

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
TONY M. TOWNSEND, PRESIDENT  
AGENDA

DATE: MONDAY, MARCH 4, 2013  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN ANDREA SCASSA
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. 21 – 2013

BY: ENVIRONMENTAL COMMITTEE

Pass 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 27<sup>th</sup> Street NW Sanitary Sewer Extension Project in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 22 – 2013

BY: PUBLIC UTILITIES COMMITTEE

1<sup>ST</sup> READING

AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc., to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the period from April 1, 2013 through December 31, 2016.

ORDINANCE NO. 23 – 2013

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 Bridge Repair Project, PID 92444, and declaring an emergency.

ORDINANCE NO. 24 – 2013

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-SR 172-4.20 Bridge Replacement Project, PID 95369, and declaring an emergency.

ORDINANCE NO. 25 – 2013

BY: FINANCE COMMITTEE

Pass 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund and the 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2013, and declaring an emergency.

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

A). AUDITOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2013

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

**ORDINANCE NO. 12 – 2013**

**BY: RULES, COURTS & CIVIL SERVICE COMMITTEE**

*2ND READING*

**AN ORDINANCE** amending Ordinance No. 3 – 2010 and all other ordinances inconsistent therewith by repealing Section 8, paragraphs (f)(1) and (f)(6), and enacting new Section 8, paragraphs (f)(1) and (f)(6), and declaring an emergency.

**ORDINANCE NO. 15 – 2013**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*TABLE TO 2ND MTG IN APRIL 15<sup>th</sup>*

**AN ORDINANCE** authorizing the Massillon Historic Preservation Commission to designate six (6) city parks in the City's historic district as permitted by Chapter 1349 of the Codified Ordinances, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

**MARY BETH BAILEY - CLERK OF COUNCIL**

DATE: MARCH 4, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 21 - 2013

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 27<sup>th</sup> Street NW Sanitary Sewer Extension Project in 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 advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 27<sup>th</sup> Street NW Sanitary Sewer Extension Project in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the 27<sup>th</sup> Street NW Sanitary Sewer Extension Project in the City of Massillon. The estimated cost of said project is One Hundred Forty Thousand Dollars (\$140,000.00) which will be paid from the 1414 Collection System Improvement Fund.

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 bids be received so that work may be completed on the 27<sup>th</sup> Street NW Sanitary Sewer Extension 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 \_\_\_\_\_, 2013

ATTEST: \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
TONY M. TOWNSEND, PRESIDENT

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

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

DATE: MARCH 4, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 22 - 2013

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the period from April 1, 2013 through December 31, 2016.

WHEREAS, Aqua Ohio, Inc., its successors and assigns (hereinafter called the Company) shall be bound to furnish such water as it shall hereafter furnish for public and private consumption within the City of Massillon, Ohio (hereinafter called the City), for and during the term from April 1, 2013 through December 31, 2016, upon the terms and conditions hereinafter set forth:

WHEREAS, Aqua Ohio, Inc. now owns and operates a water supply plant in said City and the Company enjoys the right and privileges of using the streets and public highways for the location, operation, maintenance and existence of its mains, services and other appurtenances; and

WHEREAS, the City and the inhabitants thereof are now and have been receiving water service from said Company, all property, plants, distribution mains and equipment of which Company now used and useful in the furnishing of said water service, and the legal title to the same, as well as any equipment or extensions which may hereafter be placed in said City by said Company, its successors and assigns;

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

Section 1:

In consideration of the covenants of the City and the Company as hereinafter contained, the following terms and conditions are declared and made effective relative to the supplying of such water service. In the event that the City shall levy, assess or impose any new privileges, occupation, franchise or excise tax, or shall increase any such taxes presently existing against the Water Company at any time during the period which this Ordinance shall be in force, then the rates fixed in Section 2 hereof be so increased by the Company by filing a new schedule as to provide sufficient additional revenue to cover such new or additional tax or taxes provided, however, that if the City shall propose an alternative schedule of additional rates acceptable to the Company which would yield the requisite revenue, such alternative schedule shall control. In either event, the new and increased schedule shall become effective on all bills rendered after the effective date for such new tax or taxes.

Section 2:

In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge for water furnished during the period from April 1, 2013 through December 31, 2016 the following rates on all bills rendered:

**DIVISION A**  
**MEASURED OR METERED SERVICE RATE SCHEDULE**

Monthly Charge For Water Delivered (Per 100 cu. ft.)				
Effective Date	4/1/13	1/1/14	1/1/15	1/1/16
First 5,000 cu. ft.	\$4.30	\$4.45	\$4.61	\$4.77
Next 10,000 cu. ft.	\$3.36	\$3.48	\$3.60	\$3.73
Above 15,000 cu. ft.	\$1.88	\$1.95	\$2.02	\$2.09

Monthly Charge Based On Meter Size				
Meter Size	Effective Date			
	4/1/13	1/1/14	1/1/15	1/1/16
5/8" x 3/4"	\$11.65	\$12.06	\$12.48	\$12.92
3/4"	\$12.79	\$13.24	\$13.70	\$14.18
1"	\$16.30	\$16.87	\$17.46	\$18.07
1 1/2"	\$20.94	\$21.67	\$22.43	\$23.22
2"	\$33.76	\$34.94	\$36.16	\$37.43
3"	\$128.01	\$132.49	\$137.17	\$141.93
4"	\$162.91	\$168.60	\$174.49	\$180.59
6"	\$244.39	\$252.94	\$261.79	\$270.95

**ACCOUNT ACTIVATION FEE:** An account activation charge of Twenty Five Dollars (\$25.00) will be charged for a service connection during the Company's regular business hours.

**LATE PAYMENT FEE:** The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

**DISHONORED CHECKS:** When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

**RECONNECTION FEE:** Reconnection fees as defined in the Company's Tariff Section 3-2, First Revised Sheet No. 3, Item 12(b) and Section 3-6, Original Sheet No. 4, Item 10(a) are:

Reconnection Fee during regular business hours.....\$35.00  
 Reconnection Fee other than during regular business hours..... \$125.00

**DIVISION B**  
**PRIVATE FIRE PROTECTION RATE SCHEDULE**

<b>Monthly Charges For Hose Connections and Hydrants</b>				
<b>Size</b>	<b>Effective Date</b>			
	<b>4/1/13</b>	<b>1/1/14</b>	<b>1/1/15</b>	<b>1/1/16</b>
<b>1 ¼"</b>	\$12.71	\$13.15	\$13.61	\$14.09
<b>1 ½"</b>	\$15.90	\$16.46	\$17.04	\$17.64
<b>2"</b>	\$19.90	\$20.60	\$21.32	\$22.07
<b>2 ½"</b>	\$23.07	\$23.88	\$24.72	\$25.59
<b>Private Hydrant</b>	\$48.33	\$50.02	\$51.77	\$53.58

<b>Monthly Charges for Automatic Sprinklers</b>					
<b>Size</b>	<b>Floor Space (sq.ft.)</b>	<b>Effective Date</b>			
		<b>4/1/13</b>	<b>1/1/14</b>	<b>1/1/15</b>	<b>1/1/16</b>
<b>2"</b>	5,000 or less	\$39.58	\$40.97	\$42.40	\$43.88
<b>4"</b>	10,000 or less	\$59.50	\$61.58	\$63.74	\$65.97
<b>6"</b>	20,000 or less	\$83.26	\$86.17	\$89.19	\$92.31
<b>Additional</b>	<b>Per 1,000</b>	\$2.33	\$2.41	\$2.49	\$2.58



**LATE PAYMENT FEE:** The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

**DISHONORED CHECKS:** When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

**DIVISION C**  
**PUBLIC FIRE PROTECTION SERVICE RATE**

Any and all charges for the operation and maintenance of all public fire plugs or hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

**DIVISION D**  
**BULK WATER SALES**

For sales of bulk water at Company-designated connections, a customer shall the rates shown in the table below per thousand (1,000) gallons delivered. In addition, the customer shall pay a bulk water permit fee based upon the Company's costs incurred for bulk water connection and metering accommodations.

Bulk Water Rates (Per 1,000 Gallons)			
Effective Date			
4/1/13	1/1/14	1/1/15	1/1/16
\$11.92	\$12.34	\$12.77	\$13.22

**DIVISION E**  
**CUSTOMER IMPACT FEE**

Prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

<b>Meter Size</b>	<b>Customer Impact Fee</b>
5/8" x 3/4"	\$1,200.00
1"	\$3,060.00
1-1/2"	\$6,900.00
2" or larger	\$12,240.00

**Section 3:**

If, during the term of this Ordinance, the City desires that the Company expand or construct improvements beyond those planned by the Company and beyond any improvements which the Company has agreed to implement, the City may request negotiations with the Company for adjustment of the rates set forth herein to facilitate such improvements.

If, following April 1, 2013, (a) the Company's rate of return on rate base (as determined in accordance with Ohio Revised Code Chapter 4909) for its Stark Regional Division falls one percentage point or more below any such return then in effect for any of the Company's districts established by the Ohio Public Utilities Commission and (b) events beyond the control of the Company have contributed to such lowered return, then the City and the Company shall renegotiate the rates set forth in Section 5 hereof. If renegotiated rates have not been reached within sixty (60) days after such negotiations are requested, the Company may apply to the Ohio Public Utilities Commission for a rate determination for its Stark Regional Division in the same manner as if the City had not set rates as provided in Ohio Revised Code Section 4909.35. For purposes hereof, increased Company personnel compensation costs shall not be deemed an event beyond the Company's control.

Section 4:

The Company's rates and service shall comply with Aqua Ohio, Inc. Master Tariff P.U.C.O. No. 2, as amended and revised from time to time, provided, however, any conflicting provisions of this Ordinance shall supersede said Tariff and, furthermore, the Company will not collect or charge a related facilities fee (rather, the Company will collect the Customer Impact Fee set forth herein above).

Section 5:

This contract and the rates herein provided for shall continue and be in force for a period from April 1, 2013 through December 31, 2016 and until canceled by either the City or the Company upon sixty (60) days written notice.

Section 6:

This Ordinance and the written acceptance thereof by the Company filed in the office either of the Clerk of Council or the Auditor of the city, after its passage and approval by the Mayor, shall constitute a contract between the City and the Company pursuant to and by virtue of Sections 4 and 5 of the Article XVIII of the Constitution of Ohio.

Section 7:

This Ordinance is 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 Aqua Ohio, Inc. agreement with the City is about to expire. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
MARY BETH BAILEY,  
CLERK OF COUNCIL

\_\_\_\_\_  
TONY M. TOWNSEND, PRESIDENT

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

DATE: MARCH 4, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 23 - 2013

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 Bridge Repair Project, PID 92444, 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 Bridge Repair Project, PID 92444.

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 Bridge Repair Project, PID 92444. The State has identified the need to make repairs and drainage improvements to the bridge on Lincoln Way East (SR 172) over Sippo Creek that is located within the Corporation Limits of the City. The estimated cost of the project is Fifty Thousand Dollars (\$50,000) with a 20% City cost share which will be paid from the Municipal Road Fund and the Stormwater Utility Fund. If 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 to make repairs and drainage improvements to the bridge on Lincoln Way East (SR 172) over Sippo Creek. 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 \_\_\_\_\_ 2013

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

MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
TONY M. TOWNSEND, PRESIDENT

APPROVED \_\_\_\_\_

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

**PRELIMINARY LEGISLATION**  
**RC 5521.01**

Ordinance/Resolution# \_\_\_\_\_

PID No. 92444

County/Route/Section D04-BH FY2015

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 STATE has identified the need for the described project:

Drainage work along SR172 within the City limits.

NOW THEREFORE, be it ordained by 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 LPA agrees to participate in the cost of construction within the City limits at twenty percent (20%) total cost.

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.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

**SECTION IV - Utilities and Right-of-Way Statement**

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations and reimbursements shall comply with current provisions of 23 CFR 645 and the ODOT Utilities Manual.

## 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 described 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  
(Contractual Agent) (LPA)  
the \_\_\_\_\_ to enter into contracts with ODOT pre-qualified consultants  
(LPA)  
for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the \_\_\_\_\_ is also empowered to assign  
(Contractual Agent)  
all rights, title, and interests of the \_\_\_\_\_ to ODOT arising from  
(LPA)  
any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

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) (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

(CITY SEAL)

\_\_\_\_\_ of \_\_\_\_\_, Ohio  
(LPA)

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

The foregoing is accepted as a basis for proceeding with the project herein described.

For the \_\_\_\_\_ of \_\_\_\_\_, Ohio  
(LPA)

Attest: \_\_\_\_\_, Date \_\_\_\_\_

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation



DATE: MARCH 4, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 24 - 2013

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-SR 172-4.20 Bridge Replacement Project, PID 95369, 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-SR 172-4.20 Bridge Replacement Project, PID 95369.

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-SR 172.4.20 Bridge Replacement Project, PID 95369. The State has identified the need to replace the bridge on Lincoln Way West (SR 172) over Newman Creek that is located within the Corporation Limits of the City. 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 replacement of the bridge on Lincoln Way West (SR 172) over Newman Creek. 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 \_\_\_\_\_ 2013

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

MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_ TONY M. TOWNSEND, PRESIDENT

APPROVED \_\_\_\_\_

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

**PRELIMINARY LEGISLATION**  
**RC 5521.01**

Ordinance/Resolution# \_\_\_\_\_  
PID No. 95369  
County/Route/Section STA-SR172-4.20

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:

Structure replacement that is over Newman Creek on SR172 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  
(Contractual Agent) (LPA)  
the \_\_\_\_\_ to enter into contracts with the Director of Transportation which is  
(LPA)

necessary to complete the above described project.

Passed: \_\_\_\_\_, 20\_\_\_\_  
(Date)

Attested: \_\_\_\_\_  
(Clerk) (Officer of LPA - title)

Attested: \_\_\_\_\_  
(Title) (President of Council)

This \_\_\_\_\_ is hereby declared to be an emergency measure to  
(Ordinance/Resolution)

expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.



CERTIFICATE OF COPY  
STATE OF OHIO

City of Massillon of Stark County, Ohio  
(LPA)

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

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

\_\_\_\_\_  
Clerk

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

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

Attest: \_\_\_\_\_, Date \_\_\_\_\_

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation

DATE: MARCH 4, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 25 – 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund and the 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2013, 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 2105 Stormwater Utility Fund, for the year ending December 31, 2013 the following:

- ✕ \$25,000.00 to an account entitled "Storm Sewer Repairs" 2105.425.2510
- ✕ \$10,000.00 to an account entitled "Services/Contracts" 2105.435.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 1206 Municipal Motor Vehicle License Plate Fund, for the year ending December 31, 2013 the following:

- ✕ \$6,280.00 to an account entitled "Supplies/Materials/Postage" 1206.435.2410

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, 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 \_\_\_\_\_ 2013

ATTEST: \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
TONY M. TOWNSEND, PRESIDENT

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

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR