

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

DATE: MONDAY, NOVEMBER 6, 2017  
PLACE: COUNCIL CHAMBERS  
TIME: 6:30 P.M.

**THERE ARE NO PUBLIC HEARINGS TONIGHT**

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DAVE IRWIN
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

**ORDINANCE NO. 137 – 2017**

**BY: POLICE AND FIRE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease/purchase agreement using the Ohio STS Procurement State Purchasing Plan to purchase two (2) Class A Engines on behalf of the Massillon Fire Department, and declaring an emergency.

**ORDINANCE NO. 138 – 2017**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

**AN ORDINANCE** amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – 510-511 PARKS AND RECREATION DEPARTMENT and 920 GOLF COURSE DEPARTMENT, PART TIME/TEMPORARY/SEASONAL WAGE CLASSES AND RATES of Ordinance No. 26 – 2015 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – 510-511 PARKS AND RECREATION DEPARTMENT and 920 GOLF COURSE DEPARTMENT, PART TIME/TEMPORARY/SEASONAL WAGE CLASSES AND RATES, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – 510-511 PARKS AND RECREATION DEPARTMENT and 920 GOLF COURSE DEPARTMENT, PART TIME/TEMPORARY/ SEASONAL WAGE CLASSES AND RATES, in the City of Massillon, Ohio.

**ORDINANCE NO. 139 – 2017**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

**AN ORDINANCE** amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – 920 GOLF COURSE DEPARTMENT of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – 920 GOLF COURSE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – 920 GOLF COURSE DEPARTMENT, in the City of Massillon, Ohio.

**ORDINANCE NO. 140 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1421 Wastewater Treatment Plant Upgrade Fund, for the year ending December 31, 2017, and declaring an emergency.

**ORDINANCE NO. 141 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1229 HOME Fund, for the year ending December 31, 2017, and declaring an emergency.

**ORDINANCE NO. 142 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Auditor to pay various 2017 bills that have been received and that will be received by her office between January 1, 2018 and March 31, 2018, out of the 2018 appropriations within the various departments of the City of Massillon, Ohio.

**ORDINANCE NO. 143 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the purchase of fuel for city vehicles at an off-site location, and declaring an emergency.

**ORDINANCE NO. 144 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease/purchase agreement with Huntington Bank on behalf of the Massillon Police Department, and declaring an emergency.

**ORDINANCE NO. 145 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2018, and declaring an emergency.

**ORDINANCE NO. 146 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending Section 2 of Ordinance No. 125 – 2013 and any other ordinances inconsistent with this ordinance, authorizing and directing the Auditor of the City of Massillon, Ohio, as of January 1, 2018, to hereby deposit the three-tenths percent (.3%) City Income Tax for the Parks and Recreation System into the “1234 Parks and Recreation Operation Fund”, “1306 Parks and Recreation Debt Retirement Fund” and the “1433 Parks and Recreation Capital Improvement Fund.

**ORDINANCE NO. 147 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending Ordinance No. 143 – 1976 by repealing Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and enacting a new Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and repealing Ordinance No. 172 – 2014.

**ORDINANCE NO. 148 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending Ordinance No. 157 – 2016 and any other ordinances inconsistent with this ordinance, and authorizing and directing the Auditor of the City of Massillon as of January 1, 2018, to deposit funds received from golfing fees at The Legends of Massillon Golf Course into The Legends Operating Fund and the Bond Retirement Fund.

**ORDINANCE NO. 149 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 2017 appropriations from within the 1100 General Fund, for the year ending December 31, 2017, and declaring an emergency.

**RESOLUTION NO. 17 – 2017**

**BY: FINANCE COMMITTEE**

**A RESOLUTION** requesting the Stark County Auditor and Stark County Treasurer to make an advance payment to the City of Massillon, Ohio, of real estate taxes collected by Stark County on behalf of the City during 2018 fiscal year.

**RESOLUTION NO. 18 – 2017**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

**A RESOLUTION** appointing Robert M. Marks and David C. Lundquist to the Local Board of Tax Review created under Codified Ordinance 181.18.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

Request for a New Liquor License for M & S Bar and Grill, LLC, located at 62 Erie St. S., Massillon, OH 44646. Permit Classes are D1, D2 and D3 and is located in Ward 2.

Request for a New Liquor License for Regal Cinemas, Inc., DBA Massillon Stadium 12, located at 175 Cherry Rd. N.W., Massillon, OH. Permit classes are D3 and D6 and is located in Ward 2.

**9. BILLS, ACCOUNTS AND CLAIMS**

Keller's Office Furniture - \$40.00 Copy Paper

**10. REPORTS FROM CITY OFFICIALS**

Mayor's Report - September 2017

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 114 – 2017**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Jen's Place to provide an economic development "inducement grant" to assist the business with start-up and build out costs at 43 Lincoln Way E., Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 115 – 2017**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with T-I-G Grille and Catering to provide an economic development "inducement grant" to assist the business with start-up and build out costs at 45 – 1<sup>st</sup> St. N.W., Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 119 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of Massillon, Ohio, to enter into a contract with OHM Advisors and the Ohio Department of Transportation (ODOT) for design and funding of the Wales Road Safety/Widening Project (STA-241-9.71), PID 100471, and declaring an emergency.

**ORDINANCE NO. 122 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2017, and declaring an emergency.

**ORDINANCE NO. 123 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2017, and declaring an emergency.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 129 – 2017**

**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 Department of Transportation (ODOT), for the Lincoln Way SR 172 Streetscape Project, PID 104857.

**ORDINANCE NO. 130 – 2017**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE**

**AN ORDINANCE** implementing existing legislation authorizing this Council to designate additional streets to be improved relating to the Marketplace Development, authorizing related matters, and declaring an emergency.

**RESOLUTION NO. 14 – 2017**

**BY: PUBLIC UTILITIES COMMITTEE**

**A RESOLUTION** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to take all actions necessary to effect a governmental electric aggregation program with an opt-out provision pursuant to Section 4928 of the Ohio Revised Code (the "Aggregation Program") for residents, businesses and other electric consumers in the City of Massillon, 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: OCTOBER 16, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

**\*\* AMENDED \*\***

RESOLUTION NO. 14 – 2017

BY: PUBLIC UTILITIES COMMITTEE

TITLE: A RESOLUTION authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to take all actions necessary to effect a governmental electric aggregation program with an opt-out provision pursuant to Section 4928 of the Ohio Revised Code (the "Aggregation Program") for residents, businesses and other electric consumers in the City of Massillon, and declaring an emergency.

WHEREAS, on November 3, 2009, Massillon residents voted in favor of the City having the authority to aggregate the retail electric loads located in the City and to enter into service agreements to facilitate for those loads the sale and purchase of electric pursuant to Section 4928 of the Ohio Revised Code; and

WHEREAS, on November 16, 2009, City Council hereby adopted the City of Massillon's Plan of Operation and Governance, (attached hereto and incorporated herein by reference as Exhibit "A") for the implementation and administration of the City's electric aggregation program in accordance with Revised Code 4928(c).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, COUNTY OF STARK AND STATE OF OHIO, THAT;

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to authorize the Director of Public Service and Safety of the City of Massillon, Ohio, to take all actions necessary to effect a governmental electric aggregation program with an opt-out provision pursuant to Section 4928 of the Ohio Revised Code (the "Aggregation Program") for residents, businesses and other electric consumers in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio is hereby authorized and directed to take all actions necessary to effect a governmental electric aggregation program with an opt-out provision pursuant to Section 4928 of the Ohio Revised Code (the "Aggregation Program") for residents, businesses and other electric consumers in the City of Massillon.

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:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason to allow the bidding process to begin immediately as the current contract expires May 1, 2018. 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 \_\_\_\_\_, 2017

ATTEST:

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DIANE ROLLAND, CLERK OF COUNCIL

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

APPROVED:

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KATHY CATAZARO-PERRY, MAYOR