

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

DATE: MONDAY, APRIL 7, 2014  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30P.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. 33 – 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1ST READING*

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Modern Ritual Piercing to provide an economic development "inducement grant" to assist the company in renovation expenses at 28 Erie Street N., and declaring an emergency.

ORDINANCE NO. 34 – 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1ST READING*

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Pampered Nails Boutique to provide an economic development "inducement grant" to assist the company in renovation expenses at 2107 Lincoln Way West, and declaring an emergency.

ORDINANCE NO. 35 – 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

*PASS 9-0*

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners and the City of Alliance, Ohio, to form a consortium for the purpose of becoming a participating jurisdiction in the Federal HOME Investment Partnership Program, and declaring an emergency.

ORDINANCE NO. 36 – 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1ST READING*

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 – 2014**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 9-0*

**AN ORDINANCE** amending Ordinance No. 61 – 2013 to reflect the new address of PolyPro Solutions, Inc., which is a company relocating to the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 38 – 2014**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*1ST READING*

**AN ORDINANCE** expanding the boundaries of the Massillon Historic District.

**ORDINANCE NO. 39 – 2014**

**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 contract with the Ohio Department of Transportation for the SR 241 Paving Project, and declaring an emergency.

**ORDINANCE NO. 40 – 2014**

**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 Final Resolution authorizing the contract with the Ohio Department of Transportation for the SR 241 Paving Project, and declaring an emergency.

**ORDINANCE NO. 41 – 2014**

**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 Preliminary Legislation with the Ohio Department of Transportation for the STA-OBPP FY 2016; PID 97410 for the bridge replacement located on 17<sup>th</sup> Street NE over Sippo Creek, and declaring an emergency.

**ORDINANCE NO. 42 – 2014**

**BY: FINANCE COMMITTEE**

*1ST READING*

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Economic Development Fund and the Parking Enforcement Fund, for the year ending December 31, 2014, and declaring an emergency.

**ORDINANCE NO. 43 – 2014**

**BY: FINANCE COMMITTEE**

*PASS 9-0*

**AN ORDINANCE** authorizing the Director of Law of the City of Massillon, Ohio, to renew the one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services, 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 MARCH 2014
- B). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2014

**11. REPORTS OF COMMITTEES**

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER**

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 21 – 2014**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 8-1 (HALTER)*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement between the City of Massillon and the Community Improvement Corporation of Massillon, Inc., for the sale of real estate located on the south side of Lincoln Way West (SR 172) adjacent to Holy Trinity Church known as Outlot #967 containing 3 acres of land, upon approval of the Board of Control.

**ORDINANCE NO. 22 – 2014**

**BY: HEALTH, WELFARE & BLDG REGULATIONS**

*PASS 9-0*

**AN ORDINANCE** enacting a new CHAPTER 1351 "OUTDOOR FURNITURE RESTRICTION" of the Codified Ordinances of the City of Massillon.

**ORDINANCE NO. 23 – 2014**

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

*PASS 9-0*

**AN ORDINANCE** accepting the vacation of Saint Luke Street NW, and declaring an emergency.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 29 – 2014**

**BY: FINANCE COMMITTEE**

*2ND READING*

**AN ORDINANCE** amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – MUNICIPAL COURT of Ordinance No. 127 – 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – MUNICIPAL COURT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – MUNICIPAL COURT, in the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 32 – 2014**

**BY: PARKS AND RECREATION COMMITTEE**

*TABLE INDEF. PASS 9-0*

**AN ORDINANCE** authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a ground lease agreement with Massillon CIC for the area known as part of Out Lot 561 and part of Out Lot 1031 along Nave Rd SE containing 22.048 acres as part of the Legends of Massillon Golf Course, 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 APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 33 - 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Modern Ritual Piercing to provide an economic development "inducement grant" to assist the company in renovation expenses at 28 Erie Street N., and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Modern Ritual Piercing desires to renovate its building located at 28 Erie Street N., and

WHEREAS, the City of Massillon proposed to assist Modern Ritual Piercing with renovation expenses of its business by providing an economic development "inducement grant", the purpose of which is to help offset the company's costs with the renovations.

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

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with Modern Ritual Piercing by providing an economic development "inducement grant", in a total amount not to exceed Four Thousand Five Hundred Dollars (\$4,500.00) for the purpose of assisting the business with its renovations at 28 Erie Street N.

Section 2:

In return for this economic development grant assistance, Modern Ritual Piercing shall provide the City with information regarding the number of jobs that it has provided as a result of the renovation to the business.



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 immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the renovation of the business. 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 \_\_\_\_\_, 2014

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

MARY BETH BAILEY, CLERK OF COUNCIL

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

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

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

DATE APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 34 - 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Pampered Nails Boutique to provide an economic development "inducement grant" to assist the company in renovation expenses at 2107 Lincoln Way West, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Pampered Nails Boutique desires to renovate its building located at 2107 Lincoln Way West., and

WHEREAS, the City of Massillon proposed to assist Pampered Nails Boutique with renovation expenses of its business by providing an economic development "inducement grant", the purpose of which is to help offset the company's costs with the renovations.

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

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with Pampered Nails Boutique by providing an economic development "inducement grant", in a total amount not to exceed Eight Thousand Five Hundred Dollars (\$8,500.00) for the purpose of assisting the business with its renovations at 2107 Lincoln Way West.

Section 2:

In return for this economic development grant assistance, Pampered Nails Boutique shall provide the City with information regarding the number of jobs that it has provided as a result of the renovation to the business.



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 immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the renovation of the business. 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 \_\_\_\_\_, 2014

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

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

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

KATHY CATAZARO-PERRY, MAYOR

DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 35 - 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with the Board of Stark County Commissioners and the City of Alliance, Ohio, to form a consortium for the purpose of becoming a participating jurisdiction in the Federal HOME Investment Partnership Program, and declaring an emergency.

WHEREAS, the Congress of the United States has enacted the Cranston-Gonzales National Affordable Housing Act of 1990, which established the HOME Investment Partnership Program (HOME) to provide funds to state and local governments for the purpose of developing affordable housing programs and providing housing assistance for lower income persons; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has issued regulations allowing units of general local government to enter into mutual cooperation agreements to form consortiums for the purpose of obtaining federal funding from the HOME Program; and

WHEREAS, the City of Massillon, under the regulations established by HUD, does not meet the minimum requirements necessary to be designated as a participating jurisdiction under the HOME Program; and

WHEREAS, the City of Massillon, along with the City of Alliance and the Board of Stark County Commissioners, agree that it is in the best interest of carrying out the objectives of the HOME Program within Stark County that the communities should form a consortium to work together in the planning and implementation of affordable housing development activities.

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

Section 1:

That this Council hereby authorizes and directs the Mayor to enter into an agreement with the Board of Stark County Commissioners and the City of Alliance, Ohio, to form a consortium for the purpose of becoming a participating jurisdiction eligible to receive Federal funds under the HOME Investment Partnership Program for Fiscal Years 2015 - 2017.



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 immediate preservation of the public peace, welfare; and safety, and for the further reason that this Ordinance is necessary to provide for the establishment of affordable housing programs and housing assistance for lower income residents of Massillon. And provided it receives the affirmative vote of two-thirds of the members elected 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 \_\_\_\_\_ 2014

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

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

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

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

FY 2015 – 2017 CONSORTIUM AGREEMENT

BETWEEN STARK COUNTY AND

THE CITIES OF ALLIANCE AND MASSILLON

This Agreement is made between the COUNTY OF STARK, OHIO, hereinafter called the "County" and the Cities of Alliance, Ohio and Massillon, Ohio, hereinafter called the "Cities."

WHEREAS, the Congress of the United States has enacted the Cranston-Gonzales National Affordable Housing Act of 1990 (hereinafter called the "Act") which created the HOME Investment Partnerships (HOME) to provide funds to states and local governments for tenant-based assistance, acquisition, and low-cost rehabilitation, with the flexibility to decide what kind of housing assistance, or mix of housing assistance, is most appropriate for the local needs; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) subsequently issued regulations set forth in 24 CFR Part 92 allowing units of general local government to enter into mutual cooperation agreements to form consortiums for the purpose of obtaining funding from the HOME program; and

WHEREAS, HOME's general purposes are 1) to expand the supply of decent and affordable housing, particularly rental housing, for low- and very low-income Americans; 2) to strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing; 3) to provide both financial and technical assistance to participating jurisdictions, including the development of model programs for affordable low-income housing; and 4) extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing; and

WHEREAS, the Cities and the County desire to enter into affordable housing development activities which are directed toward the above general purposes, and for that reason, wish to seek such federal funding as may be available to them pursuant to the Act; and

WHEREAS, the Act contemplates and encourages the joining together by agreement of contiguous communities into a consortium for the purpose of carrying out the objectives of the Act; and

WHEREAS, municipalities and counties in Ohio have authority under Section 307.15 of the Ohio Revised Code (ORC) to enter into agreements whereby a County undertakes, and is authorized by the contracting subdivision to exercise any power, perform any function, or render any service, on behalf of the Cities which such Cities may exercise, perform, or render; and

WHEREAS, the Cities and the County have agreed that it is in the best interest of carrying out the objectives of the Act within Stark County that the Cities and the County should join together in affordable housing development activities.

NOW, THEREFORE, in consideration of the matters set forth above and below, the parties agree as follows:

1. The County and the Cities hereby form a consortium to be known as the Stark County/Alliance/Massillon HOME Consortium hereinafter referred to as the "Consortium." That the Consortium shall apply for HOME program funding. The County



forms of investment, and a statement of policies and procedures to be used to meet the required affirmative marketing. Both the County and the Cities are aware that, at the present time, the Consortium is responsible for reserving not less than 15% of the funds it receives through the Consortium for investment of housing to be developed, sponsored, or owned by a CHDO, this requirement being set forth at 24 CFR Part 92.300. HUD will compute this 15% set-aside requirement for the Consortium as a whole. The Cities and the County are each responsible for allocating at least 15% of each year's funding to eligible CHDO projects within their jurisdictions.

7. The County, in cooperation with the Cities, shall develop and submit a single Consolidated Plan on behalf of the Consortium which describes a five-year strategy for addressing housing, homeless and supportive housing needs for the entire geographic area encompassed by the Consortium. The Consolidated Plan submitted by the County will include all housing related information for all members of the Consortium, as well as the non-housing Community Development information for the County. Each member of the Consortium will prepare the non-housing Community Development information and submit a separate Consolidated Plan for their city. The program year for each consortium member for all HUD programs will be July 1 – June 30 of each year.
8. If projects or activities within the Cities are approved and funded, the Cities may elect to be fully responsible for the implementation of projects or activities of their subrecipients, or may elect to have the County implement the subrecipient activities. Full implementation includes, but is not limited to, review and approval of monthly status reports, approval of payment requests, Section 3 paperwork, prevailing wage monitoring and enforcement of the HOME regulations as applicable to each project, and annual on-site monitoring. If the City chooses to be responsible for the full implementation of their subrecipient activities, the County will allow 5% of the funds allocated to that activity for administration. This does not include activities carried out by the Cities (i.e. housing rehab/homebuyer activities). The County will have the responsibility and authority for the overall implementation of the program and for the proper use of Fiscal Years 2015 – 2017 HOME appropriations and all subsequent 3 year periods and any and all program income generated from the expenditure of these funds in accordance with the requirements of the Act.
9. The Cities must inform the County of any income generated by the expenditure of HOME funds received by the Cities. The use of any such program income must have been negotiated and agreed to by the Cities and the County. Any program income received by any of the parties can be used for eligible activities in accordance with all HOME requirements that then apply.
10. Each member of the Consortium shall be entitled to an amount of the HOME funding awarded to the Consortium based on that member's percentage of the total allocation to the Consortium. The current calculation for the City of Alliance is 20.25% (twenty and twenty five hundredths percent) and for the City of Massillon is 18.35% (eighteen percent and thirty five hundredths percent). This is subject to change based upon HUD supplied data. A member may voluntarily relinquish a part or all of its HOME allocation to the other members of the Consortium, through a subsequent legal document signed by that member.
11. Each member is responsible for obtaining the necessary matching funds or matching fund credits (25% of funds allocated to the city) for all of the HOME projects within the

IN WITNESS WHEREOF, the parties have hereunto set their hands this day.

WITNESSES:

BOARD OF STARK COUNTY  
COMMISSIONERS

\_\_\_\_\_

\_\_\_\_\_  
Thomas Bernabei, President

\_\_\_\_\_

\_\_\_\_\_  
Janet Creighton, Vice President

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\_\_\_\_\_  
Richard Regula, Member

CITY OF ALLIANCE

\_\_\_\_\_  
Alan Andreani, Mayor

CITY OF MASSILLON

\_\_\_\_\_  
Kathy Catazaro Perry, Mayor

Approved as to legal form and sufficiency

\_\_\_\_\_  
David Thorley, Attorney-at-Law

\_\_\_\_\_  
Jennifer Arnold  
Alliance City Law Director

\_\_\_\_\_  
Pericles Stergios  
Massillon City Law Director

I hereby certify that the Consortium Agreement entered into between Stark County and the Cities of Alliance and Massillon is fully authorized under state and local law. I further certify that the Agreement gives the Stark County/Alliance/Massillon Consortium full legal authority to undertake or assist in undertaking housing assistance activities for the HOME Investment Partnership Program.

\_\_\_\_\_  
David Thorley  
Attorney-at-Law



DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 36 - 2014

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 2014 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 2014 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 Police 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 2014 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 \_\_\_\_\_ 2014

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

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

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

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



**FY 2014 CDBG PROGRAM - LIST OF RECOMMENDED PROJECTS**

<b>CDBG PROGRAM FUNDING RESOURCES</b>	<b>FY 2014 CDBG Budget</b>
CDBG Entitlement Grant from U.S. Dept. of HUD	\$611,732
Unallocated Balance from previous years	\$51,392
Amount Reserved by HUD for Section 108 Loan Payment	-\$135,000
Estimated Program Income to be Received during Program Year	\$4,876

<b>FY 2014 CDBG PROGRAM BUDGET</b>	<b>\$533,000</b>
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<b>Project Name</b>	<b>Description</b>	<b>FY 2014 CDBG Program</b>
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<b>CITY CDBG ACTIVITIES</b>		<b>FY 2014 CDBG Program</b>
City Housing Program	Housing Rehabilitation/Emergency Home Repair Program	\$157,000
Housing Code Enforcement	Code Enforcement in lower income Neighborhoods	\$90,000
Target Area Street Program	Repaving of streets within designated low income residential neighborhoods	\$100,000
Planning, Administration, Fair Housing	CD Dept. Staff costs	\$95,000
Park & Recreation Dept. Summer Youth Program	Outreach Summer Youth Playground Program	\$10,000
<b>CITY PROJECTS TOTAL</b>		<b>\$452,000</b>

**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
Habitat for Humanity of Greater Stark & Carroll Counties	Housing Redevelopment Program	\$9,000
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	\$6,000
Domestic Violence Project	Massillon Shelter Services for domestic violence victims	\$8,000
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
Boys & Girls Club of Massillon	Be Great: Graduate Program	\$8,000
<b>LOCAL AGENCY PROJECTS</b>		<b>\$81,000</b>

<b>CDBG PROGRAM TOTALS (City Projects + Local Agency Projects)</b>	<b>\$533,000</b>
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DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 37 - 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 61 – 2013 to reflect the new address of PolyPro Solutions, Inc., which is a company relocating to 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:

Ordinance No. 61 – 2013 is amended to reflect the address of PolyPro Solutions, Inc., will be relocating from 359 State Street NW to 1400 9<sup>th</sup> Street NW in the City of Massillon. PolyPro Solutions, Inc., was provided with an economic development grant to assist with relocating to the City of Massillon.

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, the reason for the emergency is to reflect the change of address for PolyPro Solutions, Inc.,. 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 \_\_\_\_\_, 2014

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

MARY BETH BAILEY, CLERK OF COUNCIL

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

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

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

DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 38 - 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE expanding the boundaries of the Massillon Historic District.

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

Section 1:

The boundaries of the existing Massillon Historic District are hereby expanded by the addition  
of the property described on the attached.

(SEE ATTACHED HERETO)

Section 2:

This ordinance 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 \_\_\_\_\_, 2014

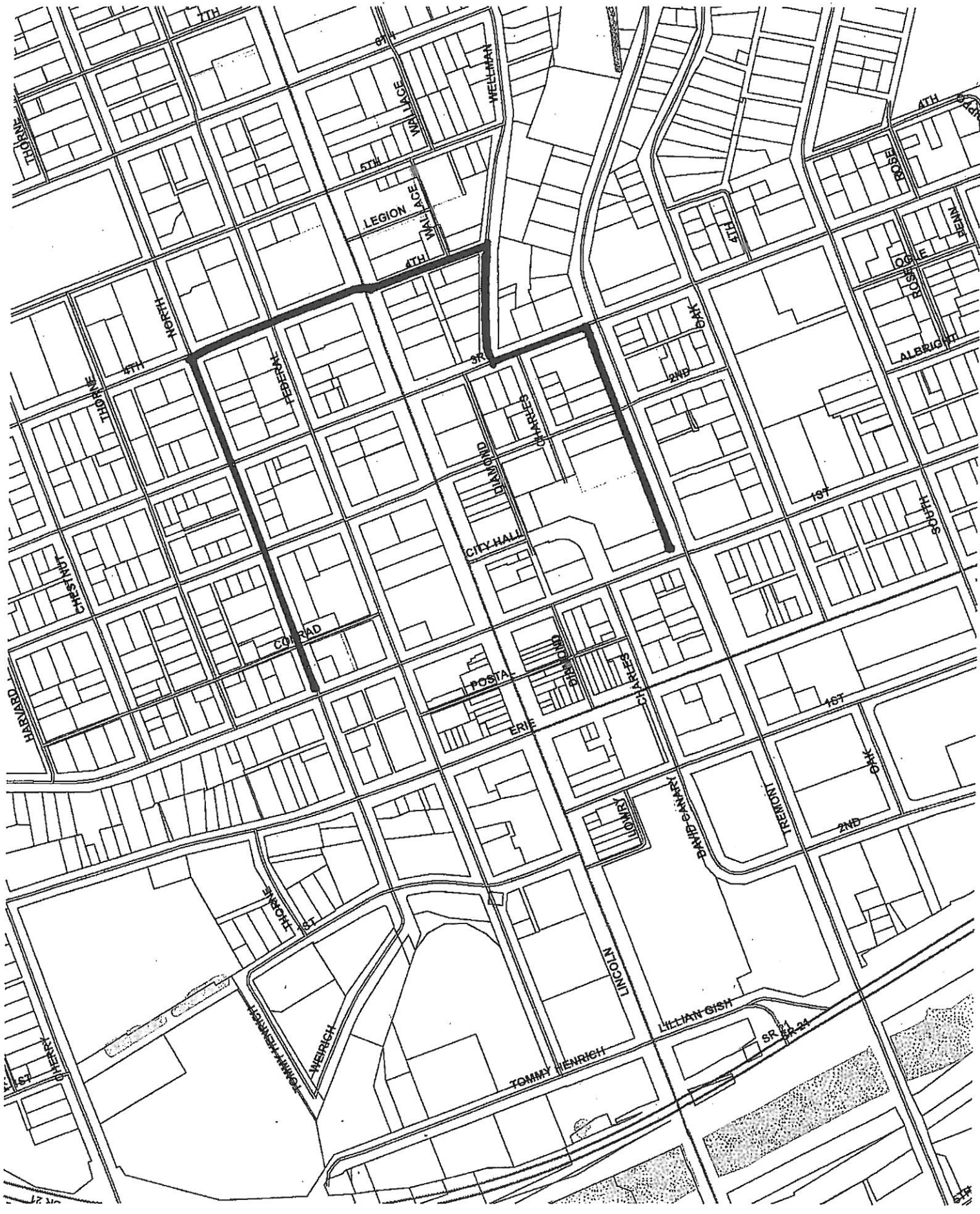
ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

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

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

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





DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 39 - 2014

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 contract with the Ohio Department of Transportation for the SR 241 Paving 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 finds that it is necessary to sign the contract with the Ohio Department of Transportation for the SR 241 Paving Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the contract with the Ohio Department of Transportation for the SR 241 Paving Project. The project funding will be 80/20 with ODOT being responsible for 80% and the City 20% of all project cost unless the city requests items for the project deemed unnecessary by the State and Federal Highway Administration. The project limits are from SR 93 to Erie Street South with construction set to commence in 2013.

(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 Preliminary Legislation with Ohio Department of Transportation so as to proceed with the SR 241 Paving 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 \_\_\_\_\_ 2014

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

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

APPROVED \_\_\_\_\_

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

**CONTRACT**  
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Massillon, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

**WITNESSTH:**

**WHEREAS**, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

**WHEREAS**, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

**WHEREAS**, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

**WHEREAS**, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

**WHEREAS**, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

**NOW, THEREFORE**, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

**SECTION I:**        **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

**SECTION II:**      **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.



**SECTION III: LEGAL REFERENCES**

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

**SECTION IV: SCOPE OF WORK**

The work to be performed under this contract shall consist of the following:

**The project consists of resurfacing of various points and some bridgework, lying within the City of Massillon.**

**SECTION V: FINANCIAL PARTICIPATION**

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Hundred Two Thousand five Hundred Fifty and - - - - 00/100 Dollars, (\$102,550.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within city limits, less the amount of Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling 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 VI: RIGHT-OF-WAY AND UTILITIES**

1. 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.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
  - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
  - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
  - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

**SECTION VII: ADDITIONAL PROJECT OBLIGATIONS**

1. The STATE shall initiate the competitive bid letting, process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
  - A. To keep said highway open to traffic at all times;
  - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
  - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
  - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

**SECTION VIII: DISPUTES**

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

**SECTION IX: NOTICE**

Notice under this contract shall be directed as follows:

City of Massillon  
One James Duncan Plaza S.E.  
Massillon, Ohio  
44646

Ohio Department of Transportation  
Office of Estimating  
1980 West Broad Street, 1st Floor  
Columbus, Ohio 43223

**SECTION X: FEDERAL REQUIREMENTS**

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

**SECTION XI: GENERAL PROVISIONS**

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

**SECTION XI: SIGNATURES**

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.



IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

**SEAL**  
(If Applicable)

**OHIO DEPARTMENT OF  
TRANSPORTATION**

**LOCAL PUBLIC AGENCY  
City of Massillon**

\_\_\_\_\_  
Director of Transportation

\_\_\_\_\_  
Director of Public Service & Safety

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved:  
Mike DeWine  
Attorney General of Ohio

By: \_\_\_\_\_  
Stephen H. Johnson  
Chief, Transportation Section

Date: \_\_\_\_\_

DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 40 - 2014

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 Final Resolution authorizing the contract with the Ohio Department of Transportation for the SR 241 Paving 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 finds that it is necessary to sign the Final Resolution with the Ohio Department of Transportation for the SR 241 Paving Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Final Resolution authorizing the contract Ohio Department of Transportation for the SR 241 Paving Project. Project limits are from SR 93 to Erie Street South with construction set to commence in 2013. The City share of the project is One Hundred Two Thousand Dollars (\$102,000.00) in which alternate funding sources are being sought to provide the City share.

(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 Final Resolution authorizing the contract with Ohio Department of Transportation so as to proceed with the SR 241 Paving 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 \_\_\_\_\_ 2014

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

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

APPROVED \_\_\_\_\_

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

## FINAL RESOLUTION

The following Final Resolution enacted by the City of **Massillon**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on **15<sup>th</sup> day of November, 2010**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

**The project consists of resurfacing of various points and some bridgework, lying within the City of Massillon; and**

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within city limits, less the amount of Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.**

The share of the cost of the LPA is now estimated in the amount of **One Hundred Two Thousand five Hundred Fifty and - - - - 00/100 Dollars, (\$102,550.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.



NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **One Hundred Two Thousand five Hundred Fifty and - - - 00/100 Dollars (\$102,550.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **Director of Public Service & Safety** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume \_\_\_\_\_, at Page \_\_\_\_\_, and under date of \_\_\_\_\_, 20\_\_\_\_.

Legislative Authority of the  
City of **Massillon**, Ohio

\_\_\_\_\_  
**Director of Public Service & Safety**

SEAL  
(If Applicable)

\_\_\_\_\_  
Clerk (Secretary Ex-Officio)

DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 41 - 2014

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 Preliminary Legislation with the Ohio Department of Transportation for the STA-OBPP FY 2016; PID 97410 for the bridge replacement located on 17<sup>th</sup> Street NE over Sippo Creek, 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 Preliminary Legislation with the Ohio Department of Transportation for the STA-OBPP FY 2016; PID 97410 for the bridge replacement located on 17<sup>th</sup> Street NE over Sippo Creek.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Preliminary Legislation with the Ohio Department of Transportation for the STA-OBPP FY 2016; PID 97410 for the bridge replacement located on 17<sup>th</sup> Street NE over Sippo Creek. The project funding will be 100% with ODOT unless the city requests items for the project deemed unnecessary by the State and Federal Highway Administration.

(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 Preliminary Legislation with Ohio Department of Transportation so as to proceed with the bridge replacement located on 17<sup>th</sup> Street NE 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 \_\_\_\_\_ 2014

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

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

APPROVED \_\_\_\_\_

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

**PRELIMINARY LEGISLATION**

**Consent**

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

PID No. 97410

County/Route/Section STA-OBPP FY2016

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:

Replacement of bridge on 17<sup>th</sup> Street NE over Sippo Creek (SFN 7666187)

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 LPA shall be responsible for all financial resources necessary for those items outside the scope of the project, as stated above.

**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.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.





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\_\_\_\_

NOT SEAL

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

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
(Contractual Agent)

\*\*\*\*\*

For the State of Ohio

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

DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 42 – 2014

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Economic Development Fund and the Parking Enforcement Fund, for the year ending December 31, 2014, 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 Economic Development Fund, for the year ending December 31, 2014, the following:

\$8,500.00 to an account entitled "Services/Contracts" 1237.845.2392

\$4,500.00 to an account entitled "Services/Contracts" 1237.845.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Parking Enforcement Fund, for the year ending December 31, 2014, the following:

\$98.91 to an account entitled "Workers Comp." 1208.445.2270

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 \_\_\_\_\_ 2014

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

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

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

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

DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 43 - 2014

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew the one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services, 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 Law of the City of Massillon, to renew the one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to renew the one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services. The City of Canal Fulton shall pay the sum of Twenty-Five Thousand Two Hundred Dollars (\$25,200.00) under the terms of the contract. The contract will be from February 1, 2014 through January 31, 2015. These funds will go into the General 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 immediate preservation of the health, safety, and welfare of the community, and for the additional reason the City of Canal Fulton has requested the Director of Law of the City of Massillon to prosecute all criminal and traffic cases that come before the Massillon Municipal Court and it is necessary to be effective immediately so that increased revenue can be received. 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 \_\_\_\_\_ 2014

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

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

APPROVED \_\_\_\_\_

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



## AGREEMENT

THIS AGREEMENT effective February 1, 2014 through January 31, 2015, between the CITY OF CANAL FULTON and the CITY OF MASSILLON LAW DEPARTMENT, (MLD) sets forth the following responsibilities and mutual benefits. Accordingly, MLD agrees to prosecute criminal and traffic offenders in the Massillon Municipal Court, perform other related traffic and criminal legal services for Canal Fulton and maintain specific responsibility for:

1. Municipal Cases via City Ordinances /ORC (Titles 29 & 45);
2. Private citizens complaints and affidavits for violations under ORC Titles 29 & 45;
3. Informal Prosecutor conferences for bad checks, domestic disputes, neighborhood disturbances, and other appropriate circumstances as the MLD determines;
4. Review search warrants when appropriate or upon request;
5. Assist with and direct Misdemeanor/Felony summons/warrants when appropriate;
6. Issue subpoenas when appropriate (trials/hearings in Massillon Municipal Court);
7. Participate in Court pre-trials, trials, pleas and felony preliminary hearings to conclusion as required and scheduled by Massillon Municipal Court;
8. Prosecute traffic/criminal offenders by trial (judge/magistrate/jury) to conclusion as necessary. Objections to Magistrate Decisions are part of this contract included in basic compensation below. Appeals of trial court decisions to a higher court are not included in this Agreement;
9. Coordinate with crime victims to explain their rights under law and secure their attendance when defendants are arraigned for issuance of TPO's, plus attendance at pre-trials, pleas and trial and coordinate restitution when appropriate; and
10. Serve as liaison between The Massillon Municipal Court and the Canal Fulton Police Department.
11. BASIC COMPENSATION: The City of Canal Fulton will pay the City of Massillon Twenty-Five Thousand Two Hundred Dollars (\$25,200.00) for the one (1) year Agreement. The amount shall be paid in twelve (12) monthly payments of Two Thousand One Hundred and 00/100 Dollars (\$2100.00) commencing on February 1, 2014 and payable on the 1st of each month thereafter.

12. TERM: THIS AGREEMENT is subject to termination at will by the CITY OF CANAL FULTON or the CITY OF MASSILLON LAW DEPARTMENT upon written notice by U.S. CERTIFIED MAIL, effective thirty (30) days after receipt.

EXECUTED ON DATE INDICATED BELOW:

MASSILLON CITY  
LAW DEPARTMENT

PERICLES G. STERGIOS  
Director of Law

DATE: \_\_\_\_\_

CITY OF CANAL FULTON

BY: WAC  
CITY MANAGER

DATE: 2-18-14

BY: [Signature]  
DIRECTOR OF FINANCE

DATE: 2-18-14

BY: [Signature]  
CLERK OF COUNCIL

DATE: 2-18-14

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MASSILLON CITY  
LAW DEPARTMENT

PERICLES G. STERGIOS  
Director of Law

DATE: \_\_\_\_\_

CITY OF CANAL FULTON

BY: [Signature]  
CITY MANAGER

DATE: 2-18-14

BY: [Signature]  
DIRECTOR OF FINANCE

DATE: 2-18-14

BY: [Signature]  
CLERK OF COUNCIL

DATE: 2-18-14