

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

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

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN LARRY SLAGLE
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. 108 – 2012

BY: ENVIRONMENTAL COMMITTEE

PASS 8-1 (MANSON)

AN ORDINANCE amending Ordinance No. 105 – 2012 to authorize the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an amended agreement with Kimble Recycling & Disposal, Inc, for the company to handle the billing process for the solid waste and recycling services for the City of Massillon, and declaring an emergency.

ORDINANCE NO. 109 – 2012

BY: HEALTH, WELFARE & BUILDING REGULATIONS

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, to enter into a Memorandum of Understanding with the City of Canal Fulton, for the purpose of issuing all building permits, performing all inspections and all plans review necessary relating to the permits issued, and declaring an emergency.

✓ ORDINANCE NO. 110 – 2012

BY: PUBLIC UTILITIES COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a sixty month service agreement with Massillon Cable TV, Inc., upon award and approval of the Board of Control, on all City Government telephone lines, and declaring an emergency.

ORDINANCE NO. 111 – 2012

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

1ST READING

AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by deleting Section 121.02(r) Rule 73 "Unclassified Rules", and declaring an emergency.

ORDINANCE NO. 112 – 2012

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

1ST 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 72 "Unclassified Rules", and declaring an emergency.

ORDINANCE NO. 113 – 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-172-6.72 Bridge Repair Project, PID 93686, and declaring an emergency.

ORDINANCE NO. 114 – 2012

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety and the Director of Law of the City of Massillon, Ohio, to sign the Snow and Ice Removal Agreement with Tuscarawas Township, and declaring an emergency.

ORDINANCE NO. 115 – 2012

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 8-1 (MANSON)
AN ORDINANCE amending CHAPTER 339 "COMMERCIAL AND HEAVY VEHICLES" of the Codified Ordinances of the City of Massillon, and enacting new Subsection 339.13 "APPLICATION FOR SPECIAL HAULING PERMIT", and declaring an emergency.

ORDINANCE NO. 116 – 2012

BY: FINANCE COMMITTEE

PASS 9-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the Park Fund, 2105 Stormwater Utility Fund, ADR Fund, Safety Forces Improvement Fund and the Shearer's Foods Infrastructure Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 117 – 2012

BY: FINANCE COMMITTEE

PASS 9-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the 1206 Municipal Road Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 118 – 2012

BY: FINANCE COMMITTEE

PASS 9-0
AN ORDINANCE reducing the appropriations in the TIF Service Payment Fund, Tax Increment Fund, Menards Inc. Infrastructure Fund, Inn at University Village Fund, Faircrest Properties Infrastructure Fund, Bond Retirement Lincoln Center Fund and the OPWC Loan Payments Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 119 – 2012

BY: FINANCE COMMITTEE

PASS 9-0
AN ORDINANCE making certain transfers in the 2012 appropriations from within the Capital Improvement Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 120 – 2012

BY: FINANCE COMMITTEE

1ST READING
AN ORDINANCE authorizing the Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, to enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch for the Massillon Police Department, and declaring an emergency.

1ST READINGRESOLUTION NO. 19 - 2012BY: COMMUNITY DEVELOPMENT COMMITTEE1ST READING

A RESOLUTION reversing the decision of the Massillon Historic Preservation Commission made on August 8, 2012 and again on September 13, 2012 wherein the Historic Preservation Commission denied a request for a Certificate of Approval from the Visconsi Companies, Ltd, and declaring an emergency.

ORDINANCE 122-2012PASS 9-0

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM THE OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM PATRICK W BAGLEY DBA OLD TIMERS BAR & GRIDDLE 1316 TREMONT AVE SW 1ST FL & PATIO MASSILLON OHIO 44647 TO OLD TIMERS BAR & GRIDDLE LLC DBA OLD TIMERS BAR & GRIDDLE 1316 TREMONT AVE SW 1ST FL & PATIO MASSILLON OHIO 44647

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM PFS & SONS LLC DBA FILL & GO 720 LINCOLN WAY E MASSILLON OHIO 44646 TO NOOREKLASS LLC DBA FILL & GO 720 LINCOLN WAY E MASSIULLON OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2012

B). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2012

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR - TABLED FROM OCTOBER 1, 2012

ORDINANCE NO. 97 - 2012BY: FINANCE COMMITTEEPASS 9-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for funding to Ohio EPA's Water Pollution Control Loan Fund (WPCLF) and execute any necessary documents for upgrade to the Wastewater Treatment Plant, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

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: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 108 - 2012

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 105 – 2012 to authorize the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an amended agreement with Kimble Recycling & Disposal, Inc, for the company to handle the billing process for the solid waste and recycling services for 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:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an amended agreement with Kimble Recycling & Disposal, Inc., for the company to handle the billing process for the solid waste and recycling services for the City of Massillon.

Section 2:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an amended agreement with Kimble Recycling & Disposal, Inc., for the company to handle the billing process for the solid waste and recycling services for the City of Massillon. A copy of said amended agreement is attached hereto.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that the amended agreement be signed in a timely manner so Kimble Recycling & Disposal can begin servicing the citizens of Massillon as timely as possible. 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

CITY OF MASSILLON

CONTRACT FOR

~~SOLID WASTE AND RECYCLING SERVICES~~

CONTRACT PERIOD

~~DECEMBER 1, 2012 TO NOVEMBER 30, 2017~~

JANUARY 1, 2013 DECEMBER 31, 2017

KATHY CATAZARO-PERRY

MAYOR

GEORGE MAIER

SAFETY SERVICE DIRECTOR

FORM OF AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2012, by and between the CITY OF MASSILLON, OHIO hereinafter called "Massillon", and KIMBLE RECYCLING AND DISPOSAL of Dover, Ohio or their successors, executors, administrators and assigns, hereinafter called "Kimble".

WITNESSETH: That for and in consideration of payments hereinafter mentioned to be made by Massillon and Kimble agrees as follows:

ARTICLE 1, NON-EXCLUSIVE AGREEMENT: Upon approval of Resolution 2012-_____ by City Council, Massillon and Kimble enter into this agreement for Kimble to be the preferred ~~but non-exclusive company for the collection and removal of residential recyclables, refuse, and~~ waste materials in the City.

ARTICLE 2, SCOPE OF WORK: Kimble shall furnish all necessary personnel, equipment and special equipment, tools considered necessary and proper and an area of ground suitable for the disposal of garbage, rubbish, recyclables, bulk items and yard waste, to perform the services required by the aforementioned specifications in these contract documents and entitled "Contract for Solid Waste and Recycling Services" for the CITY OF MASSILLON, OHIO. The frequencies and schedules for collection shall be as specified elsewhere in these documents. If there is any conflict between the Bid Specifications and this Form of Agreement, the provisions in this Form of Agreement shall apply. This Form of Agreement also renders void pages OCA-1 through OCA-6 (Owner-Contractor Agreement) of the Bid Specifications.

ARTICLE 3, TERM: The original term of this Agreement shall commence ~~December 3, 2013~~ ^{January 1, 2013} and expire on ~~November 30, 2017~~ ^{December 31, 2017}. Massillon is also entitled to exercise a total of five (5) one year contract renewal options upon the giving of ninety (90) days advanced written notice to Kimble for each option year.

ARTICLE 4, COLLECTION RATES: Kimble and Massillon agree that Kimble will charge ~~Massillon~~ for the collection and removal of residential recyclables, refuse, and waste material, and extra items and extra services including street sweepings, at the rates set forth in Exhibit "A" to this Agreement for each year of the Agreement, including any options years exercised by Massillon with price adjustments as described in Exhibit A. Any adjustments to these rates shall either be determined in accordance with Section 16.2 of the bid specifications or by mutual agreement of the parties.

ARTICLE 5, CONTRACT SUM: ~~Massillon~~ ^{Kimble} is responsible for billing and collection for residential customers at rates ~~to be set by Massillon. Massillon shall pay Kimble by check set forth in Exhibit "A".~~

~~monthly within fifteen (15) days after the end of each month, based on rates set forth in Exhibit "A", and current customer count and detailed charges provided via invoice to Massillon from Kimble within five (5) days after the end of the month.~~ Kimble is responsible for billing and collection for commercial customers at rates to be set by Kimble, except for commercial customers requiring weekly service only, who will be invoiced by Kimble based on rates set forth in Exhibit "B" for the five year contract term, subject to price adjustment only by Section 16.2 and option year price adjustments described in Exhibit "A".

ARTICLE 6, EQUIPMENT PURCHASE: Upon execution of the Solid Waste and Recycling Services Contract, Massillon agrees to sell, transfer and assign to Kimble, and Kimble agrees to purchase from Massillon, all of the right, title and interest of Massillon in and to the assets of Massillon's solid waste department listed in Exhibit "B" (solid waste vehicles and dumpsters), at the prices set forth in Exhibit "B", free and clear of all liens and encumbrances, assuming all trucks remain in similar running and operating condition as when inspected on August 7, 2012.

ARTICLE 7, PENALTIES: ^{Penalty} ~~Deductions for~~ ^{by} payments to be made to Kimble shall be incurred at any time that Kimble does not completely perform its work. If the parties cannot agree on the amount of the ^{Penalty} ~~deduction~~, the ^{Penalty} ~~deduction~~ shall be determined by the Service Director of Massillon which decision can be contested in a court of competent jurisdiction in Stark County, Ohio.

ARTICLE 8, AMENDMENT: This Agreement may only be amended by a writing signed by both parties, which is further conditioned upon an acceptance of any amendment to this Agreement by City Council.

ARTICLE 9, CONTRACT DOCUMENTS: Shall consist of the following:

1. Legal Notice
2. Bid Specifications and Forms
3. Addendums No. 1, 2, and 3
4. Bid Proposal
5. Form of Agreement
6. Contract Bond
7. Exhibit "A"
8. Exhibit "B"

IN WITNESS WHEREOF, Massillon has hereto subscribed by the Mayor and Safety Service Director and Kimble has/have affixed his/her/their name(s).

CITY OF MASSILLON, OHIO

WITNESS:

BY: _____

Kathy Catazaro-Perry, Mayor

BY: _____

George Maier, Safety Service Director

~~CERTIFICATION OF FUNDS:~~

We hereby certify that the funds to make the within payments are available, or in the process of collection, and that said funds are not and cannot be used for any other purpose.

Date: _____

BY: _____

Director of Finance

Approved as to form and legal sufficiency.

Date: _____

BY: _____

Director of Law

SUCCESSFUL CONTRACTOR:

NAME -- Kimble Recycling & Disposal Inc.

WITNESS:

BY: _____

Keith B. Kimble, President

EXHIBIT A

Residential collection rates to be charged by Kimble to Massillon are as detailed below for services described in Section 9.2 of the bid specifications:

SERVICE	PRICE
30-gallon Bag Service with Recycling Services included	\$2.10 per bag and \$1.95 per month
Limited 95-gallon Cart Service with Recycling Services included	\$10.77 per month
Unlimited Service with Recycling Services Included	\$11.31 per month

All contract rates detailed in this Exhibit A are fixed for the five year base term of the contract, except for adjustments permitted by Section 16.2 of the bid specifications or by mutual agreement of the parties. At the expiration of the five year base term, there will be five one-year options to renew at the election of the City of Massillon. Upon exercise of the first one-year renewal option, and each subsequent one-year renewal option, all contracted rates will be adjusted according to the increase or decrease in the Consumer Price Index (CPI-U) from the previous year, not to exceed a maximum adjustment of 3%. Contracted rates for the option years may be adjusted as permitted by Section 16.2 of the bid specifications or by mutual agreement of the parties.

"Unlimited Service" is based on the following restrictions:

1. Residents are prohibited from "doubling up" service with another resident or domicile.
2. For construction projects or domicile move-outs which generate large amounts of debris, the resident must contact Kimble to schedule a roll-off at contracted rates.
3. Kimble will pick up "reasonable amounts of demolition materials/debris" that have been generated by a resident, for a cost to be charged to limited service and bag customers, and provided at no extra cost to full service customers. The intent is to provide curbside pickup of smaller amounts of demolition materials generated by the homeowner (not 3rd party contractors). On a weekly basis Kimble will remove a maximum of three 33-gallon containers (or equivalent) of demolition material at no charge for full service customers, and for additional contract charges for limited and bag customers.

Rates to be charged by Kimble to Massillon for transportation and disposal of street sweepings are as detailed below for services described in Section 9.15 of the bid specifications:

SERVICE	PRICE
12 cubic yard roll-off at the Street Department Garage to collect street sweepings	\$108.00 per haul plus \$30.00 per ton disposal, plus \$40.00 per month for container rental

Exhibit A (continued)

BID ITEM- BULKY, LARGE and EXTRA ITEMS (For Bag Service and Limited Service)

ITEM		COST
Air Conditioner (Freon must be removed by a certified company)	\$	5.00
Bags (extra)	\$	2.00 each
Bathtub	\$	5.00
Box Spring	\$	5.00
Bundle of Tree Brush (cut to 4' lengths)	\$	5.00
Carpet (Cut to 4' lengths)	\$	5.00
Chair (Wood)	\$	5.00
Couch/Sofa	\$	5.00
Dishwasher	\$	5.00
Dryer	\$	5.00
Hotwater Tank	\$	5.00
Mattress	\$	5.00
Refrigerator (Freon must be removed by a certified company)	\$	5.00
Sink (small)	\$	5.00
Stove/Oven	\$	5.00
Television	\$	5.00
Toilet and Tank	\$	5.00
Utility Tub (large sinks)	\$	5.00
Washer	\$	5.00
Additional Items:		
Extra Trash Can (33 gallon or Equivalent)	\$	2.00
Back Door Service, Bag Service (additional cost/month)	\$	8.00
Back Door Service, Limited Service (additional cost/month)	\$	12.00
Back Door Service, Unlimited Service (additional cost/month)	\$	16.00

EXTRA SERVICES:

All Bidders are required to provide additional charges for temporary dumpster service to residential customers.

Per Pull Container Charges

40 yd \$ 324.00 20 yd \$ 229.00
30 yd \$ 279.00 10 yd \$ 179.00

Explain any additional charges not included in the above per pull charge: Disposal at \$38 per ton for excess tonnage over 4 tons on a 10-yd load, 5 tons on a 20-yd load, 6 tons on a 30-yd load, or 7 tons on a 40-yd load.
Pull charge includes delivery and seven day rental.

Exhibit B

Charges for 12 cubic yard roll-off container at the City of Massillon Street Department Garage to collect street sweepings:

\$108.00 per haul plus \$30.00 per ton disposal, plus \$40.00 per month for container rental.

Charge (Monthly) for dumpster service (solid waste only), Commercial Customer participating in the City of Massillon Solid Waste and Recycling aggregate program: (Based on service 1x per week)

1 yd	\$ 30
1 1/2 yd	\$ 40
3 yd	\$ 60
4 yd	\$ 84
6 yd	\$ 108
8 yd	\$ 139

ALTERNATE BID ITEM #2 SOLID WASTE VEHICLES

YEAR	MAKE	VIN	MILEAGE	TRANS	BID PRICE/PER VEHICLE
2010	International	11HTZZAAR1BJ397976	19617	AUTO	\$ 73,000
2008	Freightliner	1FVAC7DT69HAG2079	44858	AUTO	\$ 46,500
2006	Freightliner	1FBHCYC516HW87767	76191	AUTO	\$ 34,000
2006	Freightliner	1FVHCY536HW87768	75357	AUTO	\$ 25,300
2003	Freightliner	1FBACYCS24HM42166	82236	AUTO	\$ 16,500
2003	Freightliner	1FVACYCS04HM42165	105151	AUTO	\$ 16,500
2000	international	1HTSDAAR2YH309677	96260	STK	\$ 2900

NOTE:

These Vehicles are subject to be relinquished to the highest bidder, provided approval by City Council entering into agreement/contract with a Contractor for the City of Massillon Solid Waste and Recycling aggregate project.

Vehicles may be inspected at the City of Massillon Street Department Garage 415 Walnut Road SW.

Maintenance records may be obtained by contacting the City of Massillon Street Department office 330-833-5746.

ALTERNATE BID ITEM #3 SOLID WASTE DUMPSTERS

SIZE	BID PRICE/PER UNIT
1 yard	\$ 75
1 1/2 yard	\$ 100
3 yard	\$ 125
4 yard	\$ 150
6 yard	\$ 200

NOTE: These dumpsters are subject to be relinquished to the highest bidder, provided approval by City Council entering into agreement/contract with a Contractor for the City of Massillon Solid Waste and Recycling aggregate project.

CITY OF MASSILLON - BID FORM

© Bricker & Eckler LLP 2009 - The unauthorized copying and/or distribution of this form is prohibited

BF-C

DATE: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 109 - 2012

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, to enter into a Memorandum of Understanding with the City of Canal Fulton, for the purpose of issuing all building permits, performing all inspections and all plans review necessary relating to the permits issued, 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 for the Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, to enter into a Memorandum of Understanding with the City of Canal Fulton, for the purpose of issuing all building permits, performing all inspections and all plans review necessary relating to the permits issued

Section 2:

The Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, to enter into a Memorandum of Understanding with the City of Canal Fulton, for the purpose of issuing all building permits, performing all inspections and all plans review necessary relating to the permits issued. The residents and businesses of Canal Fulton will pay the same permit fees as the residents and businesses of Massillon along with a surcharge on permits issued in the amount not to exceed Three Dollars (\$3.00) per permit in lieu of a mileage charge. The City of Canal Fulton will pay the City of Massillon a fee of Four Thousand Dollars (\$4,000.00) to cover the cost incurred by the City of Massillon for software, forms and data base to add Canal Fulton to the Massillon system. This fee will be paid in two (2) equal installment payments.

(SEE ATTACHED CONTRACT HERETO)

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 additional reason that the City of Canal Fulton has requested the Massillon Building Department to issue building permits to their residents and businesses. 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

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITIES OF
CANAL FULTON AND MASSILLON

The City of Canal Fulton desires to contract with the city of Massillon to act as their building department and Massillon desires to act as Canal Fulton's building department.

The city of Massillon will issue all building permits, perform all inspections connected with the permits issued, and will perform all plans review necessary for the issuance of building permits.

The residents and businesses of Canal Fulton will pay the same permit fees as the residents and businesses of Massillon plus a surcharge on permits issued in an amount not to exceed \$3.00 per permit, (In lieu of a mileage charge.)

The Massillon IT department will incur expenses in the amount of \$4000.00 to add Canal Fulton to their data system: this will cover the cost of designing the necessary software, forms, and data base to add Canal Fulton to the Massillon system.

Massillon agrees to permit Canal Fulton to pay the \$4000.00 fee in two payments of \$2000.00 down and the balance in six months from start of service.

Canal Fulton desires to make this agreement effective as of January 1, 2013 or as soon as possible after that date.

The Canal Fulton Zoning Department will provide to the Massillon Building Department a copy of all Zoning Certificates that will require a building permit and the Massillon Building Department will provide to the Canal Fulton Zoning Department a copy of all permits issued. (This transfer of records can be done electronically.)

All fines for building code violations will be confirmed through the Canal Fulton Zoning Office before processing.

For the City of Massillon:

For the City of Canal Fulton:

Katherine Catazaro-Perry, Mayor

Richard Harbaugh, Mayor

William L. Kraft, Chief Building Official

Mark Cozy, City Manager

DATE: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 110 - 2012

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a sixty month service agreement with Massillon Cable TV, Inc., upon award and approval of the Board of Control, on all City Government telephone lines, 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 a sixty month service agreement with Massillon Cable TV, Inc., on all City Government telephone lines.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a sixty month service agreement with Massillon Cable TV, Inc., on all City Government telephone lines. Massillon Cable TV will provide the necessary installation and phone equipment for the Wastewater Treatment Plant, Fire Stations, City Garage, The Red Center, City Hall/Government and Justice Center and the City Annex Building. A copy of said terms and conditions are attached hereto.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that the service agreement is signed in time manner to prevent any interruption in the city's phone service. 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



Contract Agreement

Massillon Cable TV, Inc. & The City of Massillon

Massillon Cable TV, Inc. (provider/seller) and The City of Massillon (User) agree to enter into this 60 month Service Agreement for phone service via 2 PRI's and 18 copper lines or equivalents and related NEC phone equipment for phone service under the following terms and conditions:

- 1. Prices:** City of Massillon agrees to pay Massillon Cable TV \$2900.00 (two thousand nine hundred dollars) a month (MRC) plus long distance and operator assisted call fees, to be billed monthly.
- 2. Terms:** All equipment and materials will remain the property of the seller until the completion and final payment of the 60 month agreement. Upon completion of the agreement Massillon Cable TV will donate all NEC Phone equipment to the City of Massillon at no cost.
- 3. Warranty:** Unless otherwise stated, all equipment, which, under normal operation or service, proves defective in material or workmanship, will be repaired or replaced, free of charge during a period of 60 months, from the date of installation of equipment. Repair or replacement by other, time, transportation and labor charges, indemnity, etc. are not covered by this warranty and no responsibility for same will be assumed by Massillon Cable TV unless prior written authorization is obtained from Massillon Cable TV.
- 4. Early Termination:** Should User wish to terminate this agreement prior to the agreed upon terms the User will be responsible for the remainder of the unfulfilled term of the agreement. Such payments will be due and payable immediately.
- 5. Included Buildings & Equipment:** Massillon Cable TV will provide the necessary installation and phone equipment for the Waste Water Treatment Plant, City Garage, 3 Fire Stations, The Red Center, City Hall/Government and Justice Center and City Annex building which contains the Mayor's Office, City Engineer, City Safety Service Director, etc. Please see addendum A for a proposed list of equipment. This list is not all inclusive, and Massillon Cable TV retains the right to change the type and quantity of equipment as deemed appropriate by Massillon Cable TV.

Massillon Cable TV, Inc.

Signature

Name & Title

Date

City of Massillon

Signature

Name & Title

Date

NEC

Empowered by innovation

UNIVERGE® SV8100 Communications Server

Configured for 2 PRI (or 48 SIP Trunks), 16 VM ports, 44 Analog Ports, and 240 Digital Ports.



The UNIVERGE SV8100 Communications Server is a robust, feature-rich and scalable system that is ideal for businesses. It is designed to provide converged communications – data, multimedia and voice – over one network. A rich suite of advanced applications improves efficiency and business processes using voice, email,

Instant messaging, SMS, IP telephony, voicemail and video-conferencing.

Mobility enables flexible working practices and allows users to work smarter. Collaboration tools will make your employees more productive and more responsive to customers' inquiries. Wherever users are located, they will be more accessible using IP phones, WLAN and web-based applications.

Windows®-based PC Pro provides centralized online HTML-based programming access. With this intuitive browser software and its easy-to-follow wizards, programming is simplified and the time needed to complete it is significantly reduced. Six-slot, 19" stackable chassis architecture • 512 stations • 200 trunks

EQUIPMENT LIST:

- (1) UNIVERGE SV8100 Communications Server
 - (1) SV8100 Base Cabinet and Processor (128 IP Package)
 - (2) SV8100 Base Cabinet and Processor (32 IP Package)
 - (2) Expansion Cabinets with Connection Kit
 - (1) System License Upgrade to 256 ports
 - (1) System License Upgrade to 712 ports
 - (1) Netlink2 System License (Networking License between systems)
 - (2) 16LCAH- 16 Port Analog Station Card (for faxes, credit card machines, etc)
 - (1) 8LCAH- 8 Port Analog Station Card (for faxes, credit card machines, etc)
 - (1) 4LCAH- 4 Port Analog Station Card (for faxes, credit card machines, etc)
 - (2) PRTA PRI Card (or 48 Sip Trunk talk paths)
 - (13) 16DLCA 16 Port Digital Station Card
 - (4) 8DLCA 8 Port Digital Station Card
 - (1) 8COTBH- 8 Port CO Card (for backup Copper Lines)
 - (2) 4COTBH- 4 Port CO Card (for backup Copper Lines)
 - (157) DTL 24D 24 button Digital telephone with LCD display and hands free speakerphone
 - (4) ITL 24D 24 button VOIP telephone with LCD display and hands free speakerphone
 - (4) AC-L Local Power Supply for VOIP Phones
 - (3) Polycom Analog Expandable Conference Phones
 - (1) NEC UM8000 16 Port Voicemail with Auto Attendant Feature and 550 hours of storage
 - (1) UMS Client 50 Licenses (Voicemail to Email Licenses)
 - (5) Internal System Battery Backup
 - (1) Warranty upgrade to 5 year parts and 5 Year Labor NEC Promotion
 - (1) 5 year Connect USA VAC program Connect USA Promotion
 - (1) 5 Year NEC Software Assurance program Connect USA & NEC Promotion
 - (1) Installation, programming, user guides and customer training.

DATE: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT \

ORDINANCE NO. 111 - 2012

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE:

TITLE: AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by deleting Section 121.02(r) Rule 73 "Unclassified Rules", 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, desired to delete Section 121.02(r) Rule 73 "Unclassified Rules" of Chapter 121 "COUNCIL", of the Codified Ordinances of the City of Massillon.

Section 2:

There be and is hereby deleting Section 121.02(r) Rule 73 "Unclassified Rules" of Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

That this Ordinance is hereby declared to be an emergency measure necessary for the efficient operation of Massillon City Council. 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: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 112 - 2012

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE:

TITLE: AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(r) Rule 72 "Unclassified Rules", 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, desired to amend Section 121.02(r) Rule 72 "Unclassified Rules" of Chapter 121 "COUNCIL", of the Codified Ordinances of the City of Massillon.

Section 2:

There be and is hereby enacted a new Section 121.02(r) Rule 72 "Unclassified Rules" of Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

Rule 72:

Each member of Council shall maintain a telephone line with a telephone number kept on file with the Clerk of Council to enable the public to contact individual members of Council.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

That this Ordinance is hereby declared to be an emergency measure necessary for the efficient operation of Massillon City Council. 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: NOVEMBER 5, 2012 CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 113- 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-172-6.72 Bridge Repair Project, PID 93686, 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-172-6.72 Bridge Repair Project, PID 93686.

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-172-6.72 Bridge Repair Project, PID 93686. The State has identified the need to repair the bridge over SR 21, Tuscarawas River, and the railroad located within the Corporate Limits of the City of Massillon. 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:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that 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-172-6.72 Bridge Repair 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2012

APPROVED: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED _____

KATHERINE CATAZARO-PERRY, MAYOR

CONSENT LEGISLATION

RC 5521.01

Ordinance/Resolution# _____

PID No. 93686

County/Route/Section STA-SR172-6.72

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:

Repair on bridge over SR21, Tuscarawas River and the railroad within the City limits

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 - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

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

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) _____
and certificate of publication thereof are of record in _____ Page _____
(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: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 114 - 2012

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety and the Director of Law of the City of Massillon, Ohio, to sign the Snow and Ice Removal Agreement with Tuscarawas Township, 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 Snow and Ice Removal Agreement with Tuscarawas Township.

Section 2:

The Director of Public Service and Safety and the Director of Law of the City of Massillon, Ohio, is hereby authorized to the Snow and Ice Removal Agreement with Tuscarawas Township.

(SEE ATTACHED EXHIBIT "A")

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance.
~~Corrected copies are to be sent to all official recipients.~~

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that it is necessary to sign the Snow and Ice Removal Agreement with Tuscarawas Township before the winter season begins. 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

SNOW & ICE REMOVAL AGREEMENT

Various Roadways

This Agreement is made and entered into this _____ day of _____, 2012, by and between the City of Massillon, hereinafter referred to as the CITY, duly authorized by Ordinance _____ passed on the _____ day of _____, 2012, and the Tuscarawas Township Trustees, hereinafter referred to as the TOWNSHIP, duly authorized by a Resolution adopted on the _____ day of _____, 2012.

WHEREAS, there is currently located at various locations, roadways that enter and exit both the CITY and the TOWNSHIP which the parties believe there is a need for cooperation for the effective removal of snow and ice; and

WHEREAS, inasmuch as the roadways currently lie within the CITY and within the TOWNSHIP, and the CITY and the TOWNSHIP will each have certain responsibilities toward the snow and ice removal 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 locations of snow and ice removal; and

WHEREAS, it is in the best interests of the CITY and the TOWNSHIP to cooperate in the removal of snow and ice of various locations; and

WHEREAS, pursuant to ORC 715.02 and 5557.02, and 5557.03, the CITY and the TOWNSHIP have the authority to enter into said Agreement; and

NOW THEREFORE, in consideration of the covenants and agreements contained herein, it is mutually agreed by and between the parties as follows and is also shown on the attached map labeled as Exhibit #1:

Nothing in this 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.

This agreement shall be in effect indefinitely and may be modified or terminated by written notice by either party. 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 _____, 2012.

CITY OF MASSILLON, OHIO

BY: _____

George T. Maier
Director of Public Service and Safety

Approved as to form
and legal sufficiency:

Pericles Stergios - Law Director
City of Massillon, Ohio

TUSCARAWAS TOWNSHIP TRUSTEES

John Speicher, Trustee

Terrence Hemperly, Trustee

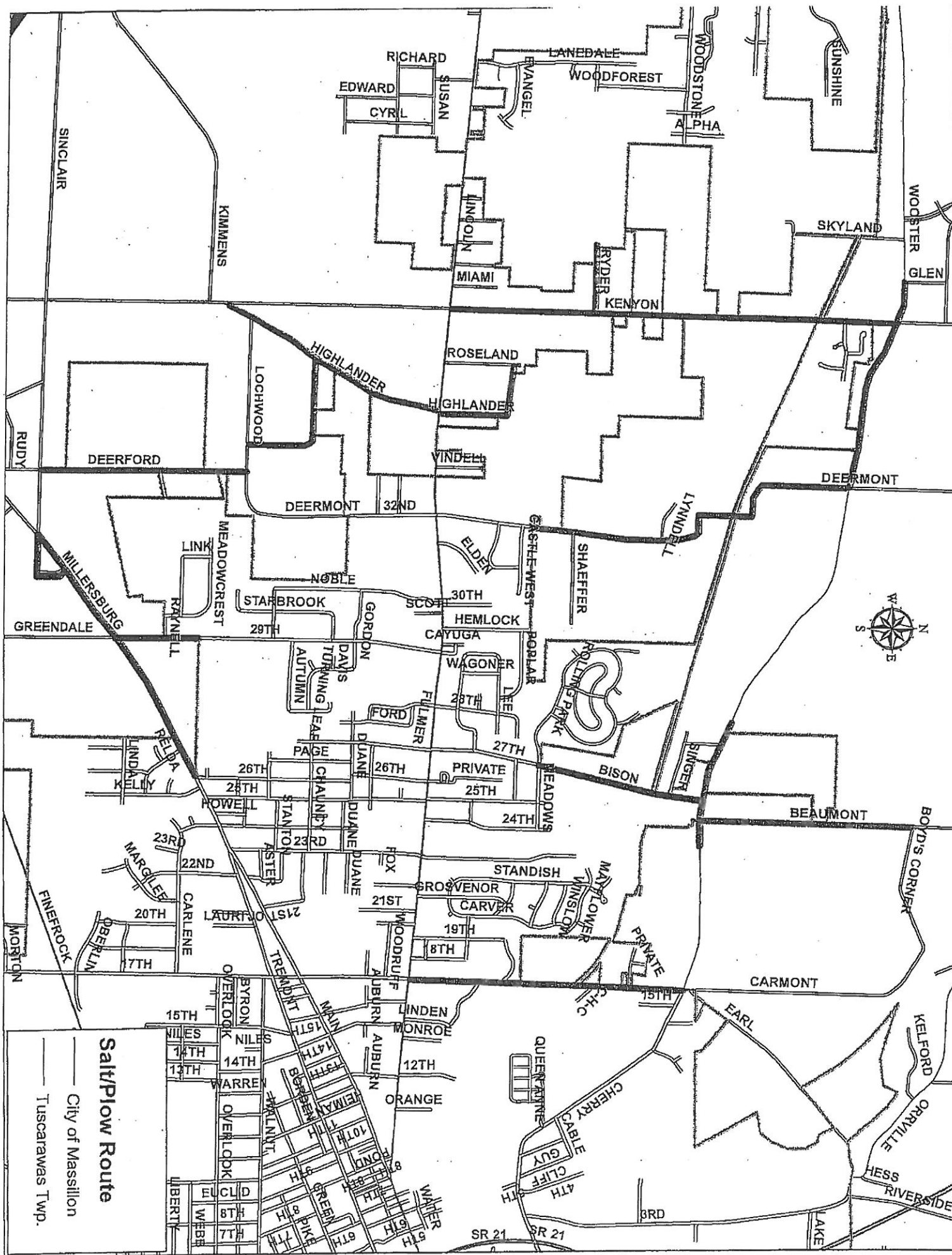
Gerald Hollinger, Trustee

Approved as to form
and legal sufficiency:

Law Director
Tuscarawas Township, Ohio

**CITY OF MASSILLON/TUSCARAWAS TOWNSHIP
SHARED ROADS**

ENTITY	STREET	FROM	TO
Twp	Beaumont Avenue	North	Wooster Street
Twp	Ben Fulton Avenue	Wooster Street	Lincoln Way West
Twp	Bonnie Brae Drive	Lochwood Street	Highlander Avenue
Twp	Culverne Avenue	North	Lincoln Way West
Twp	Deerford Avenue	Lochwood Street	Sinclair Street
Twp	Deermont Avenue North	Wooster Street	Corporation Limits
Twp	Highlander Avenue North	Northcrest Street	Lincoln Way West
Twp	Highlander Avenue South	Kenyon Avenue	Lincoln Way West
Twp	Kenyon Avenue North	Wooster Street	Lincoln Way West
Twp	Northcrest Street	Roseland Avenue	Highlander Avenue
Twp	Ryder Avenue	West	Kenyon Avenue
City	Bison Avenue	Cherry Road	Corp Limits
City	Greendale Avenue	Millersburg Road	Corp Limits
City	Millersburg Road	Clementz Road	City Limits
City	17th St SW	Cherry Road	Lincoln Way West



DATE: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 115 - 2012

BY: STREETS, HIGHWAYS, SAFETY AND TRAFFIC COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 339 "COMMERCIAL AND HEAVY VEHICLES" of the Codified Ordinances of the City of Massillon, and enacting new Subsection 339.13 "APPLICATION FOR SPECIAL HAULING PERMIT", and declaring an emergency.

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

Section 1:

Existing Chapter 339 "COMMERCIAL AND HEAVY VEHICLES" is hereby amended by enacting new Subsection 339.13 "APPLICATION FOR SPECIAL HAULING PERMIT" of the Codified Ordinances of the City of Massillon. Said newly enacted Subsection shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 further reason that this change to the code will put an application process in place for special hauling permits. 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.

Application for Special Hauling Permit **Massillon City Engineer**

Company Name: _____

Address: _____

Phone # _____ Fax # _____

Permit Requested By (contact name): _____

Start Date: _____ End Date: _____

Permit Type (indicate one):

- _____ Trip & Return (Required for overweight loads. New permit req'd for each move)
- _____ Annual over width (per truck)
- _____ Annual over width (fleet-up to five)
- _____ Construction
- _____ Special

Load to be transported: _____

State of Ohio Permit No. (If applicable): _____

Vehicle and Load Information

Vehicle	Make	License	State	Weight	#Axles	Length	Width	Height
Truck (Power Unit):								
Trailer:								
Other:								
Rear Overhang:								
Load:								
OVERALL:								

Axle Load Information

Axle Number	1	2	3	4	5	6	7	8	9
Tires/Axle:									
Axle Weight:									
Tire Width:									
Axle Spacing:									

Route Information (include location address):

Move To: _____ Move To: _____

Route _____

In addition to this permit applications, applicant to submit the following items

1. Insurance Certificate
2. Surety Bond (if applicable)
3. Copy of State of Ohio Permit (if applicable)

GENERAL PROVISIONS

1. The granting of this permit does not guarantee that the load described can be moved without damage to the pavement or structures although the permit shall be granted on the assumption that the load can be moved without damage, based on the best information available.
2. Permit tee will be held liable for any damage caused by the movement. City of Massillon assumes no responsibility for damage to the permit tee's equipment or load being moved due to any such failure. The permit tee agrees to compensate City of Massillon for any damages, or proceedings of any kind and from all responsibility for personal injury or property damages (public or private) caused directly or indirectly as a result of the transportation of said vehicle(s) or objects(s).
3. The applicant must file a bond or certificate of liability insurance, showing that he has procured an adequate bond or insurance to cover the provisions of paragraph two.
4. No vehicle(s) or object(s) in excess of the legal limits prescribed bylaw shall be permitted on the roadways on Saturdays, Sundays, or Holidays, and no movement shall be started that cannot be completed before sunset on Friday or the day preceding a Holiday.
5. All Vehicle(s) operating under this special hauling permit shall be manned by two or more operators or drivers. The permit shall be in the possession of the driver at all times during the progress of transportation and will be shown on demand to any police officer, state highway patrolman, sheriff deputies or employee of the City of Massillon Street Department.
6. No Vehicle(s) or Objects(s) being transported under the special hauling permit shall be left parked on the roads of the City of Massillon either day or night, except in case of an emergency, in which case adequate protection shall be provided for the traveling public. The vehicle(s) shall not be loaded or unloaded within the traveled limits of the roadway without special permission from the City of Massillon Director of Public Service and Safety.
7. Movements under this special hauling permit shall be made during daylight hours only and in such a manner as to impede to the least possible extent the normal roadway traffic. Flagmen shall be furnished by the permit tee to protect and direct traffic when necessary due to limited sight distance or other hazards.
8. All construction equipment and other machinery shall have attached thereto a plate showing the manufacturer's name and the model.
9. In the case of non-compliance with the provisions of this permit, it shall immediately be considered void and the operator of the vehicle(s) subject to arrest.
10. The operator of the vehicle(s) must comply with all laws, rules or regulations governing the movement of traffic over highways and streets.
11. The permission granted restricts the movement of the vehicle(s) or objects(s) to the roads specified between the points designated, and within the time allotted.
12. The issuing of this permit is not to be construed as making mandatory the granting of other permits when at the discretion of the City Engineer the route specified is considered incapable of withstanding the burden that would be imposed or too narrow to safely accommodate normal traffic in conjunction with the proposed excess load.
13. A permit is void at any time road, weather, or traffic conditions make travel unsafe.
14. Reductions in legal weight posted on roadways or bridges must be obeyed.
15. A permit will not be issued for built-up loads that are dividable into legal loads.
16. Non-compliance with the general or special provisions of a permit, exceeding the weights or dimensions granted, or operating on dates or upon roads other than assigned shall render the permit null and void and the operator of the vehicle(s) subject to arrest, as provided in Chapter 5577 of the Ohio Revised Code.

Under City of Massillon regulations, Inspectors are responsible for checking the proposed routes, examining the roadways and structure conditions, and reviewing the information listed on the permit applications. City of Massillon Special Hauling Permits are given with the understanding that with approval, or special requirements, the move can be made without causing damage to roadways, bridges, and culverts, or without causing unnecessary inconvenience to the traveling public. Review time is governed by the amount of weight and size of the vehicle(s) or loads to be moved, together with the length of the proposed route, and the impact the move will have on the roadway.

Permit Fees:

Trip & Return	\$ 35.00	Annual Over width/Height (per truck)	\$ 35.00
Annual Over width/Height (fleet of over 5 trucks)	\$150.00	Failure to Obtain Permit	\$ 35.00
Non-Notification Charge	\$ 50.00	Construction	\$ 35.00
Escort (per hour per car/officer)	\$ 30.00	Special	\$ 35.00

Inspection Fees: \$35.00/hr

A Certificate of Liability Insurance is required. Limits of not less than \$500,000 bodily injury, \$1,000,000 each occurrence and \$500,000 property damage liability. An excess umbrella liability policy of \$1,000,000 or greater will be considered acceptable if the above limits are not met by the applicant. A Special Contractual Endorsement shall be attached to the Certificate of Liability Insurance.

A Surety Bond, certified check, or approved escrow account is required. All Surety Bonds must be on the form prepared by the City of Massillon. The amount will be determined by the Massillon City Engineer's Permit Coordinator.

Permits require a minimum of 24-hours' notice prior to move. Please note, that if less than 24-hours' notice is given, the permit may be denied.

SPECIAL PROVISIONS
(When Circled)

1. Display clean red flags not less than 16" square and fastened to staffs of sufficient length so as to permit the flags to move freely of any obstructions, located as follows: One at each end of the front bumper at a 45° angle, one at each of the four corners of the vehicle(s) or load, and if there is any part of the load wider, one at the widest point on either side.
2. One Law enforcement vehicle escort.
3. Two Law Enforcement vehicle escorts.
4. Long Load signs to be attached to front and rear of vehicle(s) or load.
5. Wide Load signs to be attached to front and rear of vehicle(s) or load.
6. Other _____

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT I AM THE APPLICANT OR HIS/THEIR LEGALLY AUTHORIZED REPRESENTATIVE AND THAT THE STATEMENTS MADE IN THE FOREGOING APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

(Signature of Applicant)

(Date)

Dated at _____ Ohio, this _____ day of _____, 20____

(City Engineer)

POLICIES AND PROCEDURES FOR THE ISSUANCE OF SPECIAL HAULING PERMITS ON CITY OF MASSILLON MAINTAINED ROADWAYS.

(1) General.

- (a) The procedures set forth herein shall serve as a guide in establishing a uniform method for the application of regulations governing the issuance of permits to operate or move vehicles or combinations of vehicles of a size or weight of a vehicle or load exceeding the maximums as specified in Chapter 5577 of the Ohio Revised Code or Chapter 339 of the Massillon Codified Ordinances on or across any and all Massillon City maintained roadways and/or appropriate City maintained highways.
- (b) Issuance of City of Massillon Special Hauling Permits shall apply only to City of Massillon maintained roadways and streets.
- (c) Requests for City of Massillon Special Hauling Permits must be made in accordance with the policies and procedures as set forth in this ordinance. Applicants are advised that these permits cover the City of Massillon maintained streets and roadways. Permits to move over state highways must be obtained from the Ohio Director of Transportation.

(2) Application of permit.

- (a) Application for City of Massillon Special Hauling Permit forms are available at the office of the Massillon City Engineer, 151 Lincoln Way East, Massillon, Ohio, 44646.
- (b) Completed applications containing all required information as outlined on the application form shall be returned to the Massillon City Engineer's Office for processing.
- (c) All applications must contain a detail drawing showing the exact axle spacing and weights. The form must be complete, even if the permit is not for an overweight movement.
- (d) Applications shall bear the signature and the title of the person (or his/her authorized representative) assuming full responsibility for the proposed move.

(3) Application review and site inspection.

- (a) After receiving the application, the City Engineer's Office will review the form for completeness. The City Engineer or his authorized representative will inspect the proposed route, examining the roadway and structure conditions.
- (b) Review time will be governed by the amount of weight and size of the vehicles or loads to be moved together with the length of the proposed route and the impact the move will have on the roadway(s). Generally seven (7) working days should be allowed for processing any application.
- (c) If, after reviewing the application and inspecting the proposed route, the City Engineer's Office determines that the proposed move would materially affect the appearance, operation or maintenance of the roadway, a conference will be scheduled to discuss possible revisions to the proposed route and/or reductions in size and weight of the load.

(4) Bonds and insurance.

Prior to issuance of a City of Massillon Special Hauling Permit, the applicant will be required to furnish the following:

- (a) Liability Insurance: A Certificate of Liability Insurance with limits of not less than \$500,000 bodily injury liability, \$1,000,000 each occurrence and \$500,000 property damage liability. If the applicant does not have specified insurance limits but has an excess umbrella liability policy of \$1,000,000 or greater, the excess liability policy shall be considered as acceptable insurance coverage.

There shall be a Special Contractual Endorsement attached and filed with the Certificate of Liability Insurance (see Appendix 1 of this section).

- (b) Surety Bond: A Surety Bond, certified check, or approved escrow account is required in an amount sufficient to pay for all damages that may occur to all City of Massillon maintained roadways, bridges, and culverts. All Surety Bonds must be submitted on forms prepared by the City of Massillon and available through the Massillon City Engineer's Office (see Appendix 2 of this section).

(5) Issuance of permits.

- (a) After all necessary insurances, bonds, certified checks, or approved escrow accounts have been posted and after both the applicant and the City Engineer have agreed on the time of the move and the route, the City Engineer, acting as the representative of the City of Massillon, may issue the permit.
- (b) The Massillon City Engineer, acting under the authority of the Director of Public Safety and Service of the City of Massillon, may issue a permit, reject the application, or request a revised application be submitted.
- (c) Issued permits will be on the form approved by the City of Massillon Engineer's Office and signed by the Massillon City Engineer.
- (d) City Permits will become void thirty (30) days after issuance or as noted on each permit.

(6) Renewal of permits.

- (a) A written request for renewal of a City of Massillon Special Hauling Permit will be processed upon receipt of the permit fee and appropriate application paperwork.
- (b) A City of Massillon Special Hauling Permit will not be renewed if inspection of the proposed route would now indicate movement cannot be made without causing damage to roadways, bridges, or culverts, or without causing unnecessary inconvenience to the traveling public.

(7) Types of City of Massillon Special Hauling Permits.

- (a) Trip and Return: This permit is for overweight loads to travel to and from a single location. Tire sizes, axle weights, axle numbers, load weight, gross weight, tractor and

trailer empty weights, types and license numbers will be required. All axle weights must still be legal as stated in the Ohio Department of Transportation's Special Hauling Rules and Regulations. The applicant MUST call prior to moving in or out of the site. The permit will not be valid if no call is made to the Massillon City Engineer's Office prior to each and every move.

- (b) Annual Over width: This permit covers legal weight loads that are from 8'6" up to and including 12' width. A single permit will cover the tractor and any trailers or legal loads that fall within this gross width for a period of one year. The applicant is required to call the Massillon City Engineer's Office prior to each move in order for the Massillon City Engineer to approve the route and decide whether an escort will be needed for the move. The permit is not valid if no call is made to the Massillon City Engineer's Office prior to each and any move.
- (c) Construction Permit: This permit provides a company undertaking a project to permit the oversized loads going to and from a project on a specified route for a specified period of time. A permit is needed for each tractor/trailer and load and a call must be made notifying the City Engineer's Office of moves each day.
- (d) Special Permits: Permits that require special conditions will be reviewed by the Massillon City Engineer's Office and any special arrangements, routing, bonds, escorts, videoing of the roadway, contact with utilities, etc., will be made with the applicant and all applicable parties. Each permit will be reviewed individually to determine what arrangements will need to be handled and whether the permit will be granted. An example of a special move is a "Super Load" or building/house move.
- (e) The aforementioned four (4) types of Special Hauling Permits will each be reviewed by the Massillon City Engineer, and determined if an escort, Massillon Police, is required.

(8) Applicant's responsibilities.

- (a) The applicant is responsible for following all safety requirements listed under the Ohio laws such as signs, flaggers, escorts, axle weights, etc. The applicant is also responsible for any additional safety requirements listed by the Massillon City Engineer's Office to insure a safe move.
- (b) The applicant is responsible for the safety and accessibility of the destination. The roadway and site must be kept clear of all materials and obstacles to the traveling public during the entering of any site. Access to the site should be easily accessible and inspected prior to the movement of the vehicle and load.

(9) General information on fees.

- (a) A fee payable to the City of Massillon will be charged to cover the cost of issuing a permit and inspecting the roadway and structures before, during, and after the permitted movement.
- (b) An application for a City of Massillon Special Hauling Permit must be accompanied by the permit fees.
- (c) The amount of the fees will be established by the Massillon City Council in Massillon Codified Ordinances.

(10) Inspection fees.

- (a) The permit holder will be responsible for all inspection fees charged for the movement of a load.
- (b) An inspection fee will be charged when an inspector is required to perform inspection at a time other than normal working hours. All inspection fees billed for an inspection at a time other than normal working hours will be billed at one and one-half times the current inspection rate.
- (c) Normal working hours are 8:30 a.m. to 4:30 p.m. Monday through Friday. No movement of an oversize and/or overweight load may be made on State Routes on a Saturday, Sunday, or a legal holiday as established by the Ohio Revised Code, or on a City roadway, unless the Massillon City Engineer's Office gives permission. The inspection fee will be billed at one and one-half times the current inspection rate if an inspector is required for an approved move during other than normal working hours.
- (d) An inspection fee will also be charged if the inspector is required to wait longer than one hour for the load to arrive or commence movement at the specified meeting time and location. The permit holder will be billed for all time exceeding one hour at the current inspection fee rate.
- (e) All permit fees and charges, plus proof of bonds and insurance, must be filed with the City of Massillon prior to permit issuance by Massillon Engineer's Department..
- (f) Permits pulled for violation by any law enforcement officer may require the applicant to re-apply and submit an additional permit fee for any City of Massillon Special Hauling Permit. Repeated violations, misrepresentations of the facts, or omissions of facts may result in the refusal of further permits being issued to the applicant.

CITY OF MASSILLON SPECIAL HAULING PERMIT

Appendix 1

CONTRACTUAL ENDOSEMENT

It is hereby understood and agreed that the policy to which this endorsement forms a part is extended to cover the contractual agreement between the Named Insured and the City of Massillon in relation to the City of Massillon Special Hauling Permit issued by the City of Massillon, of which paragraph 2 is quoted herein.

"Permit tee will be held liable for any damage caused by the movement. The City of Massillon assumes no responsibility for damage to the permit tee's equipment or load being moved due to any such failure. The permit tee agrees to compensate the City of Massillon for any damage to a roadway or road structure and also to hold the City of Massillon and its employees harmless from all claims, damages, or proceedings of any kind and from all responsibility for personal or property damages (public and private) caused indirectly or indirectly as a result of the transportation of said vehicle(s) or object(s), except to the extent that the negligence of the City of Massillon is a proximate cause of the accident."

The applicant will file a Certificate of his/her Liability Insurance showing that he/she has procured adequate insurance to cover the provisions of paragraph 2.

The insurance afforded by this endorsement is only with respect to the following Coverage and Limits of Liability.

COVERAGE	LIMITS OF LIABILITY
Contractual Liability	Each occurrence - \$ 500,000 Property Damage
	\$ 500,000 Bodily Injury to One Person
	\$1,000,000 Bodily Injury to All Persons
	Injured in Any One Accident

Effective Date of Endorsement _____ Effective Date of Policy _____

Date Endorsement Issued _____ Expiration Date _____

This Endorsement is subject to the terms, conditions, limitations, and agreements of the policy to which it is attached insofar as the same are not consistent with the specific undertakings of this Endorsement. In the event of the cancellation of this policy, a minimum of ten (10) days written notice will be given to the City of Massillon Engineer's Department, prior to the expiration date of the policy.

This Endorsement, when countersigned by a duly-authorized agent and attached to Policy Number _____, issued to _____ shall be valid and form a part of said policy.

Countersigned at _____ this _____ day of _____.

(Company Name)

(Officer Signature)

(Authorized Agent)

CITY OF MASSILLON BOND

Covering Any and All Permits Issued to Principal for Movement of Excess Loads Over City Roadways

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, being

_____ of _____ as
principal, and _____ of _____ as
surety, are hereby held and firmly bound unto the CITY OF MASSILLON in the penal sum of

_____ good and lawful
money of the United States, for the payment of which well and truly to be made, we hereby jointly
and severally bind ourselves, our heirs, executors, administrators, successors and assigns, by these
presents.

WHEREAS, the above-named principal has made application to the City of Massillon for a permit to
move one or more loads in excess of the legal limitation over certain City of Massillon roadways and
may make further applications, and as a condition precedent to granting such applications, the City
of Massillon has established the requirements of the furnishing of a penal bond in the sum of
_____ by the applicant.

KNOW, THEREFORE, the condition of the above obligation is such that if the above named principal
shall move the load(s) described in any and/or all of the applications filed by the above-named
principal on and after the date of the execution of this obligation over the City of Massillon
roadways, bridges, and culverts in the manner prescribed in the permit, therefore duly issued by the
said City of Massillon, and shall well and truly pay for all damages to said roadways, bridges, and
culverts, which are and/or may be caused by the movement of such load(s) by the above-named
principal over or upon the roadways, bridges, and culverts of the City, and all other claims for
damage lawfully accruing in favor of the City of Massillon resulting therefrom, and any fines or
penalties to which the said principal shall become liable to pay, and shall save the City of Massillon
harmless in and/or from any and all suits, claims for damages and/or proceedings arising out of the
movement or movements of any of said excess load(s) over said roadways, bridges, or culverts, and
shall observe all terms and conditions of the permit or permits or any of them issued to said
principal on/and after the date of this obligation, then this obligation to be void, otherwise to
remain in full force and effect.

PROVIDED, HOWEVER, that the said surety may cancel this bond at any time by giving FIFTEEN (15) DAYS notice in writing, by Registered United States Mail, addressed to the City of Massillon Engineering Department, 151 Lincoln Way East, Massillon, Ohio, 44256, and that FIFTEEN DAYS AFTER the actual receipt by the City of Massillon of such written notice, there shall be no further liability to the surety for defaults hereunder, provided, however, that the service of such written notice shall not be construed to waive, release, or forego any obligation which may have arisen prior to the effective date of such written notice.

IN WITNESS WHEREOF, we have hereunto set out hands and seal this _____ day of _____, A.D. _____ Signed _____

Principal
Name _____

Title _____

(For Use Where Principal is a Corporation)

CERTIFICATE – This is to certify that the Board of Directors of _____ by Resolution duly adopted on _____ day of _____, A.D. _____ did authorize _____ being _____ of said corporation to sign the name of said corporation to a surety bond in sum of _____ payable to the City of Massillon for damage resulting from the movement of excess load(s) over the roadways, bridges, and culverts of said City.

Corporation Name

By _____

Secretary

Signed _____

Surety

Title _____

DATE: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.116 – 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Park Fund, 2105 Stormwater Utility Fund, ADR Fund, Safety Forces Improvement Fund and the Shearer's Foods Infrastructure 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 Park Fund, for the year ending December 31, 2012 the following:

\$32,483.68 to an account entitled "Park Equipment" 1234.505.2530
\$13,000.00 to an account entitled "Services & Contracts" 1234.505.2392

Section 2:

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:

\$20,000.00 to an account entitled "Storm Sewer Repairs" 2105.425.2510
\$ 5,000.00 to an account entitled "Salt Storage Structure" 2105.435.2511
\$ 900.00 to an account entitled "Supplies & Materials" 2105.435.2410

Section 3:

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

\$13,485.00 to an account entitled "Salary" 1242.125.2110
\$ 2,317.00 to an account entitled "PERS" 1242.125.2230
\$ 2,800.00 to an account entitled "Hospitalization" 1242.125.2210
\$ 227.00 to an account entitled "Medicare" 1242.125.2231

Section 4:

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

\$5,900.00 to an account entitled "Equipment" 1205.125.2530

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Shearer's Foods Infrastructure Fund, for the year ending December 31, 2012 the following:

\$51.66 to an account entitled "County Collection Fees" 1422.905.2393

Section 6:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 7:

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: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.117 – 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1206 Municipal Road 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 1206 Municipal Road Fund, for the year ending December 31, 2012 the following:

\$16,000.00 to an account entitled "Services & Contracts" 1206.420.2392

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 118 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the TIF Service Payment Fund, Tax Increment Fund, Menards Inc. Infrastructure Fund, Inn at University Village Fund, Faircrest Properties Infrastructure Fund, Bond Retirement Lincoln Center Fund and the OPWC Loan Payments 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 TIF Service Payment Fund, for the year ending December 31, 2012, as follows:

\$9,898.60 from an account entitled "School District TIF's" 3109.905.2379
\$4,471.39 from an account entitled "Developer TIF's" 3109.905.2380
\$3,276.56 from an account entitled "County Collection Fees" 3109.905.2393

Section 2:

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

\$3,721.56 from an account entitled "Fees" 1340.905.2382
\$.50 from an account entitled "Debt Retire Market Interest" 1340.905.2620

Section 3:

The appropriations are hereby reduced in the Menards Inc. Infrastructure Fund, for the year ending December 31, 2012, as follows:

\$290.90 from an account entitled "County Fees" 1430.905.2393

Section 4:

The appropriations are hereby reduced in the Inn at University Village Fund, for the year ending December 31, 2012, as follows:

\$92.04 from an account entitled "County Collection Fees" 1429.905.2393

Section 5:

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

\$4.51 from an account entitled "Faircrest Properties Infrastructure" 1428.905.2393

Section 6:

The appropriations are hereby reduced in the Bond Retirement Lincoln Center Fund, for the year ending December 31, 2012, as follows:

\$.74 from an account entitled "Phase III Interest" 1303.940.2621

Section 7:

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

\$.54 from an account entitled "OPWC Principal" 1342.940.2610

Section 8:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 9:

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

DATE: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 119 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2012 appropriations from within the Capital Improvement 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 transferred from the 2012 appropriation from within the Capital Improvement Fund, for the year ending December 31, 2012, the following:

FROM:	Income Tax Copier	1401.210.2530	\$1.00
TO	Siren System	1401.325.2512	\$1.00

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 2011. 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: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 120 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, to enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch 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 enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch for the Massillon Police Department. The terms of the contract are detailed in the attached Exhibit "A".

Section 2:

The Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch for the Massillon Police Department.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

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 enter into the three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for the efficient operation of the Massillon Police Department. 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: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT \

ORDINANCE NO. 121 - 2012

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety to enter into the Collective Bargaining Agreement with the Massillon F.O.P. Henderson Lodge #105 Police Officers Association contract effective July 1, 2012 through June 30, 2015, 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 the Collective Bargaining Agreement with the Massillon F.O.P. Henderson Lodge #105 Police Officers Association contract effective July 1, 2012 through June 30, 2015.

Section 2:

The Mayor and the Director of Public Service and Safety are hereby authorized to enter into the Collective Bargaining Agreement with the Massillon F.O.P. Henderson Lodge #105 Police Officers Association contract effective July 1, 2012 through June 30, 2015, attached hereto as Exhibit "A"..

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 additional reason to finalize the contract that the City has with the Massillon F.O.P. Henderson Lodge #105 Police Officers Association. 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: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 122 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2012 appropriations from within 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:

There be and hereby is transferred from the 2012 appropriation from within the General Fund, for the year ending December 31, 2012, the following:

FROM:	Council – PERS	1100.105.2230	\$ 400.00
	Mayor Admin Assist – Salary	1100.110.2111	\$ 450.00
	Budget Director Salary	1100.110.2112	\$ 0.08
	Mayor – PERS	1100.110.2230	\$ 690.00
	Mayor – Medicare	1100.110.2231	\$ 233.00
	Law Director – Medicare	1100.115.2231	\$ 396.00
	Director – Salary	1100.160.2110	\$11,220.00
	Clerk – Salary	1100.160.2111	\$ 297.00
	Service Dept. PERS	1100.160.2230	\$ 2,204.00
	Tax Administrator Salary	1100.210.2110	\$ 431.00
	Income Tax – PERS	1100.210.2230	\$ 1,272.00
	Treasurer – Medicare	1100.215.2231	\$ 19.00
	Fire – Medicare	1100.325.2231	\$ 6,000.00
	Engineer – Salary	1100.405.2110	\$ 346.00
	Engineer – PERS	1100.405.2230	\$ 322.00
	Janitor – Salary	1100.410.2110	\$ 28.00
	City Hall – PERS	1100.410.2230	\$ 344.00
	City Hall – Medicare	1100.410.2231	\$ 24.00
	Building – Salary	1100.415.2110	\$ 183.00
	Building Dept. – PERS	1100.415.2230	\$ 1,233.00
	Building Dept. – Medicare	1100.415.2231	\$ 22.00
	Street – Medicare	1100.435.2231	\$ 505.00
	Health – Salary	1100.705.2110	\$ 881.00
	Health – PERS	1100.705.2230	\$ 1,659.00

TO	Services/Contracts	1100.105.2392	\$ 1,500.00
	Council - Salary	1100.105.2110	\$ 2,645.00
	Hosp/Eye/Dental	1100.105.2210	\$ 133.00
	Income Tax - Salary	1100.210.2111	\$ 4,080.00
	Treasurer - PERS	1100.215.2230	\$ 65.00
	Street Lighting	1100.905.2392	\$ 9,975.10
	City/State Collection Fees	1100.905.2393	\$ 5,420.00
	Police Clerks - Salary	1100.305.2111	\$ 5,340.98

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 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: _____
KATHERINE CATAZARO-PERRY, MAYOR

DATE: NOVEMBER 5, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 19 - 2012

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Historic Preservation Commission made on August 8, 2012 and again on September 13, 2012 wherein the Historic Preservation Commission denied a request for a Certificate of Approval from the Visconsi Companies, Ltd, and declaring an emergency.

WHEREAS, the Massillon Historic Preservation Commission on August 8, 2012 and again on September 13, 2012 denied a request for a Certificate of Approval from the Visconsi Companies, Ltd, and

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest of proper community growth to reverse the decision of the Massillon Historic Preservation Commission made on August 8, 2012 and again on September 13, 2012 and hereby determines that the request for a Certificate of Approval should be approved, allowing the demolition of the existing First Merit Bank building in Downtown Massillon and construction of a Walgreen's Pharmacy in the same located be permitted.

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Resolution is declared to be an emergency measure in that the reversal of the decision of the Massillon Historical Preservation Commission is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

2nd page is the signature page