

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

**DATE: MONDAY, MARCH 2, 2020
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN MARK LOMBARDI**
- 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. 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. 27 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement to transfer of diesel and fuel oil located at the former Affinity Medical Center from the City of Massillon, Ohio, to the Community Improvement Corporation of Massillon (CIC), and declaring an emergency.

ORDINANCE NO. 28 – 2020

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) Occupation List of Class Titles – City Officials – Law Director, of Ordinance No. 127-1997 by repealing Section 2(D) Occupation List of Class Titles – 115 - 116 – Law Director, and enacting a new Section 2(D) Occupation List of Class Titles – 115 - 116 – Law Director, in the City of 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.

RESOLUTION NO. 8 – 2020

BY: COMMITTEE OF THE WHOLE

A RESOLUTION authorizing the Director of Law of the City of Massillon, Ohio, to accept the One Ohio Memorandum of Understanding (MOU) regarding the pursuit and use of potential opioid litigation settlement funds, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

The Repository - \$ 622.00 Publication of January Ordinances

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report - January 2020

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

ORDINANCE NO. 2 – 2020 **BY: COMMUNITY DEVELOPMENT COMMITTEE**
Tabled February 3, 2020 until March 2, 2020

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from O-1 Office to R-1 One Family Residential, and declaring an emergency.

ORDINANCE NO. 11 – 2020 **BY: FINANCE COMMITTEE**
Tabled February 18, 2020 until March 2, 2020

AN ORDINANCE authorizing the Director of Public Service and Safety of Massillon, Ohio, to exercise the option to renew the Engineering contract with OHM Advisors for the years 2020, 2021 and 2022, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

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 2, 2020

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 26 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: 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.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Tremont Coffee desires to expand the property located at 215 Erie Street N., Massillon, Ohio, and,

WHEREAS, the City of Massillon proposes to assist Tremont Coffee with an economic development “inducement grant”, for the purpose to assist the business owner with the expansion of the property.

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

Section 1:

This Council hereby authorizes and directs the Mayor to enter into an agreement with Tremont Coffee by providing an economic development “inducement grant”, in a total amount not to exceed Ten Thousand Dollars (\$10,000.00) for the purpose of assisting the business owner with the expansion of the property located at 215 Erie Street N., Massillon, Ohio.

DATE: MARCH 2, 2020

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 27 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement to transfer diesel and fuel oil located at the former Affinity Medical Center from the City of Massillon to the Community Improvement Corporation of Massillon, Ohio (CIC), and declaring an emergency.

Section 1:

The Council of the City of Massillon, Ohio, hereby finds it necessary for the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement to transfer diesel and fuel oil located at the former Affinity Medical Center from the City of Massillon to the Community Improvement Corporation of Massillon, Ohio (CIC).

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement to transfer diesel and fuel oil located at the former Affinity Medical Center from the City of Massillon to the Community Improvement Corporation of Massillon, Ohio (CIC). The Community Improvement Corporation of Massillon, Ohio (CIC) will then enter into a contract with Akron Canton Waste Oil/ECO-Maxx to sell the fuel.

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 2, 2020

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 28 – 2020

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) Occupation List of Class Titles – City Officials – Law Director, of Ordinance No. 127-1997 by repealing Section 2(D) Occupation List of Class Titles – 115 - 116 – Law Director, and enacting a new Section 2(D) Occupation List of Class Titles – 115 - 116 – Law Director, in the City of 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:

Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ord. No. 127 – 1997, 115 – 116 LAW DIRECTOR is hereby repealed.

Section 2:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to amend Section 2(D) Occupation List of Class Titles – Law Director, of Ordinance No. 127-1997 and enacting a new Section 2(D) Occupational List of Class Titles – 115 – 116 – Law Director, in the City of Massillon, Ohio, indicating that the position of “Chief Prosecutor” be listed as “Chief Prosecutor or Chief Counsel”.

