

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

**DATE: MONDAY, MARCH 19, 2012  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.**

**THERE ARE NO PUBLIC HEARINGS TONIGHT**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILWOMAN SARITA CUNNINGHAM-HEDDERLY**
- 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. 29 – 2012**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

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

**ORDINANCE NO. 30 – 2012**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

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

**ORDINANCE NO. 31 – 2012**

**BY: ENVIRONMENTAL COMMITTEE**

**AN ORDINANCE** repealing Section 965.05(a) "Private Collection License" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.05(a) "Private Collection License" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

**ORDINANCE NO. 32 – 2012**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1207 NSP Fund, Local Law Enforcement Trust Fund and the 2105 Stormwater Utility Fund, for the year ending December 31, 2012, and declaring an emergency.

**ORDINANCE NO. 33 – 2012**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Mayor the City of Massillon, Ohio, to accept a Computer Technology Improvement Grant for the Massillon Police Department, and declaring an emergency.

**ORDINANCE NO. 34 – 2012**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** repealing Ordinance No. 32 – 2005 authorizing and directing the Auditor of the City of Massillon as of January 1, 2012 to deposit funds received from golfing fees at The Legends of Massillon Golf Course into the Legends Fund and the Bond Retirement – Legends Fund.

**ORDINANCE NO. 35 – 2012**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** to confirm the retention of legal services of bond council in connection with the financial, financing and economic development matters, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS
  - A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2012
  - B). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2012
  - C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2012
  - D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2012
  - E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2012
  - F). MAYOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2012
11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. 14 – 2012**

**BY: ENVIRONMENTAL COMMITTEE**

**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**

**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**

**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**

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

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 140 – 2011**

**BY: ENVIRONMENTAL COMMITTEE**

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.

**ORDINANCE NO. 24 – 2012**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

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. 27 – 2012**

**BY: FINANCE COMMITTEE**

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

**ORDINANCE NO. 28 – 2012**

**BY: FINANCE COMMITTEE**

AN ORDINANCE appropriating money for current expenses and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2012, 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 19, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 29 - 2012

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting an application for annexation for the Cincinnati Area Annexation to the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, a petition for the annexation for certain territory in Perry Township, was duly filed by Jason Haines, Agent for the petitioners, and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County on December 7, 2011, and

WHEREAS, the Board of County Commissioners on December 7, 2011, approved the annexation of said territory to the City of Massillon as hereinafter described, and

WHEREAS, the Board of County Commissions certified the transcript and pertinent documents of proceedings in connection with said annexation with the map and petition required in connection therewith, to the Auditor of the City of Massillon

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon Ohio, have found, considered and determined that in order to annex said territory to the City of Massillon, this constitutes an emergency, requiring immediate action.

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

Section 1:

The application of Jason Haines for the petitioners is hereby accepted for the annexation of the following described territory in the County of Stark and adjacent to the City of Massillon, to wit:  
See Exhibit "A" attached hereto

Section 2:

The City Council Clerk be and is hereby directed to file certified copies of said annexation containing the petition, map accompanying the petition, a transcript of the proceedings of the County Commissioners, and this Ordinance, with the Stark County Recorder and the Secretary of State.

Section 3:

The Clerk of this Council be and is hereby directed to file with the Clerk of the Board of Commissioners of Stark County, as well as the County Board of Elections, notice in writing of the boundary changes of the City of Massillon hereby affected together with a map of the annexed territory.

Section 4:

This Ordinance is declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the City of Massillon, Ohio, and for the additional reason that it is in the best interest of the property owners in the annexed area that their property become a part of 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012

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

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

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

KATHERINE CATAZARO-PERRY, MAYOR

**PETITION  
BY CITIZENS FOR THE CINCINNATI AREA ANNEXATION  
TO THE CITY OF MASSILLON, OHIO**

TO THE COMMISSIONERS OF STARK COUNTY, STATE OF OHIO:

We, the undersigned, being a majority of the adult owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Massillon, Massillon Township, Stark County, Ohio. The following description is based solely on record information found in the Stark County Official Records. A boundary survey was not performed.

Beginning at a point being the northwest corner of the Northwest Quarter of Section 28, Perry Township and also being the northwest corner of a parcel deeded to the State of Ohio in Volume 2510, Page 401;

Thence southeasterly along the northerly line of said section line S 88°07'16" E, 561.22 feet to a point, said point being on the northerly Right of Way line of US Route 30 and **THE TRUE PLACE OF BEGINNING** for the land hereinafter described;

Thence continuing southeasterly along said northerly right of way line S 88°07'16" E, 81.99 feet to a point also being a point of curvature;

Thence continuing northeasterly along said right of way line and the arc of a circle curving to the left, said curve having a radius of 2889.79 feet, a Delta of 01°25'42", a Chord Length of 72.04 feet, and a Chord bearing N 84°20'50" E to a point of tangency;

Thence continuing along said northerly right of way line the following courses;

- N 82°17'24" E, 163.36 feet;
- N 72°04'12" E, 565.56 feet;
- S 17°55'47" E, 30.00 feet;
- S 72°04'12" W, 120.74 feet;
- S 05°21'30" E, 40.11 feet;
- N 83°20'34" E, 589.81 feet;
- N 84°36'37" E, 1507.87 feet;
- N 80°16'20" E, 1101.98 feet;



- N 77°24'49" E, 1035.93 feet to a point located on the westerly line of Section 22, Perry Township, said section line also being an existing corporation line for the City of Massillon;

Thence continuing southwesterly along said Section line and corporation line, S 01°47'40" W, 273.57 feet to a point, said point also being located on the Southerly Right of Way line of US Route 30;

Thence continuing southwesterly along said right of way line S 77°09'54" W, 1037.09 feet to a point also being the northeast corner of a parcel of land deeded to the City of Massillon in I.R. # 200911180047026;

Thence continuing southwesterly along said City of Massillon parcel S 01°47'40" W, 341.14 feet to point, said point lying on the Northerly line of Section 28, Perry Township and also being the southerly line of said City of Massillon parcel;

Thence continuing northwesterly along said section line N 88°07'16" W, 1073.38 feet to a point; said point also being an existing corporation line for the City of Massillon and also the southwest corner of said deeded parcel to the City of Massillon;

Thence continuing northeasterly along said City of Massillon parcel, N 00°52'40" E, 155.95 feet to a point, said point also being located on the southerly Right of way line of US Route 30;

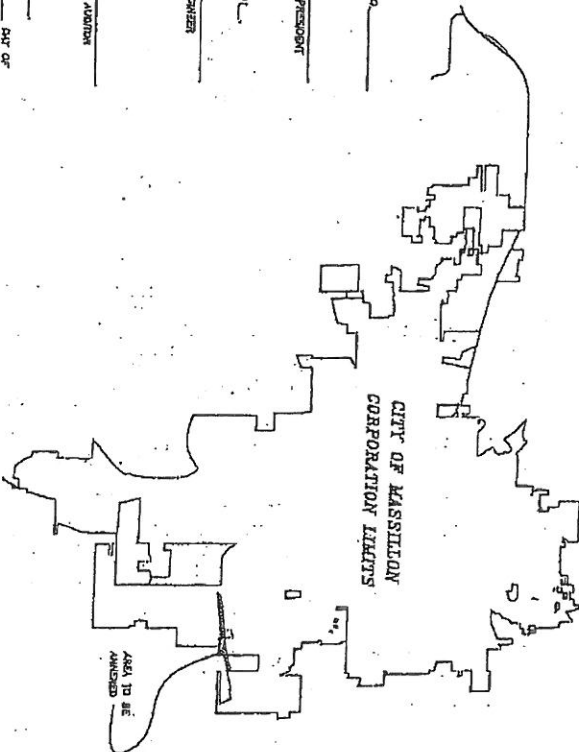
Thence continuing southwesterly along said Right of Way line the following courses:

- S 82°55'55" W, 348.46 feet;
- S 84°45'09" W, 2549.62 feet to a point, said point also being the southeast corner of a parcel of land deeded to the State of Ohio in Volume 3505, Page 259;

Thence continuing northeasterly along the east line of said State of Ohio parcel N 13°07'40" E, 218.77 feet, to **THE TRUE PLACE OF BEGINNING** and containing 34.947 acres of land, more or less.

The bearings for the above description are based on the northerly line of Section 28, S 88°07'16" E, as recorded in Volume 3510 Page 384 of the Stark County Official Records.

# CINCINNAT AREA ANNEXATION



MASSILLON CITY COUNCIL  
ACCEPTED BY THE CITY COUNCIL OF MASSILLON, OHIO, AT ORDINANCE NO. \_\_\_\_\_  
PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011

CITY ENGINEER  
CITY OF MASSILLON ASSIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011

CITY ATTORNEY  
ADVISED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011

COUNTY RECORDER  
RECORDED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011  
RECORDED IN STRATFORD \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011

STARK COUNTY COMMISSIONERS  
APPROVED FOR ANNEXATION BY THE STARK COUNTY COMMISSIONERS  
ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011

STARK COUNTY COMMISSIONERS

LEGATION MAP  
NOT TO SCALE

ALL OF TERRITORY TO BE ANNEXED TO THE CITY OF MASSILLON, OHIO

WATER OF STATE HIGHWAYS	0.842	MILES
WATER OF COUNTY ROADS	0	MILES
WATER OF TOWNSHIP ROADS	0.201	MILES
SEE CITY SECTION 21 PERRY TWP.	32.227	ACRES
SEE CITY SECTION 21 PERRY TWP.	4.113	ACRES
SEE CITY SECTION 22 PERRY TWP.	4.113	ACRES
TOTAL ACRES IN ANNEXATION	39.293	ACRES (0.222)

NOTE:  
THIS MAP HAS BEEN CORRECTED, CALCULATED, AND DRAWN FROM AVAILABLE DEEDS, OF RECORD, RECORD PLATS, AND OTHER RECORDS, AND IS CORRECTED FROM THE OFFICIAL RECORDS MAINTAINED BY THE VARIOUS OFFICES OF THE STARK COUNTY, OHIO. A RECORDARY SURVEY HAS NOT BEEN PERFORMED ON ANY PROPERTY.

BASES OF MEASUREMENT  
THE MEASUREMENTS ARE BASED ON THE HORIZONTAL LINE OF SECTION 21, PERRY TOWNSHIP, HANCO A BEARING OF S 89° 15' E AS SHOWN ON VOLUME 2310 PAGE 344. THE STARK COUNTY OFFICIAL RECORDS.

PERMITS DOCUMENTS

DEEDS	TAX MAPS
VOLUME 2305 PAGE 257	MASSILLON TWP. 100 105
VOLUME 2305 PAGE 258	MASSILLON TWP. 100 106
VOLUME 2310 PAGE 344	PERRY TOWNSHIP 100 20
VOLUME 2310 PAGE 345	PERRY TOWNSHIP 100 21
VOLUME 2310 PAGE 346	PERRY TOWNSHIP 100 22
VOLUME 2310 PAGE 347	PERRY TOWNSHIP 100 23
VOLUME 2310 PAGE 348	PERRY TOWNSHIP 100 24
VOLUME 2310 PAGE 349	PERRY TOWNSHIP 100 25
VOLUME 2310 PAGE 350	PERRY TOWNSHIP 100 26
VOLUME 2310 PAGE 351	PERRY TOWNSHIP 100 27
VOLUME 2310 PAGE 352	PERRY TOWNSHIP 100 28
VOLUME 2310 PAGE 353	PERRY TOWNSHIP 100 29
VOLUME 2310 PAGE 354	PERRY TOWNSHIP 100 30
VOLUME 2310 PAGE 355	PERRY TOWNSHIP 100 31
VOLUME 2310 PAGE 356	PERRY TOWNSHIP 100 32
VOLUME 2310 PAGE 357	PERRY TOWNSHIP 100 33
VOLUME 2310 PAGE 358	PERRY TOWNSHIP 100 34
VOLUME 2310 PAGE 359	PERRY TOWNSHIP 100 35
VOLUME 2310 PAGE 360	PERRY TOWNSHIP 100 36
VOLUME 2310 PAGE 361	PERRY TOWNSHIP 100 37
VOLUME 2310 PAGE 362	PERRY TOWNSHIP 100 38
VOLUME 2310 PAGE 363	PERRY TOWNSHIP 100 39
VOLUME 2310 PAGE 364	PERRY TOWNSHIP 100 40
VOLUME 2310 PAGE 365	PERRY TOWNSHIP 100 41
VOLUME 2310 PAGE 366	PERRY TOWNSHIP 100 42
VOLUME 2310 PAGE 367	PERRY TOWNSHIP 100 43
VOLUME 2310 PAGE 368	PERRY TOWNSHIP 100 44
VOLUME 2310 PAGE 369	PERRY TOWNSHIP 100 45
VOLUME 2310 PAGE 370	PERRY TOWNSHIP 100 46
VOLUME 2310 PAGE 371	PERRY TOWNSHIP 100 47
VOLUME 2310 PAGE 372	PERRY TOWNSHIP 100 48
VOLUME 2310 PAGE 373	PERRY TOWNSHIP 100 49
VOLUME 2310 PAGE 374	PERRY TOWNSHIP 100 50
VOLUME 2310 PAGE 375	PERRY TOWNSHIP 100 51
VOLUME 2310 PAGE 376	PERRY TOWNSHIP 100 52
VOLUME 2310 PAGE 377	PERRY TOWNSHIP 100 53
VOLUME 2310 PAGE 378	PERRY TOWNSHIP 100 54
VOLUME 2310 PAGE 379	PERRY TOWNSHIP 100 55
VOLUME 2310 PAGE 380	PERRY TOWNSHIP 100 56
VOLUME 2310 PAGE 381	PERRY TOWNSHIP 100 57
VOLUME 2310 PAGE 382	PERRY TOWNSHIP 100 58
VOLUME 2310 PAGE 383	PERRY TOWNSHIP 100 59
VOLUME 2310 PAGE 384	PERRY TOWNSHIP 100 60
VOLUME 2310 PAGE 385	PERRY TOWNSHIP 100 61
VOLUME 2310 PAGE 386	PERRY TOWNSHIP 100 62
VOLUME 2310 PAGE 387	PERRY TOWNSHIP 100 63
VOLUME 2310 PAGE 388	PERRY TOWNSHIP 100 64
VOLUME 2310 PAGE 389	PERRY TOWNSHIP 100 65
VOLUME 2310 PAGE 390	PERRY TOWNSHIP 100 66
VOLUME 2310 PAGE 391	PERRY TOWNSHIP 100 67
VOLUME 2310 PAGE 392	PERRY TOWNSHIP 100 68
VOLUME 2310 PAGE 393	PERRY TOWNSHIP 100 69
VOLUME 2310 PAGE 394	PERRY TOWNSHIP 100 70
VOLUME 2310 PAGE 395	PERRY TOWNSHIP 100 71
VOLUME 2310 PAGE 396	PERRY TOWNSHIP 100 72
VOLUME 2310 PAGE 397	PERRY TOWNSHIP 100 73
VOLUME 2310 PAGE 398	PERRY TOWNSHIP 100 74
VOLUME 2310 PAGE 399	PERRY TOWNSHIP 100 75
VOLUME 2310 PAGE 400	PERRY TOWNSHIP 100 76
VOLUME 2310 PAGE 401	PERRY TOWNSHIP 100 77
VOLUME 2310 PAGE 402	PERRY TOWNSHIP 100 78
VOLUME 2310 PAGE 403	PERRY TOWNSHIP 100 79
VOLUME 2310 PAGE 404	PERRY TOWNSHIP 100 80
VOLUME 2310 PAGE 405	PERRY TOWNSHIP 100 81
VOLUME 2310 PAGE 406	PERRY TOWNSHIP 100 82
VOLUME 2310 PAGE 407	PERRY TOWNSHIP 100 83
VOLUME 2310 PAGE 408	PERRY TOWNSHIP 100 84
VOLUME 2310 PAGE 409	PERRY TOWNSHIP 100 85
VOLUME 2310 PAGE 410	PERRY TOWNSHIP 100 86
VOLUME 2310 PAGE 411	PERRY TOWNSHIP 100 87
VOLUME 2310 PAGE 412	PERRY TOWNSHIP 100 88
VOLUME 2310 PAGE 413	PERRY TOWNSHIP 100 89
VOLUME 2310 PAGE 414	PERRY TOWNSHIP 100 90
VOLUME 2310 PAGE 415	PERRY TOWNSHIP 100 91
VOLUME 2310 PAGE 416	PERRY TOWNSHIP 100 92
VOLUME 2310 PAGE 417	PERRY TOWNSHIP 100 93
VOLUME 2310 PAGE 418	PERRY TOWNSHIP 100 94
VOLUME 2310 PAGE 419	PERRY TOWNSHIP 100 95
VOLUME 2310 PAGE 420	PERRY TOWNSHIP 100 96
VOLUME 2310 PAGE 421	PERRY TOWNSHIP 100 97
VOLUME 2310 PAGE 422	PERRY TOWNSHIP 100 98
VOLUME 2310 PAGE 423	PERRY TOWNSHIP 100 99
VOLUME 2310 PAGE 424	PERRY TOWNSHIP 100 100

RIGHT OF WAY PLANS FOR STA. 30+2.54

CINCINNAT AREA ANNEXATION  
PART OF THE SE AND SW QUARTER SECTION 21, PERRY TOWNSHIP  
AND PART OF THE NW QUARTER SECTION 20, PERRY TOWNSHIP  
ANNEXATION MAP  
CITY OF MASSILLON  
STARK COUNTY, OHIO



DATE	APR 2011
BY	MA
DATE	JUN 2011
BY	MA



DATE	REMARKS
10/20/11	





DATE: MARCH 19, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 30 - 2012

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting an application for annexation for the Poets Glen Annexation to the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, a petition for the annexation for certain territory in Tuscarawas Township, was duly filed by Jason Haines, Agent for the petitioners, and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County on October 11, 2011, and

WHEREAS, the Board of County Commissioners on October 11, 2011, approved the annexation of said territory to the City of Massillon as hereinafter described, and

WHEREAS, the Board of County Commissions certified the transcript and pertinent documents of proceedings in connection with said annexation with the map and petition required in connection therewith, to the Auditor of the City of Massillon

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon Ohio, have found, considered and determined that in order to annex said territory to the City of Massillon, this constitutes an emergency, requiring immediate action.

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

Section 1:

The application of Jason Haines for the petitioners is hereby accepted for the annexation of the following described territory in the County of Stark and adjacent to the City of Massillon, to wit:  
See Exhibit "A" attached hereto

Section 2:

The City Council Clerk be and is hereby directed to file certified copies of said annexation containing the petition, map accompanying the petition, a transcript of the proceedings of the County Commissioners, and this Ordinance, with the Stark County Recorder and the Secretary of State.

Section 3:

The Clerk of this Council be and is hereby directed to file with the Clerk of the Board of Commissioners of Stark County, as well as the County Board of Elections, notice in writing of the boundary changes of the City of Massillon hereby affected together with a map of the annexed territory.

Section 4:

This Ordinance is declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the City of Massillon, Ohio, and for the additional reason that it is in the best interest of the property owners in the annexed area that their property become a part of 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012

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

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

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

KATHERINE CATAZARO-PERRY, MAYOR

**PETITION  
BY CITIZENS FOR THE BIT OF EDEN ANNEXATION  
TO THE CITY OF MASSILLON, OHIO**

TO THE COMMISSIONERS OF STARK COUNTY, STATE OF OHIO:

We, the undersigned, being a majority of the adult owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Massillon, Massillon Township, Stark County, Ohio. The following description is based solely on record information found in the Stark County Official Records. A boundary survey was not performed.

Beginning at a point being the northwest corner of the Northwest Quarter of Section 10, Tuscarawas Township, said point also being the southwest corner of a parcel deeded to Richard G. Rohrer in Instrument #200504040020551 and being **THE TRUE PLACE OF BEGINNING** for the land being further described as follows;

Thence southeasterly along the northerly line of said section line also being the southerly line of said Rohrer parcel S 87°37'50" E, 1599.38 feet to a point, said point also being the northwest corner of a parcel deeded to Richard G. Rohrer in Instrument #200504040020551;

Thence continuing southwesterly along the west line of said Rohrer parcel S 02°16'49" W, 240.00 feet to a point, said point also being on the northerly line of a parcel deeded to D & R Herzog in Instrument #200703290016795;

Thence continuing northwesterly along the north line of said Herzog parcel N 87°37'50" W, 340.00 feet to a point, said point also being the southwest corner of a parcel deeded to Bit of Eden Partners, LLC in Instrument #201101060000682;

Thence continuing along said Bit of Eden, LLC parcel the following courses;

- N 02°16'49" E, 20.00 feet;
- N 87°37'50" W, 1100.90 feet;

Thence continuing southwesterly along west line of said Bit of Eden, LLC parcel S 02°09'20" W, 18.00 feet to a point, said point also being the northeast corner of a parcel deeded to J. Glick Trustee in Instrument #200304030030101;

Thence continuing northwesterly along the northerly line of said Glick parcel N 87°37'50" W, 158.00 feet to a point, said point also being on the west line of the Northwest Quarter Section 10, Tuscarawas Township, and the centerline of Manchester Avenue, SR 93 (60 feet);

Thence continuing northeasterly along the westerly line of said Section Line 10 and centerline of said Manchester Avenue (SR 93), N 02°09'20" E, 238.00 feet to a point, said point also being the **THE TRUE PLACE OF BEGINNING** for the land hereinbefore described and containing 8.298 acres of land, more or less.

The bearings for the above description are based on the northerly line of Section 10, Tuscarawas Township, S 87°37'50"E, as recorded in Instrument #201101060000682 of the Stark County Official Records.

Jason Haines, 151 Lincoln Way East, Massillon, OH 44646 is hereby appointed agent for the undersigned petitioners as required by ORC 709.02 with full power and authority hereby granted to said agent to amend, alter, change, withdraw, refile, substitute, and to take any action necessary for obtaining the granting of this petition. Said amendment, compromise, increase or deletion, or other things for granting this petition shall be made in the petition, description, and/or plat by said agent without further expressed consent of the petitioners.

ALLIES OF STATE MEMBERS	0.04%	14,235
MAJORS OF COUNTY BODIES	0	14,235
MAJORS OF TOWNSHIP BODIES	0	14,235
ALN. OFR. SECTION 10 DISCUSSING TRIP	0.20% ABOVE	
DEPT. MEMBERS IN CONVENTION	0.20% ABOVE	

THIS MAP HAS BEEN COMPILED, CALCULATED, AND DRAWN FROM AVAILABLE DEEDS OF, RECORD, RECORD PLATS, AND OTHER DOCUMENTS OBTAINED FROM THE OFFICE. RECORDS MAINTAINED BY THE VARIOUS OFFICES/AGENCIES OF STARK COUNTY, OHIO. A BOUNDARY SURVEY WAS NOT PERFORMED ON ANY PROPERTIES.

ACCEPTED BY THE CITY COUNCIL OF MASSILLON, OHIO, BY ORDINANCE NO. \_\_\_\_\_  
PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CITY ENGINEER

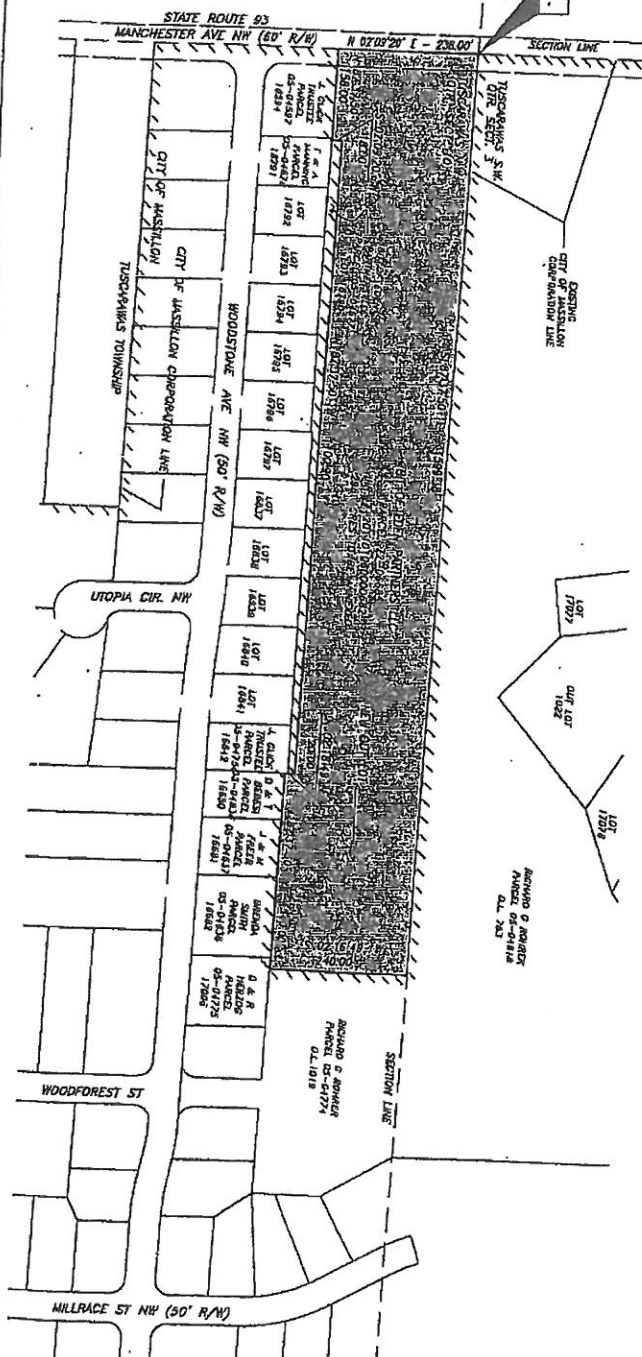
CITY LOT NUMBERS ASSIGNED THIS DAY OF 20

CITY ENGINEER

IN REWARD OF EDUCATION  
OF THE TULSA SCHOOL DISTRICT  
PARCEL 72-80007

RUSCARIAS S.E.  
DIR. SECT. 4

VERONICA T. DANEY, IRVING  
PARCEL 72-05928



ENTERED THIS DAY OF 22

COLONY AUCTION

RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

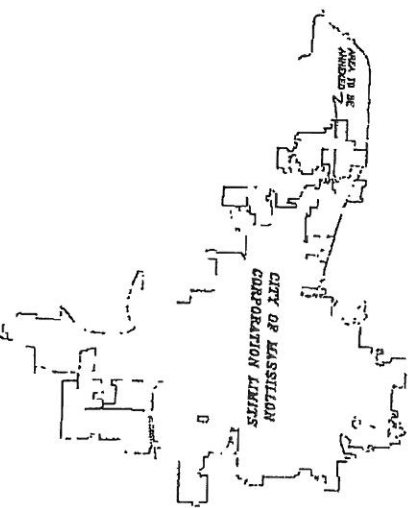
20

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

COUNTY REC'D

## STARK COUNTY COMMISSIONERS

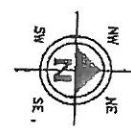
The corners are based on the northwesterly quarter section 19,  
T8S,R4W,E7N, having a bearing of S 67°30' E & as described at  
LAJ-201101040000392 OF THE STARK COUNTY OFFICIAL RECORDS.



LOCATION MAP

NOT TO SCALE

BIT OF EDEN ANNEXATION  
PART OF THE NE SECTION 10, TUSCARAWAS TOWNSHIP  
ANNEXATION MAP  
CITY OF MASSILLON  
STARK COUNTY, OHIO



DATE FEB 2011		DATE FEB 20	
DRAWN BY AMT		CHECKED BY KAD	
24' 0" HORIZONTAL SCALE IN FEET			

	
REVISIONS:	DATE
DESCRIPTION:	

Account Number	11000101.DHC
Account Name	
Account Address	
Account City	
Account State	
Account Zip	
Account Phone	
Account Fax	
Account Email	
Account Website	
Account Notes	

$$\frac{1}{1}$$



DATE: MARCH 19, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 31 - 2012

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE repealing Section 965.05(a) "Private Collection License" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.05(a) "Private Collection License" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

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

Section 1:

That Section 965.05(a) "Private Collection License" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, be and is hereby repealed.

Section 2:

There be and is hereby enacted a new Section 965.05(a) "Private Collection License" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon. Said newly enacted section shall read as follows:

965.05 PRIVATE COLLECTION LICENSE

(a) Any collection of refuse, rubbish, waste or garbage in the City of Massillon shall be required to be licensed by the City. The fee for such license shall be in the amount of one hundred (\$100.00) dollars per truck per every six months or any fraction thereof. Commencing January 1, 2013 the fee for such license shall be in the amount of two hundred (\$200.00) dollars per truck per year or any fraction thereof. Such license shall not be issued until proof is provided to the Director of Public Service and Safety that each truck is insured under a liability insurance policy which provides minimum coverage of three hundred thousand dollars (\$300,000.00) for General Liability and three hundred thousand dollars (\$300,000.00) in automobile Liability. Such policy must further provide that the above minimum rates should be in effect for each accident and shall not be reduced by reason of prior accidents on the part of the insured. The insured must further agree to give the Director of Public Service and Safety twenty (20) days notice before cancellation of any liability insurance policy herein required. This license will also be required for non-commercial haulers including individuals doing light hauling or referred to as "Light Haulers" who haul debris, rubbish, refuse or any waste from any residence or business located within the City of Massillon.

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said increase needs to take effect immediately before the next billing period and the fact that additional revenues are need to operate the department, and for the additional reason for the preservation of the public health, safety and welfare of the community. And 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

DATE: MARCH 19, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.32 – 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1207 NSP Fund, Local Law Enforcement Trust Fund and the 2105 Stormwater Utility 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 1207 NSP Fund, for the year ending December 31, 2012 the following:

\$25,261.00 to an account entitled "NSP Salaries" 1207.845.2110

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Local Law Enforcement Trust Fund, for the year ending December 31, 2012 the following:

\$8,888.89 to an account entitled "Supplies & Materials" 1215.305.2410

Section 3:

There be and hereby is appropriated from the unappropriated balance of the 2105 Stormwater Utility Fund, for the year ending December 31, 2012 the following:

\$3,500.00 to an account entitled "Contracted Services" 2105.549.2392

Section 4:

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 19, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 33 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept a Computer Technology Improvement Grant for the Massillon Police Department, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to accept a Computer Technology Improvement Grant for the Massillon Police Department.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to accept the Computer Technology Improvement for the Massillon Police Department. The amount of grant No. 2011-JG-LLE-5901 is Eight Thousand (\$8,000.00) Dollars. The City's match will be Eight Hundred Eighty-Eight Dollars and Eighty-Nine Cents (\$888.89) which will come from the Local Law Enforcement Trust Fund. Thus making the total project amount of the grant Eight Thousand Eight Hundred Eighty-Eight Dollars and Eighty-Nine Cents (\$8,888.89). The award period for the grant is from February 1, 2012 to August 1, 2012.

