

DATE: JANUARY 7, 2013 CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
DONNIE PETERS, JR, ACTING PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 2- 2013

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Department of Transportation for the Epoxy Pavement Marking Project, PID 94458, 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 finds that it is necessary to sign the Consent Legislation with the Ohio Department of Transportation for the Epoxy Pavement Marking Project, PID 94458.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Consent Legislation with the Ohio Department of Transportation for the Epoxy Pavement Marking Project, PID 94458. The State has identified the need to install epoxy pavement markings on US 30 located within the Corporate Limits of the City of Massillon. There will be no City dollars expended for this project it will be funded 100% by ODOT, unless the City specifically requests items be completed that are determined by the State and Federal Highway Administration to be unnecessary for the project than those costs would be 100% City.

(SEE EXHIBIT "A" HERETO ATTACHED)

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 reason that it is necessary to sign the Consent Legislation with Ohio Department of Transportation so as to proceed with the necessary epoxy pavement markings on US 30. 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 7th DAY OF January, 2013

APPROVED:

MARY BETH BAILEY, CLERK OF COUNCIL

DONNIE PETERS, JR, ACTING PRESIDENT

APPROVED

January 9, 2013

KATHERINE CATAZARO-PERRY, MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon:

Clerk of Council

Date

1/7/13

PRELIMINARY LEGISLATION

RC 5521.01

Ordinance/Resolution# _____

PID No. 94458

County/Route/Section D04-PM FY2013

The following is _____ enacted by the City of Massillon of Stark
(An Ordinance/a Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the (LPA/STATE) has identified the need for the described project:

Installing epoxy pavement markings on US30 and IR77 within the City Limits

NOW THEREFORE, be it ordained by the City of Massillon of Stark County, Ohio.
(LPA)

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of way costs include eligible utility costs.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The _____ of said _____ is hereby empowered on behalf of
(Contractual Agent) (LPA)
the _____ to enter into contracts with the Director of Transportation which is
(LPA)

necessary to complete the above described project.

Passed: _____, 20____
(Date)

Attested: _____
(Clerk) _____
(Officer of LPA - title)

Attested: _____
(Title)

(President of Council)

This _____ is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Massillon of Stark County, Ohio
(LPA)

I, _____, as Clerk of the City of Massillon
(LPA)
of Stark County, Ohio, do hereby certify that the forgoing is a true and
correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)
City on the _____ day of _____, 20____
(LPA)
that the publication of such _____ has been made and certified of
(Ordinance/Resolution)
record according to law; that no proceedings looking to a referendum upon such
_____ have been taken; and that such _____
(Ordinance/Resolution) _____
and certificate of publication thereof are of record in _____ Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if
applicable, this _____ day of _____, 20____

Clerk

_____ of _____, Ohio
(LPA)
(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No
Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the _____ of _____, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

DATE: JANUARY 7, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
DONNIE PETERS, JR, ACTING PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 4 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Sections 181.03(a), 181.04, 181.06(a)(1) and 181.14(a) of CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon to reflect the increase in the municipal income tax rate from one and eight-tenths percent (1.8%) to two and one-tenths percent (2.1%) to be effective July 1, 2013 subject to the approval of the electors of the City of Massillon at the Primary Election to be held on May 7, 2013, and declaring an emergency.

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

Section 1:

Subject to the approval of the electors of the City of Massillon as provided in Section 718.01 of the Revised Code of Ohio, certain sections of Chapter 181 of the Codified Ordinances of the City of Massillon are hereby amended to provide for an increase in the tax rate levied on income from one and eight-tenths percent (1.8%) to two and one-tenths percent (2.1%) effective July 1, 2013.

That said Sections 181.03(a), 181.04, 181.06(a)(1) and 181.14(a) of CHAPTER 181 "INCOME TAX" shall be amended to read as follows:

181.03 IMPOSITION OF TAX.

(a) An annual tax for the purposes specified in Section 181.01 shall be imposed on and after July 1, 2013, at the rate of two and one-tenths percent (2.1%) per annum on the following:

(all remaining subsections of 181.03 shall remain as currently in effect)

181.04 EFFECTIVE PERIOD.

The tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from and after July 1, 2013. The provisions hereof shall not be considered to repeal, invalidate, or impair the effective provisions of previous local income tax enactments of this Municipality or the duties and accrual obligations arising thereunder.

(Ord. 106-1995. Passed 5-17-95.)

181.06 COLLECTION AT SOURCE

(a) (1) Each employer within or doing business within this Municipality who employs one or more person on a salary, wage, commission or other compensation basis, shall at the time of payment thereof, deduct the tax of two and one-tenths percent (2.1%) from the gross salaries, wages, commissions, or other compensation earned by City residents regardless of where such compensation was earned and shall deduct the tax of two and one-tenths percent (2.1%) from the salaries, wages commissions, or the compensation earned within this Municipality by nonresidents.

(all remaining subsections of 181.06 shall remain as currently in effect)

181.14 ALLOCATION OF FUNDS

(a) Effective July 1, 2013 the funds collected under the provisions of this chapter shall be disbursed as follows:

(all remaining subsections of 181.14 shall remain as currently in effect)

Section 2:

That this Ordinance amending certain sections in CHAPTER 181 of the Codified Ordinances of the City of Massillon shall only be effective upon the approval by the electors of the City of Massillon at the Primary Election to be held on May 7, 2013, in regard to the aforesaid increase of the income tax rate. Provided, however, that if the approval is not received, this ordinance, which amends certain sections of CHAPTER 181 of the Codified Ordinances of the City of Massillon, shall be of no effect and the aforesaid sections shall be in full force and effect as presently written in CHAPTER 181.

Section 3:

That this is the desire and request of the Council of the City of Massillon that the ballot for said question shall be substantially in the following form.

SAMPLE BALLOT

Shall the Ordinance providing for an increase in the municipal income tax rate from one and eight-tenths percent (1.8%) to two and one-tenths percent (2.1%) to be effective July 1, 2013 for the purpose of providing for services, general fund expenditures and Capital Improvements be passed?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

Section 4:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and it shall go into effect immediately upon its passage and approval by the Mayor. The reason for said emergency is the immediate necessity of increasing the income tax rate so the City of Massillon can provide for services, general fund expenditures and Capital Improvements.

PASSED IN COUNCIL THIS 7th DAY OF January 2013

APPROVED: _____

MARY BETH BAILEY, CLERK OF COUNCIL

DONNIE PETERS, JR. AGING PRESIDENT

APPROVED: _____

January 9, 2013

KATHERINE CATAZARO-PERRY, MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon:

Clerk of Council

Date 1/7/13