

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

DATE: MONDAY, AUGUST 20, 2012
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN NANCY HALTER
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. 88 – 2012

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 9-0

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 2012 which the City has provided through the CDBG Program funding, and declaring an emergency.

ORDINANCE NO. 89 – 2012

BY: COMMUNITY DEVELOPMENT COMMITTEE

9/17/12 P.H. 7:15 1ST READING

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township to A-1 Agricultural, R-1 Single Family and B-3 Business.

ORDINANCE NO. 90 – 2012

BY: STREETS, HIGHWAY, TRAFFIC & SAFETY

PASS 9-0

AN ORDINANCE accepting the dedication of a right-of-way along the south side of Tremont Avenue SW, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 91 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, 1406 Wastewater Treatment Plant Capital Improvement Fund, Summer Concert Fund, 1206 Muni Motor Vehicle License Plate Fund and the 1410 16th Street Project Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 92 - 2012

BY: FINANCE COMMITTEE

1ST READING

AN ORDINANCE amending Ordinance No. 143 – 1976 by repealing Section 13 – “ALLOCATION OF FUNDS – INCOME TAX,” and enacting a new Section 13 “ALLOCATION OF FUNDS – INCOME TAX” and repealing Ordinance No. 99 – 2009, and declaring an emergency.

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

A). TREASURER SUBMITS MONTHLY REPORT FOR JULY 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. 48 – 2012

BY: HEALTH, WELFARE & BLDG REGULATIONS

2ND READING

AN ORDINANCE enacting a new CHAPTER 1331 "REGISTRATION OF VACANT BUILDINGS", of the Codified Ordinances of the City of Massillon.

ORDINANCE NO. 49 – 2012

BY: HEALTH, WELFARE & BLDG REGULATIONS

2ND READING

AN ORDINANCE enacting a new CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED" the Codified Ordinances of the City of Massillon.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 87 – 2012

BY: FINANCE COMMITTEE

2ND READING

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.

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 20, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 88 - 2012

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 2012 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 2012 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 2012 which the City has provided through the CDBG Program funding.

Massillon Main Street	\$ 5,000.00
Western Stark Medical Clinic	\$10,000.00
Westark Family Services, Inc. - Elderly Homemaker Program	\$ 6,000.00
Health Foundation of Greater Massillon - Neighborhood Partnership Program	\$ 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 - Massillon Safe House Shelter	\$ 4,000.00
Lighthouse Visions, Inc. - Life Skills Education Program	\$ 4,000.00
Community Legal Aid - Foreclosure Prevention Services	\$ 4,000.00
Faith in Action of Western Stark County	\$ 6,000.00
Massillon Commission to Advance Literacy - Adult Literacy Program	\$ 3,000.00
Massillon City Schools ABLE	\$ 3,000.00
Athletic Advisory Council Program	\$ 2,000.00

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 2012. 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: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: AUGUST 20, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 89 - 2012

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township to A-1 Agricultural, R-1 Single Family and B-3 Business.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from Tuscarawas Township to A-1 Agricultural, R-1 Single Family and B-3 Business. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on May 9, 2012 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the real estate identified on the attached map as A-1 Agricultural, R-1 Single Family and B-3 Business.

Poets Glen Area Annexation consists of 61.852 acres from Tuscarawas Township. The property was recently annexed to the City of Massillon and is the zoning classification under the Massillon Zoning regulations as shown on the attached Exhibit "A".

Section 3:

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

Exhibit "A"



DATE: AUGUST 20, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 90 - 2012

BY: STREETS, HIGHWAY, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the dedication of a right-of-way along the south side of Tremont Avenue SW, in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, upon hearing, the Council hereby finds that there is good cause to accept the right-of-way and that it will be beneficial to the general interest of this community and that the right-of-way should be accepted.

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

Section 1:

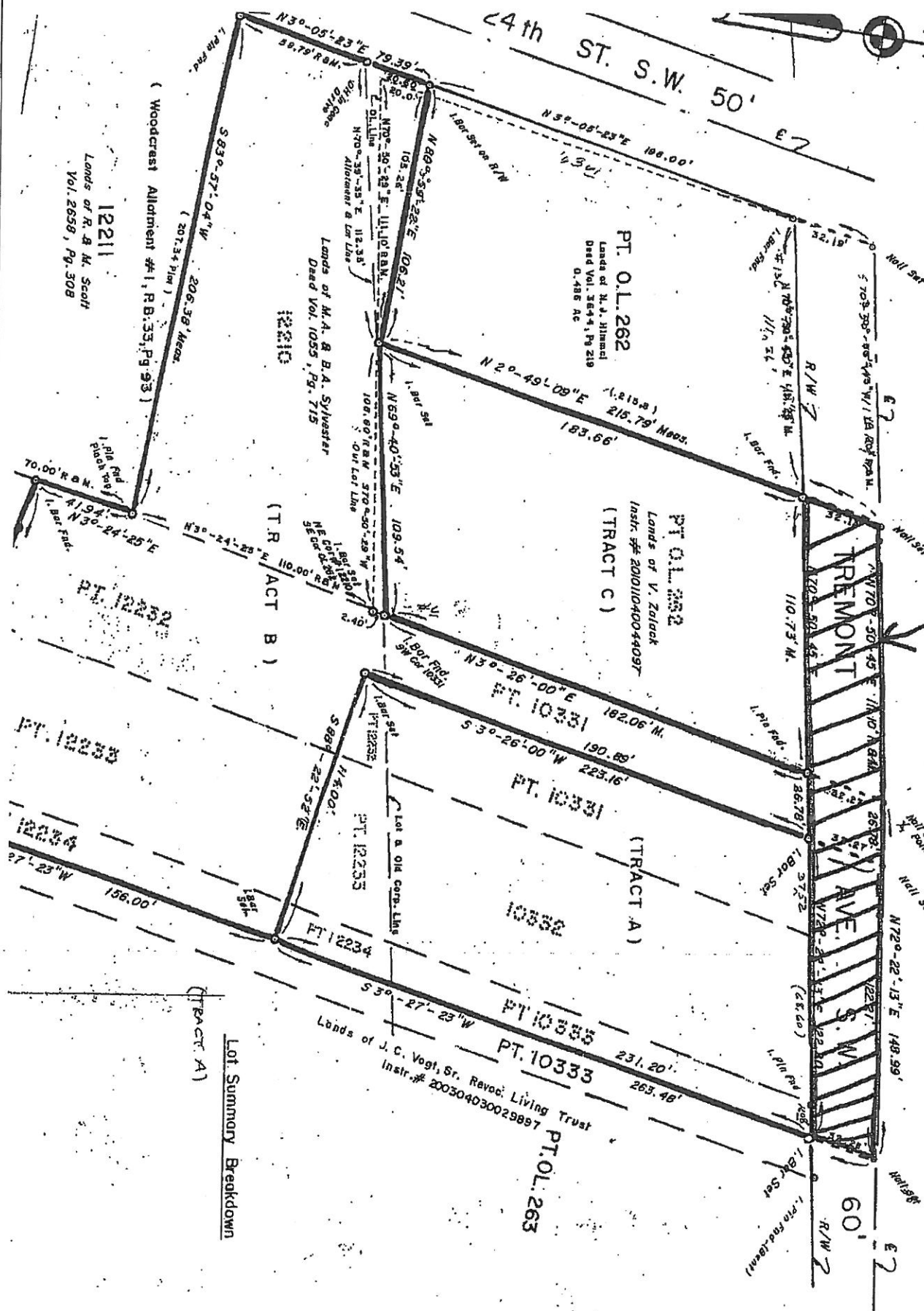
Council hereby accepts the dedication of the right-of-way along the south side of Tremont Avenue SW. The right-of-way is described by the plat attached hereto as Exhibit "A". The parcels are located on the south side of Tremont Avenue SW, just west of the Main Avenue/Tremont intersection. Formally known as part of Out Lot 262, and parts of lots 10331, 10332 and 1033. The property is currently zoned R-2 Residential and contains several existing homes.

Section 2:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and it is in the best interest of the citizens that the right-of-way be immediately accepted without further delay. 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

Area of Roadway
Dedication
Approx. 0.20 acre



I hereby cert

PLANNIN

Approved by

CITY CO

Accepted by

MASSILL

Lot Numbe

ACKNOW
Know all me
acknowledgy

COUNTY
STATE C
Before me,
the signing
my hand on

DATE: AUGUST 20, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.91 – 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, 1406 Wastewater Treatment Capital Improvement Fund, Summer Concert Fund, 1206 Muni Motor Vehicle License Plate Fund and the 1410 16th Street Project 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 Community Development Block Grant Program Fund, for the year ending December 31, 2012, the following:

\$92,000.00 to an account entitled "Target Area Street Improvements" 1203.845.2812
\$60,000.00 to an account entitled "Housing Rehabilitation" 1203.845.2806
\$ 5,000.00 to an account entitled "Main Street Revitalization" 1203.845.2828
\$10,000.00 to an account entitled "Western Stark Medical Clinic" 1203.845.2857
\$ 6,000.00 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
\$ 4,000.00 to an account entitled "Domestic Violence Shelter" 1203.845.2858
\$ 4,000.00 to an account entitled "Lighthouse Visions Program" 1203.845.2863
\$ 4,000.00 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
\$15,000.00 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 "Massillon City Schools ABLE" 1203.845.2816
\$ 2,000.00 to an account entitled "Athletic Advisory Council" 1203.845.2817

Section 2:

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:

\$46,500.00 to an account entitled "Capital Purchase" 1406.610.2510

*for
summer
upgrades
11/15/12*

Section 3:

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

\$11,000.00 to an account entitled "Services & Contracts" 1212.505.2392

Section 4:

There be and hereby is appropriated from the unappropriated balance of the 1206 Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2012, the following:

\$10,000.00 to an account entitled "Services & Contracts" 1206.435.2392

Section 5:

There be and hereby is appropriated from the unappropriated balance of the 1410 16th Street Project Fund, for the year ending December 31, 2012, the following:

\$1,100.00 to an account entitled "Intersection Improvement Project" 1410.435.2512

Section 6:

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: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: AUGUST 20, 2012

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 92 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 143 - 1976 by repealing Section 13 - "ALLOCATION OF FUNDS - INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" and repealing Ordinance No. 66 - 2009, and declaring an emergency.

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

Section 1:

Ordinance No. 66 - 2009 be and is hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" of Ordinance No. 143 - 1976. Said new Section 13 shall read as follows:

Section 13 - ALLOCATION OF FUNDS

(A) Effective January 1, 2012 the funds collected under the provision of this ordinance shall be disbursed as follows:

- (1) Ninety-Nine and Three-Quarter (99.75) percent shall be deposited in the General Fund and Quarter (.25) percent shall be deposited in said "Income Tax Capital Improvements" Fund and shall be used for capital improvements to defray operating expenses of the City including such part thereof as shall be necessary to defray all costs of administering and enforcing the provisions thereof.
- (2) Capital Improvements are all property, assets, machinery, equipment or improvements which the City is authorized by law to acquire, construct and maintain, including plans and studies thereof with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extension thereof having an estimated life or usefulness of five (5) years or more provided, however, that the purchase of motorized equipment for the various city departments and the resurfacing and resealing of public streets, including "Chip and Seal" method, shall be deemed Capital Improvement without regard to estimated life or usefulness.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety and the emergency being the necessity of providing funds for the operation of necessary governmental functions imposed by law, including the proper police and fire protection, but not limited thereto, for, without said funds, said governmental functions would have to be curtailed to such an extent that the public safety and welfare would be greatly jeopardized. 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

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR