

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

**AGENDA**

DATE: MONDAY, AUGUST 7, 2017  
PLACE: COUNCIL CHAMBERS  
TIME: 6:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT  
ORDINANCE NO. 68 – 2017 AT 6:00 p.m. - REZONING

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN LINDA LITMAN
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

**ORDINANCE NO. 81 – 2017**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Grant Agreement "Pipeline Initiative Agreement" with the Ohio History Connection per the grant that was awarded to the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 82 – 2017**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Service Agreement with Judith B. Williams, LLC, Historic Preservation Consultant for the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 83 – 2017**

**BY: POLICE AND FIRE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Contract with the Board of Education of the Massillon City School District to provide law enforcement services in Massillon Washington High School, and declaring an emergency.

**ORDINANCE NO. 84 – 2017**

**BY: STREETS, HIGHWAYS, TRAFFIC, AND 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 enter into a Contract with the lowest and best bidder, upon the approval of the Board of Control, for the 2017 Lake Ave. N.E. Resurfacing Project, and declaring an emergency.

**ORDINANCE NO. 85 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** establishing a fund entitled "Wendy's Infrastructure Fund 1432", and creating line items within said fund.

**ORDINANCE NO. 86 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** establishing a fund entitled "Stark Glass Infrastructure Fund 1413", and creating line items within said fund.

**ORDINANCE NO. 87 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** establishing a fund entitled "First North Infrastructure Fund 1410", and creating line items within said fund.

**ORDINANCE NO. 88 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1235 Community Health Fund, for the year ending December 31, 2017.

**ORDINANCE NO. 89 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2017, and declaring an emergency.

**ORDINANCE NO. 90 – 2017**

**BY: FINANCE COMMITTEE**

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

**ORDINANCE NO. 91 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1201 Street Department Fund, for the year ending December 31, 2017, and declaring an emergency.

**ORDINANCE NO. 92 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1206 Municipal Motor Vehicle Tax Fund, for the year ending December 31, 2017, and declaring an emergency.

**ORDINANCE NO. 93 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 2105 Storm Water Utility Fund, for the year ending December 31, 2017, and declaring an emergency.

**ORDINANCE NO. 94 – 2017**

**BY: FINANCE COMMITTEE**

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

**ORDINANCE NO. 95 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 2017 appropriations from within the 2101 Wastewater Treatment Plant Fund, for the year ending December 31, 2017, and declaring an emergency.

**ORDINANCE NO. 96 – 2017**

**BY: COMMITTEE OF THE WHOLE**

**AN ORDINANCE** amending Part Seven, "BUSINESS REGULATION" Code of the Codified Ordinances of the City of Massillon, by enacting Chapter 776, "MEDICAL MARIJUANA ENTITIES" to create a comprehensive licensing system for medical marijuana entities in the City of Massillon, amending/supplementing part of language; definitions, Chapter 1177, schedule of regulations to incorporate a zoning system for medical marijuana facilities; and declaring the same to be an emergency.

**RESOLUTION NO. 9 – 2017**

**BY: FINANCE COMMITTEE**

**A RESOLUTION** approving the 2018 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit "A", and declaring an emergency.

**RESOLUTION NO. 10 – 2017**

**BY: FINANCE COMMITTEE**

**A RESOLUTION** amending Resolution No. 8 – 2017 by directing the Stark County Board of Elections to conduct an election at the General Election on November 7, 2017, for the purpose of providing the question of the approval or disapproval of the issue of a renewal of 1 mill and an increase of 0.5 mill to constitute a tax to provide funding for the maintenance and operation of the Massillon Museum which is operated by the Massillon Museum, Inc., a non-profit corporation, commencing January 1, 2018, first due in calendar year 2019, for a period of five (5) years, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

**9. BILLS, ACCOUNTS AND CLAIMS**

The Repository - \$ 190.40 Publication of June Ordinances

**10. REPORTS FROM CITY OFFICIALS**

Mayor's Report - June 2017  
Treasurer's Report - June 2017  
Auditor's Report - June 2017

**11. REPORTS OF COMMITTEES**

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER**

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 67 – 2017**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract along with OHM Advisors for engineering services for the design through the public bidding process for the Lincoln Way Streetscape Project, and declaring an emergency.

**ORDINANCE NO. 68 – 2017**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tracts of land from B-3 General Business District to I-1 Light Industrial District, and declaring an emergency.

**ORDINANCE NO. 70 – 2017**

**BY: RULES, COURTS, AND CIVIL SERVICE COMMITTEE**

**AN ORDINANCE** amending Sections 2 and 4 of Ordinance No. 1 – 2017, appointing the City Records Custodian, and declaring an emergency.

**ORDINANCE NO. 72 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending Sections 2 and 4 of Ordinance No. 1 – 2017, appointing the City Records Custodian, and declaring an emergency.

**ORDINANCE NO. 74 – 2016**

**BY: FINANCE COMMITTEE**

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

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**16. NEW AND MISCELLANEOUS BUSINESS**

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

**18. ADJOURNMENT**

**DIANE ROLLAND – CLERK OF COUNCIL**

DATE: JULY 10, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 68 – 2017

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tracts of land from B-3 General Business District to I-1 Light Industrial District, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and prosperity of the community to change the designation of the area set forth in Section 2 hereof from B3 General Business District to I-1 Light Industrial District. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on June 14, 2017, and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as I-1 Light Industrial District.

