

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

**UPDATED
AGENDA**

DATE: MONDAY, JUNE 6, 2016
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL

*8 Present - Councilman
Chovan absent*

2. INVOCATION BY COUNCILWOMAN CREAMER

3. PLEDGE OF ALLEGIANCE

4. READING OF THE JOURNAL

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

*#3
Re: Fire Station*

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

*Jim Connor
Donna
J. Matthe
Stacey
Theresa
Kyrin
Kocher
Donna
Don Biddle
Jim Stahl*

*Councilman Lewis requested to amend agenda to remove
Ord. No. 82-2016*

ORDINANCE NO. 73 - 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

Passed - 8 yes

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to convey real estate obtained from the State of Ohio pursuant to Ordinance No. 2 - 2016 to the Community Improvement Corporation (CIC), and declaring an emergency.

ORDINANCE NO. 74 - 2016

BY: PARKS AND RECREATION COMMITTEE

1st Reading

AN ORDINANCE approving the proposed rate increase for Massillon tax payers and non-tax payers for the regular and deluxe birthday party packages at the Massillon Recreation Center, and declaring an emergency.

ORDINANCE NO. 75 - 2016

BY: FINANCE COMMITTEE

Passed - 8 yes

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund and the 1414 Collection System Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 8 yes

ORDINANCE NO. 76 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1305 Bond Retirement-Wastewater Treatment Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 8 yes

ORDINANCE NO. 77 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 8 yes

ORDINANCE NO. 78 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1222 Waste Management Grant Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 8 yes

ORDINANCE NO. 79 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 8 yes

ORDINANCE NO. 80 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1433 Parks and Recreation Capital Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

1st Reading

ORDINANCE NO. 81 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE to approve the highest and best bidder for the sale of land and building owned by the City of Massillon located at 955 Wales Road N.E., and declaring an emergency.

Removed from the Agenda
ORDINANCE NO. 82 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE amending Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" OF CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

1st Reading
RESOLUTION NO. 12 - 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 28, 2016, wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code on a storage building location which does not meet the minimum side setback of ten (10) feet, on property known as Parcel No. 601879 in the City of Massillon, Ohio, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

Request for a Stock Change of Liquor License for Ayala Enterprises, LLC, DBA Joe's Main Mart located at 2304 Main Ave. W., Massillon, OH 44647. Class C1 and Class C2.

9. BILLS, ACCOUNTS AND CLAIMS

Copeco Inc.	\$ 92.47	-	Staples for Sharp Copier
Keller's Office Furniture	40.00	-	1 case of Copy Paper
	\$132.47		

*I yes to
pay the bill*

10. REPORTS FROM CITY OFFICIALS

Mayor's Report - April 2016

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

ORDINANCE NO. 7 - 2016

BY: FINANCE COMMITTEE

*- Tabled until
6/30/16*

Tabled April 4, 2016 until June 6, 2016

AN ORDINANCE authorizing the Director of the Parks and Recreation Department of the City of Massillon, Ohio, to sell, auction, scrap and/or dispose of all and any park recreation vehicles, machinery, park equipment and/or materials from the Senior Center and The Legends of Massillon Golf Course, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

Passed - 8 yes
ORDINANCE NO. 70 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1419 Marketplace Infrastructure Fund and the 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 8 yes
ORDINANCE NO. 71 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE amending Ord. No. 151 - 1999, passed on August 2, 1999, as previously amended by Ord. No. 90 - 2015 passed on July 27, 2015, amending Ord. No. 90 - 2015 as so passed relating to the Marketplace Development and Public Infrastructure Improvements; authorizing related matters, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

Gregg
Lib
Re: Beese @ Res.
Park

DIANE ROLLAND - CLERK OF COUNCIL

DATE: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 73 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to convey real estate obtained from the State of Ohio pursuant to Ordinance No. 2 – 2016 to the Community Improvement Corporation (CIC), 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 convey real estate obtained from the State of Ohio pursuant to Ordinance No. 2 – 2016 to the Community Improvement Corporation (CIC). The CIC will then transfer the real estate to the Massillon Cemetery Association which will combine it with other real estate it is selling. No City dollars are involved.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to convey real estate obtained from the State of Ohio pursuant to Ordinance No. 2 – 2016 to the Community Improvement Corporation (CIC). No City dollars are involved.

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: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 74 - 2016

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE approving the proposed rate increase for Massillon tax payers and non-tax payers for the regular and deluxe birthday party packages at the Massillon Recreation Center, 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 to approve the rate increase for Massillon tax payers and non-tax payers for the regular and deluxe birthday party packages at the Massillon Recreation Center.

Section 2:

It is hereby determined that the rate increase of Massillon tax payers and non-tax payers for the regular and deluxe birthday party packages at the Massillon Recreation Center are hereby approved and accepted by this Council.

(SEE ATTACHED PROPOSED RATE INCREASES FOR REGULAR AND DELUXE BIRTHDAY PARTY PACKAGES AS IF FULLY REWRITTEN HEREIN).

Section 3:

This Ordinance is hereby declared to be an emergency measure 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.

**MASSILLON RECREATION CENTER
2016
BIRTHDAY PARTY PROPOSED RATE INCREASE**

CURRENT

Regular Party	\$150.00	2.5 Hrs.	10 Children; 15 adults
Deluxe Party	\$225.00	4.5 Hrs.	10 Children; 15 Adults

PROPOSED INCREASE

Regular Party	Taxpayer	\$200.00	2.5 Hrs.	10 Children; 15 Adults
	Non-Taxpayer	\$225.00	2.5 Hrs.	10 Children; 15 Adults
Deluxe Party	Taxpayer	\$275.00	4.5 Hrs.	10 Children; 15 Adults
	Non-Taxpayer	\$300.00	4.5 Hrs.	10 Children; 15 Adults

This proposed increase was approved by the Recreation Board at the May 12, 2016 meeting.

