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

DATE: MONDAY, OCTOBER 17, 2016

PLACE: COUNCIL CHAMBERS

TIME: 6:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL - 8 fresent; Irwer absent

- 2. INVOCATION BY COUNCILWOMAN JILL CREAMER
- 3. PLEDGE OF ALLEGIANCE
- 4. READING OF THE JOURNAL

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

-0

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 145 – 2016

BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the period from January 1, 2017 through December 31, 2021.

ORDINANCE NO. 146 – 2016

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund, for the year ending December 31, 2016, and declaring an emergency.

ORDINANCE NO. 147 - 2016

BY: FINANCE COMMITTEE

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

RESOLUTION NO. 17 - 2016

BY: FINANCE COMMITTEE

A RESOLUTION accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor by November 1, 2016.

- 7. UNFINISHED BUSINESS
- 8. PETITIONS AND GENERAL COMMUNICATIONS

Request for transfer of liquor FAB, LLC DBA Gallery 121 located at 121 Lincoln Way W. & Patios, Massillon, Ohio 44646 to The Social Hospitality Group, LLC, DBA Social located at 824 Lincoln Way E., Massillon, Ohio 44646 located in Ward 2. The license is Permit Class D5.

9. BILLS, ACCOUNTS AND CLAIMS

The Repository

\$1,040.40 for the publication of August ordinances

8.2gc

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report

September 2016

Auditor's Report

September 2016

- 8 yes

- 11. REPORTS OF COMMITTEES
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
- 13. CALL OF THE CALENDAR
- 14. THIRD READING ORDINANCES AND RESOLUTIONS
- 15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 136 + 2016

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Community Hub for the purpose of advertisement, community information and economic development.

- 16. NEW AND MISCELLANEOUS BUSINESS
- 17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA \sim
- 18. ADJOURNMENT

DIANE ROLLAND - CLERK OF COUNCIL

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 145 - 2016

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the period from January 1, 2017 through December 31, 2021.

WHEREAS, Aqua Ohio, Inc., its successors and assigns (hereinafter called the Company) shall be bound to furnish such water as it shall hereafter furnish for public and private consumption within the City of Massillon, Ohio (hereinafter called the City), for and during the term from January 1, 2017 through December 31, 2021, upon the terms and conditions hereinafter set forth:

WHEREAS, Aqua Ohio, Inc. now owns and operates a water supply plant in said City and the Company enjoys the right and privileges of using the streets and public highways for the location, operation, maintenance and existence of its mains, services and other appurtenances; and

WHEREAS, the City and the inhabitants thereof are now and have been receiving water service from said Company, all property, plants, distribution mains and equipment of which Company now used and useful in the furnishing of said water service, and the legal title to the same, as well as any equipment or extensions which may hereafter be placed in said City by said Company, it successors and assigns;

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

Section 1:

In consideration of the covenants of the City and the Company as hereinafter contained, the following terms and conditions are declared and made effective relative to the supplying of such water service. In the event that the City shall levy, assess or impose any new privileges, occupation, franchise or excise tax, or shall increase any such taxes presently existing against the Company at any time during the period which this Ordinance shall be in force, then the rates fixed in Section 2 hereof be so increased by the Company by filing a new schedule as to provide sufficient additional revenue to cover such new or additional tax or taxes provided, however, that if the City shall propose an alternative schedule of additional rates acceptable to the Company which would yield the requisite revenue, such alternative schedule shall control. In either event, the new and increased schedule shall become effective on all bills rendered after the effective date for such new tax or taxes.

Section 2:

In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge for water furnished during the period from January 1, 2017 through December 31, 2021 the following rates on all bills rendered:

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DIVISION A

MEASURED OR METERED SERVICE RATE SCHEDULE

Month	nly Charge F	or Water Deli	vered (Per 1	00 cu. ft.)	
Effective Date	1/1/17	1/1/18	1/1/19	1/1/20	1/1/21
First 5,000 cu. ft.	\$4.93	\$5.09	\$5.26	\$5.43	\$5.61
Next 10,000 cu. ft.	\$3.85	\$3.98	\$4.11	\$4.24	\$4.38
Above 15,000 cu. ft.	\$2.16	\$2.23	\$2.30	\$2.37	\$2.45

		Monthly Cha	rge Based On	Meter Size	
Meter Size		. , E	ffective Date	·	
	1/1/17	1/1/18	1/1/19	1/1/20	1/1/21
5/8" x ³ / ₄ "	\$13.34	\$13.77	\$14.22	\$14.68	\$15.16
3/4"	\$14.64	\$15.12	\$15.61	\$16.12	\$16.64
1"	\$18.66	\$19.27	\$19.90	\$20.55	\$21.22
1.1/2"	\$23.97	\$24.75	\$25.55	\$26.38	\$27.24
2"	\$38.65	\$39.91	\$41.21	\$42.55	\$43.93
3"	\$146.54	\$151.30	\$156.22	\$161.30	\$166.54
4"	\$186.45	\$192.50	\$198.75	\$205.20	\$211.86
6"	\$279.76	\$288.85	\$298.24	\$307.93	\$317.94

langhan mishtigagis i kimi ingli pila misa kupa misa kapala iki awali mili mwakazini kimi iki mi

ACCOUNT ACTIVATION FEE: An account activation charge of Thirty Five Dollars (\$35.00) will be charged for a service connection during the Company's regular business hours.

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees as defined in the Company's Tariff Section 3-2, First Revised Sheet No. 3, Item 12(b) and Section 3-6, Original Sheet No. 4, Item 10(a) are:

Reconnection Fee during regular business hours......\$55.00 Reconnection Fee other than during regular business hours......\$170.00

DIVISION B PRIVATE FIRE PROTECTION RATE SCHEDULE

	Monthly Charges For Hose Connections and Hydrants			i Rozenije.		
	Size		E	ffective Date		
		1/1/17	1/1/18	1/1/19	1/1/20	1/1/21
	1 1/4"	\$14.55	\$15.02	\$15.51	\$16.01	\$16.53
	1 ½"	\$18.21	\$18.80	\$19.41	\$20.04	\$20.69
	2"	\$22.79	\$23.53	\$24.29	\$25.08	\$25.90
e e	2 ½"	\$26.42	\$27.28	\$28.17	\$29.09	\$30.04
	Private Hydrant	\$55.32	\$57.12	\$58.98	\$60.90	\$62.88

	Monthly Charges for Automatic Sprinklers					
Size	Floor Space (sq.ft.)		the state of the state of	ffective Dat	e	
		1/1/17	1/1/18	1/1/19	1/1/20	1/1/21
2"	5,000 or less	\$45.31	\$46.78	\$48.30	\$49.87	\$51.49
4"	10,000 or less	\$68.11	\$70.32	\$72.61	\$74.97	\$77.41
6"	20,000 or less	\$95.31	\$98.41	\$101.61	\$104.91	\$108.32
Additional	Per 1,000	\$2.66	\$2.75	\$2.84	\$2.93	\$3.03

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C PUBLIC FIRE PROTECTION SERVICE RATE

Any and all charges for the operation and maintenance of all public fire plugs or hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

<u>DIVISION D</u> BULK WATER SALES

For sales of bulk water at Company-designated connections, a customer shall the rates shown in the table below per thousand (1,000) gallons delivered. In addition, the customer shall pay a bulk water permit fee based upon the Company's costs incurred for bulk water connection and metering accommodations.

	Bulk Water Rates (Per 1,000 Gallons)			
		Effective Date		**************************************
1/1/17	1/1/18	1/1/19	1/1/20	1/1/21
\$13.65	\$14.09	\$14.55	\$15.02	\$15.51

<u>DIVISION E</u> CUSTOMER IMPACT FEE

Prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

Meter Size	Customer Impact Fee
5/8" x 3/4"	\$1,200.00
ta ar garagan 10 an awaya a	\$3,060.00
1-1/2"	\$6,900.00
2" or larger	\$12,240.00

Section 3:

If, during the term of this Ordinance, the City desires that the Company expand or construct improvements beyond those planned by the Company and beyond any improvements which the Company has agreed to implement, the City may request negotiations with the Company for adjustment of the rates set forth herein to facilitate such improvements.

If, following January 1, 2017, (a) the Company's rate of return on rate base (as determined in accordance with Ohio Revised Code Chapter 4909) for its Stark Regional Division falls one percentage point or more below any such return then in effect for any of the Company's districts established by the Ohio Public Utilities Commission and (b) events beyond the control of the Company have contributed to such lowered return, then the City and the Company shall renegotiate the rates set forth in Section 5 hereof. If renegotiated rates have not been reached within sixty (60) days after such negotiations are requested, the Company may apply to the Ohio Public Utilities Commission for a rate determination for its Stark Regional Division in the same manner as if the City had not set rates as provided in Ohio Revised Code Section 4909.35. For purposes hereof, increased Company personnel compensation costs shall not be deemed an event beyond the Company's control.

Section 4:

The Company's rates and service shall comply with Aqua Ohio, Inc., Stark Regional Division Master Tariff P.U.C.O. No. 1, as amended and revised from time to time, provided, however, any conflicting provisions of this Ordinance shall supersede said Tariff and, furthermore, the Company will not collect or charge a related facilities fee (rather, the Company will collect the Customer Impact Fee set forth herein above).

Section 5:

This contract and the rates herein provided for shall continue and be in force for a period from January 1, 2017 through December 31, 2021 and until canceled by either the City or the Company upon sixty (60) days written notice

Section 6:

This Ordinance and the written acceptance thereof by the Company filed in the office either of the Clerk of Council or the Auditor of the city, after is passage and approval by the Mayor, shall constitute a contract between the City and the Company pursuant to and by virtue of Sections 4 and 5 of the Article XVIII of the Constitution of Ohio. The Company commits to constructing within the City up to \$300,000.00 per each year of the agreement in water lines and related facilities during the Agreement. The designation of such improvements shall be subject to the request and discretion of the City.

Section 7:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and for the additional reason that the Aqua Ohio, Inc. agreement with the City is about to expire. 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.

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CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

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ORDINANCE NO. 146 - 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation 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 1234 Parks and Recreation Fund, for the year ending December 31, 2016, the following:

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 various departments of the City of Massillon and for the preservation of the 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.

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

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ORDINANCE NO. 147 – 2016

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2016 appropriations 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 transferred from the 1100 General Fund, for the year ending December 31, 2016, the following:

FROM:	Salary-Law Director Staff Accumulated Sick Total	1100.115.5.2111 1100.905.5.2150	\$ 11,750.00 <u>2,975.00</u> \$ 14,725.00
TO:	DV-Salary DV-P.E.R.S. DV-Medicare Safety Service Clerk-Salary Total	1100.116.5.2111 1100.116.5.2230 1100.116.5.2231 1100.160.5.2111	\$ 10,100.00 1,500.00 150.00 <u>2,975.00</u> \$ 14,725.00

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.

CLERK:	DIANE	ROLLAND	
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MASSILLON CITY COUNCIL CITY OF MASSILLON, OH CLAUDETTER O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

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RESOLUTION NO. 17 - 2016

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor by November 1, 2016.

(SEE ATTACHED PAGES)

PASSED IN COUNCIL THISDAY OF_	, 2016
APPROVED:	CLAUDETTE O. ISTNICK, PRESIDENT
APPROVED:	KATHY CATAZARO-PERRY, MAYOR



JOURNAL ENTRY

Date:

SEP 1 2 2016

The Honorable Alan C. Harold Stark County Auditor 110 Central Plaza S. Suite 220 Canton, Ohio 44702-1410

Entry Number: 16-09-0236

Re: Approval of Extension for the Stark County Budget Commission to Complete its Work

The Tax Commissioner, upon consideration of the application filed by the County Auditor, as secretary of the county budget commission, on September 8, 2016, for an extension of time beyond the statutory date of September first to complete its work, as provided by Revised Code section 5705.27, finds that the extension of time is necessary and approves October 3, 2016, as the date within which such work shall be completed, pursuant to Ohio Revised Code section 5705.341 (last para.).

The Tax Commissioner also extends the October first deadline contained in Ohio Revised Code section 5705.34 for the political subdivision to authorize the necessary tax levies to the auditor by the same number of days that the extension to certify rates is granted by this entry. Accordingly, the political subdivision must authorize the necessary tax levies to the auditor by November 1, 2016. The County Auditor must notify each political subdivision affected by this entry.

It is ordered that a copy of this entry be certified to the County Auditor, as secretary of the County Budget Commission.

I CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ENTRY RECORDED IN THE TAX COMMISSIONER'S JOURNAL

JOSEPH W. TESTA T'AX COMMISSIONER /s/ Joseph W. Testa

Joseph W. Testa Tax Commissioner

SS

RECEIVED

027 04 2016

MASSILLON AUDITOR'S OFFICE

Shord 2

NOTICE TO LEGISLATIVE **AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL 6606 TUSSING ROAD, P.O. BOX 4005 REYNOLDSBURG, OHIO 43068-9005 (614)644-2360 FAX(614)644-3166

		10
8346509	TFOL	THE SOCIAL HOSPITALITY GROUP LLC
02 01 2016		824 LINCOLN WAY E MASSILLON OH 44646
10 06 2016		PASSIBLON ON 44040
D5		
76 143 B F17	202	
		FROM 10/11/2016
2598906	TYPE	FAB LLC DBA GALLERY 121
02 01 2016		121 LINCOLN WAY W & PATIOS MASSILLON OH 44646
10 06 2016		MASSIBON OIL 44040
D5		
76 143	PT NO.	



MAILED 10/11/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/14/2016

Township Fiscal Officer

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. R TFOL 8346509 REFER TO THIS NUMBER IN ALL INQUIRIES (TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING) WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS. WE DO NOT REQUEST A HEARING. DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE. PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE: (Signature) (Title)- Clerk of County Commissioner (Date) Clerk of City Council

CLERK OF MASSILLON CITY COUNCIL ONE JAMES DUNCAN PLAZA SE MASSILLON OHIO 44646

PERMIT NBR THE SOCIAL HOSPITALITY GROUP LLC DBA SOCIAL 824 LINCOLN WAY E MASSILLON OH 44646

TIMOTHY BOERNER 10/06/2016 ACTIVE

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PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

Independent The Suburbanite The Times-Reporter

500 MARKET AVE. S., CANTON, OH 44702

INVOICE FOR LEGAL **ADVERTISING**

Invoice Date: 09/30/2016

Account #: 132071

Amount This Invoice: \$1,040.40

Terms: Due Upon Receipt

CITY COUNCIL CLERK L-CITY OF MASSILLON 1 JAMES DUNCAN PLZ MASSILLON, OH 44646-6652

Please Remit Payments To: THE REPOSITORY 500 MARKET AVE S CANTON, OH 44702

< Return Portion Above Dotted Line >

Date

Ad#

PO/Case#

Description

Edition

<u>Amount</u>

09/30/2016

754942

Aug. Ordinances

LEGAL NOTICE ORDINA

INDEPENDENT

\$1,040.40

PAY THIS AMOUNT IN U.S. FUNDS



\$1,040.40

RECEIVED OCT 1 1 2016

MONTH END - PROOF OF CASH TREASURER REPORT