

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

**DATE: MONDAY, OCTOBER 21, 2019
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN EDWARD 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. 138 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the dedication plat of a storm sewer easement located on the east side of Millennium Blvd. S.E.; just south of Phoenix Avenue located in the Neocom Industrial Park in Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 139 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the final subdivision plat for the Girasole Allotment project located on the north side of Hills and Dales Road N.E., Massillon, Ohio.

ORDINANCE NO. 140 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of road right of way and easements for Westbrook Estates, Phase 5B and 5C subdivision in Massillon, Ohio.

ORDINANCE NO. 141 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1220 Foreclosure Property Administration Fund, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 142 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1225 Indigent Driver Alcohol Treatment Fund, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 143 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to execute and hereby give consent to the Enterprise Zone Agreement Assignment Agreement between Geis at Massillon, LLC and Snackhouse Property LLC, and declaring an emergency.

RESOLUTION NO. 7 – 2109

BY: FINANCE COMMITTEE

A RESOLUTION accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor by October 31, 2019, as listed on the attached Exhibit "A", and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

Keller's Officer Furniture - \$ 52.40 Copy Paper and Office Supplies

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report - September 2019

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 RESOLUTIONS

ORDINANCE NO. 122 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with G & D Fab Welding to provide an economic development "inducement grant" for building construction improvements at 340 State Ave. N.W., Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 126 – 2019

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE amending CHAPTER 32 of the Massillon Code of 1968 by repealing existing Section 32.14 Personnel of the Police Department and enacting a new Section 32.14 Personnel of the Police Department; and also repealing Section 2 of Ordinance No. 126 – 1977.

ORDINANCE NO. 129 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund for G & D Fab Welding, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 135 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the proposal from John Patrick Picard for the architectural and engineering services in the development of the Municipal Government Center restrooms to be compliant with the Americans with Disabilities Act (ADA), and declaring an emergency.

ORDINANCE NO. 136 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the construction of the Municipal Government restrooms to be compliant with the Americans with Disability Act (ADA), and declaring an emergency.

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: OCTOBER 21, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 138 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE to accept the dedication plat of a storm sewer easement located on the east side of Millennium Blvd. S.E.; just south of Phoenix Avenue located in the Neocom Industrial Park in 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 finds it necessary to accept the dedication plat of a storm sewer easement located on the east side of Millennium Blvd. S.E.; just south of Phoenix Avenue located in the Neocom Industrial Park, also known as part of Out Lot 1189, as shown on the attached map. At its October 9, 2019 meeting, the City Planning Commission approved said easement plat in conjunction with the final construction items for the recent Phoenix Avenue project. The area is currently zoned I-2 Industrial.

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 preservation of the public peace, health, safety and welfare of the community and for the additional reason to record the plat and in conjunction with the final construction items for the Phoenix Avenue project. 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: OCTOBER 21, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 139 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE to accept the final subdivision plat for the Girasole Allotment project located on the north side of Hills and Dales Road N.E., Massillon, Ohio.

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 it necessary to accept the final subdivision plat for the Girasole Allotment project located on the north side of Hills and Dales Road N.E., Massillon, Ohio, as show on the attached map. At its October 9, 2019 meeting, the City Planning Commission approved said plat for the subdivision. The request includes the dedication of 0.817 acres of roadway area from Out Lot 685 and the extension of Wildridge Avenue. The area is currently zoned R-3 Residential and R-PUD and will create 4 single family lots and 1 PUD lot.

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 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: OCTOBER 21, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 140 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE to accept the dedication of road right of way and easements for Westbrook Estates, Phase 5B and 5C subdivision in Massillon, Ohio.

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 it necessary to accept the dedication of road right of way and easements for Westbrook Estates, Phase 5B and 5C subdivision; as shown on the attached map. At its June 12, 2019 meeting, the City Planning Commission approved said plat for the remainder of the subdivision. The request includes the dedication of 1.948 acres of roadways including extension of Alpha St. N.W. and Brightleaf Ave. N.W. and new streets Gabrielle Circle N.W. and Casey Circle N.W., Massillon, Ohio. There will be 50 platted lots and the area is currently zoned R-2 Single Family Residential.

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 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: OCTOBER 21, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 141 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1220 Foreclosure Property Administration Fund, for the year ending December 31, 2019, 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 1220 Foreclosure Property Administration Fund, for the year ending December 31, 2019, the following:

\$ 15,000.00 to an account entitled "Services/Contracts" - 1220.415.5.2392

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 hereby declared to be an emergency measure necessary for the public health, safety and welfare of the community and for the further reason to start demolition in a timely manner of a house that was destroyed by a fire. 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: OCTOBER 21, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 142 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1225 Indigent Driver Alcohol Treatment Fund, for the year ending December 31, 2019, 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 1225 Indigent Driver Alcohol Treatment Fund, for the year ending December 31, 2019, the following:

\$ 18,000.00 to an account entitled "Services/Contracts" - 1225.125.5.2392

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 hereby declared to be an emergency measure necessary for the public health, safety and welfare of the community and for the further reason to pay for alcohol treatment for indigent drivers through December 31, 2019. 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: OCTOBER 21, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 143 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to execute and hereby give consent to the Enterprise Zone Agreement Assignment Agreement between Geis at Massillon, LLC and Snackhouse Property LLC, and declaring an emergency.

WHEREAS, the Council of the City of Massillon, Ohio determined it was necessary in the public health, safety and economic development to enter into an enterprise zone agreement with Geis at Massillon, LLC and Shearer's Foods LLC; and

WHEREAS, the Council of the City of Massillon, Ohio authorized the Mayor of the City of Massillon, Ohio to enter into a Ohio Enterprise Zone Agreement with Geis at Massillon, LLC and Shearer's Foods, LLC pursuant to Ordinance No. 96-2018; and

WHEREAS, Geis at Massillon, LLC now seeks to assign all rights and obligations of Geis at Massillon, LLC to Snackhouse Property LLC; and

WHEREAS, pursuant to Section 19 of the Ohio Enterprise Zone Agreement, Geis at Massillon, LLC needs the express, written approval of the City of Massillon, Ohio to assign all rights and obligations to Snackhouse Property LLC.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it necessary in the public health, safety and welfare for the Mayor of the City of Massillon, Ohio, to execute and hereby give consent to the Enterprise Zone Agreement Assignment Agreement between Geis at Massillon, LLC and Snackhouse Property LLC.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to execute the Enterprise Zone Agreement Assignment Agreement between Geis at Massillon, LLC and Snackhouse Property LLC and hereby give consent to the assignment of all rights and obligations of Geis at Massillon, LLC to Snackhouse Property LLC. Said Agreement is attached hereto as Exhibit "1".

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 hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare of the community and for the additional reason to complete the closing of membership interest to Snackhouse Property LLC by October 23, 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 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: OCTOBER 21, 2019

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OH
CLAUDETTA O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 7 - 2019

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor by October 31, 2019, 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 accept the amounts and rates as determined by the Budget Commission 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 to accept the amounts and rates as determined by the Budget Commission 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 force and effect immediately from and after passage and approval by the Mayor.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2019

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

APPROVED: _____
KATHY CATAZARO-PERRY, MAYOR