(SEE ATTACHMENT “A”, PAGE 1 OF THE OCCUPATION LIST OF CLASS TITLES)

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.

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CITY OF MASSILLON, OHIO
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LEGISLATIVE BRANCH

ORDINANCE NO. 29 – 2020

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: 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.

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, desires to amend 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.

Section 2:

There be and is hereby enacted 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. Said newly enacted Chapter 121 "COUNCIL" shall read as shown on the attached Exhibit "A".

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 2, 2020

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 30 – 2020

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: 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.

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, desires to amend Section 121.02(b), Rule 11, "Powers and Duties" of Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio, to change the "Order of Business".

Section 2:

There be and is hereby enacted a new Section 121.02(b), Rule 11, "Power and Duties" of Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio. Said newly enacted Section shall read as shown on the attached Exhibit "A".

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 2, 2020

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 31 – 2020

BY: FINANCE COMMITTEE

TITLE: 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.

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 1234 Parks and Recreation Fund, for the year ending December 31, 2020, the following:

\$ 58,000.00 to an account entitled "Legends Services/Contracts" - 1234.920.5.2392

Section 2:

This appropriation was approved by the Parks and Recreation Board by a roll call vote of 5 – 0.

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 efficient operation of the various departments of the City of Massillon and for the further reason to prepare for winter projects. 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 2, 2020

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 32 – 2020

BY: FINANCE COMMITTEE

TITLE: 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.

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:

| | |
|--|-----------------|
| \$ 50,981.91 to an account entitled "Utilities-Hospital" | 1100.915.5.2340 |
| <u>50,981.91</u> to an account entitled "Real Prop.Tax/Hospital Real Estate" | 1100.915.5.2391 |
| \$ 101,963.82 Total | |

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 invoices and taxes in a timely manner. 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 2, 2020

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 33 – 2020

BY: FINANCE COMMITTEE

TITLE: 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.

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:

\$ 3,585.00 to an account entitled "Special Events Programs" - 1100.905.5.2398

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 expenses incurred for the Mayor's Breakfast in a timely manner. 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 2, 2020

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 34 – 2020

BY: FINANCE COMMITTEE

TITLE: 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.

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 renew the one (1) year contract with the City of Canal Fulton, Ohio, for the purpose of providing prosecutorial services.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to renew the one (1) year contract with the City of Canal Fulton, Ohio, for the purpose of providing prosecutorial services. The City of Canal Fulton, Ohio, shall pay the sum of Twenty-Five Thousand Two Hundred Dollars (\$25,200.00) under the terms of the contract. The contract will be from February 1, 2020 through January 31, 2021. These funds will go into the General Fund. Said Agreement is attached as Exhibit "A".

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.

Resolution No. 8

REQUEST FOR RESOLUTION TO:

Committee of the Whole

Council Committee

REQUEST FOR RESOLUTION FOR:

Special Meeting 03/05/2020

Council Meeting Date

DEPARTMENT REQUESTING RESOLUTION:

Justin W. Richard
Law Department
2/25/20
Date

MAYOR'S APPROVAL:

Harry C. Seng
Mayor
February 27, 2020
Date

AVAILABILITY OF FINANCES:

(If legislation is for Finance Committee)

Auditor

Date

SUBJECT OF REQUESTED LEGISLATION:

A RESOLUTION AUTHORIZING the Law Director to accept the One Ohio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds.

2/26/20 @ 11:50 - M. Halter gave verbal approval via P.C.
2/28/20 @ 9:20 - M. Barrett gave verbal approval via e-mail

THIS LEGISLATIVE REQUEST IS TO BE CONSIDERED AN EMERGENCY

YES X

NO

REASON: The MOU deadline is March 6th

Committee Chairperson Approval: _____

DATE REQUEST GIVEN TO AUDITOR: _____

DATE REQUEST GIVEN TO COUNCIL _____

RECEIVED FEB 28 2020

Dec