

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

**DATE: MONDAY, JULY 19, 2021
COUNCIL CHAMBERS and
LIVE-STREAMING
TIME: 6:30 p.m.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN ED LEWIS IV**
- 3. PLEDGE OF ALLEGIANCE**
- 4. READING OF THE JOURNAL**
- 5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**
- 6. NEW AND MISCELLANEOUS BUSINESS**
- 7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 121 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Sandra Doll to provide an economic development “inducement grant” to fund renovation costs including build-out, equipment, demolition, etc., at the Social @ The Stone House, located at 824 Lincoln Way E., Massillon, Ohio.

ORDINANCE NO. 122 – 2021

BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the period from January 1, 2022 through December 31, 2026.

ORDINANCE NO. 123 – 2021

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE adopting and approving the “Cash Drawer Policy,” amended June 28, 2021, submitted by the Treasurer of the City of Massillon, Ohio; repealing Ordinance No. 8 – 2021, and declaring an emergency.

ORDINANCE NO. 124 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1435 Park and Recreation Center Project Fund, for the year ending December 31, 2021, and declaring an emergency.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 581.20	Publication of May Ordinances
U.S. Bank Equip.	-	<u>127.00</u>	Contract Agreement - Copier
		\$ 708.20	Total

11. REPORTS FROM CITY OFFICIALS

Auditor's Report - June 2021

12. REPORTS OF COMMITTEES

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 102 – 2021

BY: HEALTH, WELFARE AND BLDG. REGULATIONS COMMITTEE

AN ORDINANCE adding a dedicated "Animal Compliance Officer" to the Code Enforcement office of the City of Massillon Building Department.

ORDINANCE NO. 105 – 2021

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE amending the number of positions in the various ranks of the City of Massillon Police Department, repealing conflicting ordinances and resolutions, and declaring an emergency.

ORDINANCE NO. 106 – 2021

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a Memorandum of Understanding with the Massillon FOP Henderson Lodge Police Officers Association Gold Unit, and declaring an emergency.

ORDINANCE NO. 109 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE amending Section 919.04 “Responsibility of the City” of the Codified Ordinances of the City of Massillon, Ohio.

ORDINANCE NO. 110 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of road right of way and easements for Kenyon Creek Estates, Phase 2 subdivision, Massillon, Ohio.

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 117 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the replat and dedication of sanitary sewer easements known as Outlot No. 399, East of 27th Street N. W. and North on Meadow Ave., Massillon, Ohio.

ORDINANCE NO. 118 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for funding to the Ohio Public Works Commission for the funding year 2022, and declaring an emergency.

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

DIANE ROLLAND – CLERK OF COUNCIL

DATE: JULY 19, 2021

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 121 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Sandra Doll to provide an economic development “inducement grant” to fund renovation costs including build-out, equipment, demolition, etc., at the Social @ The Stone House, located at 824 Lincoln Way E., Massillon, Ohio.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Sandra Doll desires to renovate the Social @ The Stone House, located at 824 Lincoln Way E., Massillon, Ohio, and,

WHEREAS, the City of Massillon proposes to assist Sandra Doll with an economic development “inducement grant”, for the purpose to assist with renovation costs including build-out, equipment, demolition, etc., at the Social @ The Stone House, located at 824 Lincoln Way E., Massillon, Ohio.

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

Section 1:

This Council hereby authorizes and directs the Mayor to enter into an agreement with Sandra Doll by providing an economic development “inducement grant”, in a total amount not to exceed Ten Thousand Dollars (\$10,000.00) for the purpose of assisting with renovation costs including build-out, equipment, demolition, etc., at the Social @ The Stone House, located at 824 Lincoln Way E., Massillon, Ohio.

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.

DATE: JULY 19, 2021

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 122 - 2021

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the period from January 1, 2022 through December 31, 2026.

