

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

DATE: MONDAY, MAY 16, 2016
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL *8 present; Cunningham-Hedderly absent*
2. INVOCATION BY COUNCILMAN CHOVAN
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 - 8 yes
ORDINANCE NO. 67 - 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE accepting the dedication of ingress/egress easements and storm sewer easements adjoining the Federal Avenue pump station property, and declaring an emergency.

Passed - 8 yes
ORDINANCE NO. 68 - 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE accepting the vacation of a 12 ft. wide alley located between Thorne Ave. N.E. and Chestnut Ave. N.E. and in an east/west direction between 1st St. N.E. and Conrad Place N.E., and declaring an emergency.

Passed - 8 yes
ORDINANCE NO. 69 - 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund and the 1205 Safety Forces Improvement Fund, for the year ending December 31, 2016, and declaring an emergency.

1st Reading
ORDINANCE NO. 70 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1419 Marketplace Infrastructure Fund and the 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2016, and declaring an emergency.

1st Reading
ORDINANCE NO. 71 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE amending Ord. No. 151 – 199, passed on August 2, 1999, as previously amended by Ord. No. 90 – 2015 passed on July 27, 2015, and amending Ord. No. 90 – 2015 as so passed relating to the Marketplace Development and Public Infrastructure Improvements; authorizing related matters, and declaring an emergency.

Passed - 8 yes
ORDINANCE NO. 72 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2016 appropriations from within 2105 Stormwater Utility Fund, for the year ending December 31, 2016, and declaring an emergency.

Passed - 8 yes
RESOLUTION NO. 11 – 2016

BY: COMMITTEE OF THE WHOLE

A RESOLUTION expressing support for Ohio House Bill 292 and Senate Bill 27, which would create a statutory presumption that firefighters who are disabled as a result of specified types of cancer incurred the cancer while performing their official job duties, for purposes of Workers' Compensation and Ohio Police and Fire Pension Fund disability.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

Request for New Liquor License by Patrick Emmert, DBA Emmert's Market, 1107 Erie St. S., 1st Floor only, Massillon, Ohio 44646. Permit Class C2.

9. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$564.40	-	Publication of March 2016 Ordinances
U.S. Postal Service	-	\$ 47.00	-	100 Postage Stamps
		\$611.40		

8 yes to pay the Bills

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report – April 2016

11. REPORTS OF COMMITTEES - *Next Work Session - Tuesday, May 31, 2016 @ 8:30*

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

Passed - 7 yes; 1 no - Creamer voted "no"

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.

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT - *6:50 P*

DIANE ROLLAND - CLERK OF COUNCIL

DATE: MAY 16, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 67 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the dedication of ingress/egress easements and storm sewer easements adjoining the Federal Avenue pump station property, and declaring an emergency.

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

Section 1:

The dedication of ingress/egress easements and storm sewer easements adjoining the Federal Avenue pump station property, as shown on the attached map, is hereby accepted. At its April 13, 2016 meeting, the City Planning Commission approved said dedication of easements on the property located on Tommy Henrich Drive N.W. The request includes property currently owned by 21 Lincoln Way Project LLC and is currently being developed as retail stores. Easements are needed for continuous operation and maintenance of the Stormwater pump station facilities.

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 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 16, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 68 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the vacation of a 12 ft. wide alley located between Thorne Ave. N.E. and Chestnut Ave. N.E. and in an east/west direction between 1st St. N.E. and Conrad Place N.E., and declaring an emergency.

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

Section 1:

The vacation of a 12 ft. wide alley located between Thorne Ave. N.E. and Chestnut Ave. N.E. and in an east/west direction between 1st St. N.E. and Conrad Place N.E. The request is to vacate that section, beginning at 1st St. and continuing east approximately 132 ft. as shown on the attached drawing. At its April 13, 2016 meeting, the City Planning Commission reviewed the request from adjoining property owners to vacate this alley and approved said vacation. The area is zoned O-1, Office.

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 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 16, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 69 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund and the 1205 Safety Forces 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 1100 General Fund, for the year ending December 31, 2016, the following:

\$ 91,000.00 to an account entitled "Safety Equipment" -- 1100.305.5.2530

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 1205 Safety Forces Improvement Fund, for the year ending December 31, 2016, the following:

\$ 15,000.00 to an account entitled "Safety Forces Imprvmt." - 1205.125.5.2530

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 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.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2016

ATTEST:

DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED:

KATHY CATAZARO-PERRY, MAYOR

DATE: MAY 16, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 70 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1419 Marketplace Infrastructure Fund and 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 1419 Marketplace Infrastructure Fund, for the year ending December 31, 2016, the following:

\$1,200,000.00 to an account entitled "Priority St. Segment Resurfacing Project" – 1419.435.5.2512

Section 2:

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:

\$ 198,185.08 to an account entitled "Priority St. Segment Resurfacing Project" – 1206.435.5.2512

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 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.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2016

ATTEST: _____

DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATED: MAY 16, 2016

CLERK: DIANE ROLLAND

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 71 -2016

BY: FINANCE COMMITTEE

AMENDING ORDINANCE NO. 151-1999 PASSED ON AUGUST 2, 1999, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 90-2015 PASSED ON JULY 27, 2015, AND AMENDING ORDINANCE NO. 90-2015 AS SO PASSED, RELATING TO THE MARKETPLACE DEVELOPMENT AND PUBLIC INFRASTRUCTURE IMPROVEMENTS; AUTHORIZING RELATED MATTERS; AND DECLARING AN EMERGENCY.

WHEREAS, this Council passed Ordinance No. 151-1999 on August 2, 1999 (the "Initial TIF Ordinance") pursuant to and in accordance with Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") and declared in the Initial TIF Ordinance (a) the construction of the Commercial Improvements (as defined in the Initial TIF Ordinance and comprising a shopping center located generally at the intersection of U.S. Route 30 and Erie Street (known today as "The Marketplace")), to be a public purpose benefiting the City and its residents and that the duration of that public purpose would be 30 years and (b) the Commercial Improvements to be exempt from real property taxation, commencing on the effective date of the Initial TIF Ordinance and ending on the 30th anniversary of the effective date or the date the Infrastructure Improvements (as defined originally in the Initial TIF Ordinance and more particularly described in Exhibit C attached to the Initial TIF Ordinance (the "Initial Exhibit C") and comprised generally of infrastructure improvements in the immediate vicinity of the Commercial Improvements that would directly benefit or, once made, would directly benefit the Commercial Improvements, the "Initial Infrastructure Improvements"), are paid in full;

WHEREAS, this Council passed Ordinance No. 90-2015 on July 27, 2015, as corrected pursuant to Ordinance No. 121-2015 passed on August 17, 2015 (collectively, the "Initial Amending Ordinance" and, together with the Initial TIF Ordinance, the "Existing TIF Legislation"), (i) amending certain provisions of the Initial TIF Ordinance, including the Initial Exhibit C, to permit money in the Tax Increment Fund (as defined in the Initial TIF Ordinance and being a municipal public improvement tax increment equivalent fund as contemplated by Section 5709.40 of the Act) to be utilized from time to time to pay or reimburse costs of resurfacing and otherwise improving high-traffic City streets, and segments thereof, that have not been resurfaced for at least 15 years (as defined in the Initial Amending Ordinance and

referenced herein, the "Priority Street Segments"), (ii) identifying certain specific City street segments at that time as Priority Street Segments (as defined in the Initial Amending Ordinance and referenced herein, the "2015 Priority Street Segments"), (iii) defining the resurfacing and otherwise improving of the 2015 Priority Street Segments, including without limitation, related catch basins, curbing, approaches and manholes, as the "2015 Priority Street Segment Project," and (iv) determining to proceed with the 2015 Priority Street Segment Project and appropriating from the Tax Increment Fund an amount not to exceed \$1,000,000 for the purpose of paying, or reimbursing the City for payment of, costs of resurfacing and otherwise improving Priority Street Segments, including without limitation, related catch basins, curbing, driveway approaches and manholes and any and all planning, engineering, legal, acquisition, construction, improvement, installation, and financing costs, and any and all other direct and indirect costs of those activities, including without limitation, those costs set forth in Section 133.15(B) of the Ohio Revised Code (as defined in the Initial Amending Ordinance and referenced herein, the "Priority Street Segment Costs"), with respect to the 2015 Priority Street Segment Project, all as further described in the Initial Amending Ordinance;

WHEREAS, this Council committed in the Initial TIF Ordinance to construct the Initial Infrastructure Improvements, incurred general obligation indebtedness to provide financing for the construction of the Initial Infrastructure Improvements and completed the construction of the Initial Infrastructure Improvements, and there remains \$885,000 aggregate principal amount of the City's Marketplace Infrastructure Bonds (General Obligation – Limited Tax) (the "Marketplace GO Bonds") to be paid at maturity, the proceeds of which were used to finance, or refund obligations previously incurred by the City to finance, the payment or reimbursement of costs of the Initial Infrastructure Improvements;

WHEREAS, DeVille – THF – Massillon Development, LLC, an Ohio limited liability company (the "Developer"), and the City made and entered into a Service Payment Agreement as of October 1, 1999 (the "Developer Agreement") pursuant to which the Developer agreed to make payments in lieu of taxes ("Service Payments") in an amount equal to the amount that would have been payable as real property taxes with respect to the Commercial Improvements had they not been exempted by the City from real property taxation and, if necessary, to make Minimum Service Payments (as defined in the Developer Agreement);

WHEREAS, the Massillon City School District (the "Massillon CSD") and the City made and entered into a Tax Incentive Agreement as of May 8, 2000 (the "Existing School District Agreement"), under which the City agreed to make payments to the Massillon CSD from time to time (the "Operating Levy Payments"), but solely from the Service Payments received by the City from the Developer, of amounts equal to the respective amounts that would have been payable as real property taxes with respect to the Commercial Improvements by virtue of Massillon CSD operating levies if the Commercial Improvements had not been exempted by the City from real property taxation, excluding millage levied by the Massillon CSD for voted general obligation bond issues, emergency levies and permanent improvement levies (the "Operating Levy Amounts");

WHEREAS, by passage of the Initial TIF Ordinance, the City (i) directed the Stark County Treasurer to pay Operating Levy Payments in the amount of the Operating Levy

Amounts to the Massillon CSD from the Service Payments made from time to time with respect to the Commercial Improvements, and (ii) established the Tax Increment Fund within the City Treasury into which there was to be deposited the portion of the Service Payments received by the City after the Stark County Treasurer's deduction of the Operating Levy Payments (the "Net Marketplace TIF Receipts");

WHEREAS, (i) Service Payments paid by the Developer pursuant to the TIF Legislation and the Developer Agreement have been made, and future Service Payments are required to be made, by the owner of the Commercial Improvements to the Stark County Treasurer; (ii) in connection with periodic real property tax settlements and consistent with the Existing School District Agreement, the Stark County Treasurer has from time to time paid to the City the entire amount of the Service Payments distributable by the Stark County Treasurer; (iii) the City has deposited the Service Payments distributed to it by the Stark County Treasurer in the Tax Increment Fund; (iv) the Stark County Auditor has provided to the City and the Massillon CSD, and is expected to be willing to continue to provide to them, a calculation of the Operating Levy Amounts included in the Service Payments distributed by the Stark County Treasurer to the City; and (v) the City has made Operating Levy Payments to the Massillon CSD on the basis of the Stark County Auditor's calculations of the Operating Levy Amounts, with the result that the net amount of Service Payments remaining in the Tax Increment Fund after the Operating Levy Payments are made constitute the Net Marketplace TIF Receipts;

WHEREAS, the Board of Education of the Massillon CSD has requested, as a condition to its continuing support of the actions proposed to be taken by the City pursuant to the Initial Amending Ordinance, that the City consider, and the City administration has recommended to this Council that it approve, further amendments to the Existing TIF Legislation and the amendment and restatement of the Existing School District Agreement (as so amended and restated, the "Amended and Restated TIF Agreement"), in order to provide, as to any Service Payments received by the City after the date certified by the Stark County Auditor and the Stark County Treasurer to be the date on which an Amended and Restated TIF Agreement, in substantially the form on file with this Council, executed and delivered by the City and the Massillon CSD, is filed with their respective offices (the "Effective Date"), for payments to the Massillon CSD from time to time (the "PI Levy Payments"), in addition to Operating Levy Payments, of amounts equal to the respective amounts that would have been payable as real property taxes with respect to the Commercial Improvements by virtue of Massillon CSD permanent improvement levies if the Commercial Improvements had not been exempted by the City from real property taxation, excluding millage for voted bond issues, emergency levies and operating levies (the "PI Levy Amounts");

WHEREAS, the City administration has recommended, based upon the further deterioration of the City's streets since the passage of the Initial Amending Ordinance, the City Engineer's current evaluation of the condition of the City's streets, and the increase since passage of the Initial Amending Ordinance in the amount of money in the Tax Increment Fund, that notwithstanding this Council's determination in Section 5 of the Initial Amending Ordinance that the City should proceed with the 2015 Priority Street Segment Project and its appropriation of not to exceed \$1,000,000 in Section 5 of the Initial Amending Ordinance for the purpose of paying, or reimbursing the City for payment of, Priority Street Segment Costs with respect to the

2015 Priority Street Segment Project, that this Council (i) repeal Section 5 of the Initial Amending Ordinance, (ii) determine the following City street segments to be Priority Street Segments as to which the City should proceed at present with resurfacing and otherwise improving, including without limitation, related catch basins, curbing, driveway approaches and manholes (the "2016 Priority Street Segment Project"): Amherst Road NE from its intersection with Lake Avenue NE to its intersection with Taggart Avenue NE, Lake Avenue NE from its intersection with State Route 21 to its intersection with 1st Street NE, 17th Street NW from its intersection with State Route 241 (Finefrock Avenue SW) to its intersection with Main Avenue W, 17th Street NW from its intersection with Main Avenue W to its intersection with Lincoln Way W, 17th Street NW from its intersection with Lincoln Way W to its intersection with Cherry Road NW, 11th Street NE from its intersection with State Avenue NE to its intersection with Kendall Avenue NE, 11th Street NE from its intersection with Kendall Avenue NE to its intersection with Lake Avenue NE, 11th Street NE from its intersection with Lake Avenue NE to its intersection with Beverly Road NE, Federal Avenue NE from its intersection with Tommy Henrich Drive NW to its intersection with 6th Street NE, and 8th Street NE from its intersection with Lincoln Way E to its intersection with Commonwealth Avenue NE (the "2016 Priority Street Segments"), and (iii) appropriate the aggregate amount of not to exceed \$1,200,000 from the Tax Increment Fund to pay, or reimburse the City for payment of, Priority Street Segment Costs with respect to the 2016 Priority Street Segment Project; and

WHEREAS, this Council has determined that it is in the best interest of the City and its residents to further amend the Initial TIF Ordinance and to amend the Initial Amending Ordinance, and to authorize the City's execution and delivery of an Amended and Restated TIF Agreement, in order to (i) conform the provisions of the Existing TIF Legislation and the Existing School District Agreement to the practices that have been followed by the City, the Massillon CSD, the Stark County Treasurer and the Stark County Auditor with respect to the distribution of Service Payments and the payment of Operating Levy Payments and provide, subject to clause (iii) of this recital, for the payment by the City to the Massillon CSD of PI Levy Payments in accordance with those practices, (iii) provide that, subject to adoption by the Board of Education of the Massillon CSD of a resolution (the "Board Resolution"), and execution and delivery by the Massillon CSD of an Amended and Restated TIF Agreement, each in substantially the respective form thereof on file with this Council, Massillon CSD shall be entitled to receive PI Levy Payments in the respective amounts of the PI Levy Amounts from the City with respect to Service Payments received by the City after the Effective Date, and (iv) appropriate the amount of \$1,200,000 from the Tax Increment Fund to pay Priority Street Segment Costs with respect to the 2016 Priority Street Segment Project;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Massillon, Stark County, Ohio that:

Section 1. Section 6 of the Initial TIF Ordinance is hereby amended and restated to read in full as follows:

"Section 6. The Stark County Treasurer shall pay the Service Payments collected by the Stark County Treasurer to the City at the times that semi-annual real property tax collections are distributed to the City, and, in connection with

those payments and distributions, the City shall request from the Stark County Auditor a calculation of the respective portions of the Service Payments that are attributable to the taxes that would have been payable to the Massillon City School District as to the Commercial Improvements with respect to (i) operating levies (excluding millage for voted bond issues, emergency levies and permanent improvement levies) if the Commercial Improvements had not been exempted from taxation pursuant to this Ordinance (the "Operating Levy Amounts") and (ii) permanent improvement levies (excluding millage for voted bond issues, emergency levies and operating levies) if the Commercial Improvements had not been exempted from taxation pursuant to this Ordinance (the "PI Levy Amounts").

