

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

DATE: MONDAY, JANUARY 7, 2019  
PLACE: COUNCIL CHAMBERS  
TIME: 6:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN ED LEWIS IV
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. 1 – 2019**

**BY: COMMITTEE OF THE WHOLE**

**AN ORDINANCE** to approve current replacement pages to the Massillon Codified Ordinances, and declaring an emergency.

**ORDINANCE NO. 2 – 2019**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 One-Family Residential to PUD Planned Unit Development, and declaring an emergency.

**ORDINANCE NO. 3 – 2019**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio to accept a donation from Greif Board, Inc. on behalf of the Massillon Fire Department, and declaring an emergency.

**ORDINANCE NO. 4 – 2019**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** reducing the appropriations in the 1421 WWTP Upgrade Fund, the 3110 Massillon Museum Fund, the Community Health Services Fund, and in the 3105 State Patrol Transfer, for the year ending December 31, 2018, and declaring an emergency.

**ORDINANCE NO. 5 – 2019**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 2018 appropriations from within the 1100 General Fund, for the year ending December 31, 2018, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

A Request for a Liquor Agency Contract for Styx Acquisition, LLC, 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**

**10. REPORTS FROM CITY OFFICIALS**

Mayor's Report - November 2018  
Mayor's State of the City Address to Council

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**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**

ORDINANCE NO. 1-2019

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT  
PAGES TO THE MASSILLON CODIFIED ORDINANCES AND  
DECLARING AN EMERGENCY.

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Massillon, Ohio:

SECTION 1: That the ordinances of the City of Massillon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2019 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.53	Waste Collection Vehicle. (Added)
303.04	Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
303.06	Freeway Use Restricted. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Added)
313.01	Obedience to Traffic Control Devices. (Amended)
313.09	Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
331.01	Driving Upon Right Side of Roadway; Exceptions. (Amended)
331.02	Passing to Right When Proceeding in Opposite Directions. (Amended)
331.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
331.04	Overtaking and Passing Upon Right. (Amended)
331.05	Overtaking, Passing to Left of Center. (Amended)
331.06	Additional Restrictions on Driving upon Left Side of Roadway. (Amended)
331.07	Hazardous or No Passing Zones. (Amended)
331.08	Driving in Marked Lanes or Continuous Lines of Traffic. (Amended)
331.09	Following Too Closely. (Amended)
331.10	Turning at Intersections. (Amended)

### Traffic Code (Cont.)

- 331.12 "U" Turns Restricted. (Amended)
- 331.13 Starting and Backing Vehicles. (Amended)
- 331.14 Signals Before Changing Course, Turning or Stopping. (Amended)
- 331.15 Hand and Arm Signals. (Amended)
- 331.16 Right of Way at Intersections. (Amended)
- 331.17 Right of Way When Turning Left. (Amended)
- 331.18 Operation of Vehicle at Yield Signs. (Amended)
- 331.19 Operation of Vehicle at Stop Signs. (Amended)
- 331.20 Emergency or Public Safety Vehicles at Stop Signals or Signs. (Amended)
- 331.22 Driving Onto Roadway From Place Other Than Roadway: Duty to Yield. (Amended)
- 331.23 Driving Onto Roadway From Place Other Than Roadway: Stopping at Sidewalk. (Amended)
- 331.24 Right of Way of Funeral Procession. (Amended)
- 331.26 Driving Upon Street Posted as Closed for Repair. (Amended)
- 331.27 Following and Parking Near Emergency or Safety Vehicles. (Amended)
- 331.28 Driving Over Fire Hose. (Amended)
- 331.29 Driving Through Safety Zone. (Amended)
- 331.30 One-Way Streets and Rotary Traffic Islands. (Amended)
- 331.31 Driving Upon Divided Roadways. (Amended)
- 331.33 Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
- 331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
- 331.40 Stopping at Grade Crossing. (Amended)
- 333.01 Driving Under the Influence. (Amended)
- 333.03 Maximum Speed Limits. (Amended)
- 333.031 Approaching a Public Safety Vehicle. (Amended)
- 333.04 Stopping Vehicle. (Amended)
- 333.05 Speed Limitations Over Bridges. (Amended)
- 337.16 Number of Lights. (Amended)
- 337.28 Use of Sunscreening, Nontransparent and Reflectorized Materials. (Amended)
- 371.01 Right of Way in Crosswalk. (Amended)
- 371.02 Right of Way of Blind Person. (Amended)
- 371.07 Right of Way on Sidewalk. (Amended)
- 373.03 Attaching Bicycle or Sled to Vehicle. (Amended)
- 373.04 Riding Bicycles and Motorcycles Abreast. (Amended)
- 373.07 Riding Bicycle on Right Side. (Amended)
- 373.23 Paths Exclusively for Bicycles. (Amended)

### General Offenses Code

- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.05 Permitting Drug Abuse. (Amended)
- 513.09 Controlled Substance or Prescription Labels. (Amended)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 545.10 Misuse of Credit Cards. (Amended)
- 549.04 Improperly Handling a Firearm in a Motor Vehicle. (Amended)

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately.

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

APPROVED: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President

\_\_\_\_\_  
Mayor

DATE: JANUARY 7, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 2 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 One-Family Residential to PUD Planned Unit Development, 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 R-3 One-Family Residential to PUD Planned Unit Development. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on December 18, 2018, 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 PUD Planned Unit Development.

Being known as Part of Lot #685 of Parcel #800053, a 7.8 acre parcel located on Hills and Dales Road N.E., between Aaronwood Avenue and Inwood Drive, Massillon, Ohio. Approximately 6.1 acres of the total 7.8 acres tract to be rezoned. The applicant is Villa Sole, LLC. The purpose for the rezoning is the applicant is proposing to erect 10 twin Villa style homes. The remainder of the property would be utilized for duplex condominium villa units with access from Hills and Dales Road. The area is currently zoned R-3 Single Family Residential.

Section 3:

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

DATE: JANUARY 7, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 3 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio to accept a donation from Greif Board, Inc. on behalf of the Massillon Fire Department, 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 to accept a donation from Greif Board, Inc. on behalf of the Massillon Fire Department.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to accept a donation in the amount of Three Thousand (\$3,000.00) from Greif Board, Inc. on behalf of the Massillon Fire Department.

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 the monies have been received and deposited with the Treasurer of Massillon. 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: JANUARY 7, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 4 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the 1421 WWTP Upgrade Fund, the 3110 Massillon Museum Fund, the Community Health Services Fund, and in the 3105 State Patrol Transfer, 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 1421 WWTP Upgrade Fund, for the year ending December 31, 2018, as follows:

\$ - 4,463,618.44 from an account entitled "WWTP Upgrade Project" - 1421.610.5.2510

Section 2:

The appropriations are hereby reduced in the 3110 Massillon Museum Fund, for the year ending December 31, 2018, as follows:

\$ -	17,297.04 from an account entitled "Mass. Museum Holding Acct."	-	3110.905.5.2379
-	<u>709.70</u> from an account entitled "Fees"	-	3110.905.5.2393
\$ -	18,006.74 <b>Total</b>		

Section 3:

The appropriations are hereby reduced in the 1235 Community Health Services Fund, for the year ending December 31, 2018, as follows:

\$ -	55.82 from an account entitled "P.E.R.S. Health"	-	1235.705.5.2230
-	197.71 from an account entitled "Workers Comp."	-	1235.705.5.2270
-	21.68 from an account entitled "Travel/Seminar/School"	-	1235.705.5.2389
-	2,574.79 from an account entitled "Services/Contracts"	-	1235.705.5.2392
-	<u>150.00</u> from an account entitled "Supplies/Mat./Postage"	-	1235.705.5.2410
\$ -	3,000.00 <b>Total</b>		



Section 4:

The appropriations are hereby reduced in the 3105 State Patrol Transfer Fund, for the year ending December 31, 2018, as follows:

\$ -	11,963.19 from an account entitled "State Patrol Transfer"	-	3105.930.5.2390
-	11,963.28 from an account entitled "State Patrol Refund to Gen. Fund"	-	3105.930.5.2720
\$ -	23,926.47 <b>Total</b>		

Section 5:

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 6:

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 that appropriations need to be reduced for year-end balancing of accounts. 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 \_\_\_\_\_, 2019

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

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

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

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

DATE: JANUARY 7, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 5 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2018 appropriations from within the 1100 General 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 transferred from the 2018 appropriations within the 1100 General Fund, for the year ending December 31, 2018, the following:

FROM:	NIP Program	1100.905.5.239C	-	\$ - 28,000.00
TO:	Fire – Salary	1100.325.5.2110	-	\$ 28,000.00

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 cover salaries for the Massillon Fire Department for year-end 2018. 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.