Being known as Part of Lot #9997 of Parcel #606979, a .18 acre parcel Located on Erie St. S., Massillon, between Shriver Ave. S.E. and Pearl Ave. S.E., with an approximate address of 1318 Erie St. S. In addition, Lot #17462 of Parcel #10008254, a .17 acre parcel (vacant lot) located Next to 1318 Erie St. S. The applicant is Advanced Industrial Roofing, Inc. The purpose for the rezoning is the applicant is proposing to erect an 80' x 60' warehouse facility.

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.

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Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the further reason that the property owner would like to get this project underway. Provided this Ordinance 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.

PASSED IN COUNCIL THIS 11 DAY OF APRIL, 2017.

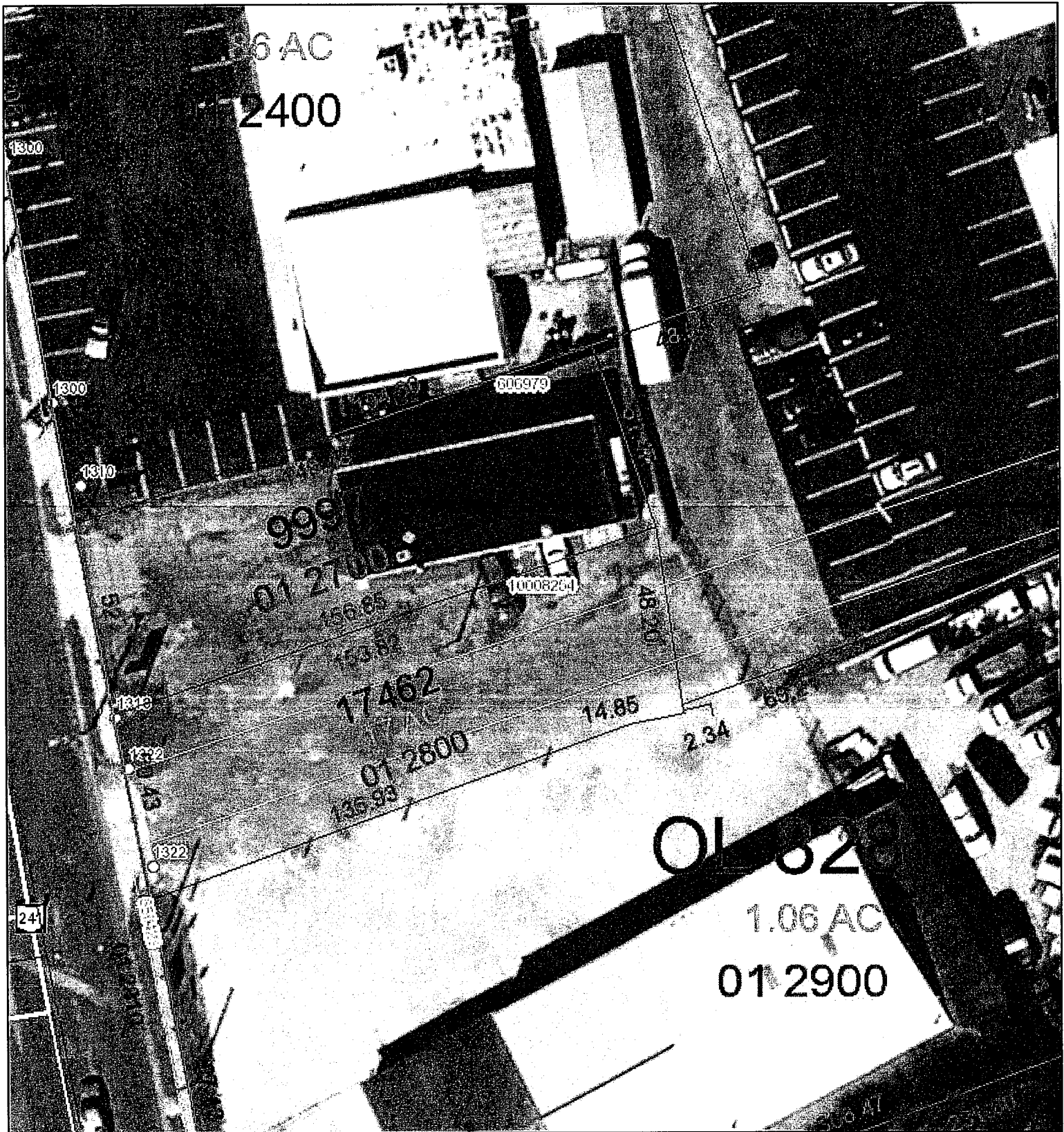
ATTEST: DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: \_\_\_\_\_

KATHY CATAZARO-PERRY, MAYOR

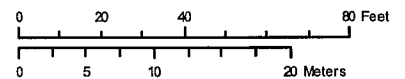
# ArcGIS Web Map



## Parcel Viewer Data

--- Addresses

June 20, 2017



1:564  
1 inch = 47 feet



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Credits: Stark County GIS



DATE: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 81 – 2017

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Grant Agreement "Pipeline Initiative Agreement" with the Ohio History Connection per the grant that was awarded to the City of Massillon; 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 enter into a Grant Agreement "Pipeline Initiative Agreement" with the Ohio History Connection per the grant that was awarded to the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Grant Agreement "Pipeline Initiative Agreement" with the Ohio History Connection per the grant that was awarded to the City of Massillon in the amount of Twelve Thousand Dollars (\$12,000.00). The proceeds of the grant will be used to fund a project to hire an independent consultant to research and prepare a National Register of Historic Places nomination for the Downtown Historic District of Massillon. The Agreement is attached hereto as Exhibit "B".

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.

Section 4:

This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and welfare of the community and for the further reason to submit the nomination to the Ohio Historic Preservation Office by November 1, 2017. 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ATTEST:

DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED:

KATHY CATAZARO-PERRY, MAYOR

DATE: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 82 – 2017

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Service Agreement with Judith B. Williams, LLC, Historic Preservation Consultant for 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, 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 enter into a Service Agreement with Judith B. Williams, LLC, Historic Preservation Consultant to provide professional services to complete the research and prepare a National Register of Historic Places nomination for the Downtown Historic District of Massillon to be submitted to the State Historic Preservation Office and the National Park Service of Historic Downtown Massillon to be listed on the National Register of Historic Places.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Service Agreement with Judith B. Williams, LLC, Historic Preservation Consultant. The Service Agreement is attached hereto as Exhibit "Z". The firm was selected to provide professional services to complete the research and prepare a National Register of Historic Places nomination for the Downtown Historic District of Massillon to be submitted to the State Historic Preservation Office and the National Park Service for Historic Downtown Massillon to be listed on the National Register of Historic Places. The project will be funded through a grant from the Ohio Historic Pipeline Grant in the amount of Twelve Thousand Dollars (\$12,000.00). The consultant must submit the nomination to the State Historic Preservation Office by November 1, 2017, in order to get the National Register listing in April 2018.

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.

Section 4:

This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and welfare of the community and for the further reason to submit the nomination to the State Historic Preservation Office by November 1, 2017. 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

ATTEST:

\_\_\_\_\_  
DIANE ROLLAND, CLERK OF COUNCIL

\_\_\_\_\_  
CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

DATE: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 83 – 2017

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Contract with the Board of Education of the Massillon City School District to provide law enforcement services in Massillon Washington High School, 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 enter into a Contract with the Board of Education of the Massillon City School District to provide law enforcement services in Massillon Washington High School.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Contract with the Board of Education of the Massillon City School District to provide one (1) police officer to provide law enforcement services in Massillon Washington High School during all days in which school is in session with students in attendance. Contract attached hereto as Exhibit "A".

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.

Section 4:

This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and welfare of the community and for the further reason to allow the Director to sign the contract in time for the start of school. 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

ATTEST:

DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED:

KATHY CATAZARO-PERRY, MAYOR

DATE: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 84 – 2017

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY 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 the approval of the Board of Control, for the 2017 Lake Ave. N.E. Resurfacing Project, 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 the approval of the Board of Control, for the 2017 Lake Ave. N.E. Resurfacing Project.

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 the approval of the Board of Control, for the 2017 Lake Ave. N.E. Resurfacing Project. The project limits are from 1<sup>st</sup> St. N.E. (SR 236) to Amherst Rd. N.E. The current project cost estimate is One Hundred Ninety-One Thousand, Three Hundred Ninety-Two Dollars (\$191,392.00) and will be funded through the 1206 Motor Vehicle Tax Fund, Lake Ave. N.E. Resurfacing Project account.

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.

Section 4:

This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and welfare of the community and for the further reason to complete the paving project in 2017. 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.

PASSED IN COUNCIL THIS 20th DAY OF February, 2017

ATTEST: DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: KATHY CATAZARO-PERRY, MAYOR



DATE: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 85 – 2017

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Wendy's Infrastructure Fund 1432", and creating line items within said fund.

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

Section 1:

There be and is hereby established with the City of Massillon, Ohio, a fund entitled "Wendy's Infrastructure Fund 1432", and creating items within said fund.

Section 2:

The Auditor of the City of Massillon, Ohio, is hereby authorized and directed to draw warrants and make payments on vouchers duly approved by the proper departmental authority.

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.

Section 4:

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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 86 – 2017

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Stark Glass Infrastructure Fund 1413", and creating line items within said fund.

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

Section 1:

There be and is hereby established with the City of Massillon, Ohio, a fund entitled "Stark Glass Infrastructure Fund 1413", and creating items within said fund.

Section 2:

The Auditor of the City of Massillon, Ohio, is hereby authorized and directed to draw warrants and make payments on vouchers duly approved by the proper departmental authority.

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.

Section 4:

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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 87 – 2017

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "First North Infrastructure Fund 1410", and creating line items within said fund.

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

Section 1:

There be and is hereby established with the City of Massillon, Ohio, a fund entitled "First North Infrastructure Fund 1410", and creating items within said fund.

Section 2:

The Auditor of the City of Massillon, Ohio, is hereby authorized and directed to draw warrants and make payments on vouchers duly approved by the proper departmental authority.

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.

Section 4:

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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 88 – 2017

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1235 Community Health Fund, for the year ending December 31, 2017.