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 time is of the essence for the acceptance of this grant. 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 GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_  
KATHERINE CATAZARO-PERRY, MAYOR



DATE: MARCH 19, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 34 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 32 – 2005 authorizing and directing the Auditor of the City of Massillon as of January 1, 2012 to deposit funds received from golfing fees at The Legends of Massillon Golf Course into the Legends Fund and the Bond Retirement – Legends Fund, and declaring an emergency.

WHEREAS, the legislative authority of the City of Massillon is required to designate the funds where such monies are to be deposited; and

WHEREAS, the City desires as of January 1, 2012 to deposit 96.75% of the monies received from golfing fees at The Legends of Massillon Golf Course into The Legends Operating Fund and 3.25% of the monies received into the Bond Retirement Fund.

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

Section 1:

Ordinance No. 32 – 2005 be and is hereby repealed.

Section 2:

The Auditor of the City of Massillon is hereby authorized and directed as of January 1, 2012 to deposit funds received from golfing fees at The Legends of Massillon Golf Course as follows: 96.75% of the monies received shall be deposited into The Legends Operating Fund and 3.25% of the monies received shall be deposited into the Bond Retirement Fund.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are needed to comply with the objectives of both funds, and for the additional reason 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

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

APPROVED: \_\_\_\_\_  
KATHERINE CATAZARO-PERRY, MAYOR

ORDINANCE NO. 35-2012

ORDINANCE NO. 35-2012 TO CONFIRM THE RETENTION OF LEGAL SERVICES OF BOND COUNSEL IN CONNECTION WITH FINANCIAL, FINANCING AND ECONOMIC DEVELOPMENT MATTERS; AND DECLARING AN EMERGENCY;

WHEREAS, to promote economic development and urban renewal and to create and preserve jobs and employment opportunities for City residents, it is both necessary and desirable that the City retain legal counsel with recognized expertise in legal matters pertaining to the development and financing of public infrastructure and the availability of, qualification for and acquisition of state and local financial incentives to promote capital investment;

WHEREAS, in order to facilitate the City's issuance and sale from time to time of bonds and notes to provide financing for municipal activities and functions, the City must retain the legal services of bond counsel to advise the City with respect to legal matters concerning City financial and financing matters and to opine as to the legality, validity and enforceability of the City's debt and related instruments and proceedings and as to the tax status of interest payable on that debt; and

WHEREAS, Squire Sanders (US) LLP ("Squire Sanders") is regularly ranked among the top 5 bond counsel firms in the United States, has conducted the leading public finance practice in the State of Ohio for more than 100 years, and has more than 20 public finance lawyers resident in Northeast Ohio, who regularly serve as bond counsel to municipalities, counties and special districts and other governmental entities throughout the State, and to the State and its agencies, and Squire Sanders possesses recognized expertise in legal matters relating to municipal financial and financing matters, the development and financing of public infrastructure and the availability of, qualification for and acquisition of state and local financial incentives to promote capital investment (collectively, "City Finance Matters");

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

Section 1. This Council hereby confirms the City's retention of Squire Sanders as bond counsel to the City with respect to City Finance Matters as to which the Mayor or the Director of Law may request that firm's legal advice from time to time. Those legal services shall be provided in accordance with the engagement letter and Standard Terms of Engagement now on file in the office of the Clerk of Council, as the same may be supplemented in engagement letters for individual matters. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or of this City or any other municipal corporation or governmental entity, or the execution of public trusts.

For those legal services, Squire Sanders shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services, as set forth in the engagement letter. The Mayor is authorized and directed to sign and deliver each engagement letter with Squire Sanders, and the Auditor is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. Further, Squire Sanders has advised the City that it has represented, may currently represent and expects in the future to represent other entities or individuals that

Section 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public, all in compliance with the law.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to continue obtaining legal advice concerning City Finance Matters, which are essential to maintaining and enhancing the financial health and credit of the City and the promotion of economic development and urban renewal and the creation and preservation of jobs and employment opportunities for City residents; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of the members of Council present at the meeting at which it is passed; otherwise, this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

ATTEST:

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor