

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

AGENDA

DATE: MONDAY, APRIL 5, 2010  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT  
ORDINANCE NO. 28 – 2010 AT 7:20PM

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN KATHY CATAZARO-PERRY
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

*First*  
ORDINANCE NO. 43 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

*First*  
AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

*First*  
ORDINANCE NO. 44 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE accepting an application for annexation for the Hendricks Annexation to the City of Massillon, Ohio, and declaring an emergency.

*First*  
ORDINANCE NO. 45 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Poets Glen Area Annexation, upon annexation, and declaring an emergency.

*Passed First*  
ORDINANCE NO. 46 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Massillon Senior LLC to provide CDBG-R funding for sidewalk replacement along David Canary SW to assist development of the Massillon Senior Apartments Project in the City of Massillon, Ohio, and declaring an emergency.

*First*  
ORDINANCE NO. 47 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (No Zoning) to R-1 Single Family Residential.

Passed

**ORDINANCE NO. 48 – 2010**

**BY: ENVIRONMENTAL COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare specifications and to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the sewer sludge removal and disposal at the Wastewater Treatment Plant in the City of Massillon.

Passed

**ORDINANCE NO. 49 – 2010**

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

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into contract with the lowest and best bidder upon the approval of the Board of Control for the Tremont Avenue SW Improvement Project, and declaring an emergency.

Passed

**ORDINANCE NO. 50 – 2010**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, General Fund, Federal Law Enforcement Trust Fund and the WIC Fund, for the year ending December 31, 2010, and declaring an emergency.

Passed

**ORDINANCE NO. 51 – 2010**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 2010 appropriations from within the General Fund, for the year ending December 31, 2010, and declaring an emergency.

Passed

**ORDINANCE NO. 52 – 2010**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to accept the Domestic Violence Prosecutor Grant (2009-AR-VA2-1291) that will allow the City of Massillon to continue to have a prosecutor specifically for domestic violence cases, and declaring an emergency.

First Passed

**ORDINANCE NO. 53 – 2010**

**BY: PUBLIC UTILITIES COMMITTEE**

**AN ORDINANCE** to provide for water service to be furnished by Aqua Ohio, In., 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 term of two and half (2 1/2) years beginning on July 1, 2010.

First

**RESOLUTION NO. 7 – 2010**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**A RESOLUTION** endorsing the proposed annexation of approximately 6.424 acres of land in Perry Township, owned by the City of Massillon, Ohio, together with 131.73 acres of land owned by the State of Ohio and Stark County Vocational School District located in Perry Township and urging the Board of Stark County Commissioners to approved the annexation.



7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MARCH 2010
- B). AUDITOR SUBMITS MONTHLY REPORT FOR MARCH 2010

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

*Passed*  
**ORDINANCE NO. 28 – 2010**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending CHAPTER 1121 "CONSTRUCTION OF LANGUAGE; DEFINITIONS", CHAPTER 1153 "R-1 Through R-4 ONE FAMILY RESIDENTIAL DISTRICTS" and CHAPTER 1163 "B-1 LOCAL BUSINESS DISTRICT" of the Codified Ordinances of the City of Massillon, by enacting new SubSections 1121.02(89) and (90) "DEFINITIONS", SubSections 1153.03(f)(4) "PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS" and 1163.02(k) "PRINCIPAL USES PERMITTED", and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

*2nd*  
**ORDINANCE NO. 37 – 2010**

**BY: ENVIRONMENTAL COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an agreement with URS to perform a sewer rate study for the City's wastewater system, and declaring an emergency.

*2nd*  
**RESOLUTION NO. 6 – 2010**

**BY: POLICE AND FIRE COMMITTEE**

**A RESOLUTION** permitting the Mayor of the City of Massillon, Ohio, to enter a Memorandum of Understanding with the Stark Council Of Governments (SCOG) to consolidate emergency dispatching operations to enhance safety and improve efficiency.

16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

**MARY BETH BAILEY - CLERK OF COUNCIL**



DATE: APRIL 5, 2010

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 43 - 2010

*1st Reading*  
*2nd reading 4/19*  
*passed 5/3*

BY: COMMUNITY DEVELOPMENT COMMITTEE

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications; and declaring an emergency.

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974 (which title is hereunder referred to as the "Act") and the regulations promulgated thereunder (24 CFR Parts 58 and 570, hereunder referred to as the "Regulations"); is authorized to make block grants to units of general local government to help finance housing and community development programs (which grants are hereinafter to as "CDBG" grants); and

WHEREAS, the City of Massillon proposes to apply for such a grant for Fiscal Year 2010 and as, in that connection and as required by and pursuant to the Act and Regulations, prepared a Consolidated Plan for community development, including a strategic plan for meeting its housing and community development needs, and an annual action plan describing the activities that the City proposes to undertake with CDBG funds; and

WHEREAS, the City of Massillon has developed and implemented a citizen participation plan to make information available to citizens, public agencies, and others on the various elements of CDBG program; to encourage participation of citizens and organizations representing citizens, particularly low and moderate income citizens, in the development of the Consolidated Plan; to hold public meetings on the Plan and proposed CDBG Budget and to provide timely and adequate notice of such meetings; and to provide technical assistance to citizens and citizen groups requesting assistance to adequately participate in the planning, implementation, and evaluation of the Consolidated Plan and CDBG Program; and

WHEREAS, the Council has duly reviewed and considered the Consolidated Plan and Annual Action Plan, along with the views and proposals of citizens, and the comments and recommendations of the City's administrative and planning officials.

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



DATE: APRIL 5, 2010

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL

CITY OF MASSILLON, OHIO

GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 45 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Poets Glen Area Annexation, upon annexation, and declaring an emergency.

WHEREAS, certain property owners have filed a petition requesting the Poets Glen Area be annexed to the City of Massillon, Ohio, pursuant to the Ohio Revised Code Section 709.02, and

WHEREAS, Ohio Revised Code Section 709.03(D) requires that upon receiving notice, the Municipal Legislative Authority, shall by Ordinance or Resolution, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation, and

WHEREAS, this Ordinance is intended to comply with the requirements of the Ohio Revised Code section 709.03(D), and

WHEREAS, it is required by Section 709.033 (A) (6) of the Ohio Revised Code, that no street or highway will be segmented by municipal/township boundary line as to create a maintenance problem, and if a street or highway is divided, the municipality agrees to assume all maintenance of such street or highway as part of the annexation.

WHEREAS, the legislative authority of the City of Massillon, Ohio, is supportive of the annexation proposal, and

WHEREAS, the Stark County Commissioners have scheduled a public hearing to be held at the Tuscarawas Township Hall, 956 Manchester Avenue SW, North Lawrence, Ohio, on Thursday, June 10, 2010 at 7:00p.m.

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



**Section 1:**

The City will construct approximately 825 feet of sanitary sewer and approximately 1850 feet of water main to the proposed area. Also the City will provide to the proposed area, upon annexation, the availability of all municipal services extended to all of the current citizens, residents and property owners of the City of Massillon, including but not limited to the services of the Municipal Police Department, Municipal Fire Department, Municipal Service Department, Engineering Department, Building Department, Street Department, Safety Department, Planning Department, Health Department, Sewer Department and the services of the City of Massillon Administration within approximately one year of the annexation. Also the City will maintain the following roadways for the proposed area to be annexed: Full width sections of Bison Avenue NW (TR 344, 27<sup>th</sup> Street NW), Wooster Road NW, aka Wooster Street NW or CR 341 and Beaumont Avenue NW (TR 344) along the frontage of the subject area to be annexed as shown on the Poets Glen annexation map.

