

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT
AGENDA

DATE: MONDAY, NOVEMBER 2, 2015
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT
7:00 P.M.

ORDINANCE NO. 122 – 2015
REZONING ON WOODRUFF AVE. N.W.

1. ROLL CALL – *8 Present; Del Rio Keller - absent*
2. INVOCATION BY COUNCILMAN MILAN CHOVAN
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

1st Reading
ORDINANCE NO. 164 – 2015

BY: COMMUNITY DEVELOPMENT

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with The Salon House/Genuine Risk Investments to provide an economic development "inducement grant" to assist the business in renovation expenses at 317 Lincoln Way E., and declaring an emergency.

1st Reading
ORDINANCE NO. 165 – 2015

BY: HEALTH, WELFARE & BLDG. REGS. COMMITTEE

AN ORDINANCE revising 505.01, Section (a) of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

Passed - 8 yes
ORDINANCE NO. 166 – 2015

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the STA US 30 Microsurfacing Project, PID 100276, for the year ending December 31, 2015, and declaring an emergency.

Passed 8-yes

ORDINANCE NO. 167 – 2015

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 enter into a contract with the lowest and best bidder, upon approval of the Board of Control, for the City of Massillon, Ohio, The Legends Golf Course Turf Equipment Lease, and declaring an emergency.

1st Reading

ORDINANCE NO. 168 – 2015

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2015, and declaring an emergency.

1st Reading

ORDINANCE NO. 169 – 2015

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 two (2) 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.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

Request for New Liquor License for Top of the Viaduct Restaurant located at 607 Lincoln Way. W., Massillon, OH 44647

9. BILLS, ACCOUNTS AND CLAIMS

The Repository - \$ 54.40 – Publication of Notice of Public Hearing
The Repository - \$ 503.20 – Publication of September Ordinances
Total \$ 557.60

10. REPORTS FROM CITY OFFICIALS

Mayor's Report – September 2015

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

Ordinance tabled October 5, 2015 until November 2, 2015 – Public Hearing Scheduled

Passed 8-yes

ORDINANCE NO. 122 – 2015

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from B-1 Business District to R-1 Residential.

14. THIRD READING ORDINANCES AND RESOLUTIONS

Tabled until 11/16/15 - 8 yes to table

ORDINANCE NO. 149 – 2015

BY: POLICE & FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a grant from the Office of Community Oriented Policing Services (COPS) for the City of Massillon, Ohio, on behalf of the Massillon Police Department, and declaring an emergency.

Passed 8-yes

ORDINANCE NO. 150 – 2015

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 93 Crack Sealing Project, PID 99433, and declaring an emergency.

Passed 8-yes

ORDINANCE NO. 151 – 2015

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 172 Resurfacing Project, PID 101268, and declaring an emergency.

Passed 8-yes

ORDINANCE NO. 152 – 2015

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 93 Resurfacing Project, PID 101417, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

2nd Reading

ORDINANCE NO. 158 – 2015

BY: HEALTH, WELFARE & BLDG. REGULATIONS COMMITTEE

AN ORDINANCE amending Chapter 509 of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

2nd Reading

ORDINANCE NO. 159 – 2015

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE to amend Title Nine, Chapter 181 of the Codified Ordinances of the City of Massillon, Ohio, regarding Municipal Income Tax, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

- 800p

DIANE ROLLAND – CLERK OF COUNCIL

DATE: NOVEMBER 2, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 164 – 2015

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with The Salon House/Genuine Risk Investments to provide an economic development "inducement grant" to assist the business in renovation expenses at 317 Lincoln Way E., and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, The Salon House/Genuine Risk Investments desires to renovate the building located at 317 Lincoln Way E., and

WHEREAS, the City of Massillon proposes to assist The Salon House/Genuine Risk Investments with renovation expenses of the business by providing an economic development "inducement grant", the purpose of which is to help offset the company's costs with the renovations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with The Salon House/Genuine Risk Investments by providing an economic development "inducement grant", in a total amount not to exceed Three Thousand Dollars (\$3,000.00) for the purpose of assisting the business with renovations at 317 Lincoln Way E.

Section 2:

In return for this economic development grant assistance, The Salon House/Genuine Risk Investments will be moving three (3) jobs from its current location and expects to add two (2) more jobs over the next two (2) years as a result of the renovation to the business.

DATE: NOVEMBER 2, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 165 – 2015

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE repealing 505.01, Section (a) of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon hereby determines it to be necessary to repeal 505.01, Section (a) of the Codified Ordinances (Ord. No. 195 – 1985, passed Dec. 2, 1985) and enact a new 505.01, Section (a) to read as attached hereto as Exhibit "A".

Section 2:

Massillon Codified Ordinance 505.01, Section (a) is hereby repealed and a new 505.01, Section (a) is hereby enacted.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

EXHIBIT "A"

505.01 HARBORING DOGS, CATS AND OTHER ANIMALS.

(a) No person shall harbor cattle, sheep, geese, ducks, turkeys, chickens or other fowl within city corporation limits, with the exception of Agricultural Zoned areas or properties 5 acres or more.

(b) No person being the owner of or having charge of any dog or cat whether wearing a registration tag or not, shall permit it to run at large upon any public place or upon the premises of another. No owner, keeper or harbinger of any female dog or cat shall permit such dog or cat to go beyond the premises of such owner or keeper at any time such dog or cat is in heat, unless such dog or cat is properly in leash. The owner or keeper of every dog shall at all times keep such dog either confined upon the premises of the owner or keeper, or under reasonable control of some person.

(c) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 195-1985. Passed 12-2-85.)

Submitted by Dave Maley

1/9/30/15

OBJECTID	ZONECLAS	ZONEDESC	LASTUPDA	LASTEDITO	SHAPE_ST/	ACRE	SHAPE_STLength
11	A-1	Agricultural District			298729.3	6.86	2524.839
500	A-2	Agricultural District			91594.24	2.10	2954.946
501	A-2	Agricultural District			32354.19	74.28	10396.43
502	A-1	Agricultural District			5555520	127.54	12994.64
503	A-1	Agricultural District			939082.4	21.56	5326.713
504	A-1	Agricultural District			219447.9	5.04	2057.973
505	A-1	Agricultural District			987361.4	22.67	4571.172
506	A-1	Agricultural District			8388.132	0.19	456.2991
507	A-1	Agricultural District			66034	1.52	1077.138
508	A-1	Agricultural District			61390.38	1.41	1433.391
509	A-1	Agricultural District			1799951	41.32	6358.14
510	A-1	Agricultural District			563622.8	12.94	3008.513
511	A-1	Agricultural District			143734.3	3.30	2269.332
512	A-1	Agricultural District			756089.9	17.36	3809.863
513	A-1	Agricultural District			207883.2	4.77	1918.319
514	A-1	Agricultural District			1969487	45.21	8600.803
515	A-1	Agricultural District			3754433	86.19	7832.236
516	A-1	Agricultural District			4481111	102.87	14346.3
517	A-1	Agricultural District			4206837	96.58	9597.524
518	A-1	Agricultural District			1572775	36.11	5027.222
1541	A-1	Agricultural District			486536.8	11.17	3555.83
1548	A-1	Agricultural District			329238	7.56	2432.234

IN THE MASSILLON MUNICIPAL COURT
STARK COUNTY, OHIO

STATE OF OHIO

-VS-

FILED

CASE NO: 2015-CRB-01648

2015 OCT 14 PM 4:53

ENTRY AND ORDER

DEFENDANT: JOSEPH RUSSELL GUZZETTA

SSN: 287-64-6509

DOB: 04-09-1961

MAGISTRATE JOEL C. FICHTER

THE DEFENDANT, APPEARING IN OPEN COURT, THE COURT ENTERS THE FOLLOWING FINDINGS AND ORDERS.

DEFENDANT'S ATTORNEY:

CHARGE: DOGS, CATS AND OTHER ANIMALS RUNNING

DEFN.'S PLEA: GUILTY NO CONTEST / FOUND GUILTY SECTION NO. 505.01

BAC %

FINE: \$ AND COSTS.

AGENCY MASSILLON POLICE DEPT(MPD)

JAIL DAYS SUSPEND DAYS

ARRESTING OFFICER

STARK COUNTY JAIL IN: 10:00A.M. OUT:

DATE: May 2, 2015

SERVE DAYS ELECTRONICALLY MONITORED HOUSE ARREST, (EMHA)

COMMUNITY CONTROL AND PROBATION ORDERS:

DAYS JAIL AND \$ FINE SUSPENDED ON THE FOLLOWING CONDITIONS:
Complete hours of supervised Community Service Work to be completed within discretion of the Court's Probation Officers. Location

* After a Court trial, the Court finds that Massillon Codified Ordinance 505.01(2) is vague and subject to multiple interpretations. The State has not met its burden of proof beyond a reasonable doubt that Defendant violated the Ordinance. The Court finds the Defendant NOT GUILTY.

PAYMENT OF FINES AND ADDITIONAL PROBATION ORDERS:

TODAY: TIME TO PAY APPLICATION: COMMUNITY SERVICE WORK PROGRAM;

IN FULL BY SEE FINANCIAL ENFORCEMENT OFFICER.

DEFENDANT ORDERED TO APPEAR IN OPEN COURT ON , AT A.M. FOR

TO CLERK:

Copy of this ORDER TO:

Prosecutor
☒ Defendant
Defendant's Attorney

Arresting Agency
Probation Dept.

DATE: October 14, 2015

MAGISTRATE JOEL C. FICHTER

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS ENTRY AND PROBATION ORDER.

DEFENDANT'S SIGNATURE

DATE: NOVEMBER 2, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 166 – 2015

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the STA US 30 Microsurfacing Project, PID 100276, for the year ending December 31, 2015, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby determines that it is necessary for the Director of Public Service and Safety of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the STA US 30 Microsurfacing Project, PID 100276 (see attached).

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said amendment is necessary for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: NOVEMBER 2, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 167 – 2015

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract with the lowest and best bidder, upon approval of the Board of Control, for the City of Massillon, Ohio, The Legends Golf Course Turf Equipment Lease, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it necessary in the public health, safety and welfare for the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract with the lowest and best bidder, upon approval of the Board of Control, for the City of Massillon, Ohio, The Legends Golf Course Turf Equipment Lease.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to advertise for and receive sealed bids and enter into a contract with the lowest and best bidder, upon approval of the board of Control, for the City of Massillon, Ohio, The Legends Golf Course Turf Equipment Lease.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

DATE: NOVEMBER 2, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 168 – 2015

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2015, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

There be and hereby is appropriated from the unappropriated balance of the 1237 Economic Development Fund the following:

\$ 3,000 to an account entitled "Services/Contracts" - 1237.845.2392

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: NOVEMBER 2, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 169 – 2015

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a two (2) 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.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it necessary in the public health, safety and welfare for the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a two (2) year contract with the Board of Trustees of Local Organized Government in Cooperation (L.O.G.I.C.) for fire department and police dispatch services.

Section 2:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a two (2) 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 (contracts attached).

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.