

**MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT
AGENDA**

**DATE: MONDAY, OCTOBER 21, 2013
PLACE: COUNCIL CHAMBERS
TIME: 7:30 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. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 120 – 2013

BY: ENVIRONMENTAL COMMITTEE

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the construction of a salt storage structure to be located at the Department of Public Works on Walnut Road SW, in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 121 – 2013

BY: ENVIRONMENTAL COMMITTEE

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Genshaft Park Sanitary Sewer Replacement Project in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 122 – 2013

BY: HEALTH, WELFARE & BLDG REGULATIONS

1ST READING

AN ORDINANCE enacting a new CHAPTER 751 "CHARITABLE DONATION CONTAINERS", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 123 – 2013

BY: FINANCE COMMITTEE

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AN ORDINANCE reducing the appropriations in the Wastewater Treatment Fund, for the year ending December 31, 2013, and declaring an emergency.

ORDINANCE NO. 124 – 2013

BY: FINANCE COMMITTEE

1ST READING

AN ORDINANCE repealing Ordinance No. 147 – 2012 and any other ordinances inconsistent with this ordinance, and authorizing and directing the Auditor of the City of Massillon as of January 1, 2014 to deposit funds received from golfing fees at The Legends of Massillon Golf Course into the Legends Fund and the Bond Retirement – Legends Fund, and declaring an emergency.

ORDINANCE NO. 125 – 2013

BY: FINANCE COMMITTEE

1ST READING

AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, to deposit the three-tenths percent (.3%) City Income Tax for the Parks and Recreation System into the "Parks and Recreation Operations Fund", "Parks and Recreation Debt Retirement Fund" and the "Parks and Recreation Capital Improvement Fund", and declaring an emergency.

ORDINANCE NO. 126 – 2013

BY: FINANCE COMMITTEE

1ST READING

AN ORDINANCE amending Ordinance No. 143 – 1976 by repealing Section 13 – "ALLOCATION OF FUNDS – INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS – INCOME TAX" and repealing Ordinance No. 87 – 2013, and declaring an emergency.

ORDINANCE NO. 127 – 2013

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit a grant application for financial assistance to the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for a recycling education and outreach program mini grant, and declaring an emergency.

ORDINANCE NO. 128 – 2013

BY: COMMITTEE OF THE WHOLE

1ST READING

AMENDED

MOVED TO RULES + COURTS

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

RESOLUTION NO. 15 – 2013

BY: FINANCE COMMITTEE

PASS 9-0

A RESOLUTION accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor by October 31, 2013.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS
11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR – TABLED FROM OCTOBER 7, 2013

ORDINANCE NO. 73 – 2013

BY: PARKS AND RECREATION COMMITTEE

PASS (6-1) - SUSSA

AN ORDINANCE amending CHAPTER 163 "RECREATION BOARD" of the Codified Ordinances of the City of Massillon, by repealing existing Subsections 163.03 "POWERS AND DUTIES", 163.04 "PARK AND RECREATION DEPARTMENT", and creating a new Subsection 163.06 "GOLF ADVISORY COMMITTEE OF THE LEGENDS OF MASSILLON GOLF CLUB", and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS
16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 120 - 2013

BY: ENVIRONMENTAL 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 enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the construction of a salt storage structure to be located at the Department of Public Works on Walnut Road SW, in the City of Massillon, 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, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the construction of a salt storage structure to be located at the Department of Public Works on Walnut Road SW, in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and to enter into a contract upon award and approval of the Board of Control, with the lowest and best bidder for the construction of a salt storage structure to be located at the Department of Public Works on Walnut Road SW, in the City of Massillon. The City Engineer estimates the cost for the project to be Three Hundred Five Thousand Dollars (\$305,000.00) which will be funded from the 2105 Stormwater Utility Fund, 1206 Municipal Motor Vehicle License Plate Fund and the 1414 Collection System Improvement Fund.

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 preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that bids be received so that work may begin on the salt storage structure to be constructed at the Walnut Road SW site. Provided it receives the affirmative vote of two-thirds of the elected 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 _____, 2013

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 121 - 2013

BY: ENVIRONMENTAL 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 enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Genshaft Park Sanitary Sewer Replacement Project in the City of Massillon, 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, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Genshaft Park Sanitary Sewer Replacement Project in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and to enter into contract upon award and approval of the Board of Control, with the lowest and best bidder for the Genshaft Park Sanitary Sewer Replacement Project in the City of Massillon. The estimated cost of said project is One Hundred Fifteen Thousand Dollars (\$115,000.00) which will be paid from the 1414 Collection System Improvement Fund.

