

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

**DATE: MONDAY, NOVEMBER 7, 2022  
COUNCIL CHAMBERS  
TIME: 6:30 p.m.**

**THERE ARE NO PUBLIC HEARINGS TONIGHT**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILWOMAN JULIE HARWIG SMITH**
- 3. PLEDGE OF ALLEGIANCE**
- 4. READING OF THE JOURNAL**
- 5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**
- 6. NEW AND MISCELLANEOUS BUSINESS**
- 7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 153 – 2022**

**BY: PARKS AND RECREATION 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 purchase of a synthetic Skating Rink and accessories necessary for operation, and declaring an emergency.

**ORDINANCE NO. 154 – 2022**

**BY: POLICE AND FIRE COMMITTEE**

**AN ORDINANCE** to approve and adopt the extension of an alternative method for apportioning the Stark County Undivided Local Government Fund for 2023 through 2027 and authorizing the Mayor of the City of Massillon, Ohio, to execute said Agreement, and declaring the same to be an emergency.

**ORDINANCE NO. 155 - 2022**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

**AN ORDINANCE** amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997 by separating the positions of Civil Service Administrator and Equal Employment Opportunity Officer as merged by the enactment of Ordinance No. 93 – 2018, reclassifying and enacting an increase to the Class Grade pay schedule for the position of Civil Service Administrator under 150 “CIVIL SERVICE COMMISSION,” re-establishing and creating the 175 “HUMAN RESOURCES DEPARTMENT,” re-establishing and creating the position of Equal Employment Opportunity Officer and establishing the Class Grade pay schedule for said position within the 175 “HUMAN RESOURCES DEPARTMENT, repealing Ordinance No. 93 – 2018 in its entirety, in the City of Massillon, Ohio, and declaring the same to be an emergency.

**ORDINANCE NO. 156 – 2022**

**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 Diamond Court Improvement Project, and declaring an emergency.

**ORDINANCE NO. 157 – 2022**

**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 Springhill Settlement Improvement Project, Phase IV, and declaring an emergency.

**ORDINANCE NO. 158 – 2022**

**BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Project Agreement for Carmont Ave./17<sup>th</sup> St. S.W. with Stark County Commissioners, and declaring an emergency.

**ORDINANCE NO. 159 – 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2022.

**ORDINANCE NO. 160 – 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending Ordinance No. 143 – 1976 to enact a new Section “ALLOCATION OF FUNDS – INCOME TAX” by repealing Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and enacting a new Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and repealing Ordinance No. 151 – 2019, and declaring an emergency.

**ORDINANCE NO. 161 – 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2023, and declaring an emergency.

**ORDINANCE NO. 162 – 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending the salary and wage schedules for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, CLASSIFIED EMPLOYEES, and UNCLASSIFIED EMPLOYEES in the City of Massillon, Ohio, also amending the MISCELLANEOUS SCHEDULE for part-time employees in the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 163 – 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Massillon Recreation Board to accept a donation from FreshMark, on behalf of the Massillon Park and Recreation Department, and declaring an emergency.

**RESOLUTION NO. 14 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**A RESOLUTION** reversing the decision of the Massillon Board of Zoning Appeals in the Variance Case No. 2022-16.

**RESOLUTION NO. 15 – 2022**

**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 as listed on the attached Exhibit “A”, and declaring an emergency.

**RESOLUTION NO. 16 – 2022**

**BY: FINANCE COMMITTEE**

A RESOLUTION requesting the Stark County Auditor and Stark County Treasurer to make an advance payment to the City of Massillon, Ohio, of real estate taxes collected by Stark County on behalf of the City during 2023 fiscal year.

**8. UNFINISHED BUSINESS**

**9. PETITIONS AND GENERAL COMMUNICATIONS**

**10. BILLS, ACCOUNTS AND CLAIMS**

US Bank Equip. Finance	-	\$ 127.00	November payment for Copier
The Repository	-	69.04	Notice of Public Hearing
First Commonwealth Bank	-	<u>74.53</u>	Office Supplies and Postage Stamps
<b>Total</b>	-	<b>\$ 270.57</b>	

**11. REPORTS FROM CITY OFFICIALS**

Treasurer's Report	-	September 2022
Auditor's Report	-	October 2022

**12. REPORTS OF COMMITTEES**

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

**14. CALL OF THE CALENDAR**

**15. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 138 – 2022**

**BY: ECONOMIC DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Israel Robinson to provide an economic development "inducement grant" to fund start-up costs including build-out, equipment, etc. for Israel Katina located at 256 Erie St. S., Massillon, Ohio, and declaring an emergency.

**16. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 147 – 2022**

**BY: PUBLIC UTILITIES AND ENVIRONMENTAL 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 enter into contract with the lowest and best bidder, upon the approval of the Board of Control, for the Disposal of Municipal Solid Waste and Recycling Services for residential customers in the City of Massillon, Ohio, from January 3, 2023 to December 31, 2027, and an option for an additional five (5) – one (1) year renewals at the election of the Safety and Service Director of the City of Massillon, Ohio, and declaring an emergency.

**17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

**18. ADJOURNMENT**

**DIANE ROLLAND – CLERK OF COUNCIL**

DATE: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 153 – 2022

BY: PARKS AND RECREATION 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 purchase of a synthetic Skating Rink and accessories necessary for operation, 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, 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 purchase of a synthetic Skating Rink and accessories necessary for operation.

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 immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being to expedite the bidding process, receive stable pricing and move forward on the project in a timely manner. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, this Ordinance 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: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 154 – 2022

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE to approve and adopt the extension of an alternative method for apportioning the Stark County Undivided Local Government Fund for 2023 through 2027 and authorizing the Mayor of the City of Massillon, Ohio, to execute said Agreement, and declaring the same to be an emergency.

**WHEREAS**, the Stark Council of Governments (hereinafter SCOG) has represented the mutual interests of all Stark County political subdivisions in areas of health, safety and welfare such as the Crime Lab, METRO, fire safety programs and communications issues for over three decades; and

**WHEREAS**, SCOG has been funded pursuant to an alternative formula agreement for the apportionment of undivided local government tax funds under Chapter 5747 of the Ohio Revised Code by a majority vote of SCOG's membership for 1989 to 2022; and

**WHEREAS**, a meeting of the general membership of SCOG was held on September 6, 2022, for the purpose of reviewing a proposed, updated alternative formula agreement for the period 2023 through 2027; and the SCOG general membership unanimously approved the formula to be presented to individual SCOG members for consideration and approval;

**NOW, THEREFORE**, be it Ordained by the Council of the City of Massillon, State of Ohio, that:

Section 1:

Pursuant to Section 5747.53 of Chapter 5747 of the Ohio Revised Code, which authorizes the County Budget Commission to apportion the Undivided Local Government Fund under an alternative method or on a formula basis, Massillon City Council hereby approves the Alternative Method for apportioning the Stark County Undivided Local Government Fund by means of the formula approved for consideration and approval by the SCOG general membership on September 6, 2022, and attached to this resolution and noted as Exhibit "A". Approval is further granted for the Stark County Budget Commission to apportion the 2023 through 2027 Stark County Undivided Local Government Funds according to the Alternative Method.

DATE: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 155 – 2022

BY: RULES, COURTS, AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997 by separating the positions of Civil Service Administrator and Equal Employment Opportunity Officer as merged by the enactment of Ordinance No. 93 – 2018, reclassifying and enacting an increase to the Class Grade pay schedule for the position of Civil Service Administrator under 150 “CIVIL SERVICE COMMISSION,” re-establishing and creating the 175 “HUMAN RESOURCES DEPARTMENT,” re-establishing and creating the position of Equal Employment Opportunity Officer and establishing the Class Grade pay schedule for said position within the 175 “HUMAN RESOURCES DEPARTMENT,” repealing Ordinance No. 93 – 2018 in its entirety, in the City of Massillon, Ohio, and declaring the same to be 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 is hereby amended.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997 is hereby amended by separating the positions of Civil Service Administrator and Equal Employment Opportunity Officer as merged by the enactment of Ordinance No. 93 – 2018, reclassifying and enacting an increase to the Class Grade pay schedule for the position of Civil Service Administrator under 150 “CIVIL SERVICE COMMISSION” from a 22S Unclassified to a 23S Classified, re-establishing and creating the 175 “HUMAN RESOURCES DEPARTMENT,” re-establishing and creating the position Equal Employment Opportunity Officer and establishing the Class Grade pay schedule for said position within the 175 “HUMAN RESOURCES DEPARTMENT” as a 22S Unclassified.

(SEE ATTACHMENT “A” OCCUPATION LIST OF CLASS TITLES, 150 “CIVIL SERVICE COMMISSION” and 175 “HUMAN SERVICES DEPT.”, PAGES 2 AND 3 AND INSERT IN THE SALARY ORDINANCE NO. 127 – 1997)



Section 3:

Ordinance No. 93 – 2018 is hereby repealed in its entirety.

Section 4:

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 President of Council, 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 5:

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed. If any provision of this Ordinance is judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder.

Section 4:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the citizens of the City of Massillon, Ohio; the emergency being to ensure the constitutional and legal functionality of the Civil Service Commission in accordance with the written legal opinions provided by the Law Department pursuant to R.C. § 733.54 and Codified Ordinance §137.01 dated April 1, 2002 and September 15, 2022. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed 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 \_\_\_\_\_, 2022.

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

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

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

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

DATE: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 156 – 2022

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 Diamond Court Improvement Project, 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, 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 Diamond Court Improvement Project. The project cost estimate is One Hundred and Sixty Thousand Dollars and Zero Cents (\$160,000.00).

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 necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being to expedite the bidding process, receive stable pricing and enter into contract before year end, so that the project can begin next construction season. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, this Ordinance 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: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 157 – 2022

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 Springhill Settlement Improvement Project, Phase IV, 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, 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 Springhill Settlement Improvement Project, Phase IV. The project cost estimate is Two Hundred Thousand Dollars and Zero Cents (\$200,000.00).

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 necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being to expedite the bidding process, receive stable pricing and enter into contract before year end, so that the project can begin next construction season. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, this Ordinance 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: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 158 – 2022

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 enter into a Project Agreement for Carmont Ave./17<sup>th</sup> St. S.W. with Stark County Commissioners, 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, Ohio, is hereby authorized and directed to enter into a Project Agreement for Carmont Ave./17<sup>th</sup> St. S.W. with Stark County Commissioners. The City and County, upon authorization of Council, will be jointly improving the roadway in 2023, from 145' South of Pigeon Run to the South Corporation Line. The estimated cost is One Hundred Two Thousand Four Hundred Fifty-One Dollars and Fifty-five Cents (\$102,451.55), with a City and County cost share split of 81%/19% based on the estimated cost.

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 immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being that the County has advertised and received bids in order for an April construction start. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, this Ordinance 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: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 159 – 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2022.

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, 2022, the following:

\$ 150.00 to an account entitled "Sponsorship Programs" - 1100.110.5.2411

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 declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being to pay printing expenses in a timely manner. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, this Ordinance 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: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 160 – 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 143 – 1976 to enact a new Section “ALLOCATION OF FUNDS – INCOME TAX” by repealing Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and enacting a new Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and repealing Ordinance No. 151 – 2019, and declaring an emergency.

