

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

DATE: MONDAY, OCTOBER 19, 2015
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL - 9 Present
2. INVOCATION BY COUNCILMAN SHADDRICK STINSON
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

As Reading
ORDINANCE NO. 158 – 2015

BY: HEALTH, WELFARE & BLDG. REGULATIONS COMMITTEE

AN ORDINANCE amending Chapter 509 of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

As Reading
ORDINANCE NO. 159 – 2015

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE to amend Title Nine, Chapter 181 of the Codified Ordinances of the City of Massillon, Ohio, regarding Municipal Income Tax, and declaring an emergency.

Passed 9-yes
ORDINANCE NO. 160 – 2015

BY: STREETS, HIGHWAYS, TRAFFIC & 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 upon award and approval of the Board of Control with the lowest and best bidder for the 2015 – 2016 Catch Basin Replacement Project, and declaring an emergency.

Amended 9-yes
ORDINANCE NO. 161 – 2015

BY: FINANCE COMMITTEE

Passed 9-yes
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease/purchase agreement with U.S. Bank under the Municipal Finance Program, and declaring an emergency.

*John
Graves
Ord. #158*

Passed 9-yes
ORDINANCE NO. 162 – 2015

BY: FINANCE COMMITTEE

AN ORDINANCE appropriating from the unappropriated balance of the 3108 Unclaimed Money Fund, for the year ending December 31, 2015, and declaring an emergency.

Passed 9-yes
ORDINANCE NO. 163 – 2015

BY: FINANCE COMMITTEE

AN ORDINANCE appropriating from the unappropriated balance of the 1206 Municipal Road Fund, for the year ending December 31, 2015, and declaring an emergency.

Passed 9-yes
RESOLUTION NO. 8 – 2015

BY: FINANCE COMMITTEE

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, 2015.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

Request for New Liquor License for Wishcraft Inc., DBA Wishcraft located at 824 Lincoln Way E., Massillon, OH 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report – September 2015

Approval of Mayor's appointment of Sonia J. Glick-Ullum, D.V.M. to the Health District Board for the term ending December 31, 2015 - *Berry stated that this appointment does need Councils approval - 9yes*

11. REPORTS OF COMMITTEES

Street & Highway - Speaker @ Stork Session 10/26/15

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

Next Stork Session 10/26/15

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

Passed 9-yes
ORDINANCE NO. 136 – 2015

BY: STREETS, HIGHWAYS & TRAFFIC COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 172 Resurfacing Project, PID 100870, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

2nd Reading
ORDINANCE NO. 149 – 2015

BY: POLICE & FIRE COMMITTEE

Reading
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a grant from the Office of Community Oriented Policing Services (COPS) for the City of Massillon, Ohio, on behalf of the Massillon Police Department, and declaring an emergency.

2nd Reading
ORDINANCE NO. 150 – 2015

BY: STREETS, HIGHWAYS & TRAFFIC COMMITTEE

Reading
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 93 Crack Sealing Project, PID 99433, and declaring an emergency.

2nd Reading
ORDINANCE NO. 151 – 2015

BY: STREETS, HIGHWAYS & TRAFFIC COMMITTEE

Reading
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 172 Resurfacing Project, PID 101268, and declaring an emergency.

2nd Reading
ORDINANCE NO. 152 – 2015

BY: STREETS, HIGHWAYS & TRAFFIC COMMITTEE

Reading
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the State Route 93 Resurfacing Project, PID 101417, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

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

Marsha Harris - Storm Sewer on Augusta St.
18. ADJOURNMENT *Lark Daut - Mayoral election*
8:00 p

DIANE ROLLAND – CLERK OF COUNCIL

DATE: OCTOBER 19, 2015

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 158 – 2015

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending Chapter 509 of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon City Council finds it to be in the best interest of residents of the City of Massillon and the general public to abate criminal activity constituting a nuisance resulting from the use of properties for illegal purposes; and

WHEREAS, nuisance properties present serious health, safety and welfare concerns and interfere with the quality of life, comfort and solitude of other persons residing in the neighborhood; and

WHEREAS, nuisance properties cause a financial burden upon the City as a result of numerous calls for service to the properties because of illegal activities that repeatedly occur or exist on such properties.

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

Section 1:

That Part 5, Disorderly Conduct and Peace Disturbance of the Massillon Municipal Code, is hereby amended by the addition of Chapter 509.16 in its entirety and the substitution of the following in lieu thereof;

"Chapter 509.16 Prohibiting the use of property for Illegal and Nuisance Activity"

509.16 Purpose and Definitions.

- (A) **Purpose.** The Massillon City Council finds it to be in the best interest of residents of the City and general public to prevent illegal acts and to promote public peace, health and safety by providing administrative and civil remedies against property owners who permit, allow or fail to prevent ongoing behaviors and activities to occur on their properties that compromise public health and safety.

DATE: OCTOBER 19, 2015

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 159 – 2015

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE to amend Title Nine, Chapter 181 of the Codified Ordinances of the City of Massillon, Ohio, regarding Municipal Income Tax, and declaring an emergency.

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State of Ohio to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;" and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is "levied in accordance with the provisions and limitations specified in [Chapter 718];" and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the City of Massillon, Ohio, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in [Chapter 718]" and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional;

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

Section 1:

That Title Nine, Chapter 181 of the Codified Ordinances be amended to read as set forth in the document entitled "Chapter 181, Income Tax" attached hereto as *Exhibit A* and incorporated herein by reference.

Section 2:

That this Ordinance shall take effect and be in force from and after January 1, 2016.

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 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 _____, 2015

ATTEST: _____
DIANE ROLLAND, CLERK OF COUNCIL TONY TOWNSEND, PRESIDENT

APPROVED: _____
KATHY CATAZARO-PERRY, MAYOR

DATE: OCTOBER 19, 2015

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 160 – 2015

BY: STREETS, HIGHWAYS, TRAFFIC & 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 upon award and approval of the Board of Control with the lowest and best bidder for the 2015 – 2016 Catch Basin Replacement 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 Council of the City of Massillon, Ohio, hereby finds that it is necessary for 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 upon award and approval of the Board of Control with the lowest and best bidder for the 2015 – 2016 Catch Basin Replacement Project.

Section 2:

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 to enter into a contract upon award and approval of the Board of Control with the lowest and best bidder for the 2015 – 2016 Catch Basin Replacement Project. (See 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.

DATE: OCTOBER 19, 2015

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 161 – 2015

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease/purchase agreement with U.S. Bank under the Municipal Finance Program, 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 necessary in the public health, safety and welfare for the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease/purchase agreement with U.S. Bank under the Municipal Finance Program. The purchase agreement will allow the Massillon Street Department to acquire two (2) 2016 F750 dump trucks fully equipped to be operational upon delivery. The lease/purchase agreement is for five (5) years, one (1) payment per year, 2.9% rate – Twenty Six Thousand Nine Hundred Eighty Seven Dollars (\$26,987.00) times two (2), equals Fifty Three Thousand Nine Hundred Seventy-Four Dollars (\$53,974.00). Delivery of vehicles will be in January 2016 with first payment due upon delivery.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a lease/purchase agreement with U.S. Bank under the Municipal Finance Program to lease/purchase two (2) 2016 F750 dump trucks for the Massillon Street Department.

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: OCTOBER 19, 2015

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 162 – 2015

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE appropriating from the unappropriated balance of the 3108 Unclaimed Money Fund, for the year ending December 31, 2015, 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 3108 Unclaimed Money Fund, for the year ending December 31, 2015, the following:

\$ 147.54 to an account entitled "Unclaimed Money" - 3108.905.5.2390

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. 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 19, 2015

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 163 – 2015

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE appropriating from the unappropriated balance of the 1206 Municipal Road Fund, for the year ending December 31, 2015, 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 1206 Municipal Road Fund, for the year ending December 31, 2015, the following:

\$ 28,500.00 to an account entitled "Wales Road (241) Improvement Project"-1206.435.5.2518

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. 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 19, 2015

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 8 - 2015

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, 2015.

(SEE ATTACHED PAGES)

PASSED IN COUNCIL THIS _____ DAY OF _____, 2015

APPROVED: _____
DIANE ROLLAND, CLERK OF COUNCIL TONY TOWNSEND, PRESIDENT

APPROVED: _____
KATHY CATAZARO-PERRY, MAYOR

Kathy Catazaro-Perry, Mayor



Office of the Mayor

RECEIVED OCT 14 2015

Doc

INTEROFFICE MEMO

DATE: 10/13/15

TO: Diane Rolland

FROM: Mayor Kathy Catazaro-Perry

KCP

SUBJECT: Appointment to Boards

The following is an appointment, that I have made that needs City Council Approval. Please add this to the agenda for the next Council Meeting. Thanks!

Sonia J Glick-Ullum, D.V.M. to the Health District Board for the term ending 12-31-15