

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

**DATE: MONDAY, NOVEMBER 4, 2013  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30P.M.**

**THERE ARE NO PUBLIC HEARINGS TONIGHT**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN PAUL MANSON**
- 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. 129 – 2013**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Pass 9-0*

**AN ORDINANCE** amending Ordinance No. 117 – 2013 to include the date of termination of the Enterprise Zone Agreements for Cloverleaf Cold Storage, and declaring an emergency.

**ORDINANCE NO. 130 – 2013**

**BY: FINANCE COMMITTEE**

*Pass 9-0*

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the General Fund, Fire Pension Fund, 1409 Municipal Road Fund, 2105 Stormwater Utility Fund, 1433 Capital Improvement Fund, 1206 Municipal Motor Vehicle License Plate Fund, 1414 Collection System Improvement Fund, 1482 OPWC Project Fund and the Insurance Fund, for the year ending December 31, 2013, and declaring an emergency.

**ORDINANCE NO. 131 – 2013**

**BY: FINANCE COMMITTEE**

*Pass 9-0*

**AN ORDINANCE** making certain transfers in the 2013 appropriations from within the General Fund, for the year ending December 31, 2013, and declaring an emergency.

- 7. UNFINISHED BUSINESS**
- 8. PETITIONS AND GENERAL COMMUNICATIONS**
- 9. BILLS, ACCOUNTS AND CLAIMS**
- 10. REPORTS FROM CITY OFFICIALS**

- A). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2013**
- B). MAYOR'S APPOINTMENT TO BOARDS AND COMMISSIONS**

- 11. REPORTS OF COMMITTEES**
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER**
- 13. CALL OF THE CALENDAR**
- 14. THIRD READING ORDINANCES AND RESOLUTIONS**



15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 120 – 2013

BY: ENVIRONMENTAL COMMITTEE

*2ND 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

*2ND 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

*2ND 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. 124 – 2013

BY: FINANCE COMMITTEE

*PASS 9-0*

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

*PASS 9-0*

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.

*AMEND 9-0  
98% G.F.  
2% C.F.*

ORDINANCE NO. 126 – 2013

BY: FINANCE COMMITTEE

*PASS 9-0*

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. 128 – 2013

BY: RULES, COURTS & CIVIL SERVICE

*2ND READING*

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".

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: NOVEMBER 4, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 129 – 2013

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 117 – 2013 to include the date of termination of the Enterprise Zone Agreements for Cloverleaf Cold Storage, 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. 117 - 2013 a copy of which is attached hereto as Exhibit "A" be and is hereby amended.

Section 2:

The termination date of December 31, 2012 for the Enterprise Zone Agreements for Cloverleaf Cold Storage is hereby inserted into Ordinance No. 117 – 2013.

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 amendment is necessary for Ordinance No. 117 – 2013 to reflect the date of termination for the Cloverleaf Cold Storage Enterprise Zone Agreements. 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 7, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

"Exhibit A"

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 117 - 2013

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 181 – 2001 and Ordinance No. 50 - 2005, and rescinding the Enterprise Zone Agreement with Cloverleaf Cold Storage, and declaring an emergency.

WHEREAS, in Ordinance No. 181 – 2001 and Ordinance No. 50 - 2005, Council authorized a tax abatement with Cloverleaf Cold Storage; and

WHEREAS, pursuant to the passage of this ordinance, the City of Massillon entered into an Enterprise Zone Agreement; and

WHEREAS, the company has been sold to Fresh Mark which is the purpose of the rescinding the Enterprise Zone Agreement; and

WHEREAS, in order for the Stark County Auditor and the State of Ohio to adjust the records, the tax abatement needs to be rescinded.

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

Section 1:

That Ordinance No. 181 – 2001 and Ordinance No. 50 - 2005 be and are hereby repealed.

Section 2:

There the Enterprise Zone Agreement between the City of Massillon and Cloverleaf Cold Storage is hereby rescinded.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare the community, and for the additional reason that the ordinance needs to be repealed and the Enterprise Zone Agreement needs to be rescinded so that the government entities may be rightfully adjusted. 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: NOVEMBER 4, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.130 – 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Fire Pension Fund, 1409 Municipal Road Fund, 2105 Stormwater Utility Fund, 1433 Capital Improvement Fund, 1206 Municipal Motor Vehicle License Plate Fund, 1414 Collection System Improvement Fund, 1482 OPWC Project Fund and the Insurance 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:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2013, the following:

\$ 45,000.00 to an account entitled "Law Dept. Staff - Salary" 1100.115.2111  
\$ 5,000.00 to an account entitled "Law Dept. PERS" 1100.115.2230  
\$300,000.00 to an account entitled "Police – Salary" 1100.305.2110  
\$300,000.00 to an account entitled "Fire – Salary" 1100.325.2110  
\$150,000.00 to an account entitled "Street Lighting" 1100.905.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Fire Pension Fund, for the year ending December 31, 2013, the following:

\$48,359.98 to an account entitled "Fire Pension" 1210.325.2240

Section 3:

There be and hereby is appropriated from the unappropriated balance of the 1409 Municipal Road Fund, for the year ending December 31, 2013, the following:

\$26,718.75 to an account entitled "Lake Ave NE Resurfacing Project" 1409.435.2394 ✓

Section 4:

There be and hereby is appropriated from the unappropriated balance of the 2105 Stormwater Utility Fund, for the year ending December 31, 2013, the following:

\$15,237.00 to an account entitled "Storm Sewer Repairs" 2105.425.2510 ✓

Section 5:

There be and hereby is appropriated from the unappropriated balance of the 1433 Capital Improvement Fund, for the year ending December 31, 2013, the following:

\$11,570.00 to an account entitled "Capital Improvement Expense" 1433.505.2530

Section 6:

There be and hereby is appropriated from the unappropriated balance of the 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2013, the following:

\$5,487.00 to an account entitled "Street Repairs" 1206.435.2510

\$3,155.00 to an account entitled "Street Repairs" 1206.435.2510

Section 7:

There be and hereby reduce the appropriation in the 1414 Collection System Improvement Fund, for the year ending December 31, 2013, the following:

\$5,083.81 to an account entitled "Griffith Ave SW Sanitary Sewer Project" 1414.610.2514

Section 8:

There be and hereby is appropriated from the unappropriated balance of the 1482 OPWC Project Fund, for the year ending December 31, 2013, the following:

\$4,884.44 to an account entitled "Griffith Ave SW Sanitary Sewer Project" 1482.610.2514

Section 9:

There be and hereby is appropriated from the unappropriated balance of the Insurance Fund, for the year ending December 31, 2013, the following:

\$1,660.51 to an account entitled "Employee Insurance" 2202.905.2310

Section 10:

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 11:

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. 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: NOVEMBER 4, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 131 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2013 appropriations from within the General 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:

There be and hereby is transferred from the 2013 appropriation from within the General Fund, for the year ending December 31, 2013, the following:

FROM:	Income Tax Dept. – Salary	1100.210.2111	\$15,928.45
	Income Tax Dept. – PERS	1100.210.2230	\$ 2,230.00
TO	Safety Dir. – Health Insurance	1100.160.2210	\$ 2,224.42
	City Hall Utilities	1100.410.2340	\$14,260.00
	Misc. Exp. – Work Comp DEF	1100.905.2399	\$ 1,674.03

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:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2013. 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.

2<sup>nd</sup> page is the signature page