

August 22, 2023

## SPECIAL MEETING

To: Council President	Claudette O. Istnick
1st Ward Council	Member Mark Lombardi
2 <sup>nd</sup> Ward Council	Member Aaron Violand
3 <sup>rd</sup> Ward Council	Member Michael Gregg
4 <sup>th</sup> Ward Council	Member Jill Creamer
5 <sup>th</sup> Ward Council	Member Julie Harwig Smith
6 <sup>th</sup> Ward Council	Member Michael Snee
Council At Large	Ed Lewis IV
Council At Large	Ted Herncane
Council At Large	Jamie Slutz

Mayor Kathy Catazaro-Perry has called a Special Meeting on Wednesday, August 23, 2023 at 6:00pm in Council Chambers to consider Ordinance No. 85-2023 and No. 86-2023.

The purpose of the meeting is to consider a potential emergency repair to the **City's storm sewer system**. Further, if such emergency exists, to consider an Ordinance which would authorize the Safety Service Director to enter into a contract for emergency repair work to the storm sewer system without formal bidding and advertising pursuant to Ohio Revised Code 735.051 and 731.30.

The purpose of the meeting is to consider a potential emergency repair to the **City's sanitary sewer system**. Further, if such emergency exists, to consider an Ordinance which would authorize the Safety Service Director to enter into a contract for emergency repair work to the sanitary sewer system without formal bidding and advertising pursuant to Ohio Revised Code 735.051 and 731.30.

  
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Honorable Kathy Catazaro-Perry

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

**AGENDA FOR SPECIAL MEETING CALLED BY  
MAYOR KATHY CATAZARO-PERRY  
HELD WEDNESDAY August 23, 2023 AT 6PM.**

- 1. ROLL CALL**
- 2. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**
- 3. ACTION TAKEN WITH POSSIBLE PASSAGE ON THE FOLLOWING:**

**ORDINANCE NO. 85 – 2023**

**BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract for the emergency repair of the City's Storm Sewer System without formal bidding and advertising pursuant to Ohio Revised Code 735.051, and declaring an emergency.

**ORDINANCE NO. 86 – 2023**

**BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract for the emergency repair of the City's Sanitary Sewer System without formal bidding and advertising pursuant to Ohio Revised Code 735.051, and declaring an emergency.

- 4. ADJOURNMENT**

**DIANE ROLLAND – CLERK OF COUNCIL**

DATE: AUGUST 23, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 85 – 2023

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract for the emergency repair of the City's Storm Sewer System without formal bidding and advertising pursuant to Ohio Revised Code 735.051, and declaring an emergency.

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

Section 1:

That it is hereby declared and determined by this Council that a real and present emergency exists in the Engineering Department of the City requiring immediate repair to the City's storm sewer system at or near 352 Valeside Ave., N.E. in the City of Massillon. Further this Council has been informed and finds that a storm sewer junction vault, located in a densely populated residential neighborhood, has partially collapsed creating a major disruption in the flow of storm water. This disrupted flow has caused damage to the storm sewer pipes and evacuated substantial subsurface soils surrounding the junction vault resulting in a large sinkhole in a resident's backyard. This Council further finds emergency repair is required both to correct the existing damage and to prevent any further damage from future rain events. These measures are required to protect the health and safety of the City's residents from any further damage to the storm sewer system as well as substantial potential damage to multiple residential properties and structures adjacent to and upstream of the current damage to the storm sewer system.

Section 2:

Further, it is hereby declared and determined by this Council, that because of the real and present emergency described in Section 1., above, this Council directs and authorizes the Safety Service Director to enter into a contract without advertising and competitive bidding to make such emergency repairs to the storm sewer system pursuant to the provisions of Ohio Revised Code 735.051 to protect the health and safety of the City's residents.

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 for the reason 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 ensure immediate repair of the damaged storm sewer vault and resulting damage and substantial potential future damage to the City's storm sewer and adjacent residential properties and structures by authorizing to Safety Service Director to enter into a contract for the emergency repair without formal bidding and advertising pursuant to Ohio Revised Code 735.051. 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.

PASSED IN COUNCIL THIS 23<sup>RD</sup> DAY OF AUGUST, 2023

ATTEST:

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DIANE ROLLAND, CLERK OF COUNCIL

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CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: \_\_\_\_\_

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KATHY CATAZARO-PERRY, MAYOR

DATE: AUGUST 23, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 86 – 2023

BY: PUBLIC UTILITIES AND ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract for the emergency repair of the City's Sanitary Sewer System without formal bidding and advertising pursuant to Ohio Revised Code 735.051, and declaring an emergency.

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

Section 1:

That it is hereby declared and determined by this Council that a real and present emergency exists in the Engineering Department of the City requiring immediate repair to the City's sanitary sewer system at or near the Sippo Sanitary Trunk Sewer in Reservoir Park, in the City of Massillon. Further this Council has been informed and finds that the trunk sewer, located in the park, has previously partially collapsed creating a major disruption in the flow of sanitary sewer. This disrupted flow has caused damage to the sanitary sewer pipes and evacuated substantial pipe interior sections which could result in a large sinkhole and effluent flow discharge into Sippo Creek. This Council further finds emergency repair is required both to correct the existing damage and to prevent any further damages. These measures are required to protect the health and safety of the City's residents from any further damage to the sanitary sewer system as well as substantial potential damage to adjacent properties and structures adjacent to, downstream, and upstream of the current damage to the sanitary sewer system.

Section 2:

Further, it is hereby declared and determined by this Council, that because of the real and present emergency described in Section 1., above, this Council directs and authorizes the Safety Service Director to enter into a contract without advertising and competitive bidding to make such emergency repairs to the sanitary sewer system pursuant to the provisions of Ohio Revised Code 735.051 to protect the health and safety of the City's residents.

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 for the reason 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 ensure immediate repair of the damaged sanitary sewer system and resulting damage and substantial potential future damage to the City's sanitary sewer system and adjacent properties and structures by authorizing to Safety Service Director to enter into a contract for the emergency repair without formal bidding and advertising pursuant to Ohio Revised Code 735.051. 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.

PASSED IN COUNCIL THIS 23<sup>RD</sup> DAY OF AUGUST, 2023

ATTEST:

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DIANE ROLLAND, CLERK OF COUNCIL

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CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED:

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KATHY CATAZARO-PERRY, MAYOR