

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

**DATE: MONDAY, APRIL 1, 2013  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.**

**THERE ARE NO PUBLIC HEARINGS TONIGHT**

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

**ORDINANCE NO. 36 – 2013**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

**ORDINANCE NO. 37 – 2013**

**BY: ENVIRONMENTAL COMMITTEE**

**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 contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Griffith Avenue SW Sanitary Sewer Replacement Project, and declaring an emergency.

**ORDINANCE NO. 38 – 2013**

**BY: ENVIRONMENTAL COMMITTEE**

**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 contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Levee Infrastructure Improvement Project, and declaring an emergency.

**ORDINANCE NO. 39 – 2013**

**BY: POLICE AND FIRE COMMITTEE**

**AN ORDINANCE** amending CHAPTER 967 "EMERGENCY MEDICAL SERVICE AND TRANSPORTATION" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Subsection 967.02 (h) "Emergency Medical Service and Transportation Fees" of CHAPTER 967 "EMERGENCY MEDICAL SERVICE AND TRANSPORTATION", and declaring an emergency.

**ORDINANCE NO. 40 – 2013**

**BY: POLICE AND FIRE COMMITTEE**

**AN ORDINANCE** amending CHAPTER 967 "EMERGENCY MEDICAL SERVICE AND TRANSPORTATION" of the Codified Ordinances of the City of Massillon, Ohio, by creating a new Subsection 967.04 (a)(b)(c)(d) and (e) "Medic Assist Fees" of CHAPTER 967 "EMERGENCY MEDICAL SERVICE AND TRANSPORTATION", and declaring an emergency.

**ORDINANCE NO. 41 – 2013**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

**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 STW-NE Mowing FY 2013, PID 95251, and declaring an emergency.

**ORDINANCE NO. 42 – 2013**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Waste Recycling Fund and the Local Law Enforcement Trust Fund, for the year ending December 31, 2013, and declaring an emergency.

**ORDINANCE NO. 43 – 2013**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, for the lease/purchase of up to four (4) police cruisers for the Massillon City Police Department, and declaring an emergency.

**RESOLUTION NO. 6 – 2013**

**BY: COMMITTEE OF THE WHOLE**

**A RESOLUTION** giving the authorization to have Massillon City Council work session audio taped.

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

B). MAYOR SUBMITS MONTHLY REPORT FOR JANUARY 2013

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

**ORDINANCE NO. 22 – 2013**

**BY: PUBLIC UTILITIES COMMITTEE**

**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.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 35 – 2013**

**BY: FINANCE COMMITTEE**



**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement between the City of Massillon, Downtown Massillon Hotel, Ltd., and Charles Street Ltd., which would permit, if certain conditions are met, canceling the promissory note associated with the loan for the Hampton Inn project and release the related mortgages and any other liens related to the financing of the project.

**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: APRIL 1, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 36 - 2013

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974 (which title is hereunder referred to as the "Act") and the regulations promulgated thereunder (24 CFR Parts 58 and 570, hereunder referred to as the "Regulations") is authorized to make block grants to units of general local government to help finance housing and community development programs (which grants are hereinafter to as "CDBG" grants); and

WHEREAS, the City of Massillon proposes to apply for such a grant for Fiscal Year 2013 and has, in that connection and as required by and pursuant to the Act and Regulations, prepared a Consolidated Plan for community development, including a strategic plan for meeting its housing and community development needs, and an annual action plan describing the activities that the City proposes to undertake with CDBG funds; and

WHEREAS, the City of Massillon has developed and implemented a citizen participation plan to make information available to citizens, public agencies, and others on the various elements of CDBG program; to encourage participation of citizens and organizations representing citizens, particularly low and moderate income citizens, in the development of the Consolidated Plan; to hold public meetings on the Plan and proposed CDBG Budget and to provide timely and adequate notice of such meetings; and to provide technical assistance to citizens and citizen groups requesting assistance to adequately participate in the planning, implementation, and evaluation of the Consolidated Plan and CDBG Program; and

WHEREAS, the Council has duly reviewed and considered the Consolidated Plan and Annual Action Plan, along with the views and proposals of citizens, and the comments and recommendations of the City's administrative and planning officials.

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



Section 1:

This Council hereby finds and determines that the Consolidated Plan and Annual Action Plan properly and adequately identifies the City's housing and community development needs and objectives; and that the programs and activities to be undertaken by the City with CDBG funds as provided for under the Act for the 2013 Program Year have been designed so as to give maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, so as to achieve the national objectives of the CDBG program which are to develop viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities, principally for low and moderate income persons; and for these reasons, this Council approves said Plan.

Section 2:

That the Mayor, being the chief executive officer of the City of Massillon, is hereby designated as the authorized representative of the City, to act in connection with the City's application for CDBG funds, and to provide such additional information, as well as to execute and file such additional documentation or certifications as may be required by the Secretary or by other responsible agencies in connection with the application.

Section 3:

That this Council hereby finds and determines that the City in preparing its application for CDBG funds, has complied with the applicable requirements of the Act and Regulations, and that this Council hereby approves the Annual Action Plan and authorizes the Mayor to execute and file the application, together with all related documentation, with the Secretary.

Section 4:

That this Council hereby directs that the City of Massillon is carrying out its CDBG funded activities, continue to comply with applicable requirements of the Act and Regulations and with other applicable laws including civil rights, equal opportunity and fair housing, citizens participation, real property acquisition and relocation, environmental protection, fair labor standards, and the requirement of giving maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, and this Council authorizes the Mayor to execute and file with the Secretary certifications in such form as the Secretary may prescribe, which will provide assurances concerning these foregoing matters, and concerning other matters as may be required by the Secretary in connection with carrying out the City's CDBG program.

Section 5:

That this Council hereby authorizes the Mayor to consent to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provision of such act applies to the Secretary's responsibilities for environmental review, decision making, and action to be assumed and carried out by the Mayor, and authorizes the Mayor to consent, on behalf of the City, to accept the jurisdiction of the Federal Courts for the purposes of carrying out the CDBG program; and furthermore, that this Council hereby authorizes the Mayor to execute and file such other documents and take such other actions in connection with the environmental review process as may be required by the Act and Regulations.

Section 6:

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the further reason that the immediate approval and filing of the application is necessary to enable the City to qualify for its CDBG Grant for the Fiscal Year 2013 Program Year and thus enable it to carry out its Community Development Program. 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: \_\_\_\_\_

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

## FY 2013 CDBG PROGRAM - LIST OF RECOMMENDED PROJECTS

### CDBG PROGRAM FUNDING RESOURCES

CDBG Entitlement Grant from U.S. Dept. of HUD - Estimated

Unallocated Balance from previous years

Amount Reserved by HUD for Section 108 Loan Payment

Estimated Program Income to be Received during Program Year

FY 2013  
CDBG Budget

\$553,771

\$54,243

-\$132,000

\$4,986

FY 2013 CDBG PROGRAM BUDGET

**\$481,000**

## Project Name

### Description

FY 2013

### CITY CDBG ACTIVITIES

### CDBG Program

City Housing Program	Housing Rehabilitation/Emergency Home Repair Program	\$155,000
Housing Code Enforcement	Code Enforcement in lower income Neighborhoods	\$80,000
Target Area Street Program	Repaving of streets within designated low income residential neighborhoods	\$75,000
Planning, Administration, Fair Housing	CD Dept. Staff costs	\$90,000
CITY PROJECTS TOTAL		\$410,000

## LOCAL AGENCY PROJECTS

LOCAL AGENCY PROJECTS		
Massillon Main Street	Downtown Rehabilitation	\$5,000
Western Stark Medical Clinic	Free medical clinic serving low income uninsured persons	\$10,000
Westark Family Services	Homemaker services for elderly and/or handicapped residents	\$8,000
Community Health Foundation	Neighborhood Partnership Grants to local neighborhood associations	\$8,000
Community Services of Stark County	Family Living Center Homeless Shelter services	\$8,000
Community Legal Aid	Foreclosure Prevention Legal Assistance	\$5,000
Lighthouse Visions Inc.	Basic life skills education for youth, including foster children	\$5,000
Domestic Violence Project	Massillon Shelter Services for domestic violence victims	\$5,000
The Salvation Army	Housing Outreach Specialist serving homeless & families in crisis	\$8,000
Faith in Action of Western Stark County	In-home caregiver services for the ill, frail elderly and/or handicapped	\$6,000
Massillon ABLE	Adult Basic Learning Education	\$3,000
LOCAL AGENCY PROJECTS		\$71,000

**CDBG PROGRAM TOTALS (City Projects + Local Agency Projects)**

**\$481,000**

DATE: APRIL 1, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 37 - 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 contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Griffith Avenue SW Sanitary Sewer Replacement Project, 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 contract with the lowest and best bidder for the Griffith Avenue SW Sanitary Sewer Replacement Project.

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 enter into contract with the lowest and best bidder for the Griffith Avenue SW Sanitary Sewer Replacement Project. The total estimated project cost is One Hundred Ninety-Eight Thousand Six Hundred Seventy-Three Dollars (\$198,673.00) with a funding breakdown of 51% local funds, 49% OPWC funds. The City's share 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 timely commenced on the Griffith Avenue SW Sanitary Sewer Replacement 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: APRIL 1, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 38 - 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 contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Levee Infrastructure Improvement Project, 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 contract with the lowest and best bidder for the Levee Infrastructure Improvement Project.

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 enter into contract with the lowest and best bidder for the Levee Infrastructure Improvement Project. The total estimated project cost is One Million Seven Hundred Thirty-Three Thousand Three Hundred Eighty-Nine Dollars (\$1,733,389.00) with a funding breakdown of 30% local funds, 70% OPWC funds. The City's share will be paid from the 1414 Collection System Improvement Fund and the 2105 Stormwater Utility 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 timely commenced on the Levee Infrastructure Improvement 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: APRIL 1, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 39 - 2013

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 967 "EMERGENCY MEDICAL SERVICE AND TRANSPORTATION" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Subsection 967.02 (h) "Emergency Medical Service and Transportation Fees" of CHAPTER 967 "EMERGENCY MEDICAL SERVICE AND TRANSPORTATION", and declaring an emergency.

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

Section 1:

The new Subsection 967.02 (h) "Emergency Medical Service and Transportation Fees" of the Codified Ordinances of the City of Massillon, Ohio, is hereby enacted.

Section 2:

That there hereby is enacted a new Subsection 967.02 (h) "Emergency Medical Service and Transportation Fees" of the Codified Ordinances of the City of Massillon, Ohio. The said newly enacted Subsection shall read as follows:

967.02 (h) The Safety Service Director is hereby authorized to charge a fee of \$100 to any Medical Facility, Healthcare Facility or Custodial Care Center that summons the Fire Department to provide lifting assistance for one of its patients.

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 when the Fire Department provides lifting assistance to various medical facilities, healthcare facilities and custodial care center a fee will be charged to that facility. 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: APRIL 1, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 40 - 2013

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 967 "EMERGENCY MEDICAL SERVICE AND TRANSPORTATION" of the Codified Ordinances of the City of Massillon, Ohio, by creating a new Subsection 967.04 (a)(b)(c)(d) and (e) "Medic Assist Fees" of CHAPTER 967 "EMERGENCY MEDICAL SERVICE AND TRANSPORTATION", and declaring an emergency.

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

Section 1:

The newly created Subsection 967.04 (a)(b)(c)(d) and (e) "Medic Assist Fees" of the Codified Ordinances of the City of Massillon, Ohio, are hereby enacted.

Section 2:

That there hereby is enacted a new Subsection 967.04 (a)(b)(c)(d) and (e) "Medic Assist Fees" of the Codified Ordinances of the City of Massillon, Ohio. The said newly enacted Subsection shall read as follows:

967.04 Medic Assist Fees

(a) A Medic Assist for the purpose of this section is defined as a request from an EMS Agency for the City of Massillon to provide emergent medical assistance in the form of a certified paramedic to attend and be the sole ALS agent to a patient in need of ALS care during an isolated EMS call while in the back of the requesting EMS Agency's Transport unit.

(b) The City of Massillon will provide Medic Assists only to EMS Agencies transporting to the closest medical facility (Affinity Medical Center) for reasons of emergent medical care.

(c) In all but the most extreme cases, the EMS Agency requesting the Medic Assist will begin transporting the patient to the hospital and meet the City of Massillon unit at some point in between.

(d) The City of Massillon will charge a Medic Assist fee of \$125 to the EMS Agency requesting the Medic Assist.

(e) These parameters do not apply to Mass Casualty incidents or other Mutual Aid scenarios as determined by the Fire Chief.



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 important to have the language become part of the codified ordinances. 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: APRIL 1, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 41 - 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 STW-NE Mowing FY 2013, PID 95251, 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 STW-NE Mowing FY 2013, PID 95251.

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 STW-NE Mowing FY 2013, PID 95251. The State has identified the need for mowing in various spots on US 30 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 for the STW-NE Mowing FY 2013, PID 95251 which would cover the need of moving in various spots on US 30. 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 \_\_\_\_\_

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

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

Ordinance/Resolution# \_\_\_\_\_  
PID No. 95251  
County/Route/Section STW NE Mowing FY2013

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:

Mowing in various spots on US30 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)  
\_\_\_\_\_ (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) \_\_\_\_\_ 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: APRIL 1, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 42 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Waste Recycling Fund and the Local Law Enforcement Trust 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 Waste Recycling Fund, for the year ending December 31, 2013 the following:

\$5,000.00 to an account entitled "Services & Contracts" 1222.605.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Local Law Enforcement Trust Fund, for the year ending December 31, 2013 the following:

\$1,949.00 to an account entitled "Supplies/Materials/Postage" 1215.305.2410

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

DATE: APRIL 1, 2013

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 43 - 2013

BY: FINANCE 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, for the lease/purchase of up to four (4) police cruisers for the Massillon City 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 advertise for and receive sealed bids, according to law, for the lease/purchase of up to four (4) police cruisers for the Massillon City Police Department.

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 to receive sealed bids according to law, for the lease/purchase of up to four (4) police cruisers for the Massillon City 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:

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 additional reason that it is necessary for the more efficient operation of the Massillon City 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 \_\_\_\_\_ 2013

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

MARY BETH BAILEY, CLERK OF COUNCIL

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

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

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



DATE: APRIL 1, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL

CITY OF MASSILLON, OHIO

TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 6 - 2013

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION giving the authorization to have Massillon City Council work session audio taped.

WHEREAS, the Massillon City Council meets in work session of the second and fourth Monday of each month and in special sessions when called according to council rules and the Ohio Revised Code, and

WHEREAS, the business conducted at the meetings of the Massillon City Council is the business of the citizens of Massillon who elected the council; and

WHEREAS, the Massillon City Council desires for the public to be well informed as to the proceedings and decisions of the Massillon City Council; and

WHEREAS, newspaper reports alone cannot always completely convey the contents of the meetings that might be important to each and every citizen.

THEREFORE BE IT RESOLVED;

That the Massillon City Council is agreeable to cooperate with any responsible audio recording to promote and enable the audio recording of Massillon City Council meetings in a matter that does not disrupt or interfere with the conduct of the meetings and that the Massillon City Council is interested in proposals from parties which are able to audio record the work sessions.

PASSED THIS DAY OF 2013

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

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

KATHY CATAZARO-PERRY, MAYOR