

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

**DATE: MONDAY, DECEMBER 5, 2022  
COUNCIL CHAMBERS  
TIME: 6:30 p.m.**

**THERE ARE NO PUBLIC HEARINGS TONIGHT**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN ED LEWIS IV**
- 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. 172 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio to enter into an agreement with Stark County Regional Planning Commission (SCRPC) for the Massillon Housing Department ending December 31, 2023, and declaring an emergency.

**ORDINANCE NO. 173 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from RM-1 Multiple Family Residential to B-3 General Business District.

**ORDINANCE NO. 174 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from RM-1 Multiple Family Residential to B-3 General Business District.

**ORDINANCE NO. 175 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from O-1 Office to R-1 One Family Residential.

**ORDINANCE NO. 176 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from R-3 One Family Residential to B-3 General Business District.

**ORDINANCE NO. 177 – 2022**

**BY: ECONOMIC DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Cyrus Ausar to provide an economic development “inducement grant” to fund start-up costs, including build-out, equipment, etc., for Grow Mental Health & Wellness, located at 141 – 1<sup>st</sup> St. N.E., Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 178 – 2022**

**BY: ECONOMIC DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to enter into an Enterprise Zone Agreement for a tax abatement for Mast Trucking, Inc., and declaring an emergency.

**ORDINANCE NO. 179 - 2022**

**BY: POLICE AND FIRE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement to purchase a 2023 MEDIX Type I ambulance on behalf of the Massillon Fire Department, and declaring an emergency.

**ORDINANCE NO. 180 – 2022**

**BY: POLICE AND FIRE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, upon the approval of the Board of Control, to enter into a Master Service and Purchase Agreement with Axon Enterprise, Inc., for the purpose of purchasing the CORE+ (TASER and Body Worn Camera Program) and Fleet 3 Advantage (In-Car Program) package bundles for the Massillon Police Department, and declaring an emergency.

**ORDINANCE NO. 181 – 2022**

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

**AN ORDINANCE** authorizing the Director of Law of the City of Massillon, Ohio to renew a one (1) year agreement with the Stark County Public Defender’s Office, for the purpose of providing representation for indigent defendants that are charged under City Ordinances, and declaring an emergency.

**ORDINANCE NO. 182 – 2022**

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

**AN ORDINANCE** to approve the 2022 Replacement Pages to the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 183 – 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1401 Income Tax - Capital Improvement Fund, for the year ending December 31, 2022, and declaring an emergency.

**ORDINANCE NO. 184 – 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, and declaring an emergency.

**ORDINANCE NO. 185 – 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, and declaring an emergency.

**8. UNFINISHED BUSINESS**

**9. PETITIONS AND GENERAL COMMUNICATIONS**

**10. BILLS, ACCOUNTS AND CLAIMS**

Office Depot       -       \$ 81.38       Copy Paper

**11. REPORTS FROM CITY OFFICIALS**

Auditor's Report   -       November

**12. REPORTS OF COMMITTEES**

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

**14. CALL OF THE CALENDAR**

## 15. THIRD READING ORDINANCES AND RESOLUTIONS

### **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. 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.

### **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.

## 16. SECOND READING ORDINANCES AND RESOLUTIONS

### **ORDINANCE NO. 166 – 2022**

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

**AN ORDINANCE** amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, 845 COMMUNITY DEVELOPMENT-PLANNING DEPARTMENT to increase Class Grade Pay Schedule for Economic Development Director from 22S SU UN to Class Grade 26S SU UN.

**ORDINANCE NO. 167 – 2022**

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

**AN ORDINANCE** amending CHAPTER 165 of the Codified Ordinances of the City of Massillon, Ohio, by enacting Section 165.01 to require that employees of the City reside within Stark County or any adjacent county.

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

**18. ADJOURNMENT**

**DIANE ROLLAND – CLERK OF COUNCIL**

DATE: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 172 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio to enter into an agreement with Stark County Regional Planning Commission (SCRPC) for the Massillon Housing Department ending December 31, 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 Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with Stark County Regional Planning Commission (SCRPC) for professional services provided by Stark County Regional Planning Commission (SCRPC) for the City's Housing Programs for the year ending December 31, 2023. This annual agreement is adopted for professional services provided by Stark County Regional Planning Commission for the City's Housing Programs (owner-occupied Housing Rehabilitation and Homebuyer Assistance). Professional services include: environmental and historical reviews; initial home inspections; home rehab estimates with write-ups of projects; inspections during rehab; and final inspections of completed rehabs. The term of the agreement is January 1, 2023 thru December 31, 2023. The compensation is Fifteen Thousand Dollars (\$15,000.00) per year.

(SEE AGREEMENT 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.

DATE: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 173 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from RM-1 Multiple Family Residential to B-3 General Business District.

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

Section 1:

The public necessity, convenience, general welfare, and good zoning practices require that the Zoning Map of the City of Massillon, Ohio, established in Section 1151.02 of the Codified Ordinances of the City of Massillon, Ohio, and subsequently amended, be amended to rezone the property described below in Section 2 from RM-1 Multiple Family Residential to B-3 General Business District. The rezoning was approved by the City of Massillon Planning Commission after a meeting held on November 9, 2022. All required notices and public meetings have been given and held according to law.

Section 2:

The property to be rezoned is known as Lot 4330 WH or Parcel #600285 and Lot 4328/4329-237'NE EA or Parcel #606737, .93 acre parcels, both located on Lincoln Way E., Massillon, Ohio. The property shall be rezoned from RM-1 Multiple Family Residential to B-3 General Business District. The purpose for the rezoning is to allow for the operation of a full-service bank. A map of the area and a legal description of the property are attached to this Ordinance 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 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. 174 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from RM-1 Multiple Family Residential to B-3 General Business District.

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

Section 1:

The public necessity, convenience, general welfare, and good zoning practices require that the Zoning Map of the City of Massillon, Ohio, established in Section 1151.02 of the Codified Ordinances of the City of Massillon, Ohio, and subsequently amended, be amended to rezone the property described below in Section 2 from RM-1 Multiple Family Residential to B-3 General Business District. The rezoning was approved by the City of Massillon Planning Commission after a meeting held on November 9, 2022. All required notices and public meetings have been given and held according to law.

Section 2:

The property to be rezoned is known as Lot 4332 WH/4333-50' WE or Parcel #10000012, Lot 4334/4333-50'WE or Parcel #10000013, Lot 4335/4336 WH EA or Parcel #619349, Lot 4337 or Parcel #604626, Lot 4338 WH or Parcel #685875 and Lot 4339 WH or Parcel #605876, a total of 1.82 acres, all located on Lincoln Way E., Massillon, Ohio. The property shall be rezoned from RM-1 Multiple Family Residential to B-3 General Business District. The purpose for the rezoning is to allow for motor fuel retail convenience. A map of the area and a legal description of the property are attached to this Ordinance 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 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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MASSILLON CITY COUNCIL  
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COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 175 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from O-1 Office to R-1 One Family Residential.

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

Section 1:

The public necessity, convenience, general welfare, and good zoning practices require that the Zoning Map of the City of Massillon, Ohio, established in Section 1151.02 of the Codified Ordinances of the City of Massillon, Ohio, and subsequently amended, be amended to rezone the property described below in Section 2 from O-1 Office to R-1 One Family Residential. The rezoning was approved by the City of Massillon Planning Commission after a meeting held on November 9, 2022. All required notices and public meetings have been given and held according to law.

Section 2:

The property to be rezoned is known as Lot 723 WH or Parcel #609331, .178 acres located on 1<sup>st</sup> St. N.E., Massillon, Ohio. The property shall be rezoned from O-1 Office to R-1 One Family Residential. The purpose for the rezoning is to allow for new residential construction. A map of the area and a legal description of the property are attached to this Ordinance 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 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: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 176 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from R-3 One Family Residential to B-3 General Business District.

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

Section 1:

The public necessity, convenience, general welfare, and good zoning practices require that the Zoning Map of the City of Massillon, Ohio, established in Section 1151.02 of the Codified Ordinances of the City of Massillon, Ohio, and subsequently amended, be amended to rezone the property described below in Section 2 from R-3 One Family Residential. The rezoning was denied by the City of Massillon Planning Commission after a meeting held on November 9, 2022. All required notices and public meetings have been given and held according to law.

Section 2:

The property to be rezoned is known as Lot 347 or Parcel #680121 and Lot 571 or Parcel #680731, 1.9390 acres located at 1900 Wales Rd. N.E, Massillon, Ohio. The property shall be rezoned from R-3 One Family Residential to B-3 General Business District. The purpose for the rezoning is to allow for commercial development. A map of the area and a legal description of the property are attached to this Ordinance 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 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: DECEMBER 5, 2022

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 177 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Cyrus Ausar to provide an economic development “inducement grant” to fund start-up costs, including build-out, equipment, etc., for Grow Mental Health & Wellness, located at 141 – 1<sup>st</sup> St. N.E., 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, Cyrus Ausar desires to renovate Grow Mental Health & Wellness, located at 141 – 1<sup>st</sup> St. N.E., Massillon, Ohio, and,

WHEREAS, the City of Massillon proposes to assist Cyrus Ausar with an economic development “inducement grant”, for the purpose of assisting with start-up costs, including build-out, equipment, etc., for Grow Mental Health & Wellness.

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 Tom Green to provide an economic development “inducement grant”, in a total amount not to exceed Seven Thousand Dollars and Zero Cents (\$7,000.00), for the purpose of assisting with start-up costs, including build-out, equipment, etc., for Grow Mental Health & Wellness, located at 141 – 1<sup>st</sup> St. N.E., Massillon, Ohio.

DATE: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 178 – 2022

BY: ECONOMIC DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an Enterprise Zone Agreement for a tax abatement for Mast Trucking, Inc., and declaring an emergency.

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

Section 1:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into an Enterprise Zone Agreement for a tax abatement for Mast Trucking, Inc. Mast Trucking, Inc. will be constructing a 27,000 square foot facility at 2800 Business Place S.E., Massillon, Ohio. The proposed facility will be on a 38.19-acre site with a projected cost of over Seven Million Dollars and Zero Cents (\$7,000,000.00) and will result in the creation of over 40 jobs with an annual payroll of Two Million, Seven Hundred Thousand Dollars (\$2,700,000.00). The enterprise zone tax exemption would be a ten-year, 75% enterprise zone tax exemption on real and personal property improvements at the project site.

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 enact the enterprise zone before December 31, 2022. Provided it 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: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 179 – 2022

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement to purchase a 2023 MEDIX Type I ambulance on behalf of the Massillon Fire 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 Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a purchase agreement to purchase a 2023 MEDIX Type I ambulance on behalf of the Massillon Fire Department using Ohio STS Procurement State Purchasing Plan. The purchase price is not to exceed Two Hundred Thirty Thousand, One Hundred Seventy Dollars and Zero Cents (\$230,170.00).

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 submit order prior to January 1, 2023, to secure said price before the projected increase of between 18% to 25% and that the expected design and build time is 12 to 14 months from the order date. Provided it 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: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 180 – 2022

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, upon the approval of the Board of Control, to enter into a Master Service and Purchase Agreement with Axon Enterprise, Inc., for the purpose of purchasing the CORE+ (TASER and Body Worn Camera Program) and Fleet 3 Advantage (In-Car Program) package bundles for the Massillon Police 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 Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed, upon the approval of the Board of Control, to enter into a Master Service and Purchase Agreement with Axon Enterprise, Inc., for the purpose of purchasing the CORE+ (TASER and Body Worn Camera Program) and Fleet 3 Advantage (In-Car Program) package bundles for the Massillon Police Department. The program will bring state of the art equipment and software to the Massillon Police Department to better serve the citizens of Massillon, provide more safety to the officers, reduce liability, and increase transparency. The 5-year agreement is to be made in yearly installments of One Hundred Thirty-One Thousand, Eight Hundred Thirty-One Dollars and Twenty Cents (\$131,831.20).

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: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 181 – 2022

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio to renew a one (1) year agreement with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants that are charged under City Ordinances, 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 Law of the City of Massillon, Ohio, is hereby authorized and directed to renew the one (1) year agreement with the Stark County Public Defender's Office for the purpose of providing representation for indigent defendants. The City of Massillon shall pay the sum of One Hundred Ninety-Five Dollars (\$195.00) per case under the terms of the agreement, attached hereto; said payment to be made from Municipal Court funds which were previously used to pay private counsel appointed for indigent defendants. The contract will commence on January 1, 2023 and end December 31, 2023.

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; the emergency being that the current agreement will expire December 31, 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.

DATE: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 182 – 2022

BY: RULES, COURTS, AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE to approve the 2022 Replacement Pages to the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Massillon, Ohio:

Section 1:

That the ordinances of the City of Massillon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages of the Codified Ordinances, are hereby approved and adopted.

Section 2:

That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Administrative Code

101.03      Rules of Construction.    (Amended)



Traffic Code

- 337.10 Lights, Emblems and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors and Animal-Drawn Vehicles. (Amended)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)

General Offenses Code

- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.22 Sale of Dextromethorphan. (Amended)
- 517.01 Gambling Definitions. (Amended)
- 517.02 Gambling. (Amended)
- 517.06 Methods of Conducting a Bingo Game; Prohibitions. (Amended)
- 517.08 Raffles. (Amended)
- 517.09 Charitable Instant Bingo Organizations. (Amended)
- 517.11 Bingo or Game of Chance Records. (Amended)
- 517.13 Bingo Exceptions. (Amended)
- 517.14 Instant Bingo Conduct by a Veteran's or Fraternal Organization. (Amended)
- 517.145 Electronic Instant Bingo; Prohibited Conduct. (Added)
- 517.16 Skill-Based Amusement Machines. (Amended)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.19 Hazing Prohibited. (Added)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 549.14 Possessing Replica Firearm in School. (Amended)
- 549.16 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

Fire Prevention Code

- 1519.01 Fireworks Definitions. (Amended)
- 1519.04 Possession, Sale or Discharge Prohibited; Exceptions. (Amended)
- 1519.05 Application. (Amended)
- 1519.06 Safety Requirements for Fireworks Showroom Structures. (Added)
- 1519.07 Manufacturing or Wholesale Sale Without a License; Prohibitions. (Added)
- 1519.08 Purchase to Comply with Law; Unauthorized Purchases. (Added)

DATE: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 183 – 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax - Capital Improvement Fund, for the year ending December 31, 2022, 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, 2022, the following:

\$ 230,170.00 to an account entitled "Ambulance Purchase"- 1401.325.5.2529

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 submit order prior to January 1, 2023, to secure said price before the projected increase of between 18% to 25% and that the expected design and build time is 12 to 14 months from the order date. Provided this Ordinance 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 of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 184 – 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, 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, 2022, the following:

\$ 225,000.00 to an account entitled "City Improvement Project" - 1100.905.5.239C

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 provide funding for reimbursable expenses related to demolition of unsafe buildings within the City. Provided this Ordinance 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 of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: DECEMBER 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 185 – 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, 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, 2022, the following:

\$ 131,831.20 to an account entitled "Police-Services/Contracts" - 1100.305.5.2392

Section 2:

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

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being to equip the Massillon Police Department with solutions to increase efficiency for the preservation of the community. Provided this Ordinance 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 of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

# THIRD READING

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)

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

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

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.

## **SECOND READING**

DATE: NOVEMBER 21, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 166 – 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, 845 COMMUNITY DEVELOPMENT-PLANNING DEPARTMENT to increase Class Grade Pay Schedule for Economic Development Director from 22S SU UN to Class Grade 26S SU UN.

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 Ord. No. 127 – 1997 is hereby amended to increase Class Grade Pay Schedule for Economic Development Director from 22S SU UN to Class Grade 26S SU UN within the 845 COMMUNITY DEVELOPMENT-PLANNING DEPARTMENT.

(SEE ATTACHMENT “A” OCCUPATION LIST OF CLASS TITLES, 845 COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT; PAGE 9)

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: NOVEMBER 21, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 167 – 2022

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 165 of the Codified Ordinances of the City of Massillon, Ohio, by enacting Section 165.01 to require that employees of the City reside within Stark County or any adjacent county.

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

Section 1:

Section 165.01 of the Codified Ordinances of the City of Massillon is hereby amended as stated in the attached 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 shall take effect and be in force from and after the earliest period allowed by law.