

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

**DATE: MONDAY, AUGUST 5, 2019
PLACE: COUNCIL CHAMBERS
TIME: 6:30 P.M.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 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**
- 6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 100 – 2019

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE approving and adopting the extension of an alternative method for apportioning the Stark County Undivided Local Government Fund for 2020 through 2022; authorizing the Mayor to execute said agreement, and declaring an emergency.

ORDINANCE NO. 101 – 2019

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement to purchase portable radios for the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 102 – 2019

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 purchase agreement to purchase a 2019 MEDIX Type I ambulance on behalf of the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 103 – 2019

BY: STREETS, HIGHWAYS, TRAFFICE AND 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 Dept. of Transportation (ODOT), for the STW MUNI BRDG INSP PROG 2 Project, PID 109334, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 104 – 2019

BY: FINANCE COMMITTEE

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

ORDINANCE NO. 105 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund to purchase radios for the Massillon Fire Department, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 106 – 2019

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, 2019, and declaring an emergency.

ORDINANCE NO. 107 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2019 appropriations from within the 1100 General Fund and the 2101 Wastewater Treatment Fund, for the year ending December 31, 2019, and declaring an emergency.

ORDINANCE NO. 108 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE amending Section 181.081 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" of CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 3 – 2019

BY: FINANCE COMMITTEE

A RESOLUTION approving the 2020 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit “A”, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

The Repository - \$ 877.20 Publication of June Ordinances

10. REPORTS FROM CITY OFFICIALS

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

ORDINANCE NO. 30 2019

Tabled Indefinitely April 1, 2019

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of road right of way and easements for Phoenix Avenue S.E., located in the Neocom Industrial Park in Massillon, Ohio, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 95 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing Safety Service Director of the City of Massillon, Ohio, to enter into a Memorandum of Understanding (MOU) with Johnson Controls to do a preliminary assessment for a potential facilities upgrade project of City buildings, 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: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 100 – 2019

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE approving and adopting the extension of an alternative method for apportioning the Stark County Undivided Local Government Fund for 2020 through 2022; authorizing the Mayor to execute said agreement, and declaring an emergency.

WHEREAS, the Stark Council of Governments (SCOG) has represented the mutual interests of all Stark County political subdivisions in areas of health, safety and welfare such as the Crime Lab, METRO, fire safety programs and communications issues for over two decades; and

WHEREAS, SCOG has been funded pursuant to an alternative formula agreement for the apportionment of undivided local government tax funds under Chapter 5747 of the Ohio Revised Code by a majority vote of SCOG's membership from 1989 through 2019; and

WHEREAS, a meeting of the general membership of SCOG was held on June 4, 2019, for the purpose of reviewing the current alternative formula agreement which is a professionally, independently prepared "Decennial Review of Methods for Apportioning 2010 through 2019 Funds" and the Allocation and Executive Committees recommended the continuation of the alternative method for the period of 2020 through 2022; and the general membership unanimously adopted the recommendations;

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

Section 1:

Pursuant to Section 5747.53 and Chapter 5747 of the Ohio Revised Code, which authorized the County Budget Commission to apportion the Undivided Local Government Fund under an alternative method or on a formula basis, Massillon City Council hereby approves the continuation of the Alternative method for apportioning the Stark County Undivided Local Government Fund which was approved in 2009, for the period 2020 through 2022. Approval is further granted for the Stark County Budget Commission to apportion the 2020 through the 2022 Stark County Undivided Local Government Funds according to the Alternative Method.

DATE: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 101 – 2019

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement to purchase portable radios for the Massillon Fire Department, 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 an agreement to purchase portable radios for the Massillon Fire Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement to purchase three (3) APX 6000 portable radios and one (1) APX 8000 portable radio using the Ohio STS Procurement State Purchasing Plan. The purchase price is not to exceed Twenty-One Thousand Five Hundred Dollars (\$21,500.00) for all four (4) radios.

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: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 102 – 2019

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement to purchase a 2019 MEDIX Type I ambulance on behalf of the Massillon Fire Department, 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 to be necessary in the public health, safety and welfare to authorize and direct the Director of Public Service and Safety of the City of Massillon to enter into a purchase agreement to purchase a 2019 MEDIX Type I ambulance on behalf of the Massillon Fire Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a purchase agreement to purchase a 2019 MEDIX Type I ambulance on behalf of the Massillon Fire Department using Ohio STS Procurement State Purchasing plan at Index STS 233-Q. The purchase price is not to exceed One Hundred Seventy-Eight Thousand Dollars (\$178,000.00).

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: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 103 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Dept. of Transportation (ODOT), for the STW MUNI BRDG INSP PROG 2 Project, PID 109334, 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 it necessary for the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with ODOT for the STW MUNI BRDG INSP PROG 2 Project, PID 109334.

Section 2:

Whereas the State and the City of Massillon (Local Public Agency/LPA) have identified the need for Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports, if needed, that is located within the Corporation Limits of the City.

Section 3:

The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City (LPA) and agreed to by the State. The City (LPA) agrees to pay 100% of the cost of those features which are not included in the General Engineering Services, attached hereto.

DATE: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 104 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Neighborhood Community Fair, 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 the year ending December 31, 2019, the following:

\$ 750.00 to an account entitled "Special Events Programs" - 1100.905.5.2398

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 necessary for the efficient operation of the various departments of the City of Massillon and for the further reason to timely pay for expenses. 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: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 105 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund to purchase radios for the Massillon Fire Department, 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 the year ending December 31, 2019, the following:

\$ 21,500.00 to an account entitled "New Fire Equipment"-Radios	-	1100.325.5.2530
<u>178,000.00</u> to an account entitled "New Fire Equipment"-Ambulance-		1100.325.5.2530
\$199,500.00		

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 necessary for the efficient operation of the various departments of the City of Massillon and for the further reason that radios are necessary for operations and readiness. 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: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 106 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1421 Wastewater Treatment Plant Upgrade 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 1421 WWT Plant Upgrade Fund, for the year ending December 31, 2019, the following:

\$ 3,000,000.00 to an account entitled "WWT Plant Upgrade Project" - 1421.610.5.2510

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 necessary for the efficient operation of the various departments of the City of Massillon and for the further reason that disbursements have already been processed by OWDA. 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: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 107 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2019 appropriations from within the 1100 General Fund and the 2101 Wastewater 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 transferred from the 2019 appropriations within the 1100 General Fund, for the year ending December 31, 2019, the following:

FROM:	Hosp/Eye/Den/Pres/Life 1100.405.5.2210	-	\$ - 7,500.00
	Hosp/Eye/Den/Pres/Life 1100.210.5.2210	-	- <u>5,000.00</u>
			\$ - 12,500.00
TO:	Hosp/Eye/Den/Pres/Life 1100.130.5.2210	-	\$ 10,000.00
	Hosp/Eye/Den/Pres/Live 1100.410.5.2210	-	- <u>2,500.00</u>
			\$ 12,500.00

Section 2:

There be and hereby is transferred from the 2019 appropriations within the 2101 Wastewater Treatment Fund, for the year ending December 31, 2019, the following:

FROM:	Hosp/Eye/Den/Pres/Life 2101.610.5.2210	-	\$ - 4,800.00
TO:	Hosp/Eye/Den/Pres/Life 2101.615.5.2210	-	\$ 4,800.00

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: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 108 – 2019

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Section 181.081 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" of CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, Ohio, 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, has determined that Ordinance 181.081 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" of CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, Ohio should be amended.

Section 2:

That Ordinance 181.081 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" of CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, Ohio is hereby amended by amending the credit for tax paid to another municipality from ninety percent (90%) to one hundred percent (100%). Said amendment is set forth on Exhibit "A," contained herein.

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:

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.

DATE: AUGUST 5, 2019

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 3 - 2019

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION approving the 2020 Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit "A", and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it proper to approve the Stark County Tax Budget for the City of Massillon, Ohio, as listed on the attached Exhibit "A".

Section 2:

This Resolution is declared to be an emergency measure in that the adoption of the decision of the Stark County Tax Department is essential for the proper community growth and hence, immediately necessary for the preservation of the health, safety and welfare of the community and to meet the County's due date of August 20, 2019. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2019

APPROVED: _____
DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR