

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

**DATE: TUESDAY, FEBRUARY 21, 2023
COUNCIL CHAMBERS
TIME: 6:30 p.m.**

**THERE IS A PUBLIC HEARING TONIGHT
RES. NO. 3 – 2023
5:30 p.m.**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILWOMAN JILL CREAMER**
- 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. 13 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to approve the vacation of a portion of South Ave. S.E., Massillon, Ohio, an unimproved 50-foot wide right of way, located north of Harsh Ave. S.E., and running in a westerly direction from 20th St.

ORDINANCE NO. 14 – 2023

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, 2023, and declaring an emergency.

- 8. UNFINISHED BUSINESS**

9. PETITIONS AND GENERAL COMMUNICATIONS

A Transfer of a Liquor License from Hima Petroleum LLC, DBA Prime Station, located at 804 Wales Rd. N.E., Massillon, Ohio 44646 to KPRP LLC, located at 804 Wales Rd. N.E., Massillon, Ohio 44646. Permit Classes are C1 and C2 and is located in Ward 1.

An Economic Transfer of a Liquor License from SLZ, Inc., DBA Sahara Grille, located at 4794 Dressler Rd. N.W., Canton, Ohio 44718 to Tlaquepaque of Massillon, LLC, located at 101 Massillon Market Place, Massillon, Ohio 44646. Permit Classes are D1, D2, D3 and D6 and is located in Ward 4.

10. BILLS, ACCOUNTS AND CLAIMS

Bonnie's Engravers	-	\$ 167.00	Name Plates and Hand Stamp
First Commonwealth Bank	-	156.06	Clock, Headset and Postage
US Bank Equipment Finance	-	<u>133.35</u>	January Payment for Copier
Total		\$ 456.41	

11. REPORTS FROM CITY OFFICIALS

Mayor's Report - January 2023

12. REPORTS OF COMMITTEES

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCES AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 3 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION reversing the decision of the Massillon Board of Zoning Appeals in the Variance Case No. 2023-1.

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

18. ADJOURNMENT

DIANE ROLLAND – CLERK OF COUNCIL

DATE: FEBRUARY 21, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 13 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE to approve the vacation of a portion of South Ave. S.E., Massillon, Ohio, an unimproved 50-foot wide right of way, located north of Harsh Ave. S.E., and running in a westerly direction from 20th St.

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

Section 1:

At its December 14, 2022 meeting, the City Planning Commission recommended approval of the vacation request which includes the replat of the vacated street area into adjoining lots. The request is to vacate that portion approximately 50-foot wide by 530-foot long to the east line of Lot 6759. The property is currently vacant and is zoned R-1 Single Family Residential.

Section 2:

The Council of the City of Massillon, Ohio, hereby approves and accepts the recommendation of the City Planning Commission for the vacation of a portion of South Ave. S.E., an unimproved 50-foot wide right of way, as described above in Section 1.

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.



Situated in the City of Massillon, County of Stark, State of Ohio, and known as being a Report of all of Out Lots 804, 805, & 14709, and part of Out Lots 6759 & 10405 of the said City of Massillon, and a location of a portion of South Ave. S.E., creating New City of Massillon Out Lot

1. Franchise Agreement, representative of the nature of the third assignment license, hereby accepted by the undersigned, and I acknowledge that I have read and understood the same, and accept the Rights and Obligations I am hereby granting and I am hereby releasing and waiving any and all claims and demands that I may have against said party for said license.

Wade Thompson 11/14/20
 President, Eastern Representative of the Mission Society of America
 (Print Name) Date

State of Ohio
County of SS

Before me a duly qualified and for said County and term, lawfully qualified the above signed _____ who acknowledged the making of the foregoing instrument and the signing of this will to be that said act and intent of testimony required I have demanded and my hand and official seal at _____ Ohio, this _____ day of _____, 2012.

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Approved by the Planning Commission of the City of Houston. Date of a meeting held this _____ day of _____, 2003.

Chapman: _____

The plot was duly accepted by Chairman _____ of the Houston City Council Feb.

at _____, 2002.
Date: _____

Answer: _____

Approved this _____ day of _____, 2012, by the
City of Houston's Engineers Office, Civil Number _____, sealed by the City of Houston
Forbear

City Engineer _____

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Auditor's Office

County Number:	State of	Sheet No.

Received at _____ day of _____, 19____
 County Recorder's Office and is recorded by Substantive No. _____ and
 day of _____, 1922.

Abstract

2. *Journal of the American Medical Association*, 1997; 277: 1001-1005.

HOW AND HOW
RATES

Lewis Land Professionals,

C-152 Engineering & Surveying
 4001 Windward Rd. Suite 100 Windsor, ON N6C
 770-211-4211
 Fax: 770-211-4211

Survey Date: AUGUST, 2022

PRICE NO. 27-020 DRAWING NUMBER 44

[illegible]


Line Land Probationary, Inc. has made no investigation or independent search for elements of fraud, embezzlement, restrictive covenants, ownership, the entities, or any other facts not on records and cannot. This search may disclose

DEEDS & PLATS AS SHOWN & LISTED. PLATS MADE 1945-1946. TOPOGRAPHIC AND BOUNDARY SURVEY PREPARED BY CENET SURVEYING, INC. DATED MAY 1, 2012

DEEDS & PLATS AS SHOWN & LISTED FALL
WAS-0045- TOPOGAPAC AND
BOUNDARY SURVEY PREPARED BY DEBBIE
SURVEYING, INC. DATED JUNE 7, 2022

DATE: 10/18/2022
REG. DATA SURVEYOR No. 25-17780
COUNTY: 10/18/2022

Date: 10/18/2022
Surveyor No. PS-11780


 Phone: (202) 414-4111
 1000 Independence Road
 Survey Date: AUGUST, 2002
 SHEET 1 OF 1
 PROJ. NO. 27-010 DRAWING NAME: 27-010-00

Phone: (202) 214-6111
www.harpardesign.com
SURVEY DATE: AUGUST 2022
SHEET 1 OF 1
PANEL NO. 22-010 DOWNSIDE HOUSE 22-010A

DATE: FEBRUARY 21, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 14 – 2023

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, 2023, 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 appropriated from the unappropriated balance of the 1233 Municipal Court Computer Fund, for the year ending December 31, 2023, 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 purchase equipment needed with grant monies awarded by the Supreme Court of Ohio. 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: FEBRUARY 6, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 3 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Board of Zoning Appeals in the Variance Case No. 2023-1.

WHEREAS, on January 12, 2023, the Massillon Board of Zoning Appeals rendered its decision in Case No. 2023-1 and denied applicant Jennifer McConnell's request for a variance to operate a home business for Massage Therapy; and

WHEREAS, on January 17, 2023, Jennifer McConnell 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. 2023-1. The variance request by Mrs. McConnell in said case is hereby reversed.

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.