

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

**DATE: MONDAY, SEPTEMBER 16, 2019
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN JASON HARRIS**
- 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. 117 – 2019

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to execute a Release Agreement with Rover Pipeline LLC, for the release of the Road Use and Maintenance Agreement (RUMA), and declaring an emergency.

ORDINANCE NO. 118 – 2019

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE requesting City Council of the City of Massillon, Ohio, to consider and vote to reject a State of Ohio State Employment Relations Board Report and Recommendation of a Fact-Finder, Case No. 2018 MED 05-0518, and to continue negotiations with the Massillon Firefighters, IAFF Local No. 251, and declaring an emergency.

ORDINANCE NO. 119 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund for the upgrade to the front entrances of the Justice and Police Departments in order to be ADA compliant, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 120 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Neighborhood Community Fair related expenses and Christmas parade related expenses, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 121 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2019 appropriations from within the 1100 General Fund to cover Code Enforcement salary and costs due to staff addition, for the year ending December 31, 2019, and declaring an emergency.

RESOLUTION 6 – 2019

BY: COMMITTEE OF THE WHOLE

A RESOLUTION denying the appeal made to Massillon City Council on September 10, 2019, wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a proposed addition at 1225 Springhill Avenue NE, on Parcel No. 603368 and Parcel No. 613642 in the City of Massillon, Ohio, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

Request for a Transfer of Liquor License from Elks One, Inc., DBA Firehouse Grille & Pub, 1st Floor and Patio Only, 48 – 2nd St. S.E., Massillon, Ohio 44646 to Red Rocket of Massillon, Inc., 1st Floor and Patio Only, 48 – 2nd St. S.E., Massillon, Ohio 44646. It is located in Ward 2 and Permit Classes are D1, D2, D3 and D3A.

Request for a TRESX, Economic Transfer of Liquor License from Aldi, Inc., DBA Aldi, Inc. #64, 3015 Glendale Ave., Suite 500, Toledo, Ohio 43614 to Aldi, Inc. Ohio, DBA Aldi, Inc. #76, 3541 Erie St. S., Massillon, Ohio 44646. It is located in Ward 4 and Permit Classes are C1 and C2.

9. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 489.60	Publication of July Ordinances
Keller's Office Furniture	-	<u>26.02</u>	Office Supplies
		\$ 515.62	

10. REPORTS FROM CITY OFFICIALS

Auditor's Report - July 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. 114 – 2019

BY: COMMITTEE OF THE WHOLE

AN ORDINANCE repealing Ordinance No. 68-2012, effective January 1, 2020, and reinstating the increase in pay based on the previous year's United States Consumer Price Index for the Council President and Council Members, and declaring an emergency.

ORDINANCE NO. 115 – 2019

BY: COMMITTEE OF THE WHOLE

AN ORDINANCE repealing Ordinance No. 69-2012, effective January 1, 2020, and reinstating the increase in pay based on the previous year's United States Consumer Price Index for the Mayor, Auditor, Law Director, and Treasurer, 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: SEPTEMBER 16, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 117 – 2019

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to execute a Release Agreement with Rover Pipeline LLC, for the release of the Road Use and Maintenance Agreement (RUMA), and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon is hereby authorized and directed to execute the Release Agreement with Rover Pipeline LLC, for the Road Use and Maintenance Agreement (RUMA), said Release Agreement is attached hereto as Exhibit "A".

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 preservation of the public health, safety and welfare of the community and for the further reason to execute said release. 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: SEPTEMBER 16, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 118 – 2019

BY: RULES, COURTS, AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE requesting City Council of the City of Massillon, Ohio, to consider and vote to reject a State of Ohio State Employment Relations Board Report and Recommendation of a Fact-Finder, Case No. 2018 MED 05-0518, and to continue negotiations with the Massillon Firefighters, IAFF Local No. 251, 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 to consider and vote to reject a State of Ohio State Employment Relations Board Report and Recommendation of a Fact-Finder, Case No. 2018 MED 05-0518 and to continue negotiations with the Massillon Firefighters, IAFF Local No. 251.

Section 2:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio are hereby authorized and directed to reject a State of Ohio State Employment Relations Board Report and Recommendation of a Fact-Finder, Case No. 2018 MED 05-0518 and to continue negotiations with the Massillon Firefighters, IAFF Local No. 251.

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: SEPTEMBER 16, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 119 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund for the upgrade to the front entrances of the Justice and Police Departments in order to be ADA compliant, 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 1401 Income Tax Capital Improvement Fund, for the year ending December 31, 2019, the following:

\$ 50,000.00 to an account entitled "Building Repairs/Equipment" - 1401.410.5.2511

Section 2:

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

Section 3:

This Ordinance is hereby 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 make said entrances ADA compliant. 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: SEPTEMBER 16, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 120 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Neighborhood Community Fair related expenses and Christmas parade related expenses, 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 1100 General Fund, for the year ending December 31, 2019, the following:

\$ 250.00 to an account entitled "Special Events Program"-Neighborhood Community Fair –	1100.905.2398
<u>300.00</u> to an account entitled "Special Events Program"-Christmas Parade	- 1100. 905.2398
\$ 550.00	

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 necessary for the efficient operation of the various departments of the City of Massillon and for the further reason to make timely payment of expenses. 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: SEPTEMBER 16, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 121 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2019 appropriations from within the 1100 General Fund to cover Code Enforcement salary and costs due to staff addition, 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 transferred from the 2019 appropriations within the 1100 General Fund, for the year ending December 31, 2019, the following:

FROM:	Hosp/Eye/Den/Pres/Life/Income Tax	1100.210.5.2210	-	\$ - 5,300.00
	Hosp/Eye/Den/Pres/Life/Engineering	1100.405.5.2210	-	- 5,766.00
	Accumulated Sick	1100.905.5.2150	-	- 2,934.00
	NIP Program	1100.905.5.239C	-	- <u>23,000.00</u>
	Total			\$ - 37,000.00
TO:	Salary – Building Dept.	1100.415.5.2110	-	\$ +22,000.00
	Services/Contracts – Building Dept.	1100.415.5.2392	-	+ <u>15,000.00</u>
	Total			\$ +37,000.00

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.

DATE: SEPTEMBER 3, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 6 - 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION denying the appeal made to Massillon City Council on September 10, 2019, wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a proposed addition at 1225 Springhill Avenue NE, on Parcel No. 603368 and Parcel No. 613642 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on September 4, 2019, approved a variance from the Massillon Zoning Code in Case No. 2103; and

WHEREAS, on September 10, 2019, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Bruce Vrsan, appealing the decision in Case No. 2103 of the Massillon Zoning Board of Appeals.

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 is in the best interest of proper community growth to deny the appeal of Bruce Vrsan made on September 10, 2019, and hereby determines that the decision of the Massillon Zoning Board of Appeals made on September 4, 2019, is hereby affirmed.

Section 2:

This Resolution is declared to be an emergency measure so that the applicants in Case No. 2103 can proceed with said addition and that the approval of the Massillon Zoning Board of Appeals is essential for the proper community growth and hence, immediately necessary for the preservation of the health, safety and welfare of the community. Provided it receives two-thirds votes of Council, this Resolution shall be in force and effective immediately from and after passage and approval by the Mayor.