

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

**DATE: MONDAY, DECEMBER 17, 2018  
PLACE: COUNCIL CHAMBERS  
TIME: 6:30 P.M.**

**THERE ARE NO PUBLIC HEARINGS TONIGHT**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN DAVID IRWIN**
- 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. 163 – 2018**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one (1) year contract with the Village of Brewster, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

**ORDINANCE NO. 164 – 2018**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one (1) year contract with the Village of Navarre, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

**ORDINANCE NO. 165 – 2018**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1210 Fire Pension Fund, for the year ending December 31, 2018, and declaring an emergency.

**ORDINANCE NO. 166 – 2018**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** reducing the appropriations in the 1209 Police Pension Fund, for the year ending December 31, 2018, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

A Request for a New Liquor License for M & S Bar and Grill, LLC, located at 62 Erie St. S, 1<sup>st</sup> Floor Only, Massillon, Ohio 44646. Permit Class is D3A and is located in Ward 2.

A Request for a Liquor Agency Contract for Buehler Food Markets, Inc., located at 2226 Lincoln Way N.W., Massillon, Ohio 44647. This is a Liquor Agency only application and is located in Ward 6.

**9. BILLS, ACCOUNTS AND CLAIMS**

|                 |   |                   |   |
|-----------------|---|-------------------|---|
| Copeco          | - | \$ 387.84         | - Contract Base Rate for 12/01/2018 to 02/28/2019 |
| Walter H. Drane | - | <u>4,859.51</u>   | - 2019 Replacement Pages of Codified Ordinances   |
|                 |   | <b>\$5,247.35</b> | <b>Total</b>                                      |

**10. REPORTS FROM CITY OFFICIALS**

Treasurer's Report - November 2018

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**ORDINANCE NO. 138 – 2018**

**BY: FINANCE COMMITTEE**

Tabled December 3, 2018 until December 17, 2018

**AN ORDINANCE** to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2019.

**ORDINANCE NO. 143 – 2018**

**BY: FINANCE COMMITTEE**

Tabled December 3, 2018 until December 17, 2018

**AN ORDINANCE** amending Ordinance No. 143 – 1976 to enact a new Section "ALLOCATION OF FUNDS – INCOME TAX" by repealing Section 13 – "ALLOCATION OF FUNDS - INCOME TAX" and enacting a new Section 13 – "ALLOCATION OF FUNDS - INCOME TAX" and repealing Ordinance No. 147 – 2017.

**ORDINANCE NO. 144 – 2018**

**BY: FINANCE COMMITTEE**

Question Divided December 3, 2018. Portion of Ord. No. 144 – 2018 pertaining to City Employees passed December 3, 2018. Portion of Ord. No. 144 – 2018 pertaining to Park and Recreation Dept. Employees Tabled until December 17, 2018.

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to amend salary and wage schedules for the MISCELLANEOUS PART-TIME SCHEDULE, UNCLASSIFIED EMPLOYEES, and SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) – CLASSIFIED EMPLOYEES, and declaring an emergency.

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 146 – 2018**

**BY: PARK AND RECREATION COMMITTEE**

AN ORDINANCE authorizing the Massillon Recreation Center to extend the offer to all City employees who are eligible for healthcare benefits another two (2) year complimentary membership to the Massillon Recreation Center effective January 1, 2019, and to allow City employees to purchase a married couple or family membership and deduct the cost of an individual membership from that cost and the difference would be an out-of-pocket expense for the City employee.

**ORDINANCE NO. 157 – 2018**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Letter of Intent (LOI) with Group #3, and declaring an emergency.

**15. SECOND READING ORDINANCES AND RESOLUTION**

**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: DECEMBER 17, 2018

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 163 – 2018

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one (1) year Agreement with the Village of Brewster, Ohio, for the purpose of providing prosecutorial and legal services to the Village of Brewster, 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 finds that it is necessary for the Director of Law of the City of Massillon, Ohio, to enter into a one (1) year Agreement with the Village of Brewster, Ohio, for the purpose of providing prosecutorial and legal services to the Village of Brewster.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to enter into a one (1) year Agreement with the Village of Brewster, Ohio, for the purpose of providing prosecutorial and legal services to the Village of Brewster. In exchange for said services, the Village of Brewster, Ohio, shall pay the sum of Twelve Thousand Three Hundred Dollars (\$12,300.00) under the terms of the Agreement. See attached Exhibit "A". The Agreement will begin January 1, 2019, and expire December 31, 2019.

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 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 hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community. Additionally, the Village of Brewster, Ohio, has requested the Director of Law of the City of Massillon, Ohio, to prosecute all criminal and traffic cases that come before the Massillon Municipal Court, and it is necessary to be effective immediately as it is the intent of the parties to begin the Agreement January 1, 2019. 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 allow by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

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

DIANE ROLLAND, CLERK OF COUNCIL

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

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

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

## AGREEMENT

THIS AGREEMENT effective January 1, 2019 through December 31, 2019, between the VILLAGE OF BREWSTER and the CITY OF MASSILLON LAW DEPARTMENT, (MLD) sets forth the following responsibilities and mutual benefits. Accordingly, MLD agrees to prosecute criminal and traffic offenders in the Massillon Municipal Court, perform other related traffic and criminal legal services for Brewster and maintain specific responsibility for:

1. Misdemeanor and minor misdemeanor cases arising out of violation of Village ordinances or ORC (Titles 29 & 45);
2. Private citizen complaints and affidavits for violations under Village Ordinances or ORC Titles 29 & 45;
3. Informal Prosecutor conferences for bad checks, domestic disputes, neighborhood disturbances, property maintenance code violations, and other appropriate circumstances as the MLD determines;
4. Review search and arrest warrants when appropriate or upon request;
5. Assist with and direct misdemeanor/felony summons/warrants when appropriate;
6. Issue subpoenas when appropriate (trials/hearings in Massillon Municipal Court);
7. Participate in Court pre-trials, trials, pleas and felony preliminary hearings to conclusion as required and scheduled by Massillon Municipal Court;
8. Prosecute traffic/criminal offenders by trial (judge/magistrate/jury) to conclusion as necessary. Objections to Magistrate decisions and appeals of trial court decisions to a higher court are part of this contract included in basic compensation below;
9. Coordinate with crime victims to explain their rights under law, to execute the Marcy's Law notification of victims' rights, to secure victims attendance when defendants are arraigned for issuance of TPO's, including attendance at pre-trials, pleas and trial, and coordinate restitution when appropriate; and
10. Serve as liaison between the Massillon Municipal Court and the Village of Brewster, including but not limited to its Police Department.
11. BASIC COMPENSATION: The Village of Brewster will pay the City of Massillon Twelve Thousand Three Hundred and 00/100 Dollars (\$12,300.00) for the one (1) year Agreement. The amount shall be paid in four (4) quarterly payments of Three Thousand Seventy-Five and 00/100 Dollars (\$3,075.00) commencing on January 1, 2019 and payable on the 1st of every third (3<sup>rd</sup>) month thereafter.

12. TERM: THIS AGREEMENT is subject to termination at will by the VILLAGE OF BREWSTER or the CITY OF MASSILLON LAW DEPARTMENT upon written notice by U.S. CERTIFIED MAIL, effective thirty (30) days after receipt.

EXECUTED ON DATE INDICATED BELOW:

MASSILLON CITY LAW DEPARTMENT:

By: \_\_\_\_\_  
ANDREA SCASSA - Director of Law

DATE: \_\_\_\_\_

VILLAGE OF BREWSTER:

BY: \_\_\_\_\_  
Village Mayor Michael Schwab

DATE: DECEMBER 4, 2018

DATE: DECEMBER 17, 2018

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 164 – 2018

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one (1) year Agreement with the Village of Navarre, Ohio, for the purpose of providing prosecutorial and legal services to the Village of Navarre, 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 finds that it is necessary for the Director of Law of the City of Massillon, Ohio, to enter into a one (1) year Agreement with the Village of Navarre, Ohio, for the purpose of providing prosecutorial and legal services to the Village of Navarre.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to enter into a one (1) year Agreement with the Village of Navarre, Ohio, for the purpose of providing prosecutorial and legal services to the Village of Navarre. In exchange for said services, the Village of Navarre, Ohio, shall pay the sum of Fourteen Thousand Dollars (\$14,000.00) under the terms of the Agreement. See attached Exhibit "A". The Agreement will begin January 1, 2019, and expire December 31, 2019.

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 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 hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community. Additionally, the Village of Navarre, Ohio, has requested the Director of Law of the City of Massillon, Ohio, to prosecute all criminal and traffic cases that come before the Massillon Municipal Court, and it is necessary to be effective immediately as it is the intent of the parties to begin the Agreement January 1, 2019. 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 allow by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

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

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

## AGREEMENT

THIS AGREEMENT effective January 1, 2019 through December 31, 2019, between the VILLAGE OF NAVARRE and the CITY OF MASSILLON LAW DEPARTMENT (MLD) sets forth the following responsibilities and mutual benefits. Accordingly, MLD agrees to prosecute criminal and traffic offenders in the Massillon Municipal Court, perform other related traffic and criminal legal services for Navarre and be otherwise responsible for:

1. Misdemeanor and minor misdemeanor cases arising out of violation of Village ordinances or ORC (Titles 29 & 45);
2. Private citizen complaints and affidavits for violations under Village ordinances or ORC Titles 29 & 45;
3. Informal Prosecutor conferences for bad checks, domestic disputes, neighborhood disturbances, property maintenance code violations, and other appropriate circumstances as the MLD determines;
4. Review search and arrest warrants when appropriate or upon request;
5. Assist with and direct misdemeanor/felony summons/warrants when appropriate;
6. Issue subpoenas when appropriate (trials/hearings in Massillon Municipal Court);
7. Participate in Court pre-trials, trials, pleas and felony preliminary hearings to conclusion as required and scheduled by Massillon Municipal Court;
8. Prosecute traffic/criminal offenders by trial (judge/magistrate/jury) to conclusion as necessary. Objections to Magistrate decisions and appeals of trial court decisions to a higher court are part of this contract included in basic compensation below;
9. Coordinate with crime victims to explain their rights under law, to execute the Marcy's Law notification of victims' rights, to secure victims attendance when defendants are arraigned for issuance of TPO's, including attendance at pre-trials, pleas and trial, and coordinate restitution when appropriate; and
10. Serve as liaison between the Massillon Municipal Court and the Village of Navarre, including but not limited to its Police Department.
11. **BASIC COMPENSATION:** The Village of Navarre will pay the City of Massillon Fourteen Thousand and 00/100 Dollars (\$14,000.00) for the one (1) year Agreement. The amount shall be paid in four (4) quarterly payments of Three Thousand Five Hundred Dollars and 00/100 Dollars (\$3,500.00) commencing on January 1, 2019 and payable on the 1st of every third (3<sup>rd</sup>) month thereafter.

12. TERM: THIS AGREEMENT is subject to termination at will by the VILLAGE OF NAVARRE or the CITY OF MASSILLON LAW DEPARTMENT upon written notice by U.S. CERTIFIED MAIL, effective thirty (30) days after receipt.

EXECUTED ON DATE INDICATED BELOW:

MASSILLON CITY  
LAW DEPARTMENT

VILLAGE OF NAVARRE

\_\_\_\_\_  
ANDREA SCASSA  
Massillon Director of Law

\_\_\_\_\_  
Date

BY: Robert L. Benson 11-30-18  
ROBERT L. BENSON Date  
Navarre Village Mayor

BY: Terrence L. Seeburger 12/30/2018  
TERRENCE L. SEEBERGER Date  
Village Solicitor

DATE: DECEMBER 17, 2018

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 165 – 2018

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1210 Fire Pension Fund, for the year ending December 31, 2018, 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 1210 Fire Pension Fund, for the year ending December 31, 2018, the following:

\$ 15,603.74 to an account entitled "Fire Pension" - 1210.325.5.2240

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 necessary for the efficient operation of the various departments of the City of Massillon and for the further reason to allow timely processing of November Fire Pension payment due by December 2018. 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: DECEMBER 17, 2018

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 166 – 2018

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the 1209 Police Pension Fund, for the year ending December 31, 2018, and declaring an emergency.

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

Section 1:

The appropriations are hereby reduced in the 1209 Police Pension Fund, for the year ending December 31, 2018, as follows:

\$ - 23,165.26 from an account entitled "Police Pension" - 1209.305.5.2240

Section 2:

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

Section 3:

That this Ordinance is hereby declared to be an emergency measure for the efficient operation of various departments of the City of Massillon for the preservation of the health, safety and welfare of the community and for the additional reason to allow timely processing in reducing the certificate for Fund 1209. 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.