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

Section 1:

Ordinance No. 151 – 2019 be and is hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 13 “ALLOCATION OF FUNDS - INCOME TAX” of Ordinance No. 143 - 1976. Said new Section 13 shall read as follows:

Section 13 - ALLOCATION OF FUNDS

(A) Effective January 1, 2023 the funds collected under the provision of this ordinance shall be disbursed as follows:

- (1) Ninety-three percent (93%) percent shall be deposited in the “1100 General Fund” and Seven percent (7%) shall be deposited in said “1401 Income Tax Capital Improvements Fund” and shall be used for capital improvements to defray operating expenses of the City including such part thereof as shall be necessary to defray all costs of administering and enforcing the provisions thereof.
- (2) Capital Improvements are all property, assets, machinery, equipment or improvements which the City is authorized by law to acquire, construct and maintain, including plans and studies thereof with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extension thereof having an estimated life or usefulness of five (5) years or more provided, however, that the purchase of motorized equipment for the various city departments and the resurfacing and resealing of public streets, including

“Chip and Seal” method, shall be deemed Capital Improvement without regard to estimated life or usefulness.

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 declared to be an emergency for the immediate preservation of health, safety and welfare of the community and for the further reason being one providing for the allocation of funds for the year beginning January 1, 2023. 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 \_\_\_\_\_, 2022

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

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

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

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

DATE: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 161 – 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2023, 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, adopts and approves permanent appropriations, effective January 1, 2023, for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year ending December 31, 2023, pursuant to Ohio Revised Code, Section 5705.38, which appropriations and legal level of control are set forth on the attached Exhibit "A".

Section 2:

That the Auditor of the City of Massillon, Ohio, is hereby authorized and directed to draw warrants on the Treasurer of the City of Massillon, Ohio, for payments from any of the foregoing appropriations upon proper certification and vouchers approved by the Board of Officers (or Officer) authorized by law to approve the same or any ordinance or resolution of Council to make expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed in accordance with law or ordinance.

Section 3:

The Auditor of the City of Massillon, Ohio, is hereby authorized to execute the inter-fund transfers outlined in the attached Exhibit "A" and to draw the warrants upon receipt of vouchers duly approved by the proper departmental authority.

Section 4:

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: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 162 - 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending the salary and wage schedules for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, CLASSIFIED EMPLOYEES, and UNCLASSIFIED EMPLOYEES in the City of Massillon, Ohio, also amending the MISCELLANEOUS SCHEDULE for part-time employees 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:

The salary and wage schedules for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, CLASSIFIED EMPLOYEES, and UNCLASSIFIED EMPLOYEES in the City of Massillon, Ohio, and the MISCELLANEOUS SCHEDULE for part-time employees in the City of Massillon, Ohio, previously amended via Ordinance No. 177 – 2021, are hereby amended and shall read as follows:

(SEE WAGE SCALE ATTACHMENTS “A” AND “B” AND ATTACHMENT C”; ATTACHED HERETO)

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to revise all copies of schedules referenced above in Section 1 in accordance with the amendments reflected in this Ordinance.

Section 3:

All existing ordinances and resolutions in conflict with any provision of this Ordinance are hereby repealed to the extent of the conflict.

DATE: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 163 – 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Massillon Recreation Board to accept a donation from FreshMark, on behalf of the Massillon Park and Recreation 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 Massillon Recreation Board is hereby authorized and directed to accept a donation from FreshMark on behalf of the Massillon Park and Recreation Department.

Section 2:

The donation is in the amount of One Hundred Seven Thousand Dollars and Zero Cents (\$107,000.00) and to be used for the purpose of purchasing a synthetic Skating Rink and accessories necessary for operation. This measure was approved by the Massillon Recreation Board on November 2, 2022 by a 5 – 0 vote.

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 immediate preservation of the public peace, health or safety of the citizens of Massillon; the emergency being that these funds have already been received and deposited into an appropriate City account. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed 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: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 14 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Board of Zoning Appeals in the Variance Case No. 2022-16.

WHEREAS, on October 13, 2022, the Massillon Board of Zoning Appeals rendered its decision in Case No. 2022-16 and granted applicant Kevin Smith's request for two variances to the Massillon Zoning Ordinance; and

WHEREAS, pursuant to Section 1177.01 of the Codified Ordinances of the City of Massillon, the requested variances are required as the applicant has built a 26' x 40' detached garage in the rear yard of Parcel No. 619373; and

WHEREAS, on October 14, 2022, Richard and Charlene Willey filed a Notice of Appeal of the aforementioned decision of the Board of Zoning Appeals with the Clerk of Council, pursuant to Section 1129.09 of the Codified Ordinances of the City of Massillon.

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

Section 1:

Council, in the best interest of proper community growth and general welfare of the City, hereby reverse the decision of the Massillon Board of Zoning Appeals in Variance Case No. 2022-16. The variances requested by Mr. Kevin Smith in said case are hereby denied.

Section 2:

The City of Massillon Building Department and the Massillon Board of Zoning Appeals shall take all actions necessary to carry out the provisions of this Resolution and the decision of Council rendered herein.

DATE: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 15 - 2022

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 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 necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being that the political subdivision must authorize the necessary tax levies as soon as possible. Provided this Resolution receives the affirmative vote of two-thirds of the elected and/or appointed members of 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 \_\_\_\_\_, 2022

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

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

DATE: NOVEMBER 7, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 16 - 2022

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION requesting the Stark County Auditor and Stark County Treasurer to make an advance payment to the City of Massillon, Ohio, of real estate taxes collected by Stark County on behalf of the City during 2023 fiscal year.

WHEREAS, Ohio Revised Code Section 321.34 provides that a municipality may request by Resolution an advance payment from the County of real estate taxes that the County collects on behalf of the municipality, and

WHEREAS, the legislative authority of the City of Massillon has deemed it necessary to request such advance payment, and

WHEREAS, the legislative authority of the City of Massillon has determined such request necessary at this time.

NOW, therefore, it is hereby resolved that the legislative authority of the City of Massillon hereby requests an advance payment of real estate taxes collected for the 2022 fiscal year, as authorized by Ohio Revised Code Section 321.34.

BE it further resolved, that this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being the need to ensure this request is submitted to the County in a timely manner. Provided this Resolution receives the affirmative vote of two-thirds of the elected and/or appointed members of 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 \_\_\_\_\_, 2022

ATTEST:

DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED:

KATHY CATAZARO-PERRY, MAYOR

# THIRD READING

DATE: OCTOBER 3, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 138 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Israel Robinson to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Israel Katina located at 256 Erie St. S., 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, Israel Robinson desires to renovate Israel Katina, located at 256 Erie St. S., Massillon, Ohio, and,

WHEREAS, the City of Massillon proposes to assist owner, Israel Robinson, with an economic development “inducement grant”, for the purpose of assisting with start-up costs, including build-out, equipment, etc. for Israel Katina.

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 Israel Robinson to provide an economic development “inducement grant”, in a total amount not to exceed One Thousand Dollars and Zero Cents (\$1,000.00), for the purpose of assisting with start-up costs including build-out, equipment, etc., for Israel Katina, located at 256 Erie St. S., Massillon, Ohio.

## **SECOND READING**



DATE: OCTOBER 17, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 147 – 2022

BY: PUBLIC UTILITIES AND ENVIRONMENTAL 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 enter into contract with the lowest and best bidder, upon the approval of the Board of Control, for the Disposal of Municipal Solid Waste and Recycling Services for residential customers in the City of Massillon, Ohio, from January 3, 2023 to December 31, 2027, and an option for an additional five (5) – one (1) year renewals at the election of the Safety and Service Director of 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:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to advertise for and receive sealed bids and enter into contract with the lowest and best bidder, for the Disposal of Municipal Solid Waste and Recycling Services for residential customers in the City of Massillon, Ohio, from January 3, 2023 to December 31, 2027, and an option for an additional five (5) – one (1) year renewals at the election of the Safety and Service Director of the City of Massillon, Ohio.

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.