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 preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that bids be received so that work may be completed on the Genshaft Park Sanitary Sewer Replacement Project. Provided it receives the affirmative vote of two-thirds of the elected 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 _____, 2013

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 122 - 2013

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE enacting a new CHAPTER 751 "CHARITABLE DONATION CONTAINERS", of the Codified Ordinances of the City of Massillon, 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 is hereby enacted a new CHAPTER 751 "CHARITABLE DONATION CONTAINERS", of the Codified Ordinances of the City of Massillon. Said newly created Chapter shall read as follows:

(SEE ATTACHED EXHIBIT "A")

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

AN ORDINANCE

CREATING CHAPTER 751 WITHIN OHIO BUSINESS REGULATIONS OF THE CITY CODE OF MASSILLON, TO REGISTER DONATION CONTAINERS THAT ARE PLACED IN OPEN SPACES AND ON PRIVATE PROPERTY AND A PENALTY FOR VIOLATION.

* * * * *

WHEREAS, the City currently takes various measures to combat illegal dumping under the existing City Code and various donation containers are placed in different areas in and around the City of Massillon by numerous non-profit organizations; and

WHEREAS, large amounts of donated materials outside of donation containers, such as clothing or other household materials, have the potential to become a larger illegal dumping issue because many containers have items placed outside of the designated container; and

WHEREAS, this proposed addition to the City Code will increase the City's ability to combat illegal dumping around donation containers by enacting new registration requirements and more accountability of property owners and non-profits for the maintenance, upkeep, servicing and signage for the donation containers; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MASSILLON:

SECTION 1 Chapter 751 within the Ohio Business Regulations of the City of Massillon, is hereby created:

Chapter 751 Charitable Donation Containers

751.01 Definitions

A. **Attended Donation Container** means any donation container at which an employee or representative of the sponsoring company or organization is present to accept donations. A donation container shall have a person present to accept donations at least twenty (20) hours a week to be considered attended. Donation containers placed inside of permitted buildings shall be considered attended.

B. **Donation container** means any box, building, trailer or other receptacle that is intended for use as a collection point for donated clothing/household items or any other specified materials

C. **Person** includes an individual, sole proprietorship, corporation, association nonprofit corporation, partnership, joint venture, limited liability company, estate, trust, public or private organization that is not a state agency, business trust, public corporation, or any other legal or commercial entity.

D. **Recyclable material** means material that has been recovered or diverted from the solid waste stream for purposes of recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products which may otherwise be produced using raw or virgin materials.

E. **Recycling** means a process by which recyclable materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products.

F. **Recycling container** means any box, building, trailer or other receptacle that is intended for use as a collection point for the collection of recyclable material that will be subject to recycling by any person.

G. **Unattended donation container** means any donation container at times when no employee or representative of the sponsoring company or organization is present to accept donations. Donation containers placed inside of permitted buildings or businesses shall not be considered unattended.

751.02. Donation containers prohibited.

A. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, any donation container within the City of Massillon, without having first registering the container in compliance with the provisions of this article.

B. Any donation container located within the jurisdiction of the City of Massillon that is not registered shall be subject to impoundment by the City. Any donation container impounded by the City shall be released to the owner upon securing proper registration, and the payment of an impound fee of \$100.00, and a daily storage fee of \$20.00 for each day in City possession after impound.

C. Notwithstanding any other provision of the City Code, no provisions of this Article shall apply to recycling containers. No provisions of this Article shall apply to any donation container located on the property of any public or private school, church or community center.

751.03 Authorizing or allowing donation containers on real property prohibited.

A. It shall be unlawful for any person that owns, leases, or is entitled to possession of real property within the City of Massillon, to authorize or allow any

donation container to placed on or remain on such real property without complying with the provisions of this article.

751.04 Registration Requirements

A. Registration to allow a donation container as an accessory use shall be issued by the Massillon Code Enforcement Office provided the following conditions are satisfied:

1. The person or entity placing or maintaining a donation container is registered to operate in the State of Ohio as a non-profit corporation.
2. The property owner provides written authorization allowing the donation container on the property.
3. The permit holder shall be responsible to collect the contents of the donation container to prevent overflow.
4. The visual/structural integrity and cleanliness of the donation container must be maintained continuously.
5. The placement of the donation container shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
6. The donation container shall not be located in a required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement or fire lane.
7. A minimum of one (1) stacking or parking space per donation container shall be required on-site.
8. Occupation of any parking spaces by the donation container shall not reduce any required parking spaces for the principal use on a lot.
9. The donation container owner or the entity maintaining the donation container shall display current contact information including street address and telephone number on the donation container. This information must be readable and clearly visible to the public.
10. The donation container may only be used as a collection container for items specified. All donation materials must fit into and be placed inside the donation container. The collection or storage of any materials outside the container is prohibited.
11. The donation container shall be located at least 200 feet away from any residential dwelling.

12. The maximum number of donation containers allowed for each property shall not exceed four (4) and the size of each donation container shall not exceed four (4) cubic yards.

13. The property is not located in a single-family or multi-family zoning district unless the primary use on the property is not residential, such as a church, public or private school or community center.

14. The donation container must be equipped with a safety designed pull down door that when open allows for limited access.

751.05 Registration

A. Applicants registering under this article shall file a written sworn application with the Massillon Code Enforcement Office. The application shall include the written authorization from the property owner allowing the donation container on the property. Registrations issued under the provisions of this article shall be valid only at the address stated. The annual registration shall expire on December 31st of each calendar year regardless of the date of issuance.

751.06 Maintenance and Upkeep

A. The Donation Box owner holder and the property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the container and clean up and removal of any donations left on the property outside of the container. The City shall have the authority to abate any property in violation of this Article that is deemed a public nuisance under the procedures contained in within the City Code.

751.99 Penalty

A. Any violation of this section may result in the immediate removal and impoundment of the donation container and any privileges contained within revoked. Any donation container impounded by the City shall be released to the owner upon securing proper registration, and the payment of an impound fee of \$100.00, and a daily storage fee of \$20.00 for each day in City possession after impound. If after 60 days the donation box is not retrieved by the proper owner, the box will be sold for scrap and funds will be credited to the City.

Code Enforcement Division
1 James Duncan Plaza, Massillon, OH 44646
330.830.1724 | Fax 330.830.1782 |
www.massillonohio.com

Kathy Catazaro-Perry, Mayor



Date Permit Issued: _____

Code Enforcement
Approval: _____

Donation Container Application Form

Business Name:	Name of Non-Profit Organization: (Registered in Ohio):
Business Mailing Address:	Written Business Owner's Authorization: <input type="checkbox"/> YES <input type="checkbox"/> NO
City:	State: Zip Code:

Donation Container Location Information

Non-Profit Name (#1)	Non-Profit Name (#2)
Last Name:	Last Name:
First Name:	First Name:
Provider Address:	Provider Address:
City: State: Zip:	City: State: Zip:
Provider Telephone #	Provider Telephone #
Provider E-Mail:	Provider E-Mail:

Donation Container Location Information

(Attach additional list if needed & attach site plan with location of container marked)

Physical Address of Container(s):	# of Containers	Size of Containers (Cubic Yards)	Length of time at location?
1.			
2.			
3.			
4.			
5.			

Required Signatures

Printed Name of Business Owner:
Signature of Business Owner:
Printed Name of Non-Profit (s) Representative:
Signature of Non-Profit (s) Representative:

I UNDERSTAND AND AGREE THAT ANY FALSE STATEMENT OR FAILURE FULLY TO COMPLY WITH ANY ASSERTION HEREIN SHALL IMMEDIATELY VOID THIS APPLICATION AND RESULT IN THE DENIAL AND REVOCATION OF ANY LICENSE GRANTED BASED UPON THIS APPLICATION.

DATE: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 123 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the Wastewater Treatment Fund, for the year ending December 31, 2013, and declaring an emergency.

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

Section 1:

The appropriations are hereby reduced in the Wastewater Treatment Fund, for the year ending December 31, 2013, as follows:

\$13,859.52 from an account entitled "Hosp/Eye/Den/Pres/Life" 2101.610.2210
\$28,274.97 from an account entitled "Workers Compensation" 2101.610.2270
\$12,957.50 from an account entitled "Union Health & Welfare" 2101.610.2281
\$150,000.00 from an account entitled "Utilities" 2101.610.2340
\$162,317.43 from an account entitled "Hosp/Eye/Den/Pres/Life" 2101.615.2210
\$13,447.89 from an account entitled "Workers Compensation" 2101.615.2270

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, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community and for the additional reason that the appropriation needs to be reduced because of an audit procedure. Provided it receives the affirmative vote of two-thirds of the elected 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: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 124 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 147 – 2012 and any other ordinances inconsistent with this ordinance, and authorizing and directing the Auditor of the City of Massillon as of January 1, 2014 to deposit funds received from golfing fees at The Legends of Massillon Golf Course into the Legends Fund and the Bond Retirement – Legends Fund, and declaring an emergency.

WHEREAS, the legislative authority of the City of Massillon is required to designated the funds where such monies are to be deposited; and

WHEREAS, the City desires as of January 1, 2014 to deposit 97.25% of the monies received from golfing fees at The Legends of Massillon Golf Course into The Legends Operating Fund and 2.75% of the monies received into the Bond Retirement Fund.

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

Section 1:

Ordinance No. 147 – 2012 and any other ordinances inconsistent with this ordinance be and are hereby repealed.

Section 2:

The Auditor of the City of Massillon is hereby authorized and directed as of January 1, 2014 to deposit funds received from golfing fees at The Legends of Massillon Golf Course as follows: 97.25% of the monies received shall be deposited into The Legends Operating Fund and 2.75% of the monies received shall be deposited into the Bond Retirement Fund.

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, the reason for the emergency being that said funds are needed to comply with the objectives of both funds, and for the additional reason for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected 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 _____ 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 125 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon to deposit the three-tenths percent (.3%) City Income Tax for the Parks and Recreation System into the "Parks and Recreation Operations Fund", "Parks and Recreation Debt Retirement Fund" and the "Parks and Recreation Capital Improvement Fund", and declaring an emergency.

WHEREAS, the electors of the City of Massillon voted to raise the city income tax rate by three-tenths percent (.3%) effective January 1st, 1996 and to be used exclusively for the parks and recreation system in the City of Massillon.

WHEREAS, it is necessary to determine what percentage of the tax collected for the Parks and Recreation Department shall be deposited into the "Parks and Recreation Operations Fund", "Parks and Recreation Debt Retirement Fund" and the "Parks and Recreation Capital Improvement Fund".

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

Section 1:

It is hereby determined that it is necessary for the Auditor of the City of Massillon to deposit a portion of the three-tenths percent (.3%) City Income Tax for the parks and recreation system into the "Parks and Recreation Fund", "Parks and Recreation Capital Improvement Fund" and the "Parks and Recreation Bond Retirement Fund".

Section 2:

Effective January 1, 2014 through December 31, 2014 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Forty-Two and a Half percent (42.5%) shall be deposited into the "Parks and Recreation Operations 1234 Fund".
- 2.) Fifty-Six and a Half percent (56.5%) shall be deposited into the "Parks and Recreation Debt Retirement 1306 Fund".
- 3.) One percent (1%) shall be deposited into the "Parks and Recreation Capital Improvement 1433 Fund".

Section 3:

That Ordinance No. 146 - 2012 be and is hereby repealed as of December 31, 2013

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.

Section 5:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community, and for the further reason that said funds are necessary to provide sufficient funds to adequately maintain the Parks and Recreation Department and provide sufficient funds for the operations of the department on a daily basis. Provided it receives the affirmative vote of two-thirds of the elected 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 _____ 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 126 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 143 - 1976 by repealing Section 13 - "ALLOCATION OF FUNDS - INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" and repealing Ordinance No. 87 - 2013, and declaring an emergency.

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

Section 1:

Ordinance No. 87 - 2013 be and is hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" of Ordinance No. 143 - 1976. Said new Section 13 shall read as follows:

Section 13 - ALLOCATION OF FUNDS

(A) Effective January 1, 2014 the funds collected under the provision of this ordinance shall be disbursed as follows:

- (1) Ninety-Nine and Half percent (99.50%) percent shall be deposited in the General Fund and Half percent (.50%) percent shall be deposited in said "Income Tax Capital Improvements" Fund and shall be used for capital improvements to defray operating expenses of the City including such part thereof as shall be necessary to defray all costs of administering and enforcing the provisions thereof.
- (2) Capital Improvements are all property, assets, machinery, equipment or improvements which the City is authorized by law to acquire, construct and maintain, including plans and studies thereof with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extension thereof having an estimated life or usefulness of five (5) years or more provided, however, that the purchase of motorized equipment for the various city departments and the resurfacing and resealing of public streets, including "Chip and Seal" method, shall be deemed Capital Improvement without regard to estimated life or usefulness.

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, welfare and safety and the emergency being the necessity of providing funds for the operation of necessary governmental functions imposed by law, including the proper police and fire protection, but not limited thereto, for, without said funds, said governmental functions would have to be curtailed to such an extent that the public safety and welfare would be greatly jeopardized. And provided it receives the affirmative vote of two-thirds of the elected 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 _____, 2013

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 127 – 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit a grant application for financial assistance to the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for a recycling education and outreach program mini grant, and declaring an emergency.

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

Section 1:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit a grant application for financial assistance to the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for a recycling education and outreach program mini grant.

Section 2:

The Stark-Tuscarawas-Wayne Joint Solid Waste Management District will reimburse the City for all approved expenses not to exceed One Thousand Five Hundred Dollars (\$1,500.00) within 45 days of receipt of a copy of each invoice. This grant requires no matching funds.

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 health, safety, and welfare of the community, and for the additional reason that it is necessary for the grant application to be submitted in a timely so the City will be able to utilize the recycling program. Provided it receives the affirmative vote of two-thirds of the elected 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: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 128 - 2013

BY: COMMITTEE OF THE WHOLE:

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

Section 2:

There be and is hereby enacted a new Section 121.02(q) Rule 64 "Who Admitted Within Bar" of Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

Rule 64:

No persons except members of Council and persons invited shall be admitted within the bar of the Council Chambers.

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:

That this Ordinance is hereby declared to be an emergency measure necessary for the efficient operation of Massillon City Council. Provided it receives the affirmative vote of two-thirds of the elected 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 _____, 2013

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: OCTOBER 21, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 15 - 2013

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor by October 31, 2013.

(SEE ATTACHED PAGES)

PASSED THIS _____ DAY OF _____, 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

ALAN HAROLD
STARK COUNTY AUDITOR

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR

Revised Code, Secs. 5705.34-5705.35

~~The (Council of the)~~ MASSILLON CITY

Of Stark County, Ohio, met in _____ Session on the _____ day of
_____ at the office of _____ with the following members present:

Mr./Ms. _____ moved the adoption of the following Resolution:

WHEREAS, This council in accordance with the provisions of law has previously adopted
a Tax Budget for the next succeeding fiscal year commencing January 1st, 2014; and

WHEREAS, The Budget Commission of Stark County, Ohio, has certified its action thereon to this council
together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this (Council/Board);
and what part thereof is without, and what part within the ten mill limitation; there be it

RESOLVED, by the (Council) of _____ City/Village, Stark County, Ohio that the
amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted;
and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said (Village/City) the rate of each
amount necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount to be derived from Levies outside 10 mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside	Outside
General Fund		46,423	1.60 (TLSD)	
		1,107,928	3.10 (MCSD)	
		100,480	1.00 (PLSD)	
		4,514	1.40 (JLSD)	
		15,652	2.60 (FLSD)	
		0	0.90 (PLSD)	
Firemen Pension		148,835	0.30	
Police Pension		148,835	0.30	
Museum	496,115			1.00
Total	496,115	1,572,647	11.20	1.00

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

<u>FUND</u>	<u>Maximum Rate Authorized to be Levied</u>	<u>County Auditor's Estimate of Yield of Levy</u>
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GENERAL FUND:

Current expense levy authorized by voters on
for not to exceed Continued years.

Emergency Current expense levy authorized by voters on
for not to exceed 5 years.

Emergency Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed 5 years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed years.

Museum Levy authorized by voters on 11/6/2012
for not to exceed 5 years.

1.00

496,115

und: Levy authorized by voters on
for not to exceed years.

Fund: Levy authorized by voters on
for not to exceed years.

Fund: Levy authorized by voters on
for not to exceed years.

Fund: Levy authorized by voters on
for not to exceed years.

nd be it further

Resolved, That the clerk of this Board be and he is hereby directed to certify a copy of this resolution to the County Auditor of said County.

Mr./Ms. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

CERTIFICATE TO COPY
ORIGINAL ON FILE

The State of Ohio, Stark County, Ss.

I, _____ Clerk City/Village of _____

Within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the Original

now on file, that the foregoing has been compared by me with said original document, and that the same is true and correct copy thereof.

Witness my signature, this _____ day of _____,

Clerk

No. _____

City/Village _____, Stark County Ohio.

Resolution

Accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Adopted _____

Clerk

Filed _____

County Auditor

by _____
Deputy Auditor