

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

**DATE: MONDAY, DECEMBER 3, 2018
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN MICHAEL GREGG**
- 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. 157 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Letter of Intent (LOI) with Group #3, and declaring an emergency.

ORDINANCE NO. 158 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Ordinance No. 98 – 2018 regarding the transfer of 2860 Lincoln Way E., Massillon, Ohio, Parcel #4318240, from the City of Massillon to the Community Improvement Corporation (CIC) of Massillon to reflect an amended real estate purchase agreement, and declaring an emergency.

ORDINANCE NO. 159 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio to enter into an agreement with Stark County Regional Planning Commission (SCRPC) for housing rehabilitation for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 160 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to approve the prisoner transport agreement between the City of Massillon and political subdivisions using the City's prisoner transport service and authorizing the Auditor of the City of Massillon, Ohio, to deposit said funds into the 1100 General Fund and the 1401 Capital Improvement Fund effective January 1, 2019, and declaring an emergency.

ORDINANCE NO. 161 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE reducing the appropriations in the 1342 OPWC Loan Payments Fund and in the 1340 Tax Increment Fund, for the year ending December 31, 2018, and declaring an emergency.

ORDINANCE NO. 162 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2018 appropriations from within the 1100 General Fund, for the year ending December 31, 2018, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A Request for a New Liquor License for Ventura Communications, Inc. located at 45 – 1st St. N.W., Massillon, Ohio 44647. Permit Class is a D3 and is located in Ward 2.

9. BILLS, ACCOUNTS AND CLAIMS

The Repository - \$ 530.40 - Publication of October Ordinances

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report - October 2018
Mayor's Report - October 2018

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 139 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2018, and declaring an emergency.

ORDINANCE NO. 143 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE amending Ordinance No. 143 – 1976 to enact a new Section “ALLOCATION OF FUNDS – INCOME TAX” by repealing Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and enacting a new Section 13 – “ALLOCATION OF FUNDS - INCOME TAX” and repealing Ordinance No. 147 – 2017.

ORDINANCE NO. 144 – 2018

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to amend salary and wage schedules for the MISCELLANEOUS PART-TIME SCHEDULE, UNCLASSIFIED EMPLOYEES, and SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) – CLASSIFIED EMPLOYEES, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTION

ORDINANCE NO. 146 – 2018

BY: PARK AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Massillon Recreation Center to extend the offer to all City employees who are eligible for healthcare benefits another two (2) year complimentary membership to the Massillon Recreation Center effective January 1, 2019, and to allow City employees to purchase a married couple or family membership and deduct the cost of an individual membership from that cost and the difference would be an out-of-pocket expense for the City employee.

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: DECEMBER 3, 2018

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 157 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Letter of Intent (LOI) with Group #3, 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 determines it necessary in the public health, safety and welfare for the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Letter of Intent (LOI) with Group #3. The Letter of Intent (LOI) is attached and marked as Exhibit "A".

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Letter of Intent (LOI) with Group #3. The Letter of Intent (LOI) is attached and marked as Exhibit "A".

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 hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the community, as the City of Massillon must execute the Letter of Intent (LOI) with Group #3 before it can finalize the terms of the Definitive Agreement(s) with Group #3, in an effort to bring emergency healthcare services to the City of Massillon. This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2018

ATTEST: _____
DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

EXHIBIT “A”
FORTHCOMING
MONDAY

DATE: DECEMBER 3, 2018

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 158 – 2018

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 98 – 2018 regarding the transfer of 2860 Lincoln Way E., Massillon, Ohio, Parcel #4318240, from the City of Massillon to the Community Improvement Corporation (CIC) of Massillon to reflect an amended real estate purchase agreement, and declaring an emergency.

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

Section 1:

Ordinance No. 98 – 2018 is amended to reflect an amended real estate purchase agreement attached hereto as Exhibit "A".

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, the reason for the emergency is to reflect an amended real estate purchase agreement and proceed with the transfer of the property. 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.

**EXHIBIT “A”
FORTHCOMING
MONDAY**

DATE: DECEMBER 3, 2018

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 159 – 2018

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio to enter into an agreement with Stark County Regional Planning Commission (SCRPC) for professional services provided by Stark County Regional Planning Commission (SCRPC) for the City's Housing Programs for the year ending December 31, 2019, 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 that it is necessary for the Mayor of the City of Massillon, Ohio, to enter into an agreement with Stark County Regional Planning Commission (SCRPC) for professional services provided by Stark County Regional Planning Commission (SCRPC) for the City's Housing Programs for the year ending December 31, 2019.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with Stark County Regional Planning Commission (SCRPC) for professional services provided by Stark County Regional Planning Commission (SCRPC) for the City's Housing Programs for the year ending December 31, 2019. Professional services include initial home inspections, home rehabilitation estimates, inspections during rehabilitation and final inspections of the completed rehabilitations. The compensation is Fifteen Thousand Dollars (\$15,000.00) per year.

(SEE EXHIBIT "A" HERETO ATTACHED)

AGREEMENT
WITH CITY OF MASSILLON

SUBJECT: PROFESSIONAL SERVICES - HOUSING REHABILITATION

This Agreement, entered into this day, by and between the Stark County Regional Planning Commission, hereinafter referred to as the "Planning Commission" and duly authorized and adopted on November 6, 2018, and the City of Massillon, Ohio, hereinafter referred to as the "City" and duly authorized through an ordinance adopted on _____.

WHEREAS, the City of Massillon is desirous of obtaining certain professional administrative services for the purpose of assisting in various activities and duties in conjunction with the provision of professional housing rehabilitation services by the Planning Commission to the City of Massillon; and

WHEREAS, the County has entered into a contract with the Planning Commission to administer the Community Development Block Grant and HOME programs of the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the Planning Commission employs a staff specifically trained to administer HUD programs; and

WHEREAS, the City is willing to enter into an agreement with the Planning Commission to administer certain professional services for the City's Owner-Occupied Housing Rehabilitation, Rental Rehabilitation and Homebuyer programs; and

WHEREAS, the Planning Commission is willing and desirous of entering into an agreement to provide these services; and

WHEREAS, the Planning Commission does and hereby agrees to enter into such an agreement with the City of Massillon to perform the work and administrative procedures as described in the Scope of Services.

NOW, THEREFORE, in consideration of the provisions hereinabove and hereinafter contained it is mutually agreed as follows:

SECTION 1. Scope of Services

The Planning Commission shall be responsible for providing professional housing rehabilitation support services to the City of Massillon for its Owner-Occupied Housing Rehabilitation, Rental Rehabilitation and Homebuyer programs. Said services of the Planning Commission shall include the following:

- A) Conduct the initial inspection;
- B) Prepare work write-up and cost estimate;
- C) Conduct inspections for progress payments; and
- D) Conduct final inspection for final payment.

The services of the Planning Commission shall be performed in cooperation with the City's housing rehabilitation staff.

SECTION 2. Term

The City hereby contracts for the services of the Planning Commission to commence on January 1, 2019 and shall continue until terminating on December 31, 2019.

SECTION 3. Compensation

The City agrees to pay the Planning Commission a total of \$15,000 per year to be billed quarterly by the Planning Commission at a rate of \$3,750.00 per quarter. In addition, the City agrees to pay the direct costs associated with the lead inspections and clearance testing.

The total amount of compensation to be paid to the Planning Commission as reimbursement shall not exceed \$15,000 (fifteen thousand dollars) plus the costs of the lead inspection and clearance testing.

The Planning Commission and/or the City may amend the total amount of compensation with prior approval of the other party of this Agreement. A request to amend the total compensation must be made in writing.

SECTION 4. Termination

The City and/or the Planning Commission may either jointly or individually terminate this Agreement at any time by providing at least sixty (60) days notice in writing.

SECTION 5. Compliance with Laws and Regulations

In the performance of service under this Agreement, the Planning Commission shall comply with all statutes, ordinances, regulations, and rules of the Federal Government, the State of Ohio, and Stark County, which are applicable to the performance of the services under this Agreement.

SECTION 6. Reports, Information and Audits

The Planning Commission, at such times, and in such form as HUD and/or the City may require, shall furnish HUD and/or the City such reports as may be requested pertaining to the work of services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement. All financial and administrative records shall be retained by the City, and the Planning Commission, and HUD, or any of their authorized representatives or auditors shall be provided access to such records.

SECTION 7. Non-Discrimination

The Planning Commission will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, age, ancestry, or national origin.

SECTION 8. Approval of Incurred Costs

Any activity, expenditure and/or costs incurred by the Planning Commission in conjunction with this Agreement, and the service to be provided by this Agreement, are hereby ratified by the parties to this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands this date.

WITNESSED BY:

Jill Herbon

STARK COUNTY REGIONAL
PLANNING COMMISSION

Wayne Schillig
Wayne Schillig, President

WITNESSED BY:

Jill Herbon

CITY OF MASSILLON

Kathy Catanzaro-Perry
Kathy Catanzaro-Perry, Mayor

Approved as to Form and Legal
Sufficiency:

David A. Thorley
David A. Thorley
Attorney at Law

Approved as to Form and Legal
Sufficiency:

Andrew J. Kasso
City Law Director

DATE: DECEMBER 3, 2018

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 160- 2018

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to approve the prisoner transport agreement between the City of Massillon and political subdivisions using the City's prisoner transport service and authorizing the Auditor of the City of Massillon, Ohio, to deposit said funds into the 1100 General Fund and the 1401 Capital Improvement Fund effective January 1, 2019, 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 that it is necessary to authorize and direct the Mayor of the City of Massillon, Ohio, to approve the prisoner transport agreement between the City of Massillon and political subdivisions using the City's prisoner transport service.

(SEE EXHIBIT "A" HERETO ATTACHED)

Section 2:

The Council of the City of Massillon, Ohio, hereby authorizes the Auditor to deposit said funds to the following:

85% to an account entitled "Transport Fees"	1100.305.4.1500
15% to an account entitled "Prisoner Transport Van Replacement Fund"	1401.305.4.1500

DATE: DECEMBER 3, 2018

CLERK: DIANE ROLLAND

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LEGISLATIVE DEPARTMENT

ORDINANCE NO. 161 – 2018

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the 1342 OPWC Loan Payments Fund and in the 1340 Tax Increment Fund, for the year ending December 31, 2018, and declaring an emergency.

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

Section 1:

The appropriations are hereby reduced in the 1342 OPWC Loan Payments Fund, for the year ending December 31, 2018, as follows:

\$ - 0.04 from an account entitled "OPWC Principal" - 1342.940.5.2610

Section 2:

The appropriations are hereby reduced in the 1340 Tax Increment Fund, for the year ending December 31, 2018, as follows:

\$ - 3,153.80 from an account entitled "Fees" - 1340.905.5.2382

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: DECEMBER 3, 2018

CLERK: DIANE ROLLAND

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LEGISLATIVE DEPARTMENT

ORDINANCE NO. 162 – 2018

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2018 appropriations from within the 1100 General Fund, for the year ending December 31, 2018, 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 2018 appropriations within the 1100 General Fund, for the year ending December 31, 2018, the following:

FROM:	Hosp/Eye/Den/Pres/Life/Mayor	1100.110.5.2210	-	\$ - 1,700.00
	Hosp/Eye/Den/Pres/Life/SSD	1100.160.5.2210	-	- 1,700.00
	Supplies/Materials/Postage	1100.110.5.2410	-	- 1,600.00
	Street Lighting Services	1100.905.5.2392	-	- 15,000.00
	City/State Collections Fees	1100.905.5.2393	-	- <u>10,000.00</u>
				\$ - 30,000.00
TO:	Services/Contracts/Police Dept.	1100.305.5.2392	-	\$ 30,000.00

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.

Section 3:

This Ordinance is hereby declared to be an emergency measure for the efficient operation of various departments of the City of Massillon for the preservation of the health, safety and welfare of the community and for the further purpose to cover expenses for the Massillon Police Department for year-end 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.