

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

**DATE: MONDAY, JULY 10, 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. 67 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-2 Central Business District to R-1 One Family Residential, and declaring an emergency.

ORDINANCE NO. 68 – 2023

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Chief of Police, on behalf of the Massillon Police Department, to accept a donation from the Fraternal Order of Eagles #190 for the Annual National Night Out, and declaring an emergency.

ORDINANCE NO. 69 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the payment of the Ohio Supreme Court Attorney Registration Fees for the attorneys of the Massillon Law Department for each Attorney Registration Biennium period from the 1227 FORFETED FUND, and declaring an emergency.

ORDINANCE NO. 70 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1227 Forfeited Fund, for the year ending December 31, 2023.

ORDINANCE NO. 71 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3112 Donation Fund, for the year ending December 31, 2023, and declaring an emergency.

ORDINANCE NO. 72 – 2023

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, 2023, and declaring an emergency.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

US Bank Equip. Finance - \$ 133.35

11. REPORTS FROM CITY OFFICIALS

Auditor's Report - June 2023

12. REPORTS OF COMMITTEES

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 55 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1137.08 "Frequency of Applications" under CHAPTER 1137 "CHANGES AND AMENDMENTS" of TITLE THREE – ZONING ADMINISTRATION, PART ELEVEN – PLANNING AND ZONING CODE of the Codified Ordinances of the City of Massillon, Ohio.

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 63 – 2023

BY: STREETS, HIGHWAYS, TRAFFICE AND SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of sanitary sewer easement for Walnut Ave. S.E., for the proposed Walnut Woods development project, Massillon, Ohio.

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

18. ADJOURNMENT

DIANE ROLLAND – CLERK OF COUNCIL

DATE: JULY 10, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 67 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-2 Central Business District to R-1 One Family Residential, and declaring an emergency.

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 B-2 Central Business District to R-1 One Family Residential. The rezoning was approved by the City of Massillon Planning Commission after a meeting held on June 14, 2023. 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 1004WH of Parcel #602444, a .09 acre lot on 144 Oak Ave., S.E.; Lot 1005WH of Parcel #600668, a .157 acre lot on 138 Oak Ave., S.E.; and Lot 1006WH of Parcel #612864, a .105 acre lot on 134 Oak Ave. S.E., Massillon, Ohio. The property shall be rezoned from B-2 General Business District 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: JULY 10, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 68 – 2023

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Chief of Police, on behalf of the Massillon Police Department, to accept a donation from the Fraternal Order of Eagles #190 for the Annual National Night Out, and declaring an emergency.

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

Section 1:

The Chief of Police, on behalf of the Massillon Police Department, is hereby authorized and directed to accept a donation from the Fraternal Order of Eagles #190 for the Annual National Night Out. The donation is in the amount of Five Hundred Dollars and Zero Cents (\$500.00) will be deposited into 3112 Donation Fund for expenses relating to the National Night Out event.

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 have said funds available to pay expenses relating to the event 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.

DATE: JULY 10, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 69 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing the payment of the Ohio Supreme Court Attorney Registration Fees for the attorneys of the Massillon Law Department for each Attorney Registration Biennium period from the 1227 FORFETED FUND, and declaring an emergency.

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

Section 1:

In accordance with Ohio Attorney General Opinion 83-042, the Auditor of the City of Massillon, Ohio, is hereby authorized and directed to make payment of the Ohio Supreme Court attorney registration fees for each attorney of the Massillon Law Department for the 2023-2025 Biennium period, and each Attorney Registration Biennium period thereafter, from the 1227 FORFETED FUND.

Section 2:

The total cost of the Ohio Supreme Court attorney registration fees for the 2023-2025 Biennium period is Two Thousand Eight Hundred Dollars and Zero Cents (\$2,800.00) which is Four Hundred Dollars and Zero Cents (\$400.00) per attorney. The fees for this Biennium period are to be paid from the 1227 Forfeited Fund-Professional Dues Account – 1227.115.5.2394.

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: JULY 10, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 70 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1227 Forfeited 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 appropriated from the unappropriated balance of the 1227 Forfeited Fund, for the year ending December 31, 2023, the following:

\$ 2,800.00 to an account entitled "Professional Dues" - 1227.115.5.2394

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: JULY 10, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 71 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 3112 Donation 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 3112 Donation Fund, for the year ending December 31, 2023, the following:

\$ 500.00 to an account entitled "National Night Out Expenses" - 3112.305.5.2410

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 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 pay expenses related to the event in a timely manner. 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 by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: JULY 10, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 72 – 2023

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, 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 1212 Summer Concert Series Fund, for the year ending December 31, 2023, the following:

\$ 2,200.00 to an account entitled "Services and Contracts"	-	1212.505.5.2392
<u>300.00</u> to an account entitled "Concert Supplies"	-	1212.505.5.2410
\$ 2,500.00 Total		

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 Massillon, Ohio; the emergency being to pay concert related expenses in a timely manner. 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 by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

THIRD READING

DATE: JUNE 5, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 55 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1137.08 "Frequency of Applications" under CHAPTER 1137 "CHANGES AND AMENDMENTS" of TITLE THREE – ZONING ADMINISTRATION, PART ELEVEN – PLANNING AND ZONING CODE 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:

Section 1137.08 "Frequency of Applications" under CHAPTER 1137 "CHANGES AND AMENDMENTS" of TITLE THREE – ZONING ADMINISTRATION, PART ELEVEN – PLANNING AND ZONING CODE of the Codified Ordinances of the City of Massillon, Ohio, be and is hereby amended to read as follows:

1137.08 FREQUENCY OF APPLICATIONS.

(a) Application by a property owner pursuant to Section 1137.02(a)(2) for a change in the zoning district of any property of record can be submitted only once in any twenty-four-month period with the following exceptions:

- (1) If there is a zoning district change made on abutting property or property within 200 feet of the subject property; or
- (2) If through the action of a public body, the economic use of abutting property or property within 200 feet of the subject property has been changed; or
- (3) If through destruction, demolition or removal of structures, the economic use of abutting property within 200 feet of the subject property has been changed; or

- (4) If because of a procedural error incurred in processing the application by the City, whereby the applicant would not be at fault; or
 - (5) If the zone change request is withdrawn by the applicant in a written notice to the Clerk of Council prior to the time that Council schedules a public hearing.
- (b) The property owner may then apply to the Planning Commission for a right of rehearing. If the Planning Commission determines that the property owner should have a rehearing by virtue of one or more of the exceptions set forth in this section, then the Commission shall notify the Clerk of Council to accept an application for a change in the zoning district(s) of the subject property.

Section 2:

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

Section 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 President of Council, to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This Ordinance 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: JUNE 20, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 63 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE to accept the dedication of sanitary sewer easement for Walnut Ave. S.E., for the proposed Walnut Woods development project, Massillon, Ohio.

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, hereby accepts the dedication of sanitary sewer easement for Walnut Ave. S.E., for Walnut Woods, Massillon, Ohio; as shown on the attached map. At its April 12, 2023 meeting, the City Planning Commission approved said easement plat in conjunction with the proposed Walnut Woods development project. Easement is needed to access and maintain the existing sanitary trunk sewer. The area is currently zoned RM-1 Multi-Family Residential.

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.