WHEREAS, Aqua Ohio, Inc., its successors and assigns (hereinafter called the Company) shall be bound to furnish such water as it shall hereafter furnish for public and private consumption within the City of Massillon, Ohio (hereinafter called the City), for and during the term from January 1, 2022 through December 31, 2026, upon the terms and conditions hereinafter set forth:

WHEREAS, Aqua Ohio, Inc. now owns and operates a water supply plant in said City and the Company enjoys the right and privileges of using the streets and public highways for the location, operation, maintenance and existence of its mains, services and other appurtenances; and

WHEREAS, the City and the inhabitants thereof are now and have been receiving water service from said Company, all property, plants, distribution mains and equipment of which Company now used and useful in the furnishing of said water service, and the legal title to the same, as well as any equipment or extensions which may hereafter be placed in said City by said Company, its successors and assigns;

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

Section 1:

In consideration of the covenants of the City and the Company as hereinafter contained, the following terms and conditions are declared and made effective relative to the supplying of such water service. In the event that the City shall levy, assess or impose any new privileges, occupation, franchise or excise tax, or shall increase any such taxes presently existing against the Company at any time during the period which this Ordinance shall be in force, then the rates fixed in Section 2 hereof be so increased by the Company by filing a new schedule as to provide sufficient additional revenue to cover such new or additional tax or taxes provided, however, that if the City shall propose an alternative schedule of additional rates acceptable to the Company which would yield the requisite revenue, such alternative schedule shall control. In either event, the new and increased schedule shall become effective on all bills rendered after the effective date for such new tax or taxes.

Section 2:

In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge for water furnished during the period from January 1, 2022 through December 31, 2026 the following rates on all bills rendered:

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

Monthly Charge for Water Delivered (Per 100 cu. ft.)					
Effective Date	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26
First 5,000 cu. ft.	\$5.40	\$5.58	\$5.76	\$5.95	\$6.14
Next 10,000 cu. ft.	\$4.22	\$4.36	\$4.50	\$4.65	\$4.80
Above 15,000 cu. ft.	\$2.36	\$2.44	\$2.52	\$2.60	\$2.68

Monthly Charge Based on Meter Size					
Meter Size	Effective Date				
	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26
5/8" x 3/4"	\$14.62	\$15.10	\$15.59	\$16.10	\$16.62
3/4"	\$16.05	\$16.57	\$17.11	\$17.67	\$18.24
1"	\$20.44	\$21.10	\$21.79	\$22.50	\$23.23
1 1/2"	\$26.27	\$27.12	\$28.00	\$28.91	\$29.85
2"	\$42.35	\$43.73	\$45.15	\$46.62	\$48.14
3"	\$160.56	\$165.78	\$171.17	\$176.73	\$182.47
4"	\$204.29	\$210.93	\$217.79	\$224.87	\$232.18
6"	\$306.53	\$316.49	\$326.78	\$337.40	\$348.37

ACCOUNT ACTIVATION FEE: An account activation charge of Thirty-Five Dollars (\$35.00) will be charged for a service connection during the Company's regular business hours.

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: Reconnection fees as defined in the Company's Tariff Section 3-2, First Revised Sheet No. 3, Item 12(b) and Section 3-6, Original Sheet No. 4, Item 10(a) are:

Reconnection Fee during regular business hours.....\$55.00

Reconnection Fee other than during regular business hours..... \$170.00

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

Monthly Charges for Hose Connections and Hydrants					
Size	Effective Date				
	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26
1 ¼"	\$15.94	\$16.46	\$16.99	\$17.54	\$18.11
1 ½"	\$19.95	\$20.60	\$21.27	\$21.96	\$22.67
2"	\$24.97	\$25.78	\$26.62	\$27.49	\$28.38
2 ½"	\$28.95	\$29.89	\$30.86	\$31.86	\$32.90
Private Hydrant	\$60.62	\$62.59	\$64.62	\$66.72	\$68.89

Monthly Charges for Automatic Sprinklers						
Size	Floor Space (sq.ft.)	Effective Date				
		1/1/22	1/1/23	1/1/24	1/1/25	1/1/26
2"	5,000 or less	\$49.60	\$51.21	\$52.87	\$54.59	\$56.36

4"	10,000 or less	\$74.63	\$77.06	\$79.56	\$82.15	\$84.82
6"	20,000 or less	\$104.43	\$107.82	\$111.32	\$114.94	\$118.68
Additional	Per 1,000	\$2.91	\$3.00	\$3.10	\$3.20	\$3.30

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

All charges for the operation and maintenance of all public fire plugs or hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

DIVISION D
BULK WATER SALES

For sales of bulk water at Company-designated connections, a customer shall the rates shown in the table below per thousand (1,000) gallons delivered. In addition, the customer shall pay a bulk water permit fee based upon the Company's costs incurred for bulk water connection and metering accommodations. There is also a per invoice charge of \$5.00.

Bulk Water Rates (Per 1,000 Gallons)				
Effective Date				
1/1/22	1/1/23	1/1/24	1/1/25	1/1/26
\$14.96	\$15.45	\$15.95	\$16.47	\$17.01

DIVISION E
CUSTOMER IMPACT FEE

Prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

Meter Size	Customer Impact Fee
5/8" x 3/4"	\$1,400.00
3/4"	\$2,000.00
1"	\$3,600.00
1-1/2"	\$8,200.00
2" or larger	\$14,500.00

Section 3:

If, during the term of this Ordinance, the City desires that the Company expand or construct improvements beyond those planned by the Company and beyond any improvements which the Company has agreed to implement, the City may request negotiations with the Company for adjustment of the rates set forth herein to facilitate such improvements.

If, following January 1, 2022, (a) the Company's rate of return on rate base (as determined in accordance with Ohio Revised Code Chapter 4909) for its Stark Regional Division falls one percentage point or more below any such return then in effect for any of the Company's districts established by the Ohio Public Utilities Commission and (b) events beyond the control of the Company have contributed to such lowered return: (such as increased operating or capital cost directly resulting from a new regulatory requirement, or material unforeseen increases in costs for power or chemicals, but not increases related to wages or other customary operating costs under the Company's control), or the company's income tax rate for Aqua Ohio, Inc. as a taxed entity is changed through federal or state legislation; or the annual inflation rate increases above a 5% rate in a given year, or above 3% rate in more than one year of the contract period, then the City and the Company shall renegotiate the rates set forth in Section 5 hereof. If renegotiated rates have not been reached within sixty (60) days after such negotiations are requested, the Company may apply to the Ohio Public Utilities Commission for a rate determination for its Stark Regional Division in the same manner as if the City had not set rates as provided in Ohio Revised Code Section 4909.35. For purposes hereof, increased Company personnel compensation costs shall not be deemed an event beyond the Company's control.

Section 4:

The Company's rates and service shall comply with Aqua Ohio, Inc., Stark Regional Division Master Tariff P.U.C.O. No. 1, as amended and revised from time to time, provided, however, any conflicting provisions of this Ordinance shall supersede said Tariff and, furthermore, the Company will not collect or charge a related facilities fee (rather, the Company will collect the Customer Impact Fee set forth herein above).

Section 5:

This Ordinance and the rates herein provided for shall continue and be in force for a period from January 1, 2022 through December 31, 2026 and shall continue thereafter until canceled by either the City or the Company upon sixty (60) days written notice.

Section 6:

This Ordinance and the written acceptance thereof by the Company filed in the office either of the Clerk of Council or the Auditor of the city, after its passage, its approval by the Mayor, and it taking effect, shall constitute a contract between the City and the Company pursuant to and by virtue of Sections 4 and 5 of the Article XVIII of the Constitution of Ohio.

Section 7:

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2021

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

APPROVED: _____
KATHY CATAZARO-PERRY, MAYOR

DATE: JULY 19, 2021

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 123 – 2021

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE adopting and approving the “Cash Drawer Policy,” amended June 28, 2021, submitted by the Treasurer of the City of Massillon, Ohio; repealing Ordinance No. 8 – 2021; 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 adopts and approves the “Cash Drawer Policy,” amended June 28, 2021, submitted by the Treasurer of the City of Massillon, Ohio. A copy of said policy is attached hereto and marked as Exhibit “A.”

Section 2:

Ordinance No. 8 – 2021 is hereby repealed. All other existing ordinances and resolutions in conflict with any provision of this Ordinance are hereby repealed to the extent of the conflict.

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 declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon; the emergency being to ensure the necessary cash is available for the continuous operations of the Massillon City Health Department. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed 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: JULY 19, 2021

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 124 – 2021

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1435 Park and Recreation Center Project Fund, for the year ending December 31, 2021, 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 1435 Park and Recreation Center Project Fund, for the year ending December 31, 2021, the following:

\$ 354.43 to an account entitled "Supplies/Materials" - 1435.505.5.2410

Section 2:

This action was approved by the Recreation Board at the July 7, 2021 meeting, by a 5 – 0 vote.

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 3:

This Ordinance is hereby declared to be an emergency measure necessary for the Immediate preservation of the public peace, health or safety of the citizens of Massillon; the emergency being to clear out the aforementioned fund in timely manner and without undue delay. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed 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.