

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

**AGENDA**

DATE: MONDAY, MARCH 20, 2017  
PLACE: COUNCIL CHAMBERS  
TIME: 6:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN ED LEWIS
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. 34 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1215 Law Enforcement Local Grant Fund, for the year ending December 31, 2017.

**RESOLUTION NO. 2 – 2017**

**BY: COMMITTEE OF THE WHOLE**

**A RESOLUTION** opposing the portion of the Governor's proposed 2017 – 2018 Budget, which mandates centralized collection of net profit tax returns and other provisions related to municipal income tax which will cause a substantial loss of revenue needed to support the health, safety welfare and economic development efforts of Ohio municipalities, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

A request for the transfer of a liquor license from Massillon Two, LLC, DBA Firehouse Grille & Pub located at 48 – 2<sup>nd</sup> St. S.E. & Patio, Massillon, OH 44646 to Elks One, Inc., DBA Firehouse Grille & Pub located at 48 – 2<sup>nd</sup> St. S.E. & Patio, Massillon, OH 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

The Repository	-	\$ 272.00	Publication of January Ordinances
Copeco	-	<u>293.27</u>	Quarterly Contract Base Rate Charge
		<b>\$ 565.27</b>	<b>Total</b>

**10. REPORTS FROM CITY OFFICIALS**

Mayor's Report	-	January 2017
Treasurer's Report	-	February 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. 16 – 2017**

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

**AN ORDINANCE** designating LaFlavour Place S.E. the name for a certain street located in the City of Massillon, Ohio, and described as a street off Lincoln Way East, formerly known as City Hall St. S.E.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 22 – 2017**

**BY: PARKS & RECREATION COMMITTEE**

**AN ORDINANCE** establishing a yearly membership rate for persons with disabilities and veterans, both active and non-active, at the Massillon Recreation Center.

**ORDINANCE NO. 26 – 2017**

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

**AN ORDINANCE** amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – MAYOR'S OFFICE of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – 110 MAYOR'S OFFICE, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – 110 MAYOR'S OFFICE, in the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 30 – 2017**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2017, 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: MARCH 20, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 34 – 2017

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1215 Law Enforcement Local Grant Fund, for the year ending December 31, 2017:

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 1215 Law Enforcement Local Grant Fund, for the year ending December 31, 2017, the following:

\$ 15,508.00 to an account entitled "New Equipment" - 1215.305.5.2530

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:

Provided this Ordinance 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: MARCH 20, 2017

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 2 – 2017

BY: COMMITTEE OF THE WHOLE

TITLE: A Resolution opposing the portion of the Governor's proposed 2017 – 2018 Budget, which mandates centralized collection of net profit tax returns and other provisions related to municipal income tax which will cause a substantial loss of revenue needed to support the health, safety welfare and economic development efforts of Ohio municipalities, and declaring an emergency.

**WHEREAS**, Ohio Governor Kasich and his administration proposed to institute a state-operated program for the centralized collection of Ohio net profit municipal income tax; and

**WHEREAS**, the proposal for a state takeover of collection of the municipal income taxes of the City of Massillon's corporations is in derogation of home rule powers granted to municipal corporations by the Ohio Constitution; and

**WHEREAS**, municipalities can and will provide more efficiently, immediately, and scrupulously than the state, the personal service and assistance to its taxpayers in the preparation and filing of their tax reports and returns; and

**WHEREAS**, the proposed language also includes a provision that would eliminate a portion of the sales factor, known as "throwback", substantially reducing reportable tax revenue to municipalities with warehouses, distribution centers, and any business providing online sales; and

**WHEREAS**, the Mayor and Council oppose the latest encroachment on municipal home rule under consideration by the State of Ohio; and

**WHEREAS**, the recent reduction in the Local Government Fund, elimination of Estate Tax, and accelerated phase out of promised reimbursement for loss of revenues due to the repeal of the Tangible Personal Property Tax have all resulted in a loss of revenue; and

**WHEREAS**, only municipalities can ensure the prompt and proper auditing of local tax returns to verify all applicable deductions and declarations are reported and that businesses located within the City of Massillon are filing and reporting to the proper locality thus also ensuring that all taxpayers pay their fair share without causing higher costs of compliance for all, and must be able to do so without burdensome and costly restrictions included in the Governor's budget proposal created with the only purpose of restricting municipalities from correcting/auditing business return filings or making assessments; and

**WHEREAS**, provisions in this proposal will hamper municipalities' ability to audit and correct municipal income tax business returns, to equitably enforce the municipal income tax laws and has been crafted as a vehicle to control the administrative process of municipal income tax to the benefit of specific taxpayer interests; and

**WHEREAS**, the municipal income tax is the City's single largest revenue source, providing essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon. Any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting businesses in Ohio.

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

Section 1:

The City of Massillon Council urges the Ohio General Assembly to request the immediate removal of all language pertaining to municipal income tax collection and administration, and should promote upcoming changes to the Ohio Business Gateway as a solution for businesses to file municipal income tax returns in a more simple and efficient manner, with the Ohio Business Gateway continuing to act only as a portal to remit payments and filing information directly to municipalities for processing.

Section 2:

The City of Massillon does hereby formally urge the Ohio General Assembly to preserve and safeguard the "throwback" provision of the Business Allocation Formula for municipal income tax purposes as designed and intended by the Controllers' Institute of America and the Council of State Governments to ensure a uniform, fair and equitable imposition of tax among several taxing jurisdictions as it has been for nearly sixty (60) years, and has been recommended by the Council of State Governments for equally as long.

Section 3:

The Clerk of Council is hereby instructed to send certified copies of this Resolution to Governor Kasich, Representative Schuring, Representative Hagan, Representative West, Representative Slaby, Senator Oelslager and Senator LaRose.

Section 4:

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting, of this Council, open to the public.

Section 5:

This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Massillon and the inhabitants thereof and provided it 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 period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017

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

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

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

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