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 1235 Community Health Fund, for the year ending December 31, 2017, the following:

\$ 813.00 to an account entitled "Home Health Supplies"	-	1235.705.2410
<u>24,800.00</u> to an account entitled "Home Health Services/Contracts"	-	1235.705.2392
<b>\$25,613.00 Total</b>		

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:

Provided this Ordinance 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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 89 – 2017

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, 2017, 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, for the year ending December 31, 2017, the following:

\$12,000.00 to an account entitled "Services/Contracts" - 1237.845.5.2392

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 preservation of the public health, safety and welfare of the community and for the further reason to proceed with consulting services. Provided this Ordinance 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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 90 – 2017

BY: FINANCE COMMITTEE

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

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 1100 General Fund, for the year ending December 31, 2017, the following:

\$ 10,000.00 to an account entitled "Tax Admin. Salary"	-	1100.210.5.2110
1,600.00 to an account entitled "Income Tax Health/Life"	-	1100.210.5.2210
1,250.00 to an account entitled "Income Tax P.E.R.S."	-	1100.210.5.2230
200.00 to an account entitled "Income Tax Medicare"	-	1100.210.5.2231
<b>\$ 13,050.00 Total</b>		

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 additional reason that these funds will be necessary beginning with payroll processing for pay date of September 8, 2017. Provided this Ordinance 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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 91 – 2017

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1201 Street Department Fund, for the year ending December 31, 2017, 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 1201 Street Department Fund, for the year ending December 31, 2017, the following:

\$ 300,000.00 to an account entitled "Street Dept. Equipment" - 1201.435.5.2530

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 additional reason to allow the immediate ordering of plows and pick-up truck for the Street Dept. Provided this Ordinance 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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 92 – 2017

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1206 Municipal Motor Vehicle Tax Fund, for the year ending December 31, 2017, 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 1206 Municipal Motor Vehicle Tax Fund, for the year ending December 31, 2017, the following:

\$ 95,696.00 to an account entitled "Lake Ave. NE Resurfacing Project" - 1206.435.5.2515

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 additional reason to complete the paving project in 2017. Provided this Ordinance 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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 93 – 2017

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Storm Water Utility Fund, for the year ending December 31, 2017, 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 Storm Water Utility Fund, for the year ending December 31, 2017, the following:

\$ 75,000.00 to an account entitled "Storm Water Repairs" - 2105.425.5.2510

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 additional reason to allow the continued upgrades of the storm water system and grates. Provided this Ordinance 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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 94 – 2017

BY: FINANCE COMMITTEE

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

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 1100 General Fund, for the year ending December 31, 2017, the following:

\$ 23,034.00 to an account entitled "Eng. Dept. Services/Contracts" 1100.405.5.2392

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 additional reason to allow work to begin immediately to meet the timelines mandated by the Ohio Dept. of Natural Resources. Provided this Ordinance 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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 95 – 2017

BY: FINANCE COMMITTEE

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2017 appropriations from within the 2101 Wastewater Treatment Plant Fund, for the year ending December 31, 2017, 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 transferred from the 2017 appropriations within the 2101 Wastewater Treatment Plant Fund, for the year ending December 31, 2016, the following:

FROM:	Services & Contracts	2101.615.5.2392	-	\$ 15,600.00
TO:	Hosp/Eye/Den/Pres/Life	2101.610.5.2210	-	\$ 15,600.00

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 for the efficient operation of various departments of the City of Massillon and for the preservation of the health, safety and welfare of the community and for the further purpose to pay expenses for benefits for a new hire in the Wastewater Treatment Plant. 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: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

ORDINANCE NO. 96 - 2017

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE AMENDING PART SEVEN, BUSINESS REGULATION CODE OF THE CITY OF MASSILLON BY ENACTING CHAPTER 776, CODIFIED ORDINANCES OF THE CITY OF MASSILLON BY ENACTING CHAPTER 776, "MEDICAL MARIJUANA ENTITIES" TO CREATE A COMPREHENSIVE LICENSING SYSTEM FOR MEDICAL MARIJUANA ENTITIES IN THE CITY OF MASSILLON, AMENDING/SUPPLEMENTING PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1121, CONSTRUCTION OF LANGUAGE; DEFINITIONS, CHAPTER 1177, SCHEDULE OF REGULATIONS TO INCORPORATE A ZONING SYSTEM FOR MEDICAL MARIJUANA FACILITIES; AND DECLARING THE SAME TO BE AN EMERGENCY.

WHEREAS, on September 8, 2016, Ohio House Bill 523 took effect approving a Medical Marijuana Control Program, under which licensed medical marijuana cultivators, processors, dispensaries, and testing laboratories could legally operate within the state of Ohio; and

WHEREAS, the State of Ohio is currently creating rules related to the Medical Marijuana Control Program, with a legal mandate of having a functioning system of operating medical marijuana cultivators, processors, dispensaries, and testing laboratories in place by September 8, 2018; and

WHEREAS, the City of Massillon has Home Rule police powers under Article XVII of the Ohio Constitution to create zoning and licensing laws relating to these medical marijuana entities; and

WHEREAS, these medical marijuana entities should be able to locate within the City of Massillon in order to ensure that Massillon residents stricken with one of the medical conditions for which the use of medical marijuana has been authorized have access to this promising form of medical relief in order to reduce or eliminate pain and suffering; and

WHEREAS, the following local zoning and licensing laws will ensure that medical marijuana cultivators, processors, dispensaries, and testing laboratories located in the City of Massillon operate in a safe and secure manner; and it is reasonable to help defray administrative and enforcement costs associated with the operation of said facilities;

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

Section 1.

Part Seven, Business Regulation Code of the Codified Ordinances of the City of Massillon is amended by the adoption of a new Chapter 776 "Medical Marijuana Entities," as follows:

**CHAPTER 776**  
**Medical Marijuana Entities**

**776.01 Definitions.**

As used in this Chapter:

- (a) "Cultivator" means a person, as defined in this Section, that grows, harvests, packages, and/or transports medical marijuana as authorized by Chapter 3796 of the Ohio Revised Code.
- (b) "Dispensary" means a person, as defined in this Section, that sells medical marijuana as authorized by Chapter 3796 of the Ohio Revised Code.
- (c) "License Technician" for the purposes of this Chapter, means the Mayor and his/her designee.
- (d) "Local operating license" means a license issued by the City of Massillon to a medical marijuana entity. A medical marijuana entity may not operate with the City of Massillon without a valid local operating license.
- (e) "Local provisional license" means a temporary license issued by the City of Massillon to a medical marijuana entity that establishes conditions that must be met by the medical marijuana entity before a certificate of operation is issued to it.
- (f) "Marijuana" means marijuana as defined by Section 3719.01 of the Ohio Revised Code.
- (g) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.
- (h) "Medical marijuana entity" means a medical marijuana cultivator, processor, dispensary, or testing laboratory as authorized by Chapter 3796 of the Ohio Revised Code.
- (i) "Person" means any natural or corporate person, business association or other business entity, including but not limited to a firm, corporation, limited liability company, partnership, joint venture, sole proprietorship, or any other legal entity.
- (j) "Processor" means a person, as defined in this Section, that manufactures medical marijuana products as authorized by Chapter 3796 of the Ohio Revised Code.
- (k) "Testing Laboratory" means a person, as defined in this Section, that conducts medical and scientific research on marijuana as authorized by Chapter 3796 of the Ohio Revised Code.
- (l) "Prohibited facility" means a school, church, public library, public playground, or public park.
- (m) "Valid" means not expired, suspended, or revoked.

**776.02 Licensing of Medical Marijuana Entities.**

- (a) No medical marijuana entity shall operate in the City of Massillon unless the entity possesses a valid local operating license pursuant to this Chapter and a valid state certificate of operation from the Ohio Department of Commerce, except as otherwise provided in this Section.
- (b) A medical marijuana entity seeking to obtain a local operating license under this Chapter must first apply for a local provisional license. A medical marijuana entity may not receive a building permit or certificate of occupancy unless, at the time such documents are issued, the entity possesses a valid local provisional license.
- (c) An application for a local provisional license shall be made to the License Technician and shall include:
  - (1) The legal name of the applicant.
  - (2) The type of business organization of the applicant, such as an individual corporation, partnership, limited liability company, association, cooperative, joint venture, or any other business.
  - (3) Confirmation that the applicant is registered with the Ohio Secretary of State as the type of business submitted pursuant to this rule, a certificate of good standing issued by the Ohio Secretary of State as the type of business submitted pursuant to this rule, a certificate of good standing issued by the Ohio Secretary of State, and a copy of the applicable business documents governing the operations and administration of the business;
  - (4) The mailing address, email address, and phone number of the applicant, if the applicant is an individual, or the name, mailing address, email address, and phone number of a designated representative of the applicant, if the applicant is not an individual.
  - (5) If the applicant is currently, was previously, or has applied to be licensed or authorized in another state of jurisdiction to cultivate, produce, test, dispense, or otherwise deal in the distribution of medical marijuana in any form, the following:
    - A. A copy of each such licensing/authorizing document verifying licensure in that state or jurisdiction;
    - B. A statement granting permission to contact the regulatory agency that granted the license, accompanied by the contact information, to confirm the information contained in the application; and
    - C. If the applicant was ever warned, fined, denied, suspended, revoked or otherwise sanctioned, a copy of documentation indicating, or a statement that the applicant was so licensed and was never warned, fined, denied, suspended, revoked or otherwise sanctioned. This included notification of any pending proceedings regarding warnings, fine, denials, suspension, revocation, or other sanctions.
  - (6) With respect to any person presently or previously associated with the applicant, any instance in which such person managed or served on the board of a business and was convicted, fined, censured, or had a registration or license suspended or revoked in any administrative or

judicial proceeding in connection with such management or service, as well as information regarding the association between such person and the applicant;

- (7) The proposed physical address of the applicant's medical marijuana entity and confirmation that the property is properly zoned for such use under the City's Planning and Zoning Code.
  - (8) A location area map of the area surrounding the proposed medical marijuana entity that establishes that the parcel of real estate on which the proposed facility will be located is at least five hundred feet from the boundaries of a parcel of real estate having situated on it a prohibited facility, as measured under rule 3796:5-5-01 of the Ohio Administrative Code.
  - (9) Any other information requested by the License Clerk.
  - (10) A non-refundable application fee of \$500.00 (five hundred dollars).
- (d) An application for a local provisional license shall be granted on the approval of the License Technician, except as otherwise provided in this Section. Within one year of receiving a local provisional, a medical marijuana entity may apply for a local provisional license. If a medical marijuana entity possessing a local provisional license has not applied for a local operating license within one year, the local provisional license will expire and a medical marijuana entity seeking a local operating license will need to first submit a new application for a local provisional license.
- (e) An application for a local operating license shall be made to the License Technician and shall include:
- (1) A copy of the provisional license application by the medical marijuana entity to the Ohio Department of Commerce under Chapter 3796 of the Ohio Revised Code.
  - (2) A copy of the provisional license granted by the Ohio Department of Commerce under Chapter 3796 of the Ohio Revised Code to the medical marijuana entity at the address at which the facility is to be located.
  - (3) Confirmation that the medical marijuana entity is conforming to all requirements under this Chapter, Chapter 3796 of the Ohio Revised Code, and Chapter 3796 of the Ohio Administrative Code.
  - (4) Confirmation that the Massillon Police Department has inspected the facility and approved the security arrangements.
  - (5) Any other information requested by the License Technician.
  - (6) A non-refundable application fee of \$5,000 (Five Thousand Dollars).
- (f) An application for a local operating license shall be granted on the approval of the License Technician, except as otherwise provided in this Section.
- (g) Every local operating license issued by the City shall expire two years after the date on which it was issued. A renewal application for a medical marijuana entity shall be submitted to the License Technician at least 90 days prior to the expiration date of the local operating license. The renewal application shall include:
- (1) Confirmation that the medical marijuana entity is conforming to all requirements under this Chapter, Chapter 3796 of the Ohio Revised Code, and Chapter 3796 of the Ohio Administrative Code.

- (2) A copy of a valid certificate of operation issued by the Ohio Department of Commerce to the medical marijuana entity for the same address.
- (3) Any other information requested by the License Technician.
- (4) A non-refundable fee of \$5,000.00 (Five Thousand Dollars).
- (h) An application for a renewal license shall be granted on the approval of the License Technician, except as otherwise provided in this Section.
- (i) Both local provisional licenses and local operating licenses are only valid as to the particular address listed in the initial local provisional license application. A medical marijuana entity which has obtained a local departing license may submit an application for a location change to the License Technician, which shall include:
  - (1) Confirmation that the medical marijuana entity is conforming to all requirements under this Chapter, Chapter 3796 of the Ohio Revised Code, and Chapter 3796 of the Ohio Administrative Code.
  - (2) A copy of a valid certificate of operation issued by the Ohio Department of Commerce to the medical marijuana entity for the current address.
  - (3) The new proposed physical address of the applicant's medical marijuana entity and confirmation that the property is properly zoned for such use under the City's Planning and Zoning Code.
  - (4) A location area map of the area surrounding the newly proposed medical marijuana entity location that establishes that the parcel of real estate on which the facility will be located is at least five hundred feet from the boundaries of a parcel of real estate having situated on it a prohibited facility, as measured under rule 3796:5-5-01 of the Ohio Administrative Code.
  - (5) Any other information requested by the License Technician.
  - (6) A non-refundable application fee of \$5,000.00 (Five Thousand Dollars).
- (j) An application for a location change for a local operating license may be granted on the approval of the License Technician, except as otherwise provided in this Section. If approval for the location change is granted, a new local operating license will be issued.
- (k) Both local provisional licenses and local operating licenses are only valid as to the particular medical marijuana entity listed in the initial local provisional license application. If the ownership of a medical marijuana entity changes, requiring a transfer of ownership application to the State of Ohio under Chapter 3796:2-1-08 of the Ohio Administrative Code, the medical marijuana entity must notify the City. If the State of Ohio determines that the proposed ownership change complies with Chapter 3796:2-1-08, the ownership change will be permitted by the City under the existing local provisional license or local operating license. If the State of Ohio determines that a new state license application is required under Chapter 3796:2-1-08(B)(1)(d) of the Ohio Administrative Code, then the ownership change will not be permitted by the City without a new local provisional license and a new local operating license.
- (l) As part of the submission of an application that results in the issuance of a local provisional license or local operating license, a medical marijuana entity irrevocably consents to the following:



(1) Any inspection by the City of Massillon or the Massillon Police Department that is deemed necessary to ensure compliance by the medical marijuana entity with this Chapter, Chapter 3796 of the Ohio Revised Code, and Chapter 3796 of the Ohio Administrative Code. An inspection may be conducted with or without notice. During inspection, a representative of the City of Massillon or the Massillon Police Department may:

- A. Review and make copies of all records maintained in accordance with rules 3796:2-2-08, 3796:3-2-08, 3796:6-3-18 and 3796:4-2-09 of the Administrative Code;
- B. Enter any area in the facility;
- C. Inspect facility vehicles;
- D. Review the policies and procedures of the medical marijuana entity, including methods of operating;
- E. Survey the premises and any off-site facilities;
- F. Inspect all equipment, instruments, tools, materials, machinery, or any other resource used to cultivate, process, dispense, or test medical marijuana;
- G. Request access to locked areas in the facility;
- H. Question licensed employees at the location; and
- I. Obtain samples for testing of any medical marijuana at the facility, media used to grow medical marijuana, chemicals and ingredients used in the cultivation process, any labels or containers for marijuana, or any raw packaged medical marijuana.

**(m) Notification**

- (1) If, at any time, a medical marijuana entity is subject to any enforcement action by the State of Ohio under Ohio Administrative Code Chapter 3795:5-6-01, the medical marijuana entity must immediately notify the City of Massillon and provide any relevant information or documentation requested by the City.
- (2) If, at any time, a medical marijuana entity or an employee thereof has a reasonable belief that an actual loss, theft, or diversion of medical marijuana or currency over \$100 has occurred, the medical marijuana entity must immediately notify the Massillon Police Department, and such notification shall be provided no later than 24 hours after discovery of the loss, theft, or diversion.
- (3) If, at any time, any information in a medical marijuana entity's local provisional license application changes, the medical marijuana entity must immediately notify the City of Massillon.

**(n)** If, at any time, the City becomes aware that a medical marijuana entity possessing a local provisional or a local operating license has engaged in, is engaging in, or is about to engage in any act or practice declared to be prohibited by this Chapter, Chapter 3796 of the Ohio Revised Code, Chapter 3796 of the Ohio Administrative Code, or any other local, state, or federal law, with the exception of acts that are permitted under state law but are federal law violations stemming from the classification of marijuana as a controlled substance under §21 U.S.C. 812(c), the Director of Public Safety may do any of the following:

- (1) Refer such violations to the Ohio Department of Commerce;

- (2) Issue a warning to the medical marijuana entity, which may include possible corrective action(s);
- (3) Suspend the license and require any violations to be resolved and corrective actions to be taken as conditions to the reinstatement of the suspended license;
- (4) Revoke the license.

(o) Notice

- (1) A warning, suspension, or revocation issued by the City under this Section shall be served upon the medical marijuana entity at the address for which a local provisional license and local operating license was granted, by personal service, or by certified and regular mail, or by posting in a conspicuous location.
- (2) Notice by certified mail shall be effective upon delivery. In the event that notice by certified mail is returned unclaimed or refused, mailing of the notice by regular mail shall be deemed effective upon mailing. Notice by personal service or by posting shall be deemed effective at the time of personal service or posting, respectively.

(p) A marijuana entity must immediately cease operations under suspension, medical revocation, or expiration of a local provisional license or local operating license, unless otherwise instructed by the City, until the suspension is lifted or a new, valid license is obtained.

(q) Suspension of licenses

- (1) Suspension of licenses shall only be accomplished through the procedures outlined in this subsection. Subsection shall be accomplished after a public hearing is held thereon by the Safety Director, which hearing shall be held within thirty days after notice is given to the licensee of such hearing, by certified mail and regular mail. The licensee shall have the right to appear at such a hearing, to be represented by counsel, and to have the right to examine and cross examine witnesses.
- (2) Suspension may take place without a prior hearing if the Safety Director finds clear and convincing evidence that the continued distribution of medical marijuana presents a danger of immediate and serious harm to others. Notice of the suspension shall be made as provided in this Section and a hearing on the merits of the suspension will take place within five days of the suspension.
- (3) The suspension will remain in effect, unless lifted by the Safety Director, pending the results of the hearing. If the Safety Director does not issue an order within 90 days after the hearing, the suspension shall be lifted on the ninety-first day following the hearing.
- (4) As a condition of the reinstatement of a suspended license, the Safety Director may require any violations to be resolved and reasonable corrective actions to be taken.

(r) Revocation of licenses

- (1) Revocation of licenses shall only be accomplished through the procedure outlined in this subsection. Revocation shall be accomplished only after a public hearing is held thereon by the Safety Director, which hearing shall be held within thirty days after notice is given to the licensee of such hearing, by certified mail and regular mail. The licensee shall have the right to appear at such a hearing, to be represented by counsel, and to have the right to examine and cross examine witnesses.

(2) If a medical marijuana entity's local provisional or local operating license is revoked, the medical marijuana entity's local provisional license or local operating license is revoked, the medical marijuana entity will coordinate with the City of Massillon and the Ohio Department of Commerce in the closing of the facility as provided for in the Ohio Administrative Code.

(s) In the event of a decision or ruling adverse to a licensee or license applicant regarding a denial, revocation, or suspension of a license, the licensee or license applicant shall have the right to appeal such decision and ruling to a court of competent jurisdiction, under authority of and pursuant to the provisions of Chapter 2506 of the Ohio Revised Code. A notice of appeal in such action shall be filed with the Office of the Mayor, as well as with the court to which the action is appealed, within appropriate time limits, as provided in Chapter 2505 of the Ohio Revised Code.

(t) The Safety Director shall have the authority to deny any application for a local provisional license, local operating license, license renewal, or a location change, at his/her discretion, pursuant to the criteria of this Chapter.

#### **776.99 Medical Marijuana Entities**

**WHOEVER VIOLATES ANY PROVISION OF §776.01 OR §776.02 SHALL BE GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE.**

#### **Section 2.**

Part Eleven, Planning and Zoning Code, Chapter 1121, Construction of Language; Definitions is amended and/or supplemented to read as follows:

#### **1121.02 Definitions.**

**1121.02(38.1)** The word "lot" includes the word "plot" or "parcel"; the words "used" or "occupied" include the words "arranged," "intended" or "designed to be used or occupied"; the words "building" or "structure" include the words "or portion thereof"; the word "located" includes the words "erected" and "altered".

**1121.02(52.1)** "Medical Marijuana Facility(ies)" Includes Cultivation Facilities, Processing Facilities, Dispensaries, and Testing Laboratories as Provided in Ohio Revised Code 3796.

#### **Section 3.**

Part Eleven - Planning and Zoning Code, Chapter 1177, Schedule of Regulations is amended and/or supplemented to read as follows:

#### **1177.03 Medical Marijuana Facilities Including Cultivation Facilities, Processing Facilities, Dispensaries and Testing Laboratories.**

##### **(a) Medical Marijuana Facilities**

(1) No medical marijuana facility shall be located within 500 feet of a school, church, public park, public playground or public library, consistent with State of Ohio spacing requirements, as

provided in Revised Code Sections 3796.09 and 3796.10 and the analogous provisions in the Ohio Administrative Code.

