

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

**DATE: MONDAY, NOVEMBER 4, 2019
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILWOMAN LINDA LITMAN**
- 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. 144 – 2019

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, to enter into a Contract with Clark Schaefer, Hackett and Company to provide services for the annual audits of the City of Massillon for the period of January 1, 2020 through December 31, 2023, and declaring an emergency.

ORDINANCE NO. 145 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1235 Community Health Services Fund, for the year ending December 31, 2019.

ORDINANCE NO. 146 – 2019

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, 2019, and declaring an emergency.

ORDINANCE NO. 147 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1225 Indigent Driver Alcohol Treatment Fund, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 148 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for hospital expenses, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 149 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Auditor to pay various 2019 bills that have been received and that will be received by her office between January 1, 2020 and March 31, 2020, out of the 2020 appropriations within the various departments of the City of Massillon, Ohio.

ORDINANCE NO. 150 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2020, and declaring an emergency.

ORDINANCE NO. 151 – 2019

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.

RESOLUTION NO. 8 – 2019

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 2020 fiscal year.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

Mayor's Report	-	September 2019
Auditor's Report	-	September 2019

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 126 – 2019

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE amending CHAPTER 32 of the Massillon Code of 1968 by repealing existing Section 32.14 Personnel of the Police Department and enacting a new Section 32.14 Personnel of the Police Department; and also repealing Section 2 of Ordinance No. 126 – 1977.

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

DIANE ROLLAND – CLERK OF COUNCIL

DATE: NOVEMBER 4, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 144 – 2019

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, to enter into a Contract with Clark Schaefer, Hackett and Company to provide services for the annual audits of the City of Massillon for the period of January 1, 2020 through December 31, 2023, 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 Auditor of the City of Massillon, Ohio, to enter into a Contract with Clark Schaefer, Hackett and Company to provide services for the annual audits of the City of Massillon for the period of January 1, 2020 through December 31, 2023.

Section 2:

The Auditor of the City of Massillon, Ohio, to enter into a Contract with Clark Schaefer, Hackett and Company to provide services for the annual audits of the City of Massillon for the period of January 1, 2020 through December 31, 2023. The cost of the annual audits will be as follows as shown on the attached Cost Proposal, marked as Exhibit "A":

December 31, 2019	-	\$ 30,000
December 31, 2020	-	30,000
December 31, 2021	-	31,000
December 31, 2022	-	31,000
December 31, 2021	-	<u>32,000</u>
Total	-	\$154,000

DATE: NOVEMBER 4, 2019

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
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COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 145 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1235 Community Health Services Fund, for the year ending December 31, 2019.

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 1235 Community Health Services Fund, for the year ending December 31, 2019, the following:

\$ 1,000.00 to an account entitled "Grants Expense Account" - 1235.705.5.2411

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: NOVEMBER 4, 2019

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
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COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 146 – 2019

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, 2019, 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, 2019, the following:

\$ 100,000.00 to an account entitled "Services/Contracts"	-	1234.505.5.2392
<u>50,000.00</u> to an account entitled "Supplies/Postage"	-	1234.505.5.2410
\$ 150,000.00 Total		

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 immediate preservation of the health, safety and welfare of the community and for the further reason to align the 2019 budget. 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: NOVEMBER 4, 2019

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
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COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 147 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1225 Indigent Driver Alcohol Treatment Fund, 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:

There be and hereby is appropriated from the unappropriated balance of the 1225 Indigent Driver Alcohol Treatment Fund, for the year ending December 31, 2019, the following:

\$ 30,000.00 to an account entitled "Services/Contracts" - 1225.125.5.2392

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 immediate preservation of the health, safety and welfare of the community and for the further reason to cover expenses for the counselor at the Massillon CommQuest facility through December 31, 2019. 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: NOVEMBER 4, 2019

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
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COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 148 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for hospital expenses, 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:

There be and hereby is appropriated from the unappropriated balance of the 1100 General Fund for hospital expenses, for the year ending December 31, 2019, the following:

\$ 45,000.00 to an account entitled "Services/Contracts"	-	1100.915.5.2392
<u>30,000.00</u> to an account entitled "Utilities"	-	1100.915.5.2340
\$ 75,000.00 Total		

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 immediate preservation of the health, safety and welfare of the community and for the further reason to release funds from the hospital revenue account to timely pay costs of hospital and associated expenses related to the Affinity agreement. 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.

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LEGISLATIVE BRANCH

ORDINANCE NO. 149 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor to pay various 2019 bills that have been received and that will be received by her office between January 1, 2020 and March 31, 2020, out of the 2020 appropriations within the various departments of the City of Massillon, Ohio.

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 it necessary to authorize the City Auditor to pay various 2019 bills that have been received and that will be received by her office between January 1, 2020 and March 31, 2020, out of the 2020 appropriations within the various departments of the City of Massillon, Ohio.

Section 2:

The City Auditor is hereby Authorized and directed to pay various 2019 bills that have been received and that will be received by her office between January 1, 2020 and March 31, 2020, out of the 2020 appropriations within the various departments of the City of Massillon, Ohio.

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.

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COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 150 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2020, 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, adopts and approves permanent appropriations, effective January 1, 2020, the capital and operation expenditures of the City of Massillon, Ohio, for the fiscal year ending December 31, 2020, pursuant to Ohio Revised Code, Section 5705.38, which appropriations and legal level of control are set forth on the attached Exhibit "A".

Section 2:

That the Auditor of the City of Massillon, Ohio, is hereby authorized and directed to draw warrants on the Treasurer of the City of Massillon, Ohio, for payments from any of the foregoing appropriations upon proper certification and vouchers approved by the Board of Officers (or Officer) authorized by law to approve the same or any ordinance or resolution of Council to make expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed in accordance with law or ordinance.

Section 3:

The Auditor of the City of Massillon, Ohio, is hereby authorized to execute the inter-fund transfers outlined in the attached Exhibit "A" and to draw her warrants upon receipt of vouchers duly approved by the proper departmental authority.

Section 4:

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.

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COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 151 - 2019

BY: FINANCE COMMITTEE

TITLE: 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.

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

Section 1:

Ordinance No. 147 – 2017 be and is hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 13 “ALLOCATION OF FUNDS - INCOME TAX” of Ordinance No. 143 - 1976. Said new Section 13 shall read as follows:

Section 13 - ALLOCATION OF FUNDS

- (A) Effective January 1, 2020 the funds collected under the provision of this ordinance shall be disbursed as follows:
- (1) Ninety-four percent (94%) percent shall be deposited in the “1100 General Fund” and Six percent (6%) shall be deposited in said “1401 Income Tax Capital Improvements Fund” and shall be used for capital improvements to defray operating expenses of the City including such part thereof as shall be necessary to defray all costs of administering and enforcing the provisions thereof.
 - (2) Capital Improvements are all property, assets, machinery, equipment or improvements which the City is authorized by law to acquire, construct and maintain, including plans and studies thereof with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extension thereof having an estimated life or usefulness of five (5) years or more provided, however, that the purchase of motorized equipment for the various city departments and the resurfacing and resealing of public streets, including

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MASSILLON CITY COUNCIL
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LEGISLATIVE BRANCH

RESOLUTION NO. 8 - 2019

BY: FINANCE COMMITTEE

TITLE: 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 2020 fiscal year.

WHEREAS, Ohio Revised Code Section 321.34 provides that a municipality may request by Resolution an advance payment from the County of real estate taxes that the County collects on behalf of the municipality, and

WHEREAS, the legislative authority of the City of Massillon has deemed it necessary to request such advance payment, and

WHEREAS, the legislative authority of the City of Massillon has determined such request necessary at this time.

NOW, therefore, it is hereby resolved that the legislative authority of the City of Massillon hereby request an advance payment of real estate taxes collected for the 2020 fiscal year, as authorized by Ohio Revised Code Section 321.34.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2019

ATTEST: _____
DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____
KATHY CATAZARO-PERRY, MAYOR