

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

AGENDA

DATE: MONDAY, AUGUST 18, 2008

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M. -

THERE ARE NO PUBLIC HEARINGS TONIGHT

- MANG ABSENT 7-1 (PETERS)
1. ROLL CALL
  2. INVOCATION BY COUNCILMAN DONNIE PETERS
  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. 107 - 2008

BY: ENVIRONMENTAL COMMITTEE

1<sup>ST</sup> READING

AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", declaring an emergency.

ORDINANCE NO. 108 - 2008

BY: RULES, COURTS AND CIVIL SERVICE

7-1 SUSPENSION (PETERS) - ~~1<sup>ST</sup> READING~~ PASS B-O  
AN ORDINANCE amending CHAPTER 905 "STREETS, UTILITIES AND PUBLIC SERVICES CODE" of the codified Ordinances of the City of Massillon, by repealing existing Section 905.01 "CONSTRUCTION AND MAINTENANCE" and replacing it with a new Section 905.01 "OWNER'S RESPONSIBILITY FOR SIDEWALKS", and declaring an emergency.

ORDINANCE NO. 109 - 2008

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY

PASS B-O

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to designate a portion of Cleveland Street SW to Healthcare Way SW, and declaring an emergency.

ORDINANCE NO. 110 - 2008

BY: FINANCE COMMITTEE

PASS B-O

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1482 OPWC Projects Fund, 1409 Municipal Road Fund, Solid Waste Fund, 1201 Street Fund, 1208 Muni Motor Vehicle License Plate Fund, 1401 Capital Improvement Fund, for the year ending December 31, 2008, and declaring an emergency.

RESOLUTION NO. 16 - 2008

BY: HEALTH, WELFARE AND BLDG REGULATIONS

PASS B-O

A RESOLUTION proclaiming the month of September 2008 as National Alcohol and Drug Addiction Recovery Month.

**RESOLUTION NO. 17 – 2008**

**BY: PUBLIC UTILITIES COMMITTEE**

*PASS B-O*

**A RESOLUTION** authorizing all actions necessary to effect a governmental natural gas aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution and authorizing and directing the Director of Public Service and Safety to enter into an agreement with Independent Energy Consultants, Inc. for consulting services and any other required services related to natural gas aggregation.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

LETTER FROM THE OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM CHRISTOPHER ALAN ENTERPRISES INC 14 LINCOLN WAY W 1<sup>ST</sup> FL MASSILLON OHIO 44646 EDWIN DAVILA TO FREEISLES LLC DBA THE SAND PIT 28 PENN AVE SE MASSILLON OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JULY 2008

B). TREASURER SUBMITS MONTHLY REPORT FOR JULY 2008

C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JULY 2008

D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR JULY 2008

E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR JULY 2008

*B-O* F). MAYOR APPOINTMENT OF TIMOTHY MUZI TO THE MASSILLON REC. BOARD

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 104 – 2008**

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

*PASS B-O*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets, and declaring an emergency.

**16. NEW AND MISCELLANEOUS BUSINESS**

**17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

**18. ADJOURNMENT**

**MARY BETH BAILEY - CLERK OF COUNCIL**

DATE: AUGUST 18, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 107 - 2008 *passed 9/2*

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

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

Section 1:

That Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, be and is hereby repealed.

Section 2:

There be and is hereby enacted a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon. Said newly enacted section shall read as follows:

965.09 COLLECTION RATES.

(a) For garbage and rubbish collected and removed, the Director of Public Service and Safety on behalf of the City shall make a monthly charge of:

- (1) Fifteen dollars (\$16.50) per month for each single family residence or unit for weekly service.
- (2) Weekly service shall be limited to five units of trash or garbage in plastic bags no larger than thirty gallons. Bags or containers must not weigh in excess of fifty pounds.

(b) Any quantity over the weekly limit of five units will be billed at a minimum fifty cents (\$.50) per unit.



DATE: AUGUST 18, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 108 - 2008

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 905 "STREETS, UTILITIES AND PUBLIC SERVICES CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 905.01 "CONSTRUCTION AND MAINTENANCE" and replacing it with a new Section 905.01 "OWNER'S RESPONSIBILITY FOR SIDEWALKS", and declaring an emergency.

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

Section 1:

The existing Section 905.01 "CONSTRUCTION AND MAINTENANCE", of CHAPTER 905 "STREETS, UTILITIES AND PUBLIC SERVICES CODE" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

That there hereby is replacing new Section 905.01 "OWNER'S RESPONSIBILITY FOR SIDEWALKS" of CHAPTER 905 "STREETS, UTILITIES AND PUBLIC SERVICES CODE" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

905.01 OWNER'S RESPONSIBILITY FOR SIDEWALKS

(a) Every owner, occupant, person or agent having charge of any tenement, building, lot or land fronting on any avenue, street, alley, road or other public highway of the City is charged with the construction, maintenance and repair of necessary sidewalks, or parts thereof within the limits of the city, and such owner, occupant, person or agent shall be liable in money damages to any person, who while in the lawful use of such sidewalk, sustains an injury to person or damage to property, by reason of the failure of such owner, occupant, person or agent in charge, to maintain the sidewalk in good repair and free from any defect.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that our insurance carrier has requested the change in our city ordinance to reflect the maintenance responsibilities of the sidewalks onto the abutting property owners: 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 \_\_\_\_\_, 2008

ATTEST:

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

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: AUGUST 18, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 109 - 2008

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio to designate a portion of Cleveland Street SW to Healthcare Way SW, 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 authorize the Director of Public Service and Safety to designate Cleveland Street SW to Healthcare Way SW.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to designate a portion of Cleveland Street SW to Healthcare Way SW.

(SEE ATTACHED EXHIBIT "A")

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that the request was made by PatentHealth, LLC. 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.

2<sup>nd</sup> page is the signature page







DATE: AUGUST 18, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 110- 2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1482 OPWC Projects Fund, 1409 Municipal Road Fund, Solid Waste Fund, 1201 Street Fund, 1206 Muni Motor Vehicle License Plate Fund, Indigent Driver Alcohol Fund, 1406 Wastewater Treatment Capital Improvement Fund, 1401 Capital Improvement Fund, for the year ending December 31, 2008, 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 1482 OPWC Projects Fund, for the year ending December 31, 2008, the following:

\$191,199.20 to an account entitled "Keuper Blvd Storm Sewer Project" 1482.425.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 1409 Municipal Road Fund, for the year ending December 31, 2008, the following:

\$158,000.20 to an account entitled "Lincoln Way Project" 1409.435.2399

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Fund, for the year ending December 31, 2008, the following:

\$28,000.00 to an account entitled "Gas/Oil - Solid Waste" 2102.605.2430

\$18,000.00 to an account entitled "OVT - Solid Waste" 2102.605.2119

\$15,000.00 to an account entitled "Salary - Solid Waste" 2102.605.2110

\$ 4,500.00 to an account entitled "PERS - Solid Waste" 2102.605.2230

Section 4:

There be and hereby is appropriated from the unappropriated balance of the 1201 Street Fund, for the year ending December 31, 2008, the following:

\$64,349.93 to an account entitled "Lincoln Way Project" 1201.435.2399



Section 5:

There be and hereby is appropriated from the unappropriated balance of the 1206 Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2008, the following:

\$30,000.00 to an account entitled "Keuper Blvd Storm Sewer Project" 1206.425.2511  
\$26,004.84 to an account entitled "Lincoln Way Project" 1206.435.2516

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Indigent Driver Alcohol Fund, for the year ending December 31, 2008, the following:

\$22,500.00 to an account entitled "Services/Contracts" 1225.125.2392

Section 7:

There be and hereby is appropriated from the unappropriated balance of the 1406 Wastewater Treatment Capital Improvement Fund, for the year ending December 31, 2008, the following:

\$14,000.00 to an account entitled "Contracted Services" 1406.610.2392

Section 8:

There be and hereby is appropriated from the unappropriated balance of the 1401 Capital Improvement Fund, for the year ending December 31, 2008, the following:

\$5,991.70 to an account entitled "Lincoln Way Project" 1401 435.2399

Section 9:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. 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 \_\_\_\_\_ 2008

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: AUGUST 18, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 16 - 2008

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: A RESOLUTION proclaiming the month of September 2008 as National Alcohol and Drug Addiction Recovery Month.

WHEREAS, treatment and long-term recovery from substance use disorders can offer a renewed outlook on life for those who are addicted and their family members; and

WHEREAS, substance use disorders impact 22.6 million people aged 12 or older in the United States (or 9.2 percent of the population), which is more than the number of people living with coronary heart disease, cancer or Alzheimer's disease combined; and

WHEREAS, people who receive treatment for substance use disorders can lead more productive and fulfilling lives, personally and professionally; and

WHEREAS, studies have consistently found that individualized treatment is essential for people to be successful in their path of recovery; and

WHEREAS, real stories of long-term recovery can inspire others to ask for help and improve their own lives, the lives of their families, and the entire community; and

WHEREAS, it is critical that we educate our community members that substance use disorders are treatable, yet serious health care problems, and by treating them like other chronic diseases, we can improve the quality of life for the entire community; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and **(name of a treatment organization in your state or region)** invite all residents of the City of Massillon to participate in National Alcohol and Drug Addiction Recovery Month; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, COUNTY OF STARK AND STATE OF OHIO, THAT;



Section 1:

This Council of the City of Massillon hereby proclaim the month of September 2008 as National Alcohol and Drug Addiction Recovery Month and call upon the people of the City of Massillon to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "Join the Voices for Recovery: Real People, Real Recovery."

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

APPROVED \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED \_\_\_\_\_

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: AUGUST 18, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 17 - 2008

BY: PUBLIC UTILITIES COMMITTEE

TITLE: A RESOLUTION authorizing all actions necessary to effect a governmental natural gas aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution and authorizing and directing the Director of Public Service and Safety to enter into an agreement with Independent Energy Consultants, Inc. for consulting services and any other required services related to natural gas aggregation.

WHEREAS, the Ohio Constitution permits municipalities to act as purchasing agent for group of consumers located within their jurisdiction, and contract with others for any such product or service.

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually;

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution for the residents, businesses and other natural gas consumers in the City, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, COUNTY OF STARK AND STATE OF OHIO, THAT;

Section 1:

That the Director of Public Service and Safety is hereby authorized and directed to enter into an agreement with Independent Energy Consultants, Inc. for consulting services and any other required services related to natural gas utility aggregation for the City of Massillon and ratifying any such services heretofore performed.



Section 2:

This Council finds and determines that it is in the best interest of the City, its residents, businesses and other natural gas consumers located within the corporate limits of the City to establish the Aggregation Program in the City. The City may exercise such authority jointly with other municipalities using Independent Energy Consultants, Inc, as to the full extent permitted by law, and for such purpose, the Director of Public Service and Safety is hereby authorized to execute and deliver a service agreement with the selected natural gas program supplier. The aggregation will occur provided each interested person using natural gas service from Dominion East Ohio Gas within the city limits "opts-in" to the program by contacting the natural gas program supplier.

Section 3:

This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4:

This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Resolution is required to be immediately effective in order to file a certified copy of this Resolution.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

APPROVED \_\_\_\_\_

MARY BETH BAILEY CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR