

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

**DATE: MONDAY, AUGUST 7, 2023
COUNCIL CHAMBERS
TIME: 6:30 p.m.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN ED LEWIS**
- 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. 78 – 2023

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Parks and Recreation, on behalf of the Massillon Recreation Board and the City of Massillon, Ohio, to accept a donation for the Improvement of Lawndale Park Project, and declaring an emergency.

ORDINANCE NO. 79 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the Lake Ave. N.E. and Amherst Road N.E. Intersection Improvement Project, and declaring an emergency.

ORDINANCE NO. 80 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1201 Street Construction M & R Fund, for the year ending December 31, 2023, and declaring an emergency.

ORDINANCE NO. 81 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2023, and declaring an emergency.

RESOLUTION NO. 5 – 2023

BY: FINANCE COMMITTEE

A RESOLUTION approving the 2024 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit “A”, and declaring an emergency.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

11. REPORTS FROM CITY OFFICIALS

- Treasurer’s Report - June 2023
- Auditor’s Report - July 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. 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.

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 74 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Chapter 121 “COUNCIL”, Section 121.02(q), Rule 64, “Who is 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. 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.

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

18. ADJOURNMENT

DIANE ROLLAND – CLERK OF COUNCIL

DATE: AUGUST 7, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 78 – 2023

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Parks and Recreation, on behalf of the Massillon Recreation Board and the City of Massillon, Ohio, to accept a donation for the Improvement of Lawndale Park Project, and declaring an emergency.

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

Section 1:

The Director of Parks and Recreation, on behalf of the Massillon Recreation Board and the City of Massillon, Ohio, is hereby directed and authorized to accept a donation for the Improvement of Lawndale Park Project.

Section 2:

The donation is in the amount of Five Thousand and Five Dollars and Zero Cents (\$5,005.00).

Section 3:

This measure was approved by the Recreation Board at its July 19, 2023 meeting by a 4 – 0 vote.

Section 4:

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: AUGUST 7, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 79 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the Lake Ave. N.E. and Amherst Road N.E. Intersection Improvement Project, and declaring an emergency.

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 advertise for and receive sealed bids and enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the Lake Ave. N.E. and Amherst Road N.E. Intersection Improvement Project. The project cost estimate is Three Hundred Twenty-Five Thousand Dollars and Zero Cents (\$325,000.00).

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 accelerate the bid opening and have work begin as soon as possible. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, this Ordinance 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: AUGUST 7, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 80 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1201 Street Construction M & R 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 1201 Street Construction M & R Fund, for the year ending December 31, 2023, the following:

\$ 325,000.00 to an account entitled "Street Repairs" - 1201.435.5.2514

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 funds are needed for the Lake Ave. N.E. and Amherst Rd. N.E. Intersection Improvement Project upon bid award. 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: AUGUST 7, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 81 – 2023

BY: FINANCE COMMITTEE

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

\$ 150,000.00 to an account entitled "Income Tax Refund" - 1100.210.5.2720

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 release established funds for expenses related to income tax refunds. 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: AUGUST 7, 2023

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 5 - 2023

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION approving the 2024 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit "A", and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, approves the 2024 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit "A".

Section 2:

This Resolution is 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 that the due date for submission to the County is August 20, 2023, and that the adoption of the decision of the Stark County Tax Department is essential for the proper community growth. Provided it receives the affirmative vote of two-thirds of the elected and/or appointed members of Council, this Resolution shall be in full force and effect immediately from and after 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

APPROVED: _____
DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

THIRD 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.

SECOND READING

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. 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.