(2) Prohibited location: no medical marijuana facility shall be located in a residentially zoned area.

(3) In addition to the general standards applicable to conditional uses under this code, the planning staff, the City Planning Commission and the Council, when studying a petition for a conditional use, shall consider the following criteria:

A. The impact of the proposed use on public safety in the surrounding community.

B. The impact of the proposed use on the economic welfare of the surrounding community.

C. The impact of the proposed use on the general welfare of the surrounding community in regard to any odor emanating from the proposed use, and the mandatory use of a state-of-the-art filtration system.

D. The impact of the proposed use on any disproportional concentration of medical marijuana cultivation facilities, processing facilities, testing laboratories or dispensaries in the surrounding community.

E. Regarding medical marijuana dispensaries, the location of the proposed use in relation to medical or pharmaceutical facilities of a complimentary nature (e.g. pharmacies, physician offices, etc.)

(4) The petitioner shall comply with all local and state laws pertaining to medical marijuana facilities for cultivation, processing, dispensing and/or testing, including all local and state licensing requirements. If the petitioner has not obtained a state provisional license within one year of Council granting a conditional use, the conditional use shall expire at that time.

#### 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.

#### Section 5.

As of the effective date of this ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substance Act, §21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 6.

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 7.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being to immediately enact and prescribe local zoning and licensing laws relating to state legalized medical marijuana entities. And provided it receives the affirmative vote of two-thirds of the elected and/or appointed members of 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

ATTEST: \_\_\_\_\_

DIANE ROLLAND, CLERK OF COUNCIL

\_\_\_\_\_  
CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

DATE: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 9 - 2017

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION approving the 2018 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit "A", and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it proper to approve the Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit "A".

Section 2:

This Resolution is declared to be an emergency measure in that the adoption of the decision of the Stark County Tax Department is essential for the proper community growth and hence, immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

APPROVED: \_\_\_\_\_  
DIANE ROLLAND, CLERK OF COUNCIL

\_\_\_\_\_  
CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

DATE: AUGUST 7, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 10 – 2017

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION amending Resolution No. 8 – 2017 by directing the Stark County Board of Elections to conduct an election at the General Election on November 7, 2017, for the purpose of providing the question of the approval or disapproval of the issue of a renewal of 1 mill and an increase of 0.5 mill to constitute a tax to provide funding for the maintenance and operation of the Massillon Museum which is operated by the Massillon Museum, Inc., a non-profit corporation, commencing January 1, 2018, first due in calendar year 2019, for a period of five (5) years, and declaring an emergency.

WHEREAS, the amount of revenues which will be raised by the City of Massillon, Ohio, within the ten mill limitation by levies on the current tax duplicate of the City of Massillon will be insufficient to provide adequate funds for the City of Massillon, to provide for the maintenance and operation of a free museum of art, science or history that is maintained and operated by a private, non-profit organization as authorized by Section 5705.19 (AA) of the Ohio Revised Code; and

WHEREAS, it is necessary to levy a renewal and increase of a tax in excess of the ten mill limitation for the purpose of providing funds to provide for a free museum of art, science or history that is maintained and operated by a private, non-profit organization.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, OHIO, IN REGULAR SESSION SITTING, TWO-THIRDS OF THE MEMBERS CONCURRING:

Section 1:

There shall be submitted to the electors of the City of Massillon, Ohio, at a General Election November 7, 2017, the question of the approval or disapproval of the issue providing for the levy of a tax in the amount of a renewal of 1 mill and an increase of 0.5 mill to constitute a tax for the benefit of the City of Massillon for the purpose of the maintenance and operation of a free public museum of art, science, or history at a rate not exceeding 1.5 mills for each one dollar of valuation, which amounts to 15 cents for each one hundred dollars of valuation, for a period of 5 years, commencing in 2018, first due in calendar year 2019, as authorized by Section 5705.19 (AA) of the Ohio Revised Code.

Section 2:

The Clerk of Council is hereby directed to certify to the Board of Elections of Stark County a copy of this Resolution upon the enactment of this Resolution for its submission to the electors of the City of Massillon, Ohio, for the question of its passage at the General Election to be held on November 7, 2017. The Clerk of Council is directed to request the Board of Elections to provide notice of election on the question levying said renewal of the tax as required by law. The Clerk shall also provide the Board of Elections with a proposed sample ballot which is attached to this Resolution.

Section 3:

This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that the immediate enactment of this Resolution is necessary for its timely submission of the proposed levy to the Stark County Board of Elections by the filing deadline of August 9, 2017. Provided it receives the affirmative vote of two-thirds of the elected members of 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

APPROVED: \_\_\_\_\_

DIANE ROLLAND, CLERK OF COUNCIL      CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: \_\_\_\_\_

KATHY CATAZARO-PERRY, MAYOR



## SAMPLE BALLOT

### MASSILLON CITY

A majority affirmative vote is necessary for passage

A renewal of 1 mill and an increase of 0.5 mill to constitute a tax for the benefit of the City of Massillon for the purpose of the maintenance and operation of a free public museum of art, science, or history at a rate not exceeding 1.5 mills for each one dollar of valuation, which amounts to 15 cents for each one hundred dollars of valuation, for a period of 5 years, commencing in 2018, first due in calendar year 2019.

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FOR THE TAX LEVY

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AGAINST THE TAX LEVY

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