

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

**DATE: MONDAY, MARCH 6, 2023
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. 15 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Carolyn Worthen to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Little Sprouts – West, located at 2112 Lincoln Way W., Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 16 – 2023

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a donation from Greif Brothers Packaging, on behalf of the Massillon Fire Department.

ORDINANCE NO. 17 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, to add three (3) new positions within the 705 – 730 HEALTH DEPARTMENT, and declaring an emergency.

ORDINANCE NO. 18 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Massillon Fire Department, for the year ending December 31, 2023.

ORDINANCE NO. 19 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1224 OneOhio Fund, for the year ending December 31, 2023.

ORDINANCE NO. 20 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Legends Capital Improvement Fund, for the year ending December 31, 2023, and declaring an emergency.

ORDINANCE NO. 21 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Law Director to accept and agree to the material terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the April 15, 2023, National Opioid Settlement; also authorizing the Law Director to execute the OneOhio Subdivision Participation Form; and declaring the same to be an emergency.

RESOLUTION NO. 4 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION approving the decision of the Massillon Board of Zoning Appeals in the Variance Case No. 2023-2.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

Visual Edge IT - \$ 61.89 Overage Charge – 11/24/22 to 02/23/23

11. REPORTS FROM CITY OFFICIALS

Treasurer'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

ORDINANCE NO. 13 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND 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.

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

18. ADJOURNMENT

DIANE ROLLAND – CLERK OF COUNCIL

DATE: MARCH 6, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 15 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Carolyn Worthen to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Little Sprouts – West, located at 2112 Lincoln Way W., 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, Carolyn Worthen desires to renovate Little Sprouts - West, located at 2112 Lincoln Way W., Massillon, Ohio, and,

WHEREAS, the City of Massillon proposes to assist owner, Carolyn Worthen with an economic development “inducement grant”, for the purpose of assisting with start-up costs, including build-out, equipment, etc. for Little Sprouts – West.

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 Carolyn Worthen to provide an economic development “inducement grant”, in a total amount not to exceed Five Thousand Dollars and Zero Cents (\$5,000.00), for the purpose of assisting with start-up costs including build-out, equipment, etc., for Little Sprouts – West, located at 2112 Lincoln Way W., Massillon, Ohio.

DATE: MARCH 6, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 16 – 2023

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a donation from Greif Brothers Packaging, on behalf of the Massillon Fire Department.

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 accept a donation from Greif Brothers Packaging on behalf of the Massillon Fire Department.

Section 2:

The donation is in the amount of Three Thousand Dollars and Zero Cents (\$3,000.00) to the Massillon Fire Department and to be placed into the 1100.325.5.2410 account for future supplies and equipment purchases.

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 shall take effect and be in force from and after the earliest period allowed by law.

DATE: MARCH 6, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 17 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, to add three (3) new positions within the 705 – 730 HEALTH DEPARTMENT, and declaring an emergency.

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

Section 1:

Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ord. No. 127 – 1997 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:

(SEE ATTACHMENT “A”, A LETTER FROM THE MASSILLON HEALTH DEPARTMENT AND ATTACHMENT “B”, THE OCCUPATION LIST OF CLASS TITLES 705 – 730 HEALTH 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.

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, Ohio; the emergency being to fill these positions so that this vital work can begin and to utilize the allocated funding promptly. 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 _____, 2023

ATTEST: _____
DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____
KATHY CATAZARO-PERRY, MAYOR



2/21/2023

Massillon City Council
1 James Duncan Plaza
Massillon OH 44646

Council Members,

We, the Massillon City Board of Health, voted and approved the creation and duties for three new titles to the Health Department staff at the February 21, 2023 meeting. In accordance with Ohio Revised Code 3709.16 - The board of health is given explicit statutory authority to "appoint for full or part time service a health commissioner and may appoint such public health nurses, clerks, physicians, and other persons as are necessary." R.C. 3709.14. Furthermore, "[T]he board of health of a city or general health district shall determine the duties and fix the salaries of its employees."

The Board of Health requests that Massillon City Council add the following titles to the "Occupation List of Class Titles":

Full Time Outreach Coordinator 11S

Part Time Language Services Coordinator 11S

Seasonal Intern

These positions will be paid in full by our Workforce Development Grant, the grant is through November 30, 2027. The grant will alleviate certain expense from the city budget. The Ohio Department of Health has awarded the grant to Ohio health departments to strengthen Public Health and create new jobs to better serve the citizens of Ohio. The positions we have created will promote and protect the health and well-being of our Massillon citizens by increasing our service areas and outreach into our community. Outreach and community engagement are a cornerstone of public health and vital to creating healthy communities.

The Outreach Coordinator will promote activities of the Health Department and provide education and awareness of services that the Health Department provides. The Language Services Coordinator will provide a greater level of service to our non-English-speaking citizens and provide comfort when utilizing Health Department services. Seasonal interns will be utilized on an as needed bases for certain projects, events, etc.



Attachment "A"



The Board of Health requests that Massillon City Council add these to the "Occupation List of Class Titles", so that the positions can be filled and this vital work can begin promptly.

Thank you for your time and seeing to this matter for us.

Sincerely,

The Massillon City Board of Health

Kathy Catazaro-Perry, President

Terri Argent-Health Commissioner

Jeffrey Thornberry, President Pro-tem

Catherine Heitger

Sonia Glick-Ullum



Attachment "B"

CLASS GRADE	SCHEDULE	DEPT. & TITLE DESCRIPTION
705 - 730		
<u>HEALTH DEPARTMENT</u>		
23S	SU CL	Health Commissioner/Admin. Officer Ord. No. 6 - 2018
17S	CL	Public Health Nursing Director/Supervisor
16S	CL	*Environmental Health Dir. Ord. 123 - 2013
15S	CL	Housing Inspector
15S	CL	Public Health Nurse I
14S	CL	Public Health Sanitarian
14S	CL	WIC Clinic Supervisor
12S	CL	Public Health Sanitarian-in-Training
12S	CL	*WIC Clinic Licensed Dietician Ord. 29 - 2010
12S	CL	*Director of Vital Statistics Ord. 15 - 2021
11S	CL	Outreach Coordinator-Full time
11S	CL	Language Services Coordinator
9S	CL	WIC Clinic Assistant
8S	CL	*Deputy Registrar of Vital Statistics Ord. 15-2021
8S	CL	Clerk Typist II Deputy Registrar
7S	CL	WIC Clerk
6S	CL	Clerk Typist II
<u>PART TIME/TEMPORARY/SEASONAL</u>		
15S	MS CL	Public Health Nurse I
	MS CL	Seasonal Intern
	MS	Health Comm. (Appt.)
	MS CL	Sanitarian (Entry)
	MS CL	Administrative Assistant Ord. No. 168 - 2021
	MS CL	Acting Health Comm.
	MS CL	Medical Director
	MS CL	WIC Prof./Nutritionist
	MS CL	WIC Clerk
845		
<u>COMM. DEVEL./PLANNING DEPT.</u>		
26S	SU UN	Community Development Director
26S	SU UN	Economic Development Director
20S	SU UN	Housing Director
19S	UN	*Economic Developmnt. Spec. Ord. 4-2016
10S-12S	UN	Comm. Develp. Admin. Asst. Ord. No. 15-2019
9S	UN	Code Enforcement Officer

DATE: MARCH 6, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 18 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Massillon Fire Department, for the year ending December 31, 2023.

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, 2023, the following:

\$ 3,000.00 to an account entitled "Supplies/Materials/Postage" - 1100.325.5.2410

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: MARCH 6, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 19 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1224 OneOhio Fund, for the year ending December 31, 2023.

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 1224 OneOhio Fund, for the year ending December 31, 2023, the following:

\$ 15,000.00 to an account entitled "OneOhio Harm Reduction Expenses" - 1224.705.5.2412

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: MARCH 6, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 20 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Legends Capital Improvement 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 is appropriated from the unappropriated balance of the 1234 Legends Capital Improvement Fund, for the year ending December 31, 2023, the following:

\$ 100,000.00 to an account entitled "Legends Capital Improvement" - 1234.920.5.2510

Section 2:

This action was approved by the Recreation Board by 5 – 0 vote at the February 15, 2023 Regular Meeting.

Section 3:

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

DATE: MARCH 6, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 21 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Law Director to accept and agree to the material terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the April 15, 2023, National Opioid Settlement; also authorizing the Law Director to execute the OneOhio Subdivision Participation Form; and declaring the same to be an emergency.

WHEREAS, the City of Massillon, Ohio, is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City of Massillon, Ohio, has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

DATE: MARCH 6, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 4 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION approving the decision of the Massillon Board of Zoning Appeals in Case No. 2023-2.

WHEREAS, Huth Ready Mix & Supply Company, on November 23, 2022, filed an appeal with the Massillon Board of Zoning Appeals of the Cease-and-Desist Order issued by the Zoning Official on November 16, 2022 pursuant to Massillon Cod. Ord. 1129.03(a);

WHEREAS, a public hearing was held by the Massillon Board of Zoning Appeals on said appeal on January 12, 2023 in accordance with Massillon Cod. Ord. Chapter 1129 pursuant to proper notice for which the Huth Ready Mix & Supply Company appeared with counsel, and after consideration of the information and testimony presented at the public hearing, the Board voted to deny Huth Ready Mix & Supply Company's appeal and uphold the Cease-and-Desist Order issued by the Zoning Official on November 16, 2022;

WHEREAS, during a special meeting of the Massillon Board of Zoning Appeals on February 23, 2023 pursuant to proper notice, the Massillon Board of Zoning Appeals adopted BZA Resolution Case No. 2023-2 in accordance with the requirements of R.C. § 2506.03 memorializing its decision to deny Huth Ready Mix & Supply Company's appeal and uphold the Cease and Desist Order issued by the Zoning Official on November 16, 2022, approving the transcript containing a report of all evidence admitted or proffered by Huth Ready Mix & Supply Company and considered by the Massillon Board of Zoning Appeals in rendering its decision in Case No. 2023-2, and adopting conclusions of fact supporting the final decision of the Massillon Board of Zoning Appeals denying the appeal in Case No. 2023-2;

WHEREAS, on February 24, 2023, written notice was served upon Huth Ready Mix & Supply Company of the Massillon Board of Zoning Appeals' decision denying Huth Ready Mix & Supply Company's appeal and upholding the Cease and Desist Order issued by the Zoning Official on November 16, 2022, including a copy of BZA Resolution Case No. 2023-2, the transcript containing a report of all evidence admitted or proffered by Huth Ready Mix & Supply Company and considered by the Massillon Board of Zoning Appeals' in rendering its decision in Case No. 2023-2, and true and

accurate true and accurate copies all exhibits made part of the official record of the proceedings before the Massillon Board of Zoning Appeals' as identified in said transcript;

WHEREAS, pursuant to Massillon Cod. Ord. 1129.09(a) Huth Ready Mix & Supply Company appealed the Massillon Board of Zoning Appeals' decision in Case No. 2023-2 denying Huth Ready Mix & Supply Company's appeal and upholding the Cease-and-Desist Order issued by the Zoning Official on November 16, 2022 by a notice of appeal to Massillon City Council deemed timely filed as of February 24, 2023;

WHEREAS, Massillon City Council a public hearing was held by Massillon City Council on said appeal on March 20, 2023 in accordance with Massillon Cod. Ord. Chapter 1129 pursuant to proper notice for which the Huth Ready Mix & Supply Company appeared with counsel;

WHEREAS, Massillon City Council has considered the transcript containing a report of all evidence admitted or proffered and considered by the Massillon Board of Zoning Appeals' in rendering its decision in Case No. 2023-2, the exhibits made part of the official record of the proceedings before the Massillon Board of Zoning Appeals' as identified in said transcript, and all information and evidence presented or proffered to Massillon City Council by Huth Ready Mix & Supply Company in connection with said appeal.

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

Section 1:

In accordance with Massillon Cod. Ord. 1129.09(c), Council, in the best interest of proper community growth and general welfare of the City and in furtherance of the legislative intent expressed by Massillon Cod. Ord. 1169.01, hereby approves and affirms the decision of the Massillon Board of Zoning Appeals in Case No. 2023-1. The appeal by Huth Ready Mix and Supply Company in said case is hereby denied.

Section 2:

Pursuant to R.C. § 2506.03(A)(5), Council hereby adopts and incorporates by reference the conclusions of fact supporting this final order that were (i) articulated by the members of this body during the public meeting in which the appeal of Huth Ready Mix and Supply Company was considered by Council, (ii) articulated and set forth by the Massillon Board of Building Appeals in BZA Resolution Case No. 2023-2, (iii) articulated and reflected in the transcript of the meeting of the Massillon Board of Zoning Appeals in Case No. 2023-2.

Section 3:

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.

Section 4:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this Resolution. 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 Resolution, during or after the pendency or passage of this Resolution. Corrected copies are to be sent to all official recipients.

Section 5:

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

Section 6:

This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

ATTEST: _____
DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____
KATHY CATAZARO-PERRY, MAYOR

SECOND READING

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.