

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

AGENDA

DATE: MONDAY, FEBRUARY 2, 2009  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

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

ORDINANCE NO. 16 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1st Reading - P.H. 3/2/09 7:20 PM*

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (no zoning) to A-1 General Agricultural District, and declaring an emergency.

ORDINANCE NO. 17 – 2009

BY: HEALTH, WELFARE & BLDG REGULATIONS

*Pass 9-0*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into contract with the lowest and best bidder, upon approval of the Board of Controls, for sidewalk, stair and ramp improvements at the Massillon Municipal Government Annex Building located at 151 Lincoln Way East, and declaring an emergency.

ORDINANCE NO. 18 – 2009

BY: HEALTH, WELFARE & BLDG REGULATIONS

*1st Reading*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into the Planned Service Agreement with Honeywell for the maintenance of heating and air conditioning for the Wastewater Treatment Plant, City Hall and Fire Stations 1, 2, 3 and 4, Municipal Annex Building and the City Garage, and declaring an emergency.

ORDINANCE NO. 19 – 2009

BY: RULES, COURTS & CIVIL SERVICE

*Pass 9-0*

**AN ORDINANCE** amending Chapter 121.02 "RULES OF COUNCIL" of title 9 of the Massillon Codified Ordinances by enacting rule 74, and declaring an emergency.

ORDINANCE NO. 20 – 2009

BY: FINANCE COMMITTEE

*Pass 9-0*

**AN ORDINANCE** authorizing the Auditor to pay various 2008 bills that have been received and that will be received by her office between January 1, 2009 and March 1, 2009, out of the 2009 appropriations within the various departments of the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 21 – 2009**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** making certain transfers in the 2009 appropriations from within the General Fund, for the year ending December 31, 2009, and declaring an emergency.

**ORDINANCE NO. 22 – 2009**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2009, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS
  - A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JANUARY 2009
  - B). AUDITOR SUBMITS MONTHLY REPORT FOR JANUARY 2009
  - C). MAYOR'S APPOINTMENTS BOARD OF COMMISSIONS – Tabled from 1/20/09  
REC'D BY APPT ~~2-2~~ 3-6 DEFEATED / REMAINDER 9-0
11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS
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: DECEMBER 2, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 16 - 2009

*passed 3/2*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (no zoning) to A-1 General Agricultural District.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from Tuscarawas Township (no zoning) to A-1 General Agricultural District. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on January 14, 2009 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as A-1 General Agricultural District.

Being known as Manson Annexation Area, an approximate 9.977 acre parcel located on the east side of 27<sup>th</sup> Street ANW, south of the Sippo Valley Trail. The purpose for the rezoning is to give this recently annexed property Massillon City Zoning classification. The applicant is the City of Massillon.

Section 3:

This ordinance shall take effect and be in force from and after the earliest period allowed by law.



NOTE:  
This map is prepared, approved, and shown from available data of  
Manson, and is not a survey. It is not a legal document. It is not a  
survey, and it is not a legal document. It is not a survey, and it is not  
a legal document. It is not a survey, and it is not a legal document.

BASE OF BEARING:  
The bearing of the line of the City of Manson is as shown on the map.  
The bearing of the line of the City of Manson is as shown on the map.  
The bearing of the line of the City of Manson is as shown on the map.

PERMITS DOCUMENTS:  
The City of Manson is a city of the State of Ohio.  
The City of Manson is a city of the State of Ohio.  
The City of Manson is a city of the State of Ohio.

MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF MANSON, OHIO  
NOT TO SCALE

Area to be  
Annexed to the  
City of Manson

CITY OF MANSON  
CORPORATION LIMITS

MANSON ANNEXATION

Part of the NW Quarter Section 12, Tuscarawas Township  
Annexation Map  
City of Manson  
Stark County, Ohio

MANSON ANNEXATION

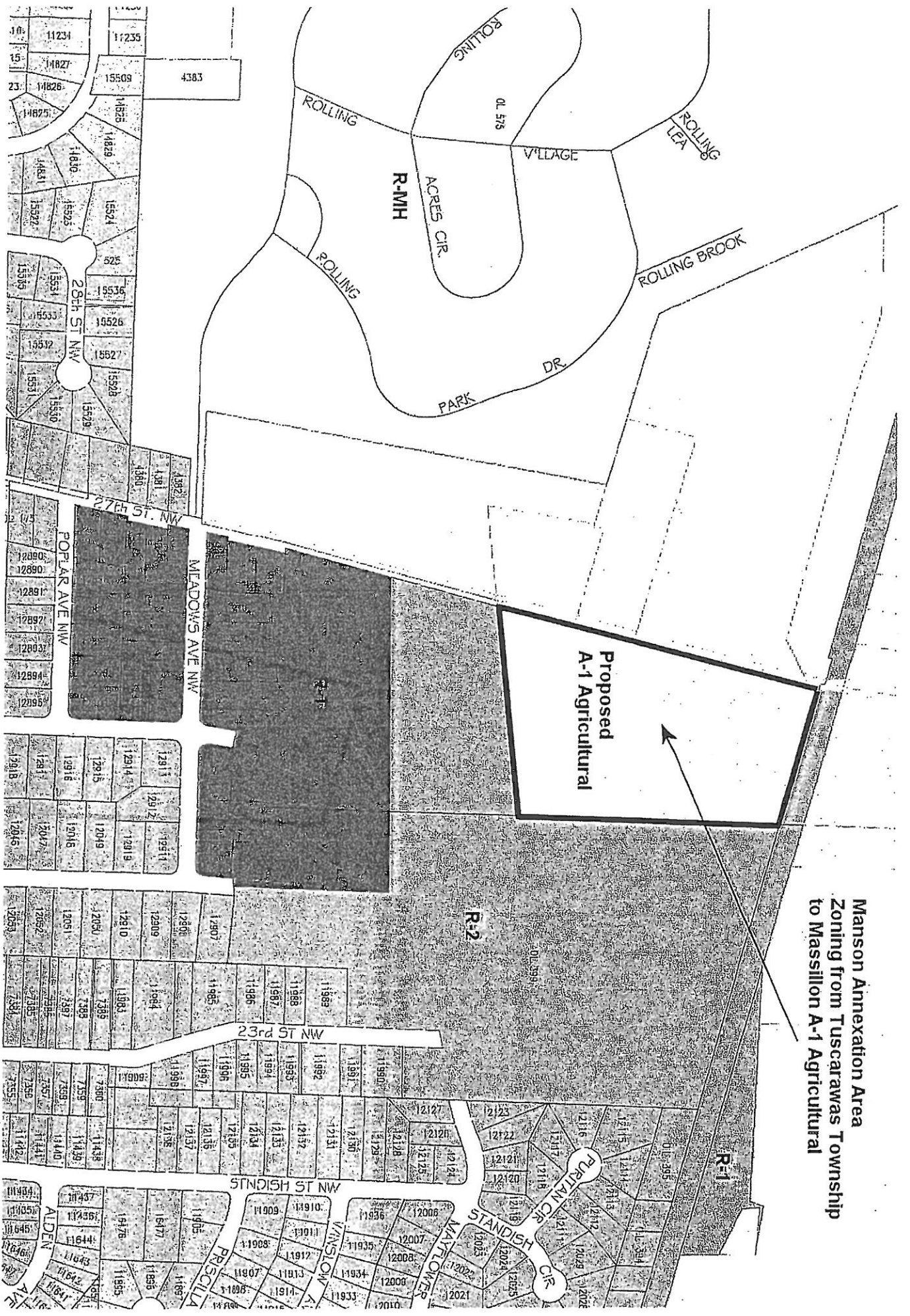
Part of the NW Quarter Section 12, Tuscarawas Township  
Annexation Map  
City of Manson  
Stark County, Ohio

MANSON ANNEXATION

Part of the NW Quarter Section 12, Tuscarawas Township  
Annexation Map  
City of Manson  
Stark County, Ohio

<p>MANSON ANNEXATION</p> <p>Part of the NW Quarter Section 12, Tuscarawas Township</p> <p>Annexation Map</p> <p>City of Manson</p> <p>Stark County, Ohio</p>	
<p>DATE: 07/20/2007</p> <p>BY: 07/20/2007</p> <p>07/20/2007</p>	<p>DATE: 07/20/2007</p> <p>BY: 07/20/2007</p> <p>07/20/2007</p>

Manson Annexation Area  
Zoning from Tuscarawas Township  
to Massillon A-1 Agricultural



DATE: FEBRUARY 2, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 17- 2009

BY: HEALTH, WELFARE & BUILDING REGULATIONS 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 with the lowest and best bidder, upon approval of the Board of Controls, for sidewalk, stair and ramp improvements at the Massillon Municipal Government Annex Building located at 151 Lincoln Way East, 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, upon approval of the Board of Controls, according to law for sidewalk, stair and ramp improvements at the Massillon Municipal Government Annex Building located at 151 Lincoln Way East.

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 and enter into contract with the lowest and best bidder, upon approval of the Board of Controls, according to law for sidewalk, stair and ramp improvements at the Massillon Municipal Government Annex Building located at 151 Lincoln Way East. The estimated cost of the project is Seventy-Two Thousand Dollars (\$72,000.00) which the funds will be used from CDBG and Capital Improvements Funds.

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to receive bids and enter into for the improvements to the sidewalk, stair and ramp at the Massillon Municipal Government Annex Building. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



DATE: FEBURARY 2, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 18 - 2009

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into the Planned Service Agreement with Honeywell for the maintenance of heating and air conditioning for the Wastewater Treatment Plant, City Hall and Fire Stations 1, 2, 3 and 4, Municipal Annex Building and the City Garage, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into the Planned Service Agreement with Honeywell for the maintenance of heating and air conditioning for the Wastewater Treatment Plan, City Hall, Fire Stations 1, 2, 3 and 4, Municipal Annex Building and the City garage. This is for a new ten year contract.

Section 2:

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 continue the contract with Honeywell for the maintenance of the