

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

**DATE: MONDAY, JULY 24, 2023
COUNCIL CHAMBERS
TIME: 6:30 p.m.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN TED HERNCANE**
- 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. 73 – 2023

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

AN ORDINANCE amending Section 1 of Ordinance No. 49 – 2014 to reduce and ultimately eliminate the current assessment of a Street Lighting Fee.

ORDINANCE NO. 74 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 121 “COUNCIL”, Section 121.02(q), Rule 64, “Who Admitted Within Bar” of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 121.02(q), Rule 64, “Who Admitted Within Bar” of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 75 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Capital Improvement Fund, for the year ending December 31, 2023.

ORDINANCE NO. 76 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1220 Foreclosure Property Administration Fund, for the year ending December 31, 2023, and declaring an emergency.

ORDINANCE NO. 77 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE to repurpose funds in the 1100 General Fund “City Improvement Projects” account, for the year ending December 31, 2023.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for a Transfer of Liquor License from J. Lally, Inc., DBA Massillon Drive Thru, 1st FL only, located at 604 Lincoln Way W., Massillon, Ohio 44647 to Krishna 02, LLC, DBA Massillon Drive Thru, 1st FL only, located at 604 Lincoln Way W., Massillon, Ohio 44647. Permit Classes are C1 and C2 and is located in Ward 5.

A Request for an Economic Transfer of Liquor License from Aldi, Inc., Ohio, DBA Aldi 21, located at 5117 Tuscarawas St. W., Perry Twp., Canton, Ohio 44708 to Aldi, Inc., Ohio, located at 2624 Lincoln Way E., Massillon, Ohio 44646. Permit Classes are C1 and C2 and is located in Ward 3.

10. BILLS, ACCOUNTS AND CLAIMS

11. REPORTS FROM CITY OFFICIALS

Mayor’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

16. SECOND READING 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.

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

18. ADJOURNMENT

DIANE ROLLAND – CLERK OF COUNCIL

DATE: JULY 24, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 73– 2023

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending Section 1 of Ordinance No. 49 – 2014 to reduce and ultimately eliminate the current assessment of a Street Lighting Fee.

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

Section 1:

Section 1 of Ordinance No. 49-2014 is hereby amended.

Section 2:

That the amended Section 1 of Ordinance No. 49-2014 is to read follows:

That each property in the City of Massillon will be charged a street lighting fee in the amount of \$25.00 per year per property commencing April 1, 2014. The street lighting fee will be reduced by 50% effective January 1, 2024. The street lighting fee will be eliminated effective January 1, 2025. The fees assessed from the last quarter of the previous calendar year may be billed in the first quarter of the following year. For the purposes of assessment of the fee if a single-family residential property is serviced by sewer, but situated on more than one lot or parcel of land, it shall only pay one fee annually. However, if the vacant lots or parcels are buildable under the applicable Zoning and Building Code, the owner of such lots shall pay the annual fee for such parcels or lots in addition to the fee for the parcel on which the residence is situated, unless the vacant lot is located directly adjacent to the single-family residential property owner's residence.

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:

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 5:

That this ordinance shall go into effect at the earliest period provided by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023

ATTEST: _____

DIANE ROLLAND, CLERK OF COUNCIL
PRESIDENT

CLAUDETTE O. ISTNICK,

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: APRIL 21, 2014

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

AMENDED
ORDINANCE NO. 49 - 2014

BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE TO ASSESS A STREET LIGHTING FEE.

WHEREAS, the City has established a Street Lighting District; and

WHEREAS, the City has created line item Street Lighting Assessment #1100.905.4.1503 for the collection of street lighting fees; and

WHEREAS, the City has the authority pursuant to Ohio Revised Code Section 727.01 and Article XVIII, Section 3, of the Ohio Constitution to charge a portion of the costs of street lighting to the property owners in the City; and

WHEREAS, the cost to the City for street lighting is approximately \$410,000.00 annually; and

WHEREAS, the cost associated with street lighting includes but is not limited to operation, repair and maintenance of street lights; and

WHEREAS, the City has no obligation to provide street lighting within the City except in certain areas such as intersections; and

WHEREAS, sufficient street lighting is a benefit to all citizens and property owners and promotes the general health, safety and welfare of the citizens of Massillon as it results in increased visibility and safety for property owners, pedestrians and motor vehicles, as well as acting as a deterrent to criminal activity; and

WHEREAS, City Council has determined that it is fair, appropriate and reasonable that the cost of the operation and maintenance be paid on a fair and reasonable basis by all of the property so benefited and the cost should be charged and collected from all such benefited property, except for those exempted below; and

WHEREAS, the amount of the street lighting fee will be \$25.00 per year per property and such amount is in proportion to the benefits that result from street lighting and will be assessed on the sewer bill each quarter in arrears, commencing April 1, 2014; and

WHEREAS, any and all fees collected will be placed into a fund designated solely for the street lighting; and

WHEREAS, any quarterly fee not paid in full by December 31 of any year will be certified to the Stark County Auditor and will become a lien on the property to be collected as real estate taxes.

BE IT ORDAINED, by the City of Massillon, County of Stark and State of Ohio:

SECTION 1. That each property in the City of Massillon will be charged a street lighting fee in the amount of \$25.00 per year per property commencing April 1, 2014. For the purposes of assessment of the fee if a single family residential property is serviced by sewer, but situated on more than one lot or parcel of land, it shall only pay one fee annually. However, if the vacant lots or parcels are buildable under the applicable Zoning and Building Code, the owner of such lots shall pay the annual fee for such parcels or lots in addition to the fee for the parcel on which the residence is situated, unless the vacant lot is located directly adjacent to the single family residential property owner's residence.

SECTION 2. That the street lighting fee will be placed on the sewer bill for each property.

SECTION 3. 10% of collected street lighting fees shall go to the infrastructure improvements of street lighting.

SECTION 4. That any parcel of real estate not serviced by ~~water and / or~~^{water} sewer will be sent an annual bill for the street lighting fee on or about January 1st of each year, except for 2014, which will be billed on or before October 1, 2014 on a prorated basis for 2014.

SECTION 5. That a charge shall not be made against City owned land, or land owned by the Massillon Area City Schools. Any person or corporation that has a separate contract or agreement with the City relative to lighting shall be charged the street lighting fee in addition to any contractual amount.

SECTION 6. Any street lighting fee not paid by December 31 of any year shall be certified to the Stark County Auditor and will become a lien on the real estate to be collected as taxes.

SECTION 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 8. That this ordinance shall go into effect at the earliest period provided by law.

Passed this 19th day of May, 2014.

APPROVED:

Mary Beth Bailey
MARY BETH BAILEY, CLERK OF COUNCIL

Tony M. Townsend
TONY M. TOWNSEND, PRESIDENT

APPROVED:

May 27, 2014

Kathy Catazaro-Perry
KATHY CATAZARO-PERRY, MAYOR

DATE: JULY 24, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 74 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Chapter 121 "COUNCIL", Section 121.02(q), Rule 64, "Who Admitted Within Bar" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 121.02(q), Rule 64, "Who Admitted Within Bar" of the Codified Ordinances of the City of Massillon, Ohio, 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, desires to amend Section 121.02(q), Rule 64, of Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio, to change "Who Admitted Within Bar".

Section 2:

There be and is hereby enacted an amendment to Section 121.02(q), Rule 64, "Who is Admitted Within Bar" of Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, Ohio. Said amended Section shall hereby read as follows:

"No persons except members of Council, City officials, and persons invited shall be admitted within the bar of Council Chambers. The bar of Council Chambers is to include the Council Clerk's general office area, desk, mailboxes and office equipment areas".

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 24, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 75 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Capital Improvement 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 1401 Capital Improvement Fund, for the year ending December 31, 2023, the following:

\$ 50,000.00 to an account entitled "Pump House" - 1401.905.5.2530

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 24, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 76 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1220 Foreclosure Property Administration 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 1401 Capital Improvement Fund, for the year ending December 31, 2023, the following:

\$ 5,000.00 to an account entitled "Services/Contracts" - 1220.415.5.2392

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 due to the increased need for additional dumpsters and tree removal due to safety concerns. 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: JULY 24, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 77 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE to repurpose funds in the 1100 General Fund “City Improvement Projects” account, 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 to repurpose funds in the 1100 General Fund “City Improvement Projects” account, for the year ending December 31, 2023, the following:

\$ 45,430.00 to remain in the account entitled “City Improvement Projects” -	1100.905.5.239C
<u>25,503.05</u> to remain in the account entitled “City Improvement Projects” -	1100.905.5.239C
\$ 70,933.05 Total	

Section 2:

Said funds are the balance of funds appropriated in Ordinance No.184 – 2022 for the purpose of the demolition of 125 and 129 Lincoln Way W. and Ordinance No. 8 – 2023 for the purpose of the demolition of 14 and 20 Lincoln Way E., Massillon, Ohio. Said funds are to be repurposed for any future demolitions.

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.

SECOND READING

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.