

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

**DATE: MONDAY, MARCH 16, 2020
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN MEGAN STARRETT**
- 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. 35 – 2020

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 B-2 Business, and declaring an emergency.

ORDINANCE NO. 36 – 2020

BY: PARK AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of the Park and Recreation Department 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 Request for Qualification (Design-Build Contract) for the Kiddie Pool at the Massillon Recreation Center, and declaring an emergency.

ORDINANCE NO. 37 – 2020

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept donations from Greif Packaging, LLC on behalf of the Massillon Fire Department and the Massillon Police Department.

ORDINANCE NO. 38 – 2020

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 to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the 2020 Street Resurfacing Project Contract No. 2, and declaring an emergency.

ORDINANCE NO. 39 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for Street Resurfacing, for the year ending December 31, 2020, and declaring an emergency.

ORDINANCE NO. 40 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2020.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A Request for an Economic Transfer (TRES) from Grant Street Tavern, LLC, located at 1307 Grant Street & Patio, Akron, OH 44301 to Popovich Enterprises, LLC, DBA Bella Sera Pizzeria located at 248 Federal Avenue N.W., Massillon, OH 44647. Permit Class is D5 and is located in Ward 2.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

Mayor's Report	-	January 2020
Treasurer's Report	-	February 2020
Auditor's Report	-	February 2020

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. 26 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Tremont Coffee to provide an economic development “inducement grant” to fund expansion costs at the property located at 215 Erie Street N., Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 29 – 2020

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 121 “COUNCIL” of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Chapter 121 “COUNCIL” of the Codified Ordinances of the City of Massillon, Ohio, pursuant to “Unclassified Rules”, Section 121.02(r); Rule 68 of the Codified Ordinances of Massillon, Ohio.

ORDINANCE NO. 30 – 2020

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 121 “COUNCIL” Section 121.02(b), Rule 11, “Powers and Duties” of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 121.02(b), Rule 11, “Powers and Duties” of the Codified Ordinances of the City of Massillon, Ohio.

ORDINANCE NO. 31 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund for The Legends Golf Course of Massillon, for the year ending December 31, 2020, and declaring an emergency.

ORDINANCE NO. 32 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for expenses at the former Affinity Medical Center, for the year ending December 31, 2020, and declaring an emergency.

ORDINANCE NO. 33 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Mayor’s Breakfast, for the year ending December 31, 2020, and declaring an emergency.

ORDINANCE NO. 34 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew the one (1) year contract with the City of Canal Fulton, Ohio, for the purpose of providing prosecutorial services, 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: MARCH 16, 2020

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 35 – 2020

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 B-2 Business, 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 B-2 Business. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on February 12, 2020, 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 B-2 Business. A map of the area is attached hereto as Exhibit "A".

Being known as Lot #757 of Parcel #617795, a 5.90 acre parcel located on Forest Ave. S.E., Massillon, Ohio. The purpose for the rezoning is so that the applicants can proceed with development of a winery and tasting room. The area is currently zoned R-3 One-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: MARCH 16, 2020

CLERK: DIANE ROLLAND

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LEGISLATIVE BRANCH

ORDINANCE NO. 36 – 2020

BY: PARK AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of the Park and Recreation Department 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 Request for Qualification (Design-Build Contract) for the Kiddie Pool at the Massillon Recreation Center, 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 the Park and Recreation Department 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 Request for Qualification (Design-Build Contract) for the Kiddie Pool at the Massillon Recreation Center.

Section 2:

The Director of the Park and Recreation Department 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 Request for Qualification (Design-Build Contract) for the modification/replacement of the Kiddie Pool at the Massillon Recreation Center (2,400 sq. ft.), not to exceed Four Hundred Fifty Thousand Dollars (\$450,000.00).

Section 3:

This action was approved by the Park and Recreation Board by a 4 – 0 vote. One Board member was absent.

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LEGISLATIVE BRANCH

ORDINANCE NO. 37 – 2020

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept donations from Greif Packaging, LLC on behalf of the Massillon Fire Department and the Massillon Police Department.

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 authorizes the Director of Public Service and Safety of the City of Massillon, Ohio, to accept donations from Greif Packaging, LLC on behalf of the Massillon Fire Department and the Massillon Police Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to accept donations from Greif Packaging, LLC.

Section 3:

One donation is in the amount of Three Thousand Dollars (\$3,000.00) to the Massillon Fire Department which will be donated to the Civil Service Commission to offset the cost of upcoming promotional exam assessment centers, which are new to the Fire Department and instrumental in planning and vital to obtaining the right officers for ever changing service.

Section 4:

The other donation is in the amount of Three Thousand Dollars (\$3,000.00) to the Massillon Police Department for which there is no specific use listed except that it is to be used for the Massillon Police Department. The funds will be deposited into the 1215 Law Enforcement Local Grant Fund.

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LEGISLATIVE BRANCH

ORDINANCE NO. 38 – 2020

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 to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the 2020 Street Resurfacing Project No. 2, 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 2020 Street Resurfacing Project Contract No. 2.

Section 2:

The Director of Public Service and Safety is hereby authorized and director 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 2020 Street Resurfacing Project No. 2. The current cost project cost estimate is \$1,300,000.00

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: MARCH 16, 2020

CLERK: DIANE ROLLAND

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LEGISLATIVE BRANCH

ORDINANCE NO. 39 – 2020

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for Street Resurfacing, for the year ending December 31, 2020, 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, 2020, the following:

\$ 1,300,000.00 to an account entitled "Street Resurfacing" - 1100.435.5.2511

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 efficient operation of the various departments of the City of Massillon and for the further reason to pay for 2020 Street Resurfacing Project Contract 2. 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: MARCH 16, 2020

CLERK: DIANE ROLLAND

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LEGISLATIVE BRANCH

ORDINANCE NO. 40 – 2020

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2020.

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, 2020, the following:

\$ 3,000.00 to an account entitled "Services/Contracts" - 1100.150.5.2392

Section 2:

These funds were donated by Greif Packaging to the Massillon Fire Department and are being forwarded to the Civil Service Commission in order to offset the cost of the upcoming promotional exam assessment centers.

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.