

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

DATE: MONDAY, MARCH 5, 2012
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN MILAN CHOVAN
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 23 – 2012

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Department of Transportation for the STA Various Culverts Project, PID 92947, and declaring an emergency.

ORDINANCE NO. 24 – 2012

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1ST READING

AN ORDINANCE amending CHAPTER 1188 "SIGNS" of the Codified Ordinances of the City of Massillon, by creating SubSection 1188.04 (e) "Vertical Neighborhood Association Banners Permitted", and declaring an emergency.

ORDINANCE NO. 25 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1406 Wastewater Treatment Plant Capital Improvement Fund and the 1202 State Highway Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 26 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the EMS Capital Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 27 – 2012

BY: FINANCE COMMITTEE

1ST READING

AN ORDINANCE reducing the appropriations in the General Fund, for the year ending December 31, 2012, and declaring an emergency.

1ST READING (BUDGET)

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 FEBRUARY 2012
- B). AUDITOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2012

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

ORDINANCE NO. 7 – 2012BY: ENVIRONMENTAL COMMITTEE

PASS 9-0

AN ORDINANCE amending CHAPTER 920 "EROSION SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Section 920.08(a) "Monitoring the Permit for Compliance" and enacting replacement Section 920.08(a) "Monitoring the Permit for Compliance" and declaring an emergency.

ORDINANCE NO. 9 – 2012BY: RULES, COURTS AND CIVIL SERVICE

PASS 9-0

AN ORDINANCE amending Ordinance No. 185 – 2006 by creating SubSection (F) of Article XVII Section 1 on the attachment thereto, and declaring an emergency.

ORDINANCE NO. 10 – 2012BY: RULES, COURTS AND CIVIL SERVICE

PASS 9-0

AN ORDINANCE amending Ordinance No. 185 – 2006 by suspending any and all step increases in pay based upon years of service with the City as contained in the schedules attached thereto, and declaring an emergency.

ORDINANCE NO. 13 – 2012BY: FINANCE COMMITTEE

DEFEAT 8-1

AN ORDINANCE amending Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" of CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, by enacting a new Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" of said CHAPTER 181 "INCOME TAX", and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONSORDINANCE NO. 14 – 2012BY: ENVIRONMENTAL COMMITTEE

2ND READING

AN ORDINANCE amending CHAPTER 943 "STORMWATER UTILITY" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Section 943.04 "Stormwater Fee" and enacting replacement Section 943.04 "Stormwater Fee", and declaring an emergency.

ORDINANCE NO. 17 – 2012

BY: RULES, COURTS & CIVIL SERVICE

2ND READING

AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(a) Rule 1 "Organization", and declaring an emergency.

ORDINANCE NO. 18 – 2012

BY: RULES, COURTS & CIVIL SERVICE

2ND READING

AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(r) Rule 71 "Unclassified Rules", and declaring an emergency.

ORDINANCE NO. 19 – 2012

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

2ND READING

AN ORDINANCE vacating a portion of State Avenue NW, and declaring an emergency.

ORDINANCE NO. 22 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Auditor to pay various 2011 bills that have been received and that will be received by her office between January 1, 2012 and March 31, 2012, out of the 2012 appropriations within the various departments of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 140 – 2011

BY: ENVIRONMENTAL COMMITTEE

1ST READING

AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

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: MARCH 5, 2012 CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 23- 2012

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Department of Transportation for the STA Various Culverts Project, PID 92947, 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 sign the Consent Legislation with the Ohio Department of Transportation for the STA Various Culverts Project, PID 92947.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Consent Legislation with the Ohio Department of Transportation for the STA Various Culverts Project, PID 92947. The State has identified the need to replace various culverts with which one is located within the corporation limits of the City located near the intersection of the Tuscarawas River and US 30. There will be no City dollars expended for this project it will be funded 100% by ODOT, unless the City specifically requests items be completed that are determined by the State and Federal Highway Administration to be unnecessary for the project than those costs would be 100% City.

(SEE EXHIBIT "A" HERETO ATTACHED)

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 sign the Consent Legislation with Ohio Department of Transportation so as to proceed with the necessary repairs needed to the STA Various Culvert 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.

2nd page is the signature page

CONSENT LEGISLATION
RC 5521.01

Ordinance/Resolution# _____
PID No. 92947
County/Route/Section STA-Culverts-Various

The following is _____ enacted by the City of Massillon of Stark
(An Ordinance/a Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the (LPA/STATE) has identified the need for the described project:

Replacement of culvert at STA-US30-6.70 in the City

NOW THEREFORE, be it ordained by the City of Massillon of Stark County, Ohio.
(LPA)

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of way costs include eligible utility costs.

SECTION V - Authority to Sign

The _____ of said _____ is hereby empowered on behalf of
(Contractual Agent) (LPA)
the _____ to enter into contracts with the Director of Transportation which is
(LPA)

necessary to complete the above described project.

Passed: _____, 20____
(Date)

Attested: _____
(Clerk) (Officer of LPA - title)

Attested: _____
(Title) (President of Council)

This _____ is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and to promote highway safety. Following appropriate legislative
action, it shall take effect and be in force immediately upon its passage and approval, otherwise it
shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Massillon of Stark County, Ohio
(LPA)

I, _____, as Clerk of the City of Massillon
(LPA)
of Stark County, Ohio, do hereby certify that the forgoing is a true and
correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)
City on the _____ day of _____, 20____
(LPA)
that the publication of such _____ has been made and certified of
(Ordinance/Resolution)
record according to law; that no proceedings looking to a referendum upon such
_____ have been taken; and that such
(Ordinance/Resolution) _____ Page _____
and certificate of publication thereof are of record in _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if
applicable, this _____ day of _____, 20____

Clerk

(LPA) of _____, Ohio
(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No
Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the _____ of _____, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

DATE: MARCH 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 24 - 2012

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1188 "SIGNS" of the Codified Ordinances of the City of Massillon, by creating SubSection 1188.04 (e) "Vertical Neighborhood Association Banners Permitted", and declaring an emergency.

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

Section I:

That hereby creates SubSection 1188.04 (e) "Vertical Neighborhood Association Banners Permitted" said newly created SubSection shall read as follows:

(e) Vertical Neighborhood Association Banners Permitted

- (1) Vertical banners may be suspended from lampposts or other utility poles in City neighborhoods for the purpose of identifying that specific locality in the City. Access to lampposts or utility poles in the City's right of way may be granted to nonprofit, neighborhood associations provided the owner of the pole gives written permission to the City.
- (2) Applications for a permit shall be made by the neighborhood association sponsoring the banners to the Building Department. A permit fee of twenty dollars (\$20.00) shall be charged for a maximum display of twenty banners. Banners may be permanently displayed provide that when damage and/or wear and tear occurs, the sponsoring association shall replace the banner in a reasonable amount of time. The City retains the right to remove any unsightly or damaged banners should the replacement guidelines be violated.
- (3) The Building Department is authorized to adopt banner specifications, safety and aesthetic standards and other regulations to carry out the purpose of this section.

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 from and after the earliest period allowed by law.

DATE: MARCH 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.25 – 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1406 Wastewater Treatment Plant Capital Improvement Fund and the 1202 State Highway Fund, for the year ending December 31, 2012, 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 1406 Wastewater Treatment Plant Capital Improvement Fund, for the year ending December 31, 2012 the following:

\$10,750.00 to an account entitled "Capital Purchases" 1406.610.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 1202 State Highway Fund, for the year ending December 31, 2012 the following:

\$5,000.00 to an account entitled "Contracted Services" 1202.420.2392

Section 3:

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.

DATE: MARCH 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.26 – 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the EMS Capital Fund, for the year ending December 31, 2012, 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 EMS Capital Fund, for the year ending December 31, 2012 the following:

\$28,000.00 to an account entitled "Fire Dept Equipment" 1401.325.2531

Section 2:

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 _____ 2012

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

KATHERINE CATAZARO-PERRY, MAYOR

DATE: MARCH 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 27 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the General Fund, for the year ending December 31, 2012, and declaring an emergency.

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

Section 1:

The appropriations are hereby reduced in the General Fund, for the year ending December 31, 2012, as follows:

\$30,000.00 from an account entitled "Muni Ct Staff - Salary" 1100.125.2111
\$15,000.00 from an account entitled "Muni Ct Services & Contracts" 1100.125.2392
\$ 4,200.00 from an account entitled "Muni Ct Staff PERS" 1100.125.2230
\$ 435.00 from an account entitled "Muni Ct Staff Medicare" 1100.125.2231
\$ 2,000.00 from an account entitled "Bailiff Supplies & Materials" 1100.135.2410
\$ 2,000.00 from an account entitled "Bailiff Gas & Oil" 1100.135.2430

Section 2:

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 and for the additional reason that the appropriation needs to be reduced because of an audit procedure. 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 _____ 2012

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

KATHERINE CATAZARO-PERRY MAYOR