to represent the entire City and the only way I can represent the entire City is by hearing from its citizens. I can say that personally; I've only had two or three citizens out of 32,000 that have reached out to me in support of this. I've usually heard from thirty or more in

opposition. So with all that said, how can I vote "yes" when I haven't heard from the petitioning party, at great length and I have not heard from the citizens at great length. All I have heard is the neighborhood that is opposed and the business that I actually do support. I've recently went there and purchased my own vehicle from that business. So, I do support them being in our City. But, that is the guidelines that I have been using as I think about that tonight and why my vote will be as it is when we cast it.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lewis. Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. With all due respect, all of the members of Council should have gotten a letter from the pastor of the church that was submitted for this rezoning and at least one occasion, it was mentioned at least that the church's administration was deferring all of its time to the Progressive Auto Group to present their case. So, they have been represented; they have asked for it and they have been heard. So, I'm not sure what was missed there, but they were definitely involved in all this process. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Thieret. Councilwoman Creamer.

COUNCILWOMAN CREAMER – Just a few comments. When this was presented to the Planning Commission Board, that vote was four to three and those three individuals which two was from our Administration; Mayor Kathy Catazaro-Perry and Safety Service Director Sylvester. So, if those two individuals plus one of the Board members voted against this rezoning, I'm questioning the negative impact of this zoning request that has been stated tonight. Because those individuals in Administration should have the best interest of the City put forth. So, if they were not able to vote in favor of this rezoning, what are we saying? So, I just wanted to put that out there for people to understand where we're at. It's very, a very difficult decision, but the statements that are made, which is speaking from our opinions, I just want to thank everyone that has reached out to me, both for and against this moving forward. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Creamer. Anyone else?

COUNCILMAN HERNCANE – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I would just like to reiterate what I stated several months ago when this matter was initially brought forward and I want to put on record that I have a conflict of interest in this matter and will abstain from voting. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Herncane. Anyone else? Councilman Thieret.

COUNCILMAN THIERET – Thank you. Ms. Creamer brings up a very good point and I've been wanting to get the answer to that too. Why would our City Administration be against this? I know that they voted against it and I, frankly, was shocked. I would ask that the Mayor and the Safety Service Director answer that question. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Thieret. Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. Once again, I'd like to just stress that we have a majority of the people who are living right on the edge of that property who are against this and we, as a Council, should also be in support. I've heard, overwhelmingly so, from many, many residents in that area and I also have to agree with what Mr. Lewis said. We really haven't heard anything from the church. I've only heard from two or three people or three or four people who are in favor of this and two didn't live anywhere in the Ward let alone in the neighborhood. So, I have to reiterate, once again and representing the people in that neighborhood that we really need to consider the neighborhood preservation, the quality of life, property values; they have many concerns that they've raised to everyone on this Council and I think we really need to take this to heart. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Lombardi. Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. I just wanted to touch on a point that Councilwoman Creamer brought up earlier regarding the Planning Commission. She mentioned that three had voted against this proposal. But four, the majority did vote for the proposal. That's the entity that we trust to look through these matters, vet them and determine what is the best solution in a question like this and it is also stated from the meeting that the best use for that property was for commercial use. As far as residential development is concerned, I think if that was going to happen, it would have happened by now. That property has been for sell for many years. So, and I just wanted to say as far as representation of the citizens of Massillon, I feel like I was elected to represent, first of all, the citizens of Ward 3 and then the entire City of Massillon and I think by supporting a business that's already here that wants to grow, I think that's what I'm doing. So, that's why I'm voting the way I'm voting and that's all I'll say on the subject. Thank you very much.

COUNCILWOMAN HALTER – Mrs. Istnick.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Gregg. Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Mrs. Istnick. I've been relatively quiet on this subject, but I will speak. Having worked eight years at the Massillon Chamber of Commerce and working for the Massillon Development Foundation, my mindset is to watch over and take care of local businesses. Therefore, I am very much in favor of this rezoning. The only neighbors that I have heard from are maybe seven or eight neighbors in that neighborhood. A couple of which who have been very disrespectful towards me, but that's okay. I have talked to many citizens throughout the whole City, many of them from the West side. Many people are in favor of this. They don't think that the church or the way the area looks right now is very acceptable and having that I have lived since 1967; I live on Ertle Ave. and I have lived a half a block from the Massillon Hospital and at the time we move there, it was beautiful. We have had to go through many changes at that hospital and for the last two or three years, we've had to look at a mess and yet the neighbors on a four block area have never complained to City Council, they have never complained to the Mayor, that I know of. We have been very courteous and just waiting patiently for something to happen. So, I'm just a little upset with the neighbors up there, had arguments with a few of them, probably won't speak to some of them and they won't speak to me. But, this is my job right now and I'm looking for the whole City; I'm looking for the whole City. The people up there have to understand. Wales Road is going

to be widened. They're going to have more traffic. They've always had traffic. I can't see where this is going to make a big change. Thank you very much.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Halter. Anyone else? Hearing none, Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. At this point, I would ask that we bring Ord. No. 88 – 2020 forward for a vote.

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

4 yes; 4 no; 1 abstention

COUNCIL CLERK ROLLAND – Council President.

COUNCIL PRESIDENT ISTNICK – As I had mentioned earlier, I will not vote on this issue because I am personally involved. I live two houses from the property, so it definitely affects me and I am Council President and I really feel that it is a conflict of interest. So, I am abstaining.

COUNCIL CLERK ROLLAND – So we have a tie. 4 yes, 4 no.

COUNCIL PRESIDENT ISTNICK – So, what does that mean?

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – We can request discussion from the Law Director, but from my understanding of Roberts Rules of Order, the motion would have failed to receive the affirmative. For a motion to pass…

COUNCIL PRESIDENT ISTNICK – Does someone from the Law Dept. want to comment on that? Mr. Bartos.

COUNCILWOMAN STARRETT – I believe he is muted.

COUNCIL PRESIDENT ISTNICK – Diane, can you unmute them, him or Mr. Richard?

COUNCIL CLERK ROLLAND – I'm trying to unmute him, but it's not working. He's on his phone and he probably has to do it himself.

JUSTIN RICHARD – Can you hear me?

COUNCIL PRESIDENT ISTNICK – Yes.

JUSTIN RICHARD – Councilman Lewis is correct on both measures. It does take a majority vote, so even with the abstention, it would take five votes to win, but it also does not pass without a majority vote, regardless. So, it fails on both measures. So, the ordinance would fail.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Richard. Ord. No. 88 – 2020 has failed.

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 108 – 2020 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

AN ORDINANCE amending Chapter 919 "SIDEWALK AND CURB REPLACEMENT PROGRAM" of the Codified Ordinances of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 108 – 2020 has received second reading.

ORDINANCE NO. 109 – 2020 **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 a one (1) year contract with the Board of Trustees of Local Organized Government in Cooperation (L.O.G.I.C.) for fire department and police department dispatch services, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We've seen this for a couple of meetings now. Are there any questions or discussion before I move to bring it forward? I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 109 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. 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. 109 – 2020 has passed. Ord. No. 110 – 2020.

ORDINANCE NO. 110 – 2020 **BY: FINANCE COMMITTEE**

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose; 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 – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 110 – 2020 has received second reading.

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

18. ADJOURNMENT

COUNCILMAN LEWIS – I make a motion to adjourn.

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

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DIANE ROLLAND, COUNCIL CLERK CLAUDETTE ISTNICK, PRESIDENT