DATE: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 75 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund and the 1414 Collection System Improvement Fund, for the year ending December 31, 2016, 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 2105 Stormwater Utility Fund, for the year ending December 31, 2016, the following:

\$ 30,000.00 to an account entitled "Storm Sewer Repairs"	-	2105.425.5.2510
<u>20,000.00</u> to an account entitled "Storm Sewer Repairs"	-	2105.425.5.2510
\$ 50,000.00 Total		

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 1414 Collection System Improvement Fund, for the year ending December 31, 2016, the following:

\$ 24,286.00 to an account entitled "Sanitary Sewer Imprvmnts."	-	1414.610.2510
---	---	---------------

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: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 76 - 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1305 Bond Retirement-Wastewater Treatment Fund, for the year ending December 31, 2016, 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 1305 Bond Retirement-Wastewater Treatment Fund, for the year ending December 31, 2016, the following:

\$ 111,316.00 to an account entitled "Principal Nutrient Removal" - 1305.905.5.2614

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 declared to be an emergency measure necessary for the efficient operation of the various departments of the City of Massillon and 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: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 77-2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund, for the year ending December 31, 2016, 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 1401 Income Tax Capital Improvement Fund, for the year ending December 31, 2016, the following:

\$20,000.00 to an account entitled "Building Repairs/Equipment" - 1401.410.5.2511

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 declared to be an emergency measure necessary for the efficient operation of the various departments of the City of Massillon and 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: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 78 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1222 Waste Management Grant Fund, for the year ending December 31, 2016, 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 1222 Waste Management Grant Fund, for the year ending December 31, 2016, the following:

\$ 3,500.00 to an account entitled "Services/Contracts" - 1222.605.2392

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:

This Ordinance is declared to be an emergency measure necessary for the efficient operation of the various departments of the City of Massillon and 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: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 79— 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund, for the year ending December 31, 2016, 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 1234 Parks and Recreation Fund, for the year ending December 31, 2016, the following:

\$ 250,000.00 to an account entitled "Services/Contracts" - 1234.505.5.2392

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:

This Ordinance is declared to be an emergency measure necessary for the efficient operation of the various departments of the City of Massillon and 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: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 80-2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1433 Parks and Recreation Capital Improvement Fund, for the year ending December 31, 2016, 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 1433 Parks and Recreation Capital Improvement Fund, for the year ending December 31, 2016, the following:

\$ 75,000.00 to an account entitled "Rec. Center Capital Outlay" - 1433.505.5.2512

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 declared to be an emergency measure necessary for the efficient operation of the various departments of the City of Massillon and 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: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 81 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE to approve the highest and best bidder for the sale of land and building owned by the City of Massillon located at 955 Wales Road N.E., 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 approves the sale of land and building owned by the City of Massillon located at 955 Wales Road N.E. to the highest and best bidder, the Massillon Washed Gravel Company, for the sum of \$66,799.00. Said sale is contingent upon the Massillon Washed Gravel Company obtaining approval to rezone said land for its intended use.

Section 2:

Said land is further known as being Parcel No. 680301, containing approximately 0.402 acres of land and a 2,592 ft. structure formerly Fire Station No. 3, and currently zoned R-1, Single Family Residential.

Section 3:

The Director of Public Service and Safety is authorized to enter into a purchase agreement for the sale of said property. The terms of which shall be consistent with this Ordinance and the legal advertisement and notice to prospective bidders regarding the property.

Section 4:

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: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 82 - 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" OF CHAPTER 181 "INCOME TAX" 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:

This ordinance shall take effect January 1, 2017, only if the Municipal Income Tax is increased to the amount of 2% at the Special Election being held on August 2, 2016. In the event that the Income Tax Increase is defeated at such election, this ordinance shall be null and void and not take effect.

Section 2:

All prior ordinances or sections thereof inconsistent with this ordinance are hereby repealed.

Section 3:

Provided that the Municipal Income Tax is raised to 2% effective January 1, 2017, the credit for tax paid to another municipality shall revert to a tax credit of 100% on the first 1.8% of income and there will be not tax credit permitted on the additional 0.2% increase that commences January 1, 2017.

Section 4:

This ordinance is declared to be an emergency measure necessary for the efficient operation of the City of Massillon and for the preservation of the public health, safety and welfare of the community. It is also necessary for this ordinance to be passed as an emergency so that the Council of the City of Massillon, Ohio, can clearly set forth for the voters the status of the Income Tax Credit in the event that the Municipal Income Tax is increased at the Special Election to be held on August 2, 2016. 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: JUNE 6, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 12 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 28, 2016, wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code on a storage building location which does not meet the minimum side setback of ten (10) feet, on property known as Parcel No. 601879 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on April 28, 2016, denied a variance from the Massillon Zoning Code on a storage building location which does not meet the minimum side setback of ten (10) feet, on property known as Parcel No. 601879 in the City of Massillon, Ohio; and

WHEREAS, on April 29, 2016, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by William Weaver, appealing the decision in Case No. 2032 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of Massillon, Ohio, deems it is in the best interest for proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on April 28, 2016 in Case No. 2032, regarding a variance from Massillon Zoning Code on a storage building location which does not meet the minimum side setback of ten (10) feet on property know as Parcel No. 601879.

Section 2:

The Council of the City of Massillon, Ohio, hereby grants to William Weaver a setback variance permitting a storage building on Parcel No. 601879.