

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

DATE: MONDAY, APRIL 18, 2016

PLACE: COUNCIL CHAMBERS

TIME: 6:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL - 9 present

2. INVOCATION BY COUNCILWOMAN SCASSA

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

*Passed - 9 yes*

ORDINANCE NO. 51 - 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE adopting the recommendations of the Massillon Tax Incentive Review Committee (TIRC) with regard to the renewal and termination of Massillon Enterprise Zone (EZ) projects.

*Passed - 9 yes*

ORDINANCE NO. 52 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE establishing a new Special Revenue Fund entitled "1211 Budget Stabilization Fund", to ensure the City can provide consistent, uninterrupted municipal services in the event of economic disruption, and declaring an emergency.

*Passed - 9 yes*

ORDINANCE NO. 53 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2016, and declaring an emergency.

*Divided the question \$40,000 9 yes to divide  
Sec. #1 \$10,000 9 yes to suspend*

ORDINANCE NO. 54 - 2016

BY: FINANCE COMMITTEE

*2nd Reading Sec. #1 - 1st Reading 9 yes for passage*  
AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2016, and declaring an emergency.

*Passed - 9 yes*  
**ORDINANCE NO. 55 - 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1100 General Fund, the 2101 Wastewater Treatment Fund and the 1219 WIC Program Fund, for the year ending December 31, 2016, and declaring an emergency.

*Passed - 9 yes*  
**ORDINANCE NO. 56 - 2016**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 2016 appropriations within the 1201 Street Construction M & R Fund, for the year ending December 31, 2016, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

Request for New Liquor License for Chipotle Mexican Grill of Colorado, LLC, DBA Chipotle Mexican Grill, 2872 Tommy Henrich Dr. N.W., Massillon, Ohio 44647 - *Hand 2*

**9. BILLS, ACCOUNTS AND CLAIMS**

Jill Creamer	-	\$250.25	- Attendance to Ohio Muni. League Trng.
Linda Litman	-	\$109.88	- " " " " " "
		\$360.13	
Claudette Istnick	-	\$120.00	- " " " " " "

*9 yes  
to pay the  
bills  
(already paid)*

**10. REPORTS FROM CITY OFFICIALS**

Treasurer's Report - March 2016

**11. REPORTS OF COMMITTEES**

*Next Work Session  
4/25/16 @ 6:30 p - Fiscal Commission*

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER**

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

*1:30 pm  
Chambers Corp.  
Rm.*

15. SECOND READING ORDINANCES AND RESOLUTIONS

*Second Reading*  
ORDINANCE NO. 45 - 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications.

*Amend to reflect emergency language - 8 yes; 1 no*  
ORDINANCE NO. 50 - 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Suspension - 8 yes; 1 no Passage - 7 yes; 2 no*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the donation of parcel #0619376: a vacant lot located on Warwick Avenue N. W., Massillon, Ohio, from property owner, Doris Oser.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

DIANE ROLLAND - CLERK OF COUNCIL

DATE: APRIL 18, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 51 – 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE adopting the recommendations of the Massillon Tax Incentive Review Committee (TIRC) with regard to the renewal and termination of Massillon Enterprise Zone (EZ) projects.

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

Section 1:

The Massillon Tax Incentive Review Committee has held its annual meeting regarding Massillon Enterprise Zone Projects. A summary report of the Massillon City Economic Zone Projects is attached hereto as Exhibit "A".

Section 2:

The Massillon Tax Incentive Review Committee has recommended that the exemptions for all of the City's active Enterprise Zone Projects be continued.

Section 3:

The Council of the City of Massillon hereby approves and adopts the recommendations of the Tax Incentive Review Committee as set forth on the attached Exhibit "A". All exemptions shall be continued.

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:

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the renovation of the business. 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 \_\_\_\_\_, 2016

ATTEST:

\_\_\_\_\_  
DIANE ROLLAND, CLERK OF COUNCIL

\_\_\_\_\_  
CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED:

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

MASSILLON ENTERPRISE ZONE PROGRAM - TAX INCENTIVE REVIEW COUNCIL			
COMPANY	SCHOOL DISTRICT	DATE OF AGREEMENT	COMMITTEE RECOMMENDATION
E-B DISPLAY COMPANY, INC.	Tuslaw	9/13/2006	Continue Abatement
KENDEL WELDING & FABRICATION	Perry	4/29/2003	Continue Abatement
E-TANK LTD	Perry	9/15/2004	Expired
GENCO	Perry	12/9/2005	Continue Abatement
INTEGRITY CRANE SERVICES LTD	Perry	6/28/2006	Continue Abatement
KRAFT POWER CORP.	Perry	7/18/2007	Continue Abatement
CASE FARMS LLC	Perry	3/18/2008	Continue Abatement
SHEARER'S FOODS INC.	Perry	10/8/2008	Continue Abatement
HEINZ FROZEN FOOD CO.	Massillon	5/19/1999	Continue Abatement
QUEST AUTOMOTIVE PRODUCTS	Massillon	8/2/2006	Continue Abatement
QUEST AUTOMOTIVE PRODUCTS	Massillon	10/14/2013	Continue Abatement

DATE: APRIL 18, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 52 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a new Special Revenue Fund entitled “1211 Budget Stabilization Fund”, to ensure the City can provide consistent, uninterrupted municipal services in the event of economic disruption, and declaring an emergency.

**WHEREAS**, pursuant to R.C. 5705.13(A), a municipal legislative authority is permitted to establish a special revenue fund for the purpose of accumulation resources to stabilize subdivision budgets against cyclical changes in revenues and expenditures, and;

**WHEREAS**, as identified in the city Financial Recovery Plan, the City is desirous of establishing such a special revenue with the primary source of revenues thereto being a percentage of the annual General Fund carry over balance, and;

**WHEREAS**, the Administration and the City Auditor has established a target balance for the Budget Stabilization Fund to be Three Hundred Thousand Dollars (\$300,000.00), the initial deposit, from the 2015 General Fund carry over balance. Thereafter, the annual transfer shall be ten percent (10%) of the initial deposit credited to the Budget Stabilization Fund in the preceding fiscal year’s carry over balance.

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

Section 1:

There be and is hereby established within the City of Massillon, Ohio, a fund entitled “1211 Budget Stabilization Fund”, which shall be funded with transfers as percentage of annual General Fund carry over balance.

Section 2:

That the Budget Stabilization Fund Policy for the City of Massillon, Ohio, is set forth in the document attached hereto as Exhibit “A” and made a part hereof.



Section 3:

That by reason of the immediate necessity for implementing the Budget Stabilization Fund Policy without delay so as to enhance the fiscal integrity of the City, this measure is determined to be an emergency ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Massillon, Ohio, and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016

ATTEST: \_\_\_\_\_  
DIANE ROLLAND, CLERK OF COUNCIL      CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: \_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR



## **EXHIBIT "A"**

### **I. Introduction**

A budget stabilization fund helps ensure that the City can provide consistent, uninterrupted municipal services in the event of economic disruption or volatility. The City's primary revenue source, the income tax, is more volatile than property taxes, which are a more traditional source of municipal revenue.

This policy establishes the amounts the City of Massillon will strive to maintain in the budget stabilization fund, how it will be funded, and the conditions under which the accumulated balance may be spent.

### **II. Funding Reserve Targets**

Funding of the budget stabilization fund will occur through general fund transfers. Per Ohio revised Code 5705.12(A), the amount of money to be transferred from the general fund in any fiscal year shall be ten percent (10%) of the initial deposit credited to the general fund. The annual transfer recommendation will be made to City Council by the Auditor.

### **III. Conditions for Use of Reserves**

#### **A. Use of Reserves**

It is the intent of the City to limit use of the budget stabilization fund to address unanticipated, non-recurring needs. Reserves shall not normally be applied to recurring annual operation expenditures. The fund may, however, be used to allow time for the City to restructure its operations in a deliberate manner (such as might be required in the case of a sustained economic downturn), but such use will only take place in the context of an adopted long-term financial sustainability plan.

#### **B. Authority to Use Reserves**

The City Council may authorize, by two-thirds vote, use of reserves for purposes consistent with the purposes described in 3A above.

#### **C. Replenishment of Reserves**

In the event City Council authorizes use of the budget stabilization fund, the Auditor will work with the Administration including all elected officials to develop a plan for the replenishment of the fund for City Council consideration. The City will strive to replenish the fund within one year of use subject to the guidelines set forth in Ohio Revised Code 5705.12(A).

DATE: APRIL 18, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 53 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2016, 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 1100 General fund, for the year ending December 31, 2016, the following:

\$ 150,000.00 to an account entitled "Accumulated Sick" - 1100.905.5.2150

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, Ohio, 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: APRIL 18, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 54 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2016, 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 1100 General fund, for the year ending December 31, 2016, the following:

\$ 40,000.00 to an account entitled "Services/Contracts"	-	1100.410.5.2392
10,000.00 to an account entitled "Supplies/Mats./Postage"	-	1100.410.5.2410
155,000.00 to an account entitled "Arbitrator Service/Contracts"	-	1100.905.5.239A
50,000.00 to an account entitled "Bank/Payroll Charges"	-	1100.905.5.2396
<b>\$255,000.00 Total</b>		

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, Ohio, 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: APRIL 18, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 55 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, the 2101 Wastewater Treatment Fund and the 1219 WIC Program Fund, for the year ending December 31, 2016, 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 1100 General Fund, for the year ending December 31, 2016, the following:

\$ 1,572.00 to an account entitled "Worker's Compensation"	-	1100.116.5.2270
<u>126,000.00</u> to an account entitled "Worker's Compensation"	-	1100.905.5.2270
<b>\$127,572.00 Total</b>		

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 2101 Wastewater Treatment Fund, for the year ending December 31, 2016, the following:

\$ 11,580.00 to an account entitled "Worker's Compensation"	-	2101.610.5.2270
<u>1,155.00</u> to an account entitled "Worker's Compensation"	-	2101.615.5.2270
<b>\$ 12,735.00 Total</b>		

Section 3:

There be and hereby is appropriated from the unappropriated balance of the 1210 WIC Program Fund, for the year December 31, 2016, the following:

\$ 780.00 to an account entitled "Worker's Compensation"	-	1219.730.5.2270
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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:

This Ordinance is hereby declared to be an emergency measure for the efficient operation of the various departments of the City of Massillon, Ohio, 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 \_\_\_\_\_, 2016

ATTEST: \_\_\_\_\_

DIANE ROLLAND, CLERK OF COUNCIL

\_\_\_\_\_  
CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

DATE: APRIL 18, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 56 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2016 appropriations within the 1201 Street Construction M & R Fund, for the year ending December 31, 2016, 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 2016 appropriations from within the 1201 Street Construction M & R Fund, for the year ending December 31, 2016, the following:

FROM:	"Hosp/Eye/Den/Pres/Life"	1201.420.5.2210	\$ 8,930.00
TO:	"Worker's Compensation"	1201.435.5.2270	\$ 8,930.00

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 for the efficient operation of the various departments of the City of Massillon, Ohio, 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: \_\_\_\_\_

CLERK: DIANE ROLLAND

DRAFT

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. \_\_\_\_\_

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon and enacting new Section 181.031 LEVY OF ADDITIONAL TAX to reflect the increase in the municipal income tax rate from one and eighth-tenths (1.8%) to two percent (2.0%) to be effective January 1, 2017, subject to approval of the electors of the City of Massillon at a Special Election to be held August 2, 2016.

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, new Section 181.031 LEVY OF ADDITIONAL TAX is hereby enacted and shall read as follows:

181.031 LEVY OF ADDITIONAL TAX

In addition to the income tax levied pursuant to Section 181.03, there is hereby levied, a tax upon earnings at the additional rate of two-tenths (.2) of one percent (1.0%) upon those items enumerated in Section 181.03 to be specifically dedicated for the purpose of City Street Repair and Repaving.

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 a Special Election to be held August 2, 2016, 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 1.8% to 2.0% levy on income, effective January 1, 2017, for the purpose of City Street Repair and Repaving be passed:

\_\_\_\_\_  
FOR THE TAX LEVY

\_\_\_\_\_  
AGAINST THE TAX LEVY

Section 4:

This Ordinance shall go into effect as soon as permissible by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016

ATTEST:

\_\_\_\_\_  
DIANE ROLLAND, CLERK OF COUNCIL

\_\_\_\_\_  
CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED:

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

DRAFT

DATE: \_\_\_\_\_

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. \_\_\_\_\_ - 2016

BY: FINANCE COMMITTEE

TITLE: A resolution directing the Stark County Board of Elections to conduct an election at a Special Election on August 2, 2016 for the purpose of providing the electors of the City of Massillon, Ohio, with the opportunity to approve or disapprove an Ordinance providing for a proposed increase in the City of Massillon, Ohio income tax ordinance from 1.8% to 2% effective for collection commencing January 1, 2017, such increase to be exclusively used for the purpose of City Street Repair and Repaving, and declaring an Emergency.

WHEREAS, upon due investigation and consideration, the Council of the City of Massillon, Ohio, has determined that the amount of revenues which will be available to the City of Massillon, Ohio, will be insufficient to provide an adequate amount of funds for the purpose of funding City Street Repair and Repaving;

WHEREAS, said Council has determined that it is in the best interest of the health, safety and welfare of the residents of the City of Massillon, Ohio to conduct a Special Election on August 2, 2016 to provide the electors of the City of Massillon, Ohio an opportunity to approve or disapprove an income tax increase from 1.8% to 2% commencing for collection January 1, 2017, such increase to be exclusively used for the purpose of City Street Repair and Repaving;

WHEREAS, in accordance with Ohio Revised Code Section 718.04 (C)(2), no municipal corporation shall levy a tax on income at a rate in excess of one percent (1.0%) without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question;

WHEREAS, Council has passed Ordinance No. \_\_\_\_\_ - 2016 increasing said income tax for said purpose; and

WHEREAS, Council resolves to specify the date of said election as the Special Election on August 2, 2016.

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

1. There shall be submitted to the electors of the City of Massillon, Ohio the question of approving or disapproving an income tax increase from 1.8% to 2%, collection commencing January 1, 2017.
2. The increase in tax shall be an annual tax for the period specified above levied on the income of every person residing in or earning or receiving income in the City of Massillon, Ohio, and the tax shall be measured by municipal taxable income.
3. The City of Massillon, Ohio is levying the tax increase in accordance with the limitations of Chapter 718 of the Ohio Revised Code and this resolution hereby incorporates the provisions of said Chapter 718.
4. The Council of the City hereby specifies that said election is to be held at a Special Election on August 2, 2016.

5. The Board of Elections is hereby directed that the purpose of the proposed income tax increase is to provide funds for the purpose of City Street Repair and Repaving.
6. The submission of said income tax increase proposal, the notice of election, the form of ballot, the certification of the additional tax as voted outside the one percent limitation, and the levying of such tax increase shall be in accordance with the provisions of Ohio Revised Code Section 718.04(C)(2) and other related Sections of the Ohio Revised Code, in accordance with the statutes in such cases made and provided.

BE IT FURTHER RESOLVED THAT THE FORM OF THE BALLOT CAST AT  
SUCH ELECTION SHALL BE:

"A MAJORITY AFFIRMATIVE VOTE IS REQUIRED FOR PASSAGE

Shall the Ordinance providing for an increase in the municipal income tax rate from 1.8% to 2.0% levy on income, effective January 1, 2017, for the purpose of City Street Repair and Repaving be passed.

\_\_\_\_\_  
For the Income Tax

\_\_\_\_\_  
Against the Income Tax"

7. That the Clerk of Council be and hereby is directed to cause notice of such election to be published as required by law.
8. This Resolution is declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare of the residents of the City of Massillon, Ohio to ensure that the Stark County Board of Elections approves this

resolution as complying with the mandates of Section 718.04 of the Ohio Revised Code to accept the placing of the tax increase on the ballot within the time deadlines of the Ohio Revised Code, and shall become effective at the earliest date allowed by law.

9. This resolution shall go into effect as soon as permissible by law.

10. 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 of 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 \_\_\_\_\_ 2016

APPROVED: \_\_\_\_\_

CLERK OF COUNCIL

\_\_\_\_\_  
CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR