

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

Glenn E. Gamber
DATE: MONDAY, AUGUST 16, 2010
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

— THERE ARE NO PUBLIC HEARINGS TONIGHT —

1. ROLL CALL
2. INVOCATION BY COUNCILMAN GARY ANDERSON
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

Passed
8/10 ORDINANCE NO. 94 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

8/10 AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Block Grant Program for the fiscal year 2010 which the City has provided through the CDBG Program funding, and declaring an emergency.

1st Reading ORDINANCE NO. 95 – 2010

BY: ENVIRONMENTAL COMMITTEE

1st Reading AN ORDINANCE enacting a new CHAPTER 943 "STORMWATER UTILITY", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

Passed
8/10 ORDINANCE NO. 96 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

8/10 AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage, and declaring an emergency.

Passed
8/10 ORDINANCE NO. 97 – 2010

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

8/10 AN ORDINANCE authorizing and directing the Mayor of the City of Massillon, Ohio, to enter into a Project and Maintenance Agreement with the Stark County Commissioners for the Carmont Avenue/17th Street Project, and declaring an emergency.

Passed
8/10 ORDINANCE NO. 98 – 2010

BY: FINANCE COMMITTEE

8/10 AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Street Construction Fund, Muni Motor Vehicle License Fund, Waste Grant Fund, Capital Improvement Fund, WIC Fund, Section 108 Loan Repayment Fund, General Fund, Home Health Fund and Economic Development Fund, for the year ending December 31, 2010, and declaring an emergency.

ORDINANCE NO. 99 – 2010

BY: FINANCE COMMITTEE

Passed

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

ORDINANCE NO. 100 – 2010

BY: FINANCE COMMITTEE

Passed.

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year, and declaring an emergency.

ORDINANCE NO. 101 – 2010

BY: FINANCE COMMITTEE

Passed.

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year, and declaring an emergency.

RESOLUTION NO. 12 – 2010

BY: COMMITTEE OF THE WHOLE

1st. reading

A RESOLUTION renaming Shriiver Park to T. Roy Roberson Memorial Park in honor of his service and dedication as the 4th Ward Councilman during 1981 until 1992.

7. UNFINISHED BUSINESS

PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JULY 2010

B). TREASURER SUBMITS MONTHLY REPORT FOR JULY 2010

C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JULY 2010

D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR JULY 2010

E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR JULY 2010

F). MAYOR SUBMITS MONTHLY REPORT FOR JULY 2010

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 85 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

Passed.

AN ORDINANCE amending CHAPTER 1129 "BOARD OF ZONING APPEALS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1129.04 "Fees", and enacting new Section 1129.04 "Fees".

ORDINANCE NO. 86 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

Passed
AN ORDINANCE amending CHAPTER 1125 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1125.01 "Enforcement", 1125.05 "Duties of Building Inspector"(a)(b)(c) and (d), 1125.05 (b)(c) and (g), 1125.06 "Final Inspection" and Chapter 1125.07 "Fees", and enacting new Sections 1125.01 "Enforcement", 1125.05 "Duties of Building Inspector"(a)(b)(c) and (d), 1125.05 (b)(c) and (g), 1125.06 "Final Inspection" and Chapter 1125.07 "Fees",.

ORDINANCE NO. 87 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

Passed
AN ORDINANCE amending CHAPTER 1181 "ACCESSORY BUILDINGS" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1181.01 "Regulations" (h) and (i) and creating Section 1181.02 "Solid Fuel-Fired Outdoor Heating Devices", and enacting new Sections 1181.01 "Regulations"(h) and (i) and creating Section 1181.02 "Solid Fuel-Fire Outdoor Heating Devices",.

ORDINANCE NO. 88 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

Table
AN ORDINANCE amending CHAPTER 1188 "SIGNS" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1188.03 "General Provisions"(b) and 1188.04 "Regulation of On-Premise Signs by Zone"(a)(7), and enacting new SubSections 1188.03 "General Provisions"(b) and 1188.04 "Regulations of On-Premise Signs by Zone"(a)(7),

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

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: AUGUST 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 94 - 2010

passed

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Block Grant Programs for the fiscal year 2010 which the City has provided through the CDBG Program funding, 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 a contract agreement with various programs through the Community Development Block Grant Programs for the fiscal year 2010 which the City has provided through the CDBG Program funding.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into separate contract agreements with the programs listed below for the amounts specified through the Community Development Block Grant Programs for the fiscal year 2010 which the City has provided through the CDBG Program funding.

| | |
|--|-------------|
| Massillon Main Street | \$20,000.00 |
| Western Stark Medical Clinic | \$10,000.00 |
| Westark Family Services, Inc. - Elderly Homemaker Program | \$ 8,000.00 |
| Health Foundation of Greater Massillon - Neighborhood Partnership Prog | \$ 8,000.00 |
| Salvation Army Housing Outreach Specialist | \$ 8,000.00 |
| Community Services of Stark County - Family Living Center Homeless Shelter | \$ 8,000.00 |
| Domestic Violence Project | \$ 8,000.00 |
| Lighthouse Visions, Inc. - Life Skills Education Program | \$ 8,000.00 |
| Community Legal Aid - Foreclosure Prevention Services | \$ 8,000.00 |
| Faith in Action of Western Stark County | \$ 6,000.00 |
| Massillon YWCA - Child Care Center Program | \$ 3,000.00 |
| Massillon Commission to Advance Literacy - Adult Literacy Program | \$ 3,000.00 |
| Family Economic Success Program - Massillon VITA Program | \$ 3,000.00 |

Section 3:

Upon delivery of the aforesaid agreements, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for each agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

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 further reason that these services are needed to benefit the community as a whole and to meet the goals and objectives of the City's Community Development Block Grant Program for the fiscal year 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 _____ 2010

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: AUGUST 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 95 - 2010

BY: ENVIRONMENTAL COMMITTEE

*1st Reading
Amended 10/5
passed 11/1*

TITLE: AN ORDINANCE enacting a new CHAPTER 943 "STORMWATER UTILITY", of the Codified Ordinances of the City of Massillon, 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 is hereby enacted a new CHAPTER 943 "STORMWATER UTILITY", of the Codified Ordinances of the City of Massillon. Said newly created Chapter shall read as follows:

(SEE ATTACHED EXHIBIT "A")

Section 2:

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 additional reason that the Ohio Environmental Protection Agency is requiring the city to comply for our MS4 permit. 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 E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

CHAPTER 943

Stormwater Utility

- 943.01 Stormwater Utility
- 943.02 Findings, Determinations and Power
- 943.03 Definitions
- 943.04 Stormwater Fee
- 943.05 Stormwater Fee Collection
- 943.06 Stormwater Drainage Fund
- 943.07 Stormwater District Review and Appeals Board
- 943.08 Flooding, Liability
- 943.09 Notice to Correct Drainage
- 943.10 Emergencies, Abatement
- 943.11 Abatement Costs
- 943.12 Emergency Situations
- 943.13 Penalty

943.01 Stormwater Utility

It is hereby declared necessary for the protection of the public health, safety, welfare and convenience of the City of Massillon and its inhabitants to codify the establishment of the storm drainage utility and to codify just and equitable rates or charges to be paid to the City for the use of such services which shall be used for the payment of the cost of the management, maintenance, operation, repair, construction, reconstruction, enlargement, replacement and related costs of the storm drainage system and items relating to the City Stormwater Management Plan as required through the Ohio Environmental Protection Agency (OEPA).

943.02 Findings, Determinations and Power

It is hereby found, determined, and declared that those elements of the system which provide for the collection, treatment and disposal of stormwater and regulation of ground water are of benefit and provide services to all property within the incorporated City limits, including property not presently served by the storm elements of the system. The beneficiaries of the system include all real properties within the City of Massillon which benefit by the provision, operation and improvement of the system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff, improvement in general health and welfare through reduction of undesirable stormwater conditions, and improvement to the water quality in the storm and surface water system and its receiving waters.

The stormwater utility, under the direction of the Director of Public Service and Safety shall, and does, have the power to:

- (a) Prepare regulations as needed to implement this Chapter and forward the same to City Council for consideration and adoption, and adopt such policies and procedures as are required to implement said regulations or carry out other responsibilities of the utility.
- (b) Administer the acquisition, design, construction, maintenance and operation of the utility system, including capital improvements.
- (c) Administer and enforce this Chapter and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility system including, but not limited to, the quantity, quality and/or velocity of the storm water conveyed thereby.
- (d) Inspect private systems as necessary to determine the compliance of such systems with this Chapter and any regulations adopted pursuant to this Chapter.
- (e) Advise City Council, the City Administration and City departments on matters relating to the utility.
- (f) Prepare and revise a comprehensive drainage plan for adoption by City Council periodically.
- (g) Review plans, approve or deny, inspect and accept extensions to the system.

(h) Establish and enforce regulations to protect and maintain water quality within the system in compliance with water quality standards established by the city, state, regional and/or federal agencies as now adopted or hereafter amended.

(i) Analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines and other revenues of the utility annually.

943.03 Definitions

For the purpose of this Chapter, the following definitions shall apply; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(A) **"Billing period"** means the period identified from the first day of the month to the last day of the month. All bills rendered during a month are for the period beginning on the first day of the same month and are valid for that entire month unless otherwise identified. When a developed or undeveloped property does not receive City sanitary sewer service changes ownership during a billing period, the account existing on the first day of the billing period shall be liable for the prorated portion of the drainage fee for that billing period from the first day of the billing period until the day the property transaction is recorded with the Stark County Recorder.

(B) **"Bonds"** mean revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.

(C) **"Calendar year"** means a twelve month period commencing on the first day of January of any year.

(D) **"Costs of construction"** means costs reasonably incurred in connection with providing capital improvements to the storm system or any portion thereof, including, but not limited to, the costs of:

- (1) Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore.
- (2) Physical construction, installation and testing, including the costs of labor, services, materials, supplies and construction services used in connection therewith.
- (3) Architectural, engineering, legal and other professional services.
- (4) Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation.
- (5) Any taxes or other charges which become due during construction.
- (6) Expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against contractor or sub-contractor in respect of any default under a contract relating to construction.
- (7) Principal of interest of any bonds.
- (8) Miscellaneous expenses incidental thereto.

(E) **"Debt service"** means, with respect to any particular calendar year and any particular series of bonds, and amount equal to the sum of (i) all interest payable on such bonds during such calendar year, plus (ii) any principal installments of such bonds during such calendar year.

(F) **"Developed property"** means that which has been altered from its natural state by the removal of vegetation and/or topsoil or by the addition of any improvements such as a building, structure, impervious surface, change of grade, or landscaping. For new construction, a property shall be considered developed pursuant to this ordinance:

- (1) Upon issuance of a Certificate of Occupancy, or upon completion of construction of final inspection if no such certificate is issued; or
- (2) Where construction is at least 50 percent complete and construction is halted for a period of three months.
- (3) Where vegetation and/or topsoil have been removed leaving exposed soil surfaces for a period of three months.

(G) **"Director"** means the Director of Public Service and Safety, or his designee.

(H) **"Dwelling unit"** means any residential space for habitation as classified by the City building Code.

(I) **"Equivalent Residential Unit"** or ERU means the statistical average horizontal impervious area of "residential units" (single family, mobile homes, multifamily, condominiums, etc., within the City of Massillon). The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, and sidewalks.

(J) **"ERU rate"** means a drainage fee charged on each ERU as established by City Council.

(K) **"Exempt property"** means public rights of way, public streets, public alleys and public sidewalks.

(L) **"Extension and replacement"** means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the system, or land acquisitions for the system and any related costs thereto, or paying extraordinary maintenance, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

(M) **"Impervious area" and "impervious surface"** means a horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-pervious surfaces such as compacted clay or gravel, un-vegetated and under vegetated solid surfaces, as well as streets, roofs, sidewalks, patios, porches, parking lots, athletic courts and other similar surfaces.

(N) **"Nonresidential developed property"** means any lot or parcel not exclusively residential as defined herein, including transient rentals such as hotels and motels.

(O) **"Operating budget"** means the annual operating budget adopted by the City for the succeeding calendar year.

(P) **"Operations and maintenance"** means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, and cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

(Q) **"Residential property"** means any lot or parcel developed exclusively for residential purposes including, but not limited to, single family homes, manufactured homes, multifamily, apartment buildings, and condominiums.

(R) **"Revenues"** mean all rates, fees, assessments, rental or other charges or other income received by the Stormwater Drainage Fund, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

(S) **"Stormwater Management System" or "system"** means the existing stormwater management of the City and all improvements thereto which by this Chapter are constituted as the property and responsibility of the City, to be operated as an enterprise fund to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

(T) **"Stormwater fee"** means a fee authorized by Ordinance(s) established to pay operations and maintenance, extension and replacement and debt service.

(U) **"Stormwater Drainage Fund"** means the enterprise fund created by City Council to operate, maintain and improve the system and for such other purposes as stated in this Chapter.

(V) **"Undeveloped Property"** means real property which is a build .able lot with in the corporation limits.

(W) **"Undisturbed property"** means real property which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils on the property.

(X) **"User Fee District"** means the area or property within the corporate limits of the City of Massillon.

(Y) **"Vacant improved property"** means vacant property which is, or could reasonably be, served by any subdivision improvements that allow egress.

943.04 Stormwater Fee

Subject to the provisions of this Chapter, each and every residential developed and nonresidential developed, other than exempt property, within the corporate limits of the City, and the owners and non-owner users thereof, have imposed upon them a stormwater fee. The stormwater fee shall be billed on a quarterly basis which shall be determined by the provisions of this Chapter and the ERU and ERU Rate which shall be established and changed from time to time by City Council. The rate hereby adopted by the City Council is \$1.00 per month per Equivalent Residential Unit (ERU) and \$2.00 per month for any developed property not considered Residential beginning October 1, 2010.

943.05 Stormwater Fee Collection

The fee provided in Section 943.04 shall be billed to the person or entity currently receiving the City's utility bill for sanitary sewer services. The owner of the parcel of property in question shall always be responsible for said bills. Such fee shall appear on the utility bill rendered by the City for sanitary sewer services as a separate item and shall be considered an integral part of such bill. Failure to remit the entire amount of the charges for all services shall constitute a delinquency, with termination of all services to take place in accordance with the provisions of the Codified Ordinances of the City of Massillon, thirty days after such delinquency. For those properties within the corporate limits of the City that do not utilize the City's sanitary sewer services the property owner, or their designee shall be billed separately for the stormwater fee.

943.06 Stormwater Drainage Fund

The revenues received pursuant to this Chapter 943 shall be deposited with the City Auditor and shall be kept in a separate and distinct fund known as the Stormwater Drainage Fund. The Stormwater Drainage Fund shall be used for the payment of the cost of items related to the City's Storm Water Management Plan as mandated by the Ohio Environmental Protection Agency (OEPA) and of the management, maintenance, operation and repair of the stormwater utility system and for the enlargement or replacement of the stormwater utility system, for the construction and reconstruction of said system, for the payment of interest on any indebtedness incurred for the construction thereof, and for the creation of a sinking fund for the payment of such indebtedness, but shall not be used for any other purpose not related to items in this chapter or for private storm sewer apputances.

943.07 Stormwater District Review and Appeals Board

(a) The City of Massillon Stormwater District Review and Appeals Board is hereby established. Said Board shall consist of five (5) members; The City Engineer and the Director of Public Service and Safety. The other two (3) members shall consist of electors of the City appointed by the Mayor and approved by City Council. Appointed members may be removed by the Mayor with the approval of a vote of two-thirds (2/3) of the members of City Council. The term of office for appointed members of said Board shall be two (2) years. Should a vacancy occur on the Board, the remaining portion of the unexpired term shall be filled by the Mayor and approved by City Council.

(b) The Board is authorized to hear appeals regarding disputes and complaints brought by owners and nonowners concerning application of this chapter, including the authority to make adjustments as appropriate to provide relief from a strict application of the provisions of this chapter due to unique circumstances which reduce the burden of operating, constructing, repairing and maintaining the stormwater utility system and the structures and devices related thereto, while accomplishing the intent of this chapter, as follows:

1. Calculation of the total number of building units assigned to a property that are claimed to be inaccurate due to alleged inaccuracies in data utilized by the billing staff.
2. Adjustment to or credit against billing units assigned to a property which wholly or partially drains directly outside the City limits.
3. Adjustments to or credits against billing units assigned to properties containing stormwater detention or retention facilities providing on-site management of stormwater prior to discharge to the public stormwater system.
4. Adjustments arising from a break in billing units due to change in property ownership, account responsibility or similar matters.
5. Any other adjustments or credits against billing services assigned to properties which diminish the quantity of stormwater handled by the stormwater utility system or reduce the cost to the City of constructing, operating and maintaining said system, such as a property owner's agreement to install oversized storm sewer pipes at its own cost, which provides stormwater drainage for other properties, obligations assumed by an owner to maintain and repair storm sewer lines which are a part of the City's stormwater utility system, providing stormwater retention of detention facilities designed and installed to detain or retain stormwater originating from other properties.

(c) Any appeal must be filed in writing, must describe the specific error alleged, and contain the resolution of said dispute which the appealing party feels is correct. Said Board may request additional information from either the appealing party or the City. The decision of said Board shall be final.

943.08 Flooding, Liability

Floods from Stormwater runoff may occasionally occur which exceed the capacity of Storm drainage Facilities constructed, operated, or maintained by funds made available under this chapter. This chapter does not imply that Property subject to the fees and charges established herein will always be free from Stormwater flooding or flood damage, or that Stormwater systems capable of handling all Storm events can be cost effectively constructed, operated, or maintained. Nor shall this chapter create a liability on the part of, or cause of action against, the City or any officer or employee thereof for any flood damage that may result from such Storms or the runoff thereof. Nor does this chapter purport to reduce the need or the necessity for obtaining flood insurance.

943.09 Notice to Correct Drainage

- (a) Whenever the Director of Public Service and Safety or his designee shall find that a tract of land is inadequately drained, or that there is an obstruction to a culvert, covered drain, or other natural or man-made watercourse that interferes with water naturally flowing therein or that such culvert, drain, or watercourse is of insufficient capacity to reasonably accommodate the flow of water, as required by this chapter, the Director of Public Service and Safety or his designee shall notify the owner or person having possession, charge, or management of such land to remove the obstruction or provide the necessary drainage. Such Notice shall be served on such persons by personal delivery, by mail at the last-known place of residence, or by posting on the Premises.
- (b) The owner must comply with the Director of Public Service and Safety orders within the time specified and not to exceed thirty (30) days. Failure to comply with such order shall constitute an unlawful act and be subject to section 14 of this chapter. Each additional period of ten (10) days thereafter during which the owner fails to carry out the order of the Director of Safety Service or his designee, shall constitute a separate offense.

943.10 Emergencies, Abatement

- (a) In case of an emergency, the Director of Public Service and Safety or his designee may direct that action be taken immediately to correct the condition or abate the activity to protect the public health, safety, and welfare. The City may perform the required work and charge the owner the Abatement costs.
- (b) In any case where a condition described in Section 943.09 exists for more than thirty (30) days after service of Notice, Council may by resolution direct the owner to fill or drain such land, remove any obstruction and, if necessary, enlarge the culverts, drains, or watercourse to meet the requirements of this chapter.
- (c) After service of a copy of such resolution or after publication in a paper of general circulation in the City for two consecutive weeks, the owner, or agent or attorney, shall comply with the directions of the resolution within the time therein specified. When the resolution is submitted to the appropriate Council committee, the owner shall be afforded Notice and an opportunity to be heard prior to passage of the resolution. In the event an owner fails or refuses to comply with Council's resolution, the City may perform the required work and charge the owner the Abatement costs. Such costs shall constitute a lien on the real Property from the time of the adoption of the resolution which may be enforced by suit in the court of common pleas.

943.11 Abatement Costs

- (a) The Director of Safety Service or his designee shall account for all costs associated with an emergency or Abatement, including but not limited to administration, notification, inspection, serving of papers or documents, legal counsel, force account labor, enforcement, operational services, and outside contracted services. These costs shall be added to the owner's Storm drainage service charge.
- (b) This section shall not be construed to relieve the owner of any penalties prescribed by other sections of this chapter.

943.12 Emergency Situations

Nothing in this Chapter shall be construed to prevent immediate action by the Director of Public Service and Safety or his designee in emergency situations.

943.13 Penalty

- (a) Any person, being the owner, agent, or having control of the Premises, who violates any of the provisions of this chapter, or fails to conform to any of the provisions thereof, or fails to obey any order of the Director of Public Service and Safety or his designee, shall be guilty of a misdemeanor of the first degree. Each and every day on which such person continues to violate the provisions of this chapter after having once been notified of such violation shall constitute a separate offense.
- (b) Any person, being the owner, agent, or having control of the Premises, architect, engineer, contractor, builder, subcontractor, foreman, mechanic, employee, or other person who shall violate or assist in the violation of this Chapter, or of any certificate, order, or permit issued hereunder, shall be guilty of a misdemeanor of the fourth degree on each offense.

DATE: AUGUST 16, 2010

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 96 - 2010

passed

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage, 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 enter into contract with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage for 2010 – 2011 year.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into contract with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage for 2010 – 2011 year.

Section 3:

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 additional reason that it is necessary to enter into a contract with Love Insurance Agency as the previous policies are 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.

2nd page is the signature page

DATE: AUGUST 16, 2010

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 97- 2010

Passed

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor of the City of Massillon, Ohio, to enter into a Project and Maintenance Agreement with the Stark County Commissioners for the Carmont Avenue/17th Street Project, 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 a Project and Maintenance Agreement with the Stark County Commissioners for the Carmont Avenue/17th Street Project.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Project and Maintenance Agreement with the Stark County Commissioners for the Carmont Avenue/17th Street Project. The estimated cost for this project is Four Hundred Fifty Thousand Dollars (\$450,000.00). See attached agreement.

(SEE ATTACHED EXHIBIT "A")

Section 3:

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 it is necessary to enter into the agreement with the Stark County Commissioners so the Carmont Avenue/17th Street Project will be completed. 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.

AGREEMENT

Carmont Avenue/17th STREET

This Agreement is made and entered into this ____ day of _____, 2010, by and between the Board of Stark County Commissioners, hereinafter referred to as the COUNTY, duly authorized by a Resolution adopted on the ____ day of _____, 2010, and the City of Massillon, hereinafter referred to as the City, duly authorized by Resolution adopted on the ____ day of _____, 2010.

WHEREAS, there is currently located at CARMONT AVENUE/17th STREET in Stark County and the City of Massillon, Ohio, a highway which the parties believe is in need of improvement; and

WHEREAS, the COUNTY and CITY wish to improve this highway; and

WHEREAS, inasmuch as the project currently lies within the CITY and within the COUNTY, and the COUNTY and the CITY will each have certain responsibilities toward the project which will need to be agreed upon between them; and

WHEREAS, the parties wish to resolve their respective liabilities and obligations with respect to the design and construction of this project at said location; and

WHEREAS, it is in the best interests of the COUNTY and the CITY to cooperate in the improvement of CARMONT AVENUE/17th STREET; and

WHEREAS, pursuant to ORC 307.15 and 5557.02, and 5557.03, the COUNTY and the CITY have the authority to enter into said Agreement and the CITY may pay its portion of the above-described improvement to the COUNTY; and

WHEREAS, the County and City mutually recognize the need for a formal Agreement regarding the maintenance of sections of road wherein mutual responsibilities exist; and

WHEREAS, it is agreed that general maintenance responsibility should be defined for the full width of road right-of-way for each section of roadway maintained; and

WHEREAS, it is agreed that a policy and system for the issuance of highway related permits is in the best interest of public health and welfare; and

WHEREAS, the COUNTY and the CITY mutually agree that a formal agreement regarding the maintenance of portions of said road by the other constitutes adequate consideration for entering into this agreement.

NOW THEREFORE, in consideration of the covenants and agreements contained herein, it is mutually agreed by and between the parties as follows:

1. The COUNTY shall prepare plans and specifications for reconstruction, resurfacing and minor widening on CARMONT AVENUE/17th STREET;
2. The COUNTY will supervise and pay for the Construction Supervision of the project;

3. The COUNTY will apply for Ohio Public Works Commission Funds to pay for a portion of the construction of the project with the CITY as a joint sponsor. The remaining funding necessary for construction beyond that received from the Ohio Public Works Commission Funds shall be borne by the COUNTY and CITY with the COUNTY to pay for the portion of CARMONT AVENUE/17th STREET that is currently a COUNTY highway and the CITY to pay for the portion of CARMONT AVENUE/17th STREET that is currently a CITY highway. The CITY will reimburse the COUNTY by payment into the county treasury for the CITY'S share of the construction costs within thirty (30) days of receipt of an invoice from the COUNTY.
4. Upon completion of the project, maintenance responsibilities for CARMONT AVENUE/17th STREET shall be outlined as follows:

SECTION I- DEFINITION-GENERAL MAINTENANCE RESPONSIBILITY

- A. Snow and ice removal.
- B. Application of abrasives.
- C. Pavement maintenance, including minor surface treatment, not exceeding two inch (2") thickness..
- D. Vegetation control, including weeds, brush and trees.
- E. Application of pavement markings.
- F. Guardrail repair.
- G. Erection and repair of all uniform traffic control devices.
- H. Public health welfare (dirt, obstacles, liquid spills, etc.).
- I. Minor pavement base repair.
- J. Repair of berms.
- K. Ditches, drainage systems, and culverts.

SECTION II - ISSUANCE OF HIGHWAY PERMITS

A. General Permits

The following type permits shall be issued by the party having general maintenance responsibility as determined in Section III and IV.

- (1) Permits for overweight loads.
- (2) Permits for oversize loads.

B. Utility Permits

Permits issued to utilities, companies or individuals for the installation of pipes, conduits, sewers, power lines and poles, telephone lines and poles, television cables and poles shall be issued as follows:

(1) When the installation is parallel to the right-of-way, the permit shall be issued by the party in the COUNTY or the CITY in which the installation is being made.

(2) When the installation crosses the right-of-way, the permit shall be issued by the party in the COUNTY or the CITY in which the installation terminates.

C. Road Opening and Driveway Permits

Nothing in this Agreement shall deny the COUNTY or the CITY their rights of issuing road opening permits or driveway culvert permits, and inspecting the work performed in their respective portions of these sections of roads.

D. Notification

Each party shall notify the other party of the issuance of permits and commencement of work that involves:

- (1) Movement of oversize loads and overweight loads that could go from one party's maintenance section to the other party's maintenance section.
- (2) Work on utilities that will disturb ditches, drainage systems, pavement or berms along the other party's maintenance section.

SECTION III

The COUNTY will perform GENERAL MAINTENANCE within the following rights-of-way:

| <u>ROAD NAME</u> | <u>LIMITS FROM AND TO</u> |
|----------------------------|---------------------------|
| Carmont Avenue/17th Street | U.S. 30 to Elton Street |

There shall be no changes in existing Street Marking Patterns on the above roads without prior written agreement of both parties.

SECTION IV

The CITY will perform GENERAL MAINTENANCE within the following rights-of-way:

| <u>ROAD NAME</u> | <u>LIMITS FROM AND TO</u> |
|----------------------------|---------------------------|
| Carmont Avenue/17th Street | North of U.S. 30 |

There shall be no changes in existing Street Marking Patterns on the above roads without prior written agreement of both parties.

SECTION V

Nothing in this maintenance agreement shall supercede or otherwise alter the statutory obligation of each party to maintain, cause to be maintained, or to control the portion of roadway situated within their respective territory.

SECTION VI

The COUNTY and CITY further agree that, in the event it is believed necessary and desirable that unusual maintenance repair, reconstruction or improvement should be performed, which is of such magnitude as to be beyond the scope of work normally considered GENERAL MAINTENANCE, then such work may be performed by contract or by the political subdivision, upon the following conditions:

- A. Upon agreement of the parties hereto of the necessity, the COUNTY or CITY shall, by mutual agreement, proceed to accomplish to required work by the contract method; or
- B. Upon agreement of the parties hereto of the necessity, the COUNTY or CITY may do the work with their own work forces; and
- B. The complete cost of the work shall be prorated, based on the lineal footage at the time of the improvement located within each political jurisdiction and the appropriate amount remitted to the party that issued the contract or performed the work.

SECTION VII

This agreement shall be in effect for an indefinite term. It may be revised by mutual agreement of the parties and it may be terminated by either party upon sixty (60) days written notice to the non-terminating party.

- 1. This Agreement contains the entire Agreement by and between the parties and the terms contained herein are contractual and are not a mere recital.

IN WITNESS WHEREOF, we have hereunto set our hands to this instrument this ____ day of _____, 2010.

STARK
COUNTY COMMISSIONERS

Todd Bosley, Commissioner

Dr. Peter Ferguson, Commissioner

Steven Meeks, Commissioner

Approved as to form
and legal sufficiency:

Assistant Prosecuting Attorney
Stark County, Ohio

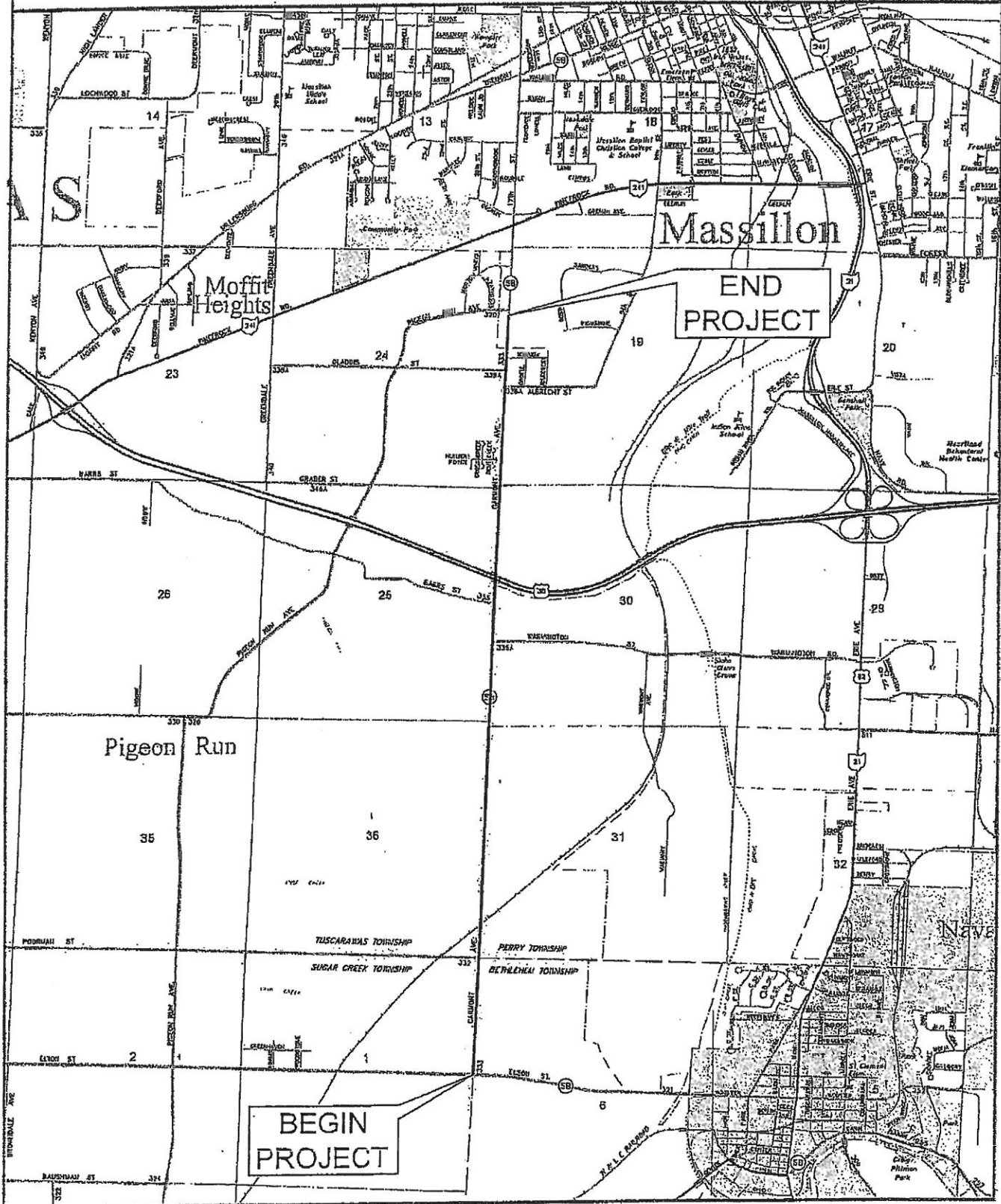
CITY OF MASSILLON, OHIO

BY: _____
Francis H. Cicchinelli, Jr.
Mayor

Approved as to form
and legal sufficiency:

Law Director
City of Massillon, Ohio

CARMONT AVENUE SW (17th St.) - C.R. 333



DATE: AUGUST 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.98 – 2010

passed

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Street Construction Fund, Muni Motor Vehicle License Fund, Waste Grant Fund, Capital Improvement Fund, WIC Fund, Section 108 Loan Repayment Fund, General Fund, Home Health Fund and Economic Development 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 appropriated from the unappropriated balance of the Community Development Block Grant Program Fund, for the year ending December 31, 2010, the following:

\$117,000.00 to an account entitled "Target Area Street Improvements" 1203.845.2812
\$ 20,000.00 to an account entitled "Main Street Revitalization" 1203.845.2828
\$ 10,000.00 to an account entitled "Western Stark Medical Clinic" 1203.845.2857
\$ 8,000.00 to an account entitled "Elderly Homemaker Program" 1203.845.2803
\$ 8,000.00 to an account entitled "Neighborhood Partnership Program" 1203.845.2862
\$ 8,000.00 to an account entitled "Salvation Army Housing Outreach" 1203.845.2869
\$ 8,000.00 to an account entitled "Family Living Center" 1203.845.2841
\$ 8,000.00 to an account entitled "Domestic Violence Shelter" 1203.845.2858
\$ 8,000.00 to an account entitled "Lighthouse Visions Program" 1203.845.2863
\$ 8,000.00 to an account entitled "Foreclosure Prevention Legal Aid" 1203.845.2873
\$ 6,000.00 to an account entitled "Faith in Action Caregiver Program" 1203.845.2859
\$ 5,000.00 to an account entitled "Youth Summer Recreation" 1203.845.2874
\$ 3,000.00 to an account entitled "Massillon Literacy Commission" 1203.845.2819
\$ 3,000.00 to an account entitled "YWCA Child Care Program" 1203.845.2854
\$ 3,000.00 to an account entitled "Family Economic Success Program" 1203.845.2867

Section 2:

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

\$98,501.00 to an account entitled "Street Resurfacing" 1201.435.2511

Section 3:

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

\$25,000.00 to an account entitled "Street Resurfacing" 1206.435.2510

Section 4:

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

\$10,000.00 to an account entitled "Recycling Services/Contracts" 1222.605.2392

Section 5:

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

\$75,000.00 to an account entitled "Street Resurfacing" 1401.435.2510

\$12,775.00 to an account entitled "Fire Dept Roof Repair" 1401.325.2510

Section 6:

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

\$10,228.00 to an account entitled "WIC Salary" 1219.730.2110

\$ 8,682.00 to an account entitled "Supplies/Materials/Postage" 1219.730.2392

\$ 1,155.00 to an account entitled "PERS" 1219.730.2230

\$ 600.00 to an account entitled "Travel/Seminar/School" 1219.730.2389

\$ 135.00 to an account entitled "Medicare" 1219.730.2231

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Section 108 Loan Repayment Fund, for the year ending December 31, 2010, the following:

\$7,436.00 to an account entitled "Fees" 1341.845.2382

Section 8:

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

\$5,628.00 to an account entitled "Supplies/Materials" 1100.325.2410

Section 9:

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

\$4,000.00 to an account entitled "Health Dept Salary" 1235.705.2110

Section 10:

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

\$3,800.00 to an account entitled "Services/Contracts" 1237.845.2392

Section 11:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. 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

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: AUGUST 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

ORDINANCE NO. 99 - 2010

LEGISLATIVE DEPARTMENT

BY: FINANCE COMMITTEE

passed

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: | Health Department Salary | 1100.705.2110 | \$4,000.00 |
| TO | Mosquito Control Supplies | 1100.725.2410 | \$4,000.00 |

Section 3

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 _____ 2010

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: AUGUST 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 100 - 2010

Passed

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year, 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 and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year and execute any such documents necessary to obtain such funding.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit an application for the 2010 Ohio Public Works Commission Funding and execute any documents necessary to obtain such funding for the following projects for the year 2010. Said projects shall be as follows:

- A. Carmont Avenue/17th Street SW Resurfacing Project – Joint project w/Stark County
- B. Erie Street (SR 241)/Tremont Intersection Improvement Project
- C. 27th Street NE/Lincoln Way East (SR 172) Intersection Improvement Project
- D. Griffith Avenue SW Sanitary Sewer Replacement Project

Section 3:

That 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 to submit the application in order to receive Ohio Public Works Funding. 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 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 101 - 2010

passed

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year, 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 and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year and execute any such documents necessary to obtain such funding.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit an application for the 2010 Ohio Public Works Commission Funding and execute any documents necessary to obtain such funding for the following project for the year 2010. Said projects shall be as follows:

A. Levee Infrastructure Improvement Project

Section 3:

That 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 to submit the application in order to receive Ohio Public Works Funding. 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 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 12 - 2010

1st reading
2nd reading 10/4
Repealed 12/6

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION renaming Shriver Park to T. Roy Roberson Memorial Park in honor of his service and dedication as the 4th Ward Councilman during 1981 until 1992.

WHEREAS, Shriver park is a City –owned property in the 4th Ward bounded by Third, Shriver and Johnson Streets; and

WHEREAS, the Massillon City Council has received a request from Tony M. Townsend a member of Council to rename Shriver Park in honor of T. Roy Roberson; and to memorialize the history of the “Old Massillon Field”; and

WHEREAS, the Honorable T. Roy Roberson served as Representative to City Council for the 4th Ward of the City, from 1981, and until 1992; and

WHEREAS, T. Roy Roberson was dedicated to serving the 4th Ward and the City of Massillon; and

WHEREAS, the City wishes to honor the public service of T. Roy Roberson and to memorialize the history that was made at the “Old Massillon Field” by the Massillon Washington High School Football Tigers; and

WHEREAS, Massillon City Council has determined that renaming Shriver Park in honor of T. Roy Roberson will serve as an appropriate tribute to Mr. Roberson’s legacy of service; and

Now, therefore be it resolved that Massillon City Council shall rename Shriver Park to T. Roy Roberson Memorial Park.

1. The City park now known as Shriver Park is renamed, T. Roy Roberson Memorial Park; at the Old Massillon Field.

2. Appropriate signage shall be installed at the park.