**Section 2:**

Sanitary sewer is not available to the proposed area and the City of Massillon, Ohio, will extend to the proposed area, upon annexation, the availability of all municipal services extended to all of the current citizens, residents and property owners of the City of Massillon, Ohio, including, but not limited, to the services of the Municipal Police Department, Massillon Fire Departments, services of the Engineering Department, services of the Building Department, services of the Street Department, services of the Safety Department, services of the Planning Department, services of the Health Department, services of the Sewer Department, and the services of the City of Massillon Administration within approximately one year of the annexation. The City of Massillon will also maintain the full width of the pavement along the sections of Bison Avenue NW (TR 344, 27<sup>th</sup> Street NW), Beaumont Avenue NW (TR 344) and Wooster Road NW, aka Wooster Street NW or CR 341 along the frontage of the subject area to be annexed.

**Section 3:**

Sanitary Sewer and all services referenced in Sections 1 and 2 above will also be provided to the subdivisions identified as Poets Glen Estates No. 1, future streets in said subdivision currently identified as Clyde Avenue NW, Whitman Circle NW, and Nash Circle NW have not yet been constructed, but upon acceptance and dedication in the future, full width of such streets will be maintained by the city.

**Section 4:**

This Ordinance is hereby declared to be an emergency measure for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to indicate what services the City of Massillon will provide to the area upon annexation prior to the Stark County Commissioners hearing June 10, 2010 at the Tuscarawas Township Hall, 956 Manchester Avenue SW, North Lawrence, Ohio. 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.



PASSED IN COUNCIL THIS 14th DAY OF MAY 2010

City will provide in the proposed... City will provide...  
APPROVED

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED

FRANCIS H. CICCHINELLI, JR., MAYOR

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DATE: APRIL 5, 2010

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

*passed*

COUNCIL CHAMBERS LEGISLATIVE DEPARTMENT

ORDINANCE NO. 46 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Massillon Senior LLC to provide CDBG-R funding for sidewalk replacement along David Canary SW to assist development of the Massillon Senior Apartments project in 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, hereby finds that it is necessary to enter into an agreement with Massillon Senior LLC to provide CDBG-R funding for sidewalk replacement along David Canary SW to assist development of the Massillon Senior Apartments project in the City of Massillon, Ohio.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with Massillon Senior LLC to provide CDBG-R funding for sidewalk replacement along David Canary SW to assist development of the Massillon Senior Apartments project in the City of Massillon, Ohio. The City proposes to utilize Thirty-Five Thousand Dollars CDBG-R funding to replace deteriorated curb and sidewalk at the project site.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it will promote the growth of downtown development in the City of Massillon. 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: APRIL 5, 2010

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 47 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (No Zoning) to R-1 Single Family Residential.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from Tuscarawas Township (No Zoning) to R-1 Single Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on March 10, 2010 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as R-1 Single Family Residential.

Being known as approximately 10 acre parcel, recently annexed from Tuscarawas Township, and located on the west side of 17<sup>th</sup> Street SW, north of U.S. Route 30. The property was recently annexed to the City of Massillon and the City of Massillon need to give this property a zoning classification under the Massillon Zoning's property regulations. The applicant is the City of Massillon.

Section 3:

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



DATE: APRIL 5, 2010

CLERK: MARY BETH BAILEY

**CITY OF MASSILLON, OHIO**

**COUNCIL CHAMBERS**

**LEGISLATIVE DEPARTMENT**

**ORDINANCE NO. 48 - 2010**

**BY ENVIRONMENTAL COMMITTEE**

**TITLE: AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare specifications and to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for sewer sludge removal and disposal at the Wastewater Treatment Plant in the City of Massillon, Ohio.  
**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, 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 advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for sewage sludge removal and disposal at the Wastewater Treatment Plant in the City of Massillon.

**Section 2:**

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and upon award and approval by the Board of Control, with the lowest and best bidder according to law, as authorized in Section 1 of this Ordinance.

**Section 3:**

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: APRIL 5, 2010

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL

CITY OF MASSILLON, OHIO

GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 49 - 2010

BY: STREETS, HIGHWAYS, TRAFFIC & SAFTY COMMITTEE

STREETS, HIGHWAYS, TRAFFIC & SAFTY COMMITTEE

**TITLE:** AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into contract with the lowest and best bidder upon the approval of the Board of Control for the Tremont Avenue SW Improvement Project, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, 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 advertise for and receive sealed bids and enter into contract with the lowest and best bidder for the Tremont Avenue SW Improvement Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, with the lowest and best bidder and enter into contract with the lowest and best bidder for the Tremont Avenue Improvement Project. The total estimated project cost is Five Hundred Forty-Eight Thousand Dollars (\$548,000.00) which will be funded by SOA-TS (80%) the remaining funding is anticipated to be coming from the Stark County Municipal Road Fund (20%)

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that bids be received so that work may be timely commenced on the Tremont Avenue SW Improvement Project. 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: APRIL 5, 2010

CLERK:

MARY BETH BAILEY

**MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO**

**GLENN GAMBER, PRESIDENT**

**COUNCIL CHAMBERS**

**LEGISLATIVE DEPARTMENT**

**ORDINANCE NO 50 - 2010**

**BY: FINANCE COMMITTEE**

**BY: FINANCE COMMITTEE**

**TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, General Fund, Federal Law Enforcement Trust Fund and the WIC Fund, for the year ending December 31, 2010, and declaring an emergency.**

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

**Section 1: PROVED**

**Section APPROVED**

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund, for the year ending December 31, 2010, the following:

**\$35,000.00 to an account entitled "CDBG Recovery Project - NRP Senior Housing Downtown Sidewalk Project" 1203.845.2872**

**Section 2:**

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2010, the following:

**\$30,000.00 to an account entitled "Refunds - Income Tax" 1100.210.2720**

**Section 3:**

There be and hereby is appropriated from the unappropriated balance of the Federal Law Enforcement Trust Fund, for the year ending December 31, 2010, the following:

**\$5,545.00 to an account entitled "Supplies & Materials" 1216.305.2410**

**Section 4:**

There be and hereby is appropriated from the unappropriated balance of the WIC Fund, for the year ending December 31, 2010, the following:

**\$1,000.00 to an account entitled "Travel/Seminar/Schooling" 1219.730.2389**



DATE: APRIL 5, 2010 CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN GAMBER, PRESIDENT  
COUNCIL CHAMBERS  
LEGISLATIVE DEPARTMENT  
ORDINANCE NO. 51-2010

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2010 appropriations from within the General Fund for the year ending December 31, 2010 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 2010 appropriation from within the General Fund, for the year ending December 31, 2010, the following:

FROM:	State Examination	1100.905.2395	\$10,000.00
	State Examination	1100.905.2395	\$ 5,000.00
TO:	Services/Contracts	1100.210.2392	\$10,000.00
	Supplies/Materials	1100.210.2410	\$ 5,000.00

Section 2

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2010. 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.

PASSED IN COUNCIL THIS DAY OF IN 2010

APPROVED: MARY BETH BAILEY, CLERK OF COUNCIL  
GLENN E. GAMBER, PRESIDENT

APPROVED: FRANCIS H. CICCHINELLI, JR., MAYOR



DATE: APRIL 5, 2010

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

*Passed*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 52-2010

BY: FINANCE COMMITTEE

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept the Domestic Violence Prosecutor Grant (2009-AR-VA2-1291) that will allow the City of Massillon to continue to have a prosecutor specifically for domestic violence cases, and declaring an emergency.

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

Section 1:

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary to the public health, safety and welfare of the community to accept the Domestic Violence Prosecutor Grant (2009-AR-VA2-1291) that will allow the City of Massillon to continue to have a prosecutor specifically designated to prosecute for domestic violence cases.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to accept a Domestic Violence Prosecutor Grant (2009-AR-VA2-1291) that will allow the City of Massillon to continue to employ a prosecutor specifically designated to prosecute domestic violence cases.

Section 3:

The amount of the Domestic Violence Prosecutor Grant (2009-AR-VA2-1291) shall be Twenty-Three Thousand Seven Hundred Ten Dollars and Seven Cents (\$23,710.07). The city will be responsible to contribute the sum of Eight Thousand One Hundred Twelve Dollars and Thirty Nine Cents (\$8,112.39) for the 2010 year.

Section 4:

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that the grant is necessary to provide the Law Department with and allow the City of Massillon to have a prosecutor handle cases specifically for domestic violence. This will be in accordance with Violence Against Women Act (VAWA). 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: APRIL 5, 2010

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL

CITY OF MASSILLON, OHIO

GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 53, 2010

BY: PUBLIC UTILITIES COMMITTEE

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 term of two and a half (2 1/2) years beginning on July 1, 2010.

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 of two and a half (2 1/2) years beginning July 1, 2010, 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 Water Company at any time during the period which this Ordinance shall be in force, then the rates fixed in Sections 2, 3 and 4 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:**

**First Period.** In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge for water furnished during the period of July 1, 2010 through December 31, 2010 the following rates on all bills rendered:

**DIVISION A****MEASURED OR METERED SERVICE RATE SCHEDULE**

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$3.78
For the next 10,000 cubic feet per month	\$2.96
For all over 15,000 cubic feet per month	\$1.66



## MONTHLY CHARGE BASED UPON METER SIZE

Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$10.26
3/4" meter	\$11.27
1" meter	\$14.35
1-1/2" meter	\$18.44
2" meter	\$29.73
3" meter	\$112.72
4" meter	\$143.46
6" meter	\$215.20

**ACCOUNT ACTIVATION FEE:** An account activation charge of Twenty Dollars (\$20.00) 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 ..... \$25.00  
 Reconnection Fee other than during regular business hours ..... \$85.00



**DIVISION B**  
**PRIVATE FIRE PROTECTION RATE SCHEDULE**

<b>HOSE CONNECTIONS AND HYDRANTS</b>	
	<b>Per Month</b>
1-1/4" hose connection	\$11.19
1-1/2" hose connection	\$14.00
2" hose connection	\$17.52
2-1/2" hose connection	\$20.32
Private fire hydrants	\$42.56

<b>AUTOMATIC SPRINKLERS</b>		
<b>Size of Connection</b>	<b>Floor Space</b>	<b>Per Month</b>
2"	5,000 square feet or less	\$34.85
4"	10,000 square feet or less	\$52.40
6"	20,000 square feet or less	\$73.31
Additional floor space	Per 1,000 square feet	\$2.05

**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**

Any and 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 pay Ten Dollars and fifty cents (\$10.50) per one 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.

**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:

<u>Meter Size</u>	<u>Customer Impact Fee</u>
5/8" x 3/4"	\$1,200.00
1"	\$3,060.00
1 1/2"	\$6,900.00
2" or larger	\$12,240.00

**Section 3:**

**Second Period.** In consideration of the above, the parties hereto agree that the Company, for services described, shall charge for water furnished during the period of January 1, 2011 through December 31, 2011, the following rates on all bills rendered:



**DIVISION A****MEASURED OR METERED SERVICE RATE SCHEDULE**

<b>MONTHLY CHARGE FOR WATER DELIVERED</b>	
	<b>Per 100 Cubic Ft.</b>
For the first 5000 cubic feet or any part thereof per month	<b>\$3.96</b>
For the next 10,000 cubic feet per month	<b>\$3.10</b>
For all over 15,000 cubic feet per month	<b>\$1.74</b>

<b>MONTHLY CHARGE BASED UPON METER SIZE</b>	
<b>Meter Size</b>	<b>Customer Charge Per Month</b>
5/8" x 3/4" meter	<b>\$10.75</b>
3/4" meter	<b>\$11.80</b>
1" meter	<b>\$15.04</b>
1-1/2" meter	<b>\$19.31</b>
2" meter	<b>\$31.14</b>
3" meter	<b>\$118.07</b>
4" meter	<b>\$150.28</b>
6" meter	<b>\$225.42</b>

**ACCOUNT ACTIVATION FEE:** An account activation charge of Twenty Dollars (\$20.00) 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	\$25.00
Reconnection Fee other than during regular business hours	\$85.00

### DIVISION B

### PRIVATE FIRE PROTECTION RATE SCHEDULE

<u>HOSE CONNECTIONS AND HYDRANTS</u>	
	<u>Per Month</u>
1-1/4" hose connection	\$11.72
1-1/2" hose connection	\$14.66
2" hose connection	\$18.36
2-1/2" hose connection	\$21.28
Private fire hydrants	\$44.58

<u>AUTOMATIC SPRINKLERS</u>		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$36.50
4"	10,000 square feet or less	\$54.88
6"	20,000 square feet or less	\$76.79
Additional floor space	Per 1,000 square feet	\$2.14

**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

Any and 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 pay Eleven Dollars (\$11.00) per one 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.

### 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"	\$1,200.00
1"	\$3,060.00
1-1/2"	\$6,900.00
2" or larger	\$12,240.00



**Section 4.**

**Third Period.** In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge the following rates for water furnished during the period of January 1, 2012 through December 31, 2012 and thereafter until new rates have been agreed upon between the Company and the City.

**DIVISION A****MEASURED OR METERED SERVICE RATE SCHEDULE**

<b>MONTHLY CHARGE FOR WATER DELIVERED</b>	
	<b>Per 100 Cubic Ft.</b>
For the first 5000 cubic feet or any part thereof per month	<b>\$4.15</b>
For the next 10,000 cubic feet per month	<b>\$3.25</b>
For all over 15,000 cubic feet per month	<b>\$1.82</b>

<b>MONTHLY CHARGE BASED UPON METER SIZE</b>	
<b>Meter Size</b>	<b>Customer Charge Per Month</b>
5/8" x 3/4" meter	<b>\$11.26</b>
3/4" meter	<b>\$12.36</b>
1" meter	<b>\$15.75</b>
1-1/2" meter	<b>\$20.23</b>
2" meter	<b>\$32.62</b>
3" meter	<b>\$123.68</b>
4" meter	<b>\$157.41</b>
6" meter	<b>\$236.13</b>



**Section 5:**

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 July 1, 2010, (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, 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 6:**

The Company's rates and service shall comply with Aqua Ohio, Inc. Master Tariff P.U.C.O. No. 2, as amended and revised from time to time, provided, however, any conflicting provisions of this Ordinance shall supercede 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 7:**

This contract and the rates herein provided for shall continue and be in force for a period of two and a half (2 1/2) years beginning on July 1, 2010 and until canceled by either the City or the Company upon sixty (60) days written notice.

**Section 8:**

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 and approval by the Mayor, 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 9:**

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 additional reason that the Aqua Ohio, Inc. agreement with the City is about to expire. 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010

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

MARY BETH BAILEY, CLERK OF COUNCIL      GLENN GAMBER, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR., MAYOR



DATE: APRIL 5, 2010

CLERK: MARY BETH BAILEY

**MASSILLON CITY COUNCIL**

**CITY OF MASSILLON, OHIO**

**GLENN E. GAMBER, PRESIDENT**

**COUNCIL CHAMBERS**

**LEGISLATIVE DEPARTMENT**

**RESOLUTION NO. 7 - 2010**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**TITLE: A RESOLUTION endorsing the proposed annexation of approximately 6.424 acres of land in Perry Township, owned by the City of Massillon, Ohio, together with 131.73 acres of land owned by the State of Ohio and Stark County Vocational School District located in Perry Township and urging the Board of Stark County Commissioners to approve the annexation.**

**WHEREAS, the City of Massillon, Ohio, owns approximately 6.424 acres in Perry Township and Council of the City of Massillon, Ohio, desires that said municipally owned property be located within the city limits, together with 131.73 acres owned by the State of Ohio and Stark County Vocational School District located in Perry Township.**

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

**Section 1:**

**Massillon City Council hereby endorses and urges the Board of Stark County Commissioners to approve the proposed annexation of approximately 6.424 acres of City owned land in Perry Township, together with 131.73 acres of land owned by the State of Ohio and Stark County Vocational School District located in Perry Township.**

**Section 2:**

**The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, are authorized to sign a petition requesting annexation of said city owned land to the City.**

**Section 3:**

**This Resolution shall be immediately effective.**