

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

**DATE: TUESDAY, JULY 5, 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. 99 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-3 General Business District to I-1 Light Industrial.

**ORDINANCE NO. 100 – 2022**

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

**AN ORDINANCE** authorizing Judge Edward Elum to accept a technology grant award from the Supreme Court of Ohio on behalf of Massillon Municipal Court, and declaring an emergency.

**ORDINANCE NO. 101 - 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1100 General Fund for the Sponsorship Program, for the year ending December 31, 2022, and declaring an emergency.

**ORDINANCE NO. 102 – 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1233 Municipal Court Computer Fund, for the year ending December 31, 2022, and declaring an emergency.

**ORDINANCE NO. 103 – 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1212 Summer Concert Series 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**

U.S. Bank Equip. Finance       -       \$ 127.00       July Payment for Copier

**11. REPORTS FROM CITY OFFICIALS**

Treasurer's Report       -       May 2022  
Mayor's Report       -       May 2022

**12. REPORTS OF COMMITTEES**

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

**14. CALL OF THE CALENDAR**

**15. THIRD READING ORDINANCES AND RESOLUTIONS**

**16. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 73 – 2022**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** granting the Mayor of the City of Massillon, Ohio, a one-time salary increase to \$84,000.00 per year, effective January 1, 2024, and another one-time salary increase to \$90,000.00 per year, effective January 1, 2028; also granting the Auditor of the City of Massillon, Ohio, a one-time salary increase to \$71,000.00 per year, effective January 1, 2024, and another one-time salary increase to \$77,000.00 per year, effective January 1, 2028.

**ORDINANCE NO. 88 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

**ORDINANCE NO. 91 – 2022**

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

**AN ORDINANCE** enacting Rule 25.2 of the Rules of Massillon City Council, as codified in Section 121.02 “RULES OF COUNCIL” of the Codified Ordinances of the City of Massillon, Ohio.

**RESOLUTION NO. 9 – 2022**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**A RESOLUTION** reversing the decision of the Massillon Board of Zoning Appeals in Variance Request Case No. 2022-5, and declaring the same to be an emergency.

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

**18. ADJOURNMENT**

**DIANE ROLLAND – CLERK OF COUNCIL**

DATE: JULY 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 99 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-3 General Business District to I-1 Light Industrial 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 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 B-3 General Business District to I-1 Light Industrial District; provided, however, that the conditions outlined below in Section 3 must be met before the rezoning may go into effect. If said conditions are not met, as required, the rezoning shall not go into effect and shall be considered rejected by Council. The rezoning was recommended by the City of Massillon Planning Commission after a public hearing held on June 8, 2022. All required notices and public hearings have been given and held according to law.

Section 2:

The property to be rezoned from B-3 General Business District to I-1 Light Industrial District is 8.9771 acres of a 41.77-acre parcel. Said parcel is commonly known as Parcel No. 10011308 (Outlot 1044), and is located at 3725 Erie Avenue SW, Massillon, Ohio 44646. A map and a legal description of the property to be rezoned are attached to this Ordinance as Exhibit "A" and Exhibit "B" respectively.

Section 3:

A Declaration of Covenants, Conditions, and Use Restrictions encumbering the property to be rezoned, a copy of which is attached to this Ordinance as Exhibit "C," must be properly executed and recorded with the Stark County Recorder by the property owner named therein within sixty (60) days of the effective date of this Ordinance.

DATE: JULY 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 100 – 2022

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing Judge Edward Elum to accept a technology grant award from the Supreme Court of Ohio on behalf of Massillon Municipal Court, and declaring an emergency.

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

Section 1:

Judge Edward Elum, is hereby authorized and directed to accept a grant award from the Supreme Court of Ohio on behalf of Massillon Municipal Court.

Section 2:

The grant award is in the amount of Twenty-five Thousand Fifty-two Dollars and Zero Cents (\$25,052.00). The funds will be deposited into the 1233 Municipal Court Computer Fund and are to be used to enable the court to conduct video hearings.

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 the City of Massillon, Ohio; the emergency being to enable the Court, without unnecessary delay, to conduct video hearings with the Stark County Jail and attorneys to improve efficiency. 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:   JULY 5, 2022  

CLERK:   DIANE ROLLAND  

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 101 – 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Sponsorship Program, 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:

\$ 1,275.00 to an account entitled "Sponsorship Program"        -        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 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 allow for timely payment of printing expenses for the Banner Program. 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: JULY 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 102 – 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1233 Municipal Court Computer 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 1233 Municipal Court Computer Fund, for the year ending December 31, 2022, the following:

\$ 25,052.00 to an account entitled "State Grant Expenses" - 1233.125.5.2393

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 enable the Court, without unnecessary delay, to conduct video hearings with the Stark County Jail and attorneys to improve efficiency. 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: JULY 5, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 103 – 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1212 Summer Concert Series 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 1212 Summer Concert Series Fund, for the year ending December 31, 2022, the following:

\$ 22,000.00 to an account entitled "Service and Contracts" - 1212.505.5.2392

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 pay invoices for entertainment and related expenses in a timely manner. 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.



## **SECOND READING**

DATE: APRIL 18, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

**\*\* AMENDED \*\***  
ORDINANCE NO. 73 – 2022

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE granting the Mayor of the City of Massillon, Ohio, a one-time salary increase to \$84,000.00 per year, effective January 1, 2024, and another one-time salary increase to \$90,000.00 per year, effective January 1, 2028; also granting the Auditor of the City of Massillon, Ohio, a one-time salary increase to \$71,000.00 per year, effective January 1, 2024, and another one-time salary increase to \$77,000.00 per year, effective January 1, 2028.

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

Section 1:

Effective January 1, 2024, the Mayor of the City of Massillon, Ohio, shall receive a one-time salary increase to \$84,000.00. Effective January 1, 2028, the Mayor shall receive a one-time salary increase to \$90,000.00. These salary increases shall be in lieu of, and not in addition to, the CPI salary increase provided for in Ordinance No. 174 – 2019. Said CPI salary increase for the Mayor is hereby suspended for calendar years 2024 through and including 2028. Effective January 1, 2029, the Mayor shall commence receiving said CPI salary increase.

Section 2:

Effective January 1, 2024, the Auditor of the City of Massillon, Ohio, shall receive a one-time salary increase to \$71,000.00. Effective January 1, 2028, the Auditor shall receive a one-time salary increase to \$77,000.00 per year. These salary increases shall be in lieu of, and not in addition to, the CPI salary increase provided for in Ordinance No. 174 – 2019. Said CPI salary increase for the Auditor is hereby suspended for calendar years 2024 through and including 2028. Effective January 1, 2029, the Auditor shall commence receiving said CPI salary increase.

Section 3:

In the event of any conflict between the provisions of any existing ordinances or resolutions and the provisions of this Ordinance, the provisions of this Ordinance shall control.

DATE: JUNE 21, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 88 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974 (which title is hereinafter referred to as the "Act") and the regulations promulgated thereunder (24 CFR Parts 58 and 570, hereinafter referred to as the "Regulations") the Secretary of the Department of Housing and Urban Department (hereinafter referred to as the "Secretary") is authorized to make block grants to units of general local government to help finance housing and community development programs (which grants are hereinafter to as "CDBG" grants); and

WHEREAS, the City of Massillon proposes to apply for such a grant for Program Year 2022 and has, in that connection and as required by and pursuant to the Act and Regulations, prepared a Consolidated Plan for community development, including a strategic plan for meeting its housing and community development needs, and an annual action plan describing the activities that the City proposes to undertake with CDBG funds; and

WHEREAS, the City of Massillon has developed and implemented a citizen participation plan to make information available to citizens, public agencies, and others on the various elements of CDBG program; to encourage participation of citizens and organizations representing citizens, particularly low and moderate income citizens, in the development of the Consolidated Plan; to hold public meetings on the Plan and proposed CDBG Budget and to provide timely and adequate notice of such meetings; and to provide technical assistance to citizens and citizen groups requesting assistance to adequately participate in the planning, implementation, and evaluation of the Consolidated Plan and CDBG Program; and

WHEREAS, the Council has duly reviewed and considered the Consolidated Plan and Annual Action Plan, along with the views and proposals of citizens, and the comments and recommendations of the City's administrative and planning officials.

DATE: JUNE 21, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 91 – 2022

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE enacting Rule 25.2 of the Rules of Massillon City Council, as codified in Section 121.02 "RULES OF COUNCIL" 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:

Rule 25.2 of the Rules of Massillon City Council, as codified in Section 121.02 "RULES OF COUNCIL" of the Codified ordinances of the City of Massillon, Ohio, is hereby enacted to read as follows:

**Rule 25.2.**

Any ordinance accepting capital budget awards from the General Assembly of the State of Ohio shall be preceded by an ordinance or resolution stating City Council's support of the project.

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.

DATE: JUNE 21, 2022

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 9 – 2022

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Board of Zoning Appeals in Variance Request Case No. 2022-5, and declaring the same to be an emergency.

WHEREAS, on April 28, 2022, the Massillon Board of Zoning Appeals rendered its decision in Case No. 2022-5 and denied applicant John Bolan's request for two variances to the Massillon Zoning Ordinance; and

WHEREAS, pursuant to Sections 1181.01(b) and 1181.01(h) of the Codified Ordinances of the City of Massillon, the requested variances are required for an existing 16' x 24' detached garage that Mr. Bolan relocated to the front yard of the property known as Parcel No. 617224 in the City of Massillon, Ohio; and

WHEREAS, on May 4, 2022, Mr. Bolan filed a timely Notice of Appeal of the aforementioned decision of the Board of Zoning Appeals with the Clerk of Council, in accordance with 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 interests of proper community growth and the general welfare of the City, hereby reverse the decision of the Massillon Board of Zoning Appeals in Variance Request Case No. 2022-5. The variances requested by Mr. John Bolan in said case are hereby granted.

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.