

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

DATE: MONDAY, MAY 2, 2016
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT
6:00 P.M.

ORDINANCE NO. 45 – 2016
COMMUNITY DEVELOPMENT BLOCK GRANT

1. ROLL CALL – *9 Present*
2. INVOCATION BY COUNCILWOMAN STARRETT
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. 57 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Dept. of Transportation (ODOT), for the STA-30-9.58 fine graded polymer overlay project, PID 84627, for the year ending December 31, 2016, and declaring an emergency.

Ord. #52-2016 Revisited - 8 yes, 1 no - to leave as is.

Passed - 9 yes
ORDINANCE NO. 58 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Participatory Legislation with the Ohio Dept. of Transportation (ODOT), for the STA MCRO FY2018(A) Resurfacing Project, PID 100870, for the year ending December 31, 2016, and declaring an emergency.

Passed - 9 yes
ORDINANCE NO. 59 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Dept. of Transportation (ODOT), for the STA-US 30-0.00 Project, PID 87284, for the year ending December 31, 2016, and declaring an emergency.

Passed - 9 yes
ORDINANCE NO. 60 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1425 Lincoln Center III Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 8 yes; 1 no
ORDINANCE NO. 61 - 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.

Passed - 9 yes
ORDINANCE NO. 62 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1424 Freshmark Infrastructure Fund and the 1429 University Village Infrastructure Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 9 yes
ORDINANCE NO. 63 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1420 Project Grants Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 9 yes
ORDINANCE NO. 64 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 9 yes
ORDINANCE NO. 65 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Storm Water Utility Fund and the 1414 Collection System Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 9 yes
ORDINANCE NO. 66 - 2016

BY: FINANCE COMMITTEE

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.

Passed - 9 yes
RESOLUTION NO. 10 - 2016

BY: FINANCE COMMITTEE

A RESOLUTION directing the Stark County Board of Elections to conduct an election at the 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 one and eighth-tenths percent (1.8%) to two percent (2%), effective for collection commencing January 1, 2017 for five (5) years, such increase to be exclusively used for the purpose of City Street Maintenance and Repair and the City Street Department, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

Request for Transfer of Liquor License from Alice R. Knotts, DBA Village Tavern, 1st Floor only, 146 - 1st St. N.E., Massillon, OH 44646 to Village Tavern of Massillon, LLC, DBA Village Tavern, 1st Floor only, 146 - 1st St. N.E., Massillon, OH 44646. Permit Classes D2, D2X, D3 and D3A.

Request for New Liquor License by Chipotle Mexican Grill of Colorado, LLC, DBA Chipotle Mexican Grill, 2872 Tommy Henrich Dr. N.W., Massillon, OH 44647. Permit Class D1. (Previous request for New Liquor License was Permit Class D3.)

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

Mayor's Report - March 2016

11. REPORTS OF COMMITTEES

*Board 4 - Sanitary Sewer on Erie
Board 2 - Noise on 21*

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

Passed - 8 yes; 1 abstained
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.

15. SECOND READING ORDINANCES AND RESOLUTIONS

2nd Reading
ORDINANCE NO. 54 - 2016

BY: FINANCE COMMITTEE

Section 1: Items #3 and #4 only

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.

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: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 57 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC AND 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 Dept. of Transportation (ODOT), for the STA-30-9.58 fine graded polymer overlay project, PID 84627, 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:

The Council of the City of Massillon, Ohio, hereby finds it necessary for the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with ODOT for the STA-30-9.58 fine graded polymer overlay project, PID 84627.

Section 2:

Whereas the State has identified the need for the described project located within the Corporation Limits of the City of Massillon, Ohio, (see attached map). Per Section 5521.01 of the Ohio Revised Code, the Director of Transportation is required to request and receive legislation from municipalities, prior to making any necessary repairs to State Highways within the corporate limits.

Section 3:

There is no cost share by City for the project as it is 100% ODOT-funded. The Project is currently scheduled for 2017.

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, the reason for the emergency being that said amendment is necessary 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

CLAUDETT O. ISTNICK, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 58 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Participatory Legislation with the Ohio Dept. of Transportation (ODOT), for the STA MCRO FY2018(A) Resurfacing Project, PID 100870, 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:

The Council of the City of Massillon, Ohio, hereby finds it necessary for the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Participatory Legislation with ODOT for the STA MCRO FY2018(A) Resurfacing Project, PID 100870.

Section 2:

Whereas the State has identified the need to perform resurfacing located within the Corporation Limits of the City of Massillon, Ohio, (see attached map). Per Section 5521.01 of the Ohio Revised Code, the Director of Transportation is required to request and receive legislation from municipalities, prior to making any necessary repairs to State Highways within the corporate limits.

Section 3:

There will be a 20% cost share by City for the project, unless the City specifically requests items be completed that are determined by the State and Federal Highway Administration to be unnecessary for the project, then those costs would be 100% City. The Project is currently scheduled for 2018.

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, the reason for the emergency being that said amendment is necessary 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

CLAUDETT O. ISTNICK, PRESIDENT

APPROVED:

KATHY CATAZARO-PERRY, MAYOR

DATE: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 59 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC AND 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 Dept. of Transportation (ODOT), for the STA-US 30-0.00 Project, PID 87284, 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:

The Council of the City of Massillon, Ohio, hereby finds it necessary for the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with ODOT for the STA-US 30-0.00 Project, PID 87284.

Section 2:

Whereas the State has identified the need for the described project located within the Corporation Limits of the City of Massillon, Ohio, (see attached map). Per Section 5521.01 of the Ohio Revised Code, the Director of Transportation is required to request and receive legislation from municipalities, prior to making any necessary repairs to State Highways within the corporate limits.

Section 3:

There is no cost share by City for the project as it is 100% ODOT funded. The Project is currently scheduled for 2017.

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, the reason for the emergency being that said amendment is necessary 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

CLAUDETT O. ISTNICK, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 60 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1425 Lincoln Center III 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 1425 Lincoln Center III Fund, for the year ending December 31, 2016, the following:

\$ 10,000.00 to an account entitled "County Collection Fees" - 1425.905.5.2393

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 declared to be an emergency measure necessary 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: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 61 – 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:

\$ 300,000.00 to an account entitled "Transfer Out" - 1100.905.5.2752

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 declared to be an emergency measure necessary 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: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 62 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1424 Freshmark Infrastructure Fund and the 1429 University Village Infrastructure 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 1424 Freshmark Infrastructure Fund, for the year ending December 31, 2016, the following:

\$ 75,000.00 to an account entitled "Richville/Southway Project" - 1424.435.5.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 1429 University Village Infrastructure Fund, for the year ending December 31, 2016, the following:

\$ 46,849.80 to an account entitled "Richville/Southway Project" - 1429.435.5.2510

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: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 63 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1420 Project Grants 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 1420 Project Grants Fund, for the year ending December 31, 2016, the following:

\$ 613,467.00 to an account entitled "Main Ave. West Imp. Project" - 1420.435.5.2396

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 declared to be an emergency measure necessary 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: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 64 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1206 Municipal Motor Vehicle License Plate 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 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2016, the following:

\$ 2,000.00 to an account entitled "Supplies/Mats./Postage"	-	1206.435.5.2410
\$ 5,000.00 to an account entitled "Services/Contracts"	-	1206.435.5.2392
\$ <u>3,770.00</u> to an account entitled "Supplies/Mats./Postage"	-	1206.435.5.2410
\$ 10,770.00 Total		

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 declared to be an emergency measure necessary 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: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 65 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Storm Water Utility Fund and the 1414 Collection System Improvement 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 2105 Storm Water Utility Fund, for the year ending December 31, 2016, the following:

\$ 12,500.00 to an account entitled "Storm Sewer Repairs" - 2105.425.5.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 1414 Collection System Improvement Fund, for the year ending December 31, 2016, the following:

\$ 14,722.20 to an account entitled "Southway Sanitary Sewer Ext. Project" 1414.610.5.2517

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 declared to be an emergency measure necessary 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 _____, 2016

ATTEST: _____

DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO: 66 – 2016

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 for five (5) years, 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 Maintenance, Repair and the City Street Department.

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 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 one and eight-tenths percent (1.8%) to two percent (2.0%) levy on income, effective January 1, 2017 for five (5) years, for the purpose of City Street Maintenance, Repair and the City Street Department be passed.

FOR THE INCOME TAX INCREASE

AGAINST THE INCOME TAX INCREASE

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

DATE: MAY 2, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 10 – 2016

BY: FINANCE COMMITTEE

TITLE: A Resolution directing the Stark County Board of Elections to conduct an election at the 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 one and eight-tenths percent (1.8%) to two percent (2%), effective for collection commencing January 1, 2017 for five (5) years, such increase to be exclusively used for the purpose of City Street Maintenance and Repair and the City Street Department, and declaring an emergency.

WHEREAS, upon due investigation and consideration, the Council of the City of Massillon, Ohio, has determined that the amount of the 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 City Street Maintenance and Repair and the City Street Department; and

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 one and eight-tenths percent (1.8%) to two percent (2%) commencing for collection January 1, 2017 for five (5) years to be exclusively used for the purpose of City Street Maintenance and Repair and the City Street Department; and

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 (1.0%) without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question; and

WHEREAS, Council has passed Ordinance No. 66 – 2016, increasing said income tax for said purpose; and

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

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

Section 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 one and eight-tenths percent (1.8%) to two percent (2%), collection commencing January 1, 2017, for five (5) years.

Section 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.

Section 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.

Section 4:

The Council of the City hereby specifies that said election is to be held at a Special Election on August 2, 2016.

Section 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 Maintenance and Repair and the City Street Department.

Section 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 (1.0%) 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 one and eight-tenths percent (1.8%) to two percent (2.0%) to be effective January 1, 2017, for five (5) years, for the purpose of City Street Maintenance and Repair and the City Street Department be passed.

FOR THE INCOME TAX INCREASE

AGAINST THE INCOME TAX INCREASE”

Section 7:

That the Clerk of Council be and hereby is directed to cause notice of such election to be published as required by law.

Section 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.

Section 9:

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

Section 10:

This Resolution 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 affirmation 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: _____

DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

RECEIVED APR 29 2016

WILLIAM K. WEAVER
28 Lincoln Way East
Massillon, Ohio 44646
TELEPHONE 330-833-8953
CELL 330-933-0124

April 28, 2016

LETTER OF APPEAL TO CITY COUNCIL

On Thursday, April 28, 2016, I went before the variance board for approval to place a storage building on the leased lot behind Duncan's Jeweler's. The board denied the variance approval, instead sending it to city council for approval, citing that they would be setting a precedence in allowing storage buildings in the downtown historic district.

It is this applicants opinion that the precedence has already been set, in allowing outdoor storage buildings at Top of the Viaduct Restaurant, Speedway Gas Station on Lincoln Way E, The used car lot at 5th Street SE and Lincoln Way E, Faith Lutheran Church on 6th Street SW, The Massillon Fire Dept on Erie Street S, St Georges Church on First Street SE, Eagles #190 on Weirich NW, etc.

I have already been in touch with members of the Historic Preservation group and believe that I have "some" support.

This letter is to request an appeal to city council, of this matter and I am asking that my variance be granted as this accessory building is crucial to my ongoing business for storage of items, such as tables and chairs for downtown events hosted by The Downtown Massillon Association and also Massillon Main Street and also items for my business.

Respectfully,


Bill Weaver, Owner
A Victorian Reflection