The City shall pay to the Massillon City School District, but solely from the Service Payments received by the City from time to time, (i) amounts equal to the respective Operating Levy Amounts reflected in the Service Payments in accordance with an amendment and restatement of the Tax Incentive Agreement made and entered into by the City and Massillon City School District as of May 8, 2000 (the "Amended and Restated TIF Agreement"), which is contemplated to be executed and delivered by the City and the Massillon City School District for the purpose, in part, of reflecting the foregoing provisions of this Section 6, and (ii) from Service Payments received by the City on and after the Effective Date (as hereinafter defined) and in accordance with the Amended and Restated TIF Agreement, amounts equal to the respective PI Levy Amounts reflected in the Service Payments. "Effective Date" means the date certified by the Stark County Auditor and the Stark County Treasurer to be the date on which an Amended and Restated TIF Agreement that includes a provision for the payment from time to time by the City to the School District from the Service Payments received by the City of amounts equal to the PI Levy Amounts, executed by the City and the School District, is filed with their respective offices. In the event that the certified dates of receipt differ, the later date shall be the Effective Date."

Section 6 of the Initial TIF Ordinance, as originally enacted ("Original Section 6"), is hereby repealed as of the effective date of this Ordinance; provided that, the repeal of Original Section 6 shall not affect the validity or effectiveness of any actions heretofore taken by the City or agreements entered into by the City on the basis of the authority provided by Original Section 6, all of which are hereby ratified and affirmed.

Section 2. Section 7 of the Initial TIF Ordinance, as previously amended by the Initial Amending Ordinance, is hereby amended and restated to read in full as follows:

"Section 7. There is hereby established within the City Treasury a municipal public improvement tax increment equivalent fund (the "Tax Increment Fund") into which shall be deposited the Service Payments that are distributed to the City by the Stark County Treasurer as provided in Section 6 hereof. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Tax Increment Fund shall be (i) used by the City to pay, or to reimburse the City for payment of, costs of Infrastructure

Improvements, (ii) to the extent provided in any subsequent ordinance of this Council providing for the issuance by the City of debt obligations to finance or refinance the payment of costs of Infrastructure Improvements, may be pledged to the repayment of bonds and/or notes issued to finance the Infrastructure Improvements, (iii) to make payments required to be made to the Massillon City School District in accordance with Section 6 hereof, or (iv) any combination thereof."

The repeal of Section 7 of the Initial TIF Ordinance ("Original Section 7") by the Initial Amending Ordinance is hereby ratified and confirmed, and Original Section 7, as amended by the Initial Amending Ordinance ("Existing Section 7"), is hereby repealed as of the effective date of this Ordinance; provided that, neither the repeal of Original Section 7, nor the repeal of Existing Section 7, shall affect the validity or effectiveness of any actions heretofore taken by the City or agreements entered into by the City on the basis of the authority provided by Original Section 7 or Existing Section 7, all of which are hereby ratified and affirmed.

Section 3. Section 2 of the Initial Amending Ordinance is hereby amended and restated to read in full as follows:

"Section 2. The Initial Exhibit C is hereby amended and restated to read in full as set forth on Attachment I to this Ordinance, such that "Infrastructure Improvements," as used in the Initial TIF Ordinance, shall mean street improvements, bridge improvements, drainage improvements, traffic signals, utility relocation and related infrastructure improvements as more particularly described on Exhibit C as set forth on Attachment I to this Ordinance, as the Initial Exhibit C may be further amended and restated by subsequent legislation passed by this City Council from time to time in order to modify previously designated Priority Street Segments or to designate additional Priority Street Segments that may be resurfaced and otherwise improved, including without limitation, related catch basins, curbing, driveway approaches and manholes, for which Priority Street Segment Costs may be paid or reimbursed from time to time with money in the Tax Increment Fund. This Council hereby designates those Infrastructure Improvements, including without limitation, any Infrastructure Improvements that this City Council determines should be made with respect to additional City street segments designated by this City Council to be Priority Street Segments, to be public infrastructure improvements that directly benefit, or that once made will directly benefit, the Commercial Improvements and benefit both of the School Districts."

Section 2 of the Initial Amending Ordinance, as originally enacted ("Original Section 2"), is hereby repealed as of the effective date of this Ordinance; provided that, the repeal of Original Section 2 shall not affect the validity or effectiveness of any actions heretofore taken by the City or agreements entered into by the City on the basis of the authority provided by Original Section 2, all of which are hereby ratified and affirmed.

Section 4. This Council hereby determines (i) taking into account the further deterioration of the City's streets since the passage of the Initial Amending Ordinance and such

other information as it finds reasonably necessary for the purpose, including without limitation, evidence and information presented by the City Engineer and Councilmembers' current, independent knowledge and understanding of the use and condition of the City's streets, that the 2016 Priority Street Segments are Priority Street Segments and the 2016 Priority Street Segment Project will directly benefit The Marketplace, and (ii) that the City should proceed, upon execution and delivery by the City and Massillon CSD of the Amended and Restated TIF Agreement, with the 2016 Priority Street Segment Project in lieu of the 2015 Priority Street Segment Project. Section 5 of the Initial Amending Ordinance ("Original Section 5"), is hereby repealed as of the effective date of this Ordinance; provided that, the repeal of Original Section 5 shall not affect the validity or effectiveness of any actions heretofore taken by the City or agreements entered into by the City on the basis of the authority provided by Original Section 5, all of which are hereby ratified and affirmed.

Consistent with (i) its determination that the City should proceed at present with the 2016 Prior Street Segment Project in lieu of the 2015 Priority Street Segment Project and (ii) Section 2 of the Initial Amending Ordinance, Exhibit C to the Initial TIF Ordinance, as amended and restated to read in full as set forth on Attachment I to the Initial Amending Ordinance, is hereby further amended and restated to read in full as set forth on Attachment I to this Ordinance, such that "Infrastructure Improvements," as used in the Existing TIF Legislation, as amended and supplemented by this Ordinance, shall include the resurfacing and otherwise improving, including without limitation, related catch basins, curbing, driveway approaches and manholes, of the 2016 Priority Street Segment Project as more particularly described on Exhibit C as set forth on Attachment I to this Ordinance. Exhibit C to the Initial TIF Ordinance, as heretofore amended and restated in accordance with the Initial Amending Ordinance, is hereby repealed.

In order to provide for payment or reimbursement of Priority Street Segment Costs with respect to the 2016 Priority Street Segment Project, this Council hereby appropriates from the Tax Increment Fund an amount not to exceed \$1,200,000 for the purpose of paying, or reimbursing the City for payment of, Priority Street Segment Costs with respect to the 2016 Priority Street Segment Project.

Section 5. The Mayor is hereby authorized to execute and deliver, for and in the name and on behalf of the City, upon receipt by the Mayor of a certified copy of the Board Resolution adopted by the Board of Education of Massillon CSD in substantially the form on file with this Council, the Amended and Restated TIF Agreement, in substantially the form on file with this Council, with such changes therein as are not inconsistent with this Ordinance and not materially adverse to the City and approved by the Mayor. The approval of any such changes to the Amended and Restated TIF Agreement by the Mayor, and the determination by the Mayor that they are not inconsistent with this Ordinance or materially adverse to the City, shall be evidenced conclusively by the execution and delivery of the Amended and Restated TIF Agreement by the Mayor. The execution and delivery by the Mayor of the Amended and Restated TIF Agreement also shall evidence conclusively the Mayor's determination that the Board of Education of Massillon CSD has adopted the Board Resolution in substantially the form on file with this Council. Upon the full execution and delivery of the Amended and Restated TIF Agreement by the City and the Massillon CSD, the Mayor shall deliver, or cause to be delivered, an original,

fully executed counterpart thereof to the Clerk of Council, the Stark County Auditor and the Stark County Treasurer.

Section 6. The Clerk of Council is hereby directed to deliver a certified copy of this Ordinance, within five days after its passage, to (i) the Director of Development Services of the Development Services Agency of the State of Ohio, and (ii) the Board of Education of the Massillon CSD.

Section 7. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 8. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that completion of the 2016 Priority Street Segment Project is urgently needed to eliminate existing hazards to vehicular and pedestrian traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Adopted in Council on _____, 2016

Effective on _____, 2016

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. ____-2016 passed by the Council of the City of Massillon, Ohio at a regular meeting of Council held on _____, 2016.

Clerk
City of Massillon, Ohio

Exhibit C

DESCRIPTION OF THE INFRASTRUCTURE IMPROVEMENTS

Engineering:

- Interchange Justification Study (IJS)
- Signal warrants
- Environmental studies as required
- Permit fees
- Surveying
- Design plans and specifications
- Right of way plans and acquisition
- Bidding and construction services

Construction:

- Widening of the entrance/exit ramps at SR21/Erie St. interchange
- Widening of Erie Street
- Widening of Nave Street at Erie Street
- New traffic signals and associated appurtenances
- Bridge improvements
- Signing (public) and striping
- Street lights
- Guardrail modifications
- Associated drainage improvements
- Utility relocation
- Any improvements required by the Ohio Department of Transportation as a result of the IJS
- Any mitigation required as a result of the environmental studies

Inspection:

- Inspection fees
- Material testing

2016 Priority Street Segment Project:

- Resurfacing and otherwise improving Amherst Road NE from its intersection with Lake Avenue NE to its intersection with Taggart Avenue NE, Lake Avenue NE from its intersection with State Route 21 to its intersection with 1st Street NE, 17th Street NW from its intersection with State Route 241 (Finefrock Avenue SW) to its intersection with Main Avenue W, 17th Street NW from its intersection with Main Avenue W to its intersection with Lincoln Way W, 17th Street NW from its intersection with Lincoln Way W to its intersection with Cherry Road NW, 11th Street

NE from its intersection with State Avenue NE to its intersection with Kendall Avenue NE, 11th Street NE from its intersection with Kendall Avenue NE to its intersection with Lake Avenue NE, 11th Street NE from its intersection with Lake Avenue NE to its intersection with Beverly Road NE, Federal Avenue NE from its intersection with Tommy Henrich Drive NW to its intersection with 6th Street NE, and 8th Street NE from its intersection with Lincoln Way E to its intersection with Commonwealth Avenue, including without limitation, related catch basins, curbing, driveway approaches and manholes and any and all planning, engineering, legal, acquisition, construction, improvement, installation, and financing costs, and any and all other direct and indirect costs of the 2016 Priority Street Segment Project, including without limitation, those costs set forth in Section 133.15(B) of the Ohio Revised Code.

DATE: MAY 16, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 72 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2016 appropriations from within 2105 Stormwater Utility 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 within the 2105 Stormwater Utility Fund, for the year ending December 31, 2016, the following:

FROM:	Transfer – Debt Retirement	2105.405.5.2712	\$ 1,500.00
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TO:	County Collection Fees	2105.549.5.2393	\$ 1,500.00
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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 16, 2016

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 11 – 2016

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION expressing support for Ohio House Bill 292 and Senate Bill 27, which would create a statutory presumption that firefighters who are disabled as a result of specified types of cancer incurred the cancer while performing their official job duties, for purposes of Workers' Compensation and Ohio Police and Fire Pension Fund disability.

WHEREAS, Ohio House Bill 292 (HB 292) and Senate Bill (SB 27) provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing Workers' Compensation and the Ohio Police and Fire Pension Fund (OP&F) to have incurred the cancer while performing his or her official duties; and

WHEREAS, these bills allow for the presumption to be rebutted upon the presentation of evidence to the contrary, including if the cancer was revealed during the firefighter's entrance physical examination; and

WHEREAS, HB 292 and SB 27 are in the public interest and will serve the public good.

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

Section 1:

The Council of Massillon, Ohio, here expresses support for Ohio House Bill 292 and Senate Bill 27, which would create a statutory presumption that firefighters who are disabled as a result of specified types of cancer incurred the cancer while performing their official job duties, for purposes of Workers' Compensation and Ohio Police and Fire Pension Fund disability.

Section 2:

The Clerk of Council of the City of Massillon, Ohio, be, and is hereby authorized and directed to send a copy of this Resolution to the members of the Ohio General Assembly representing the Massillon area.

Section 3:

This Resolution is necessary so that Council can inform the members of the Ohio General Assembly representing the Massillon area that it supports the passage of HB 292 and SB 27, and provided this Resolution receives the affirmative vote of two-thirds of the members elected or appointed 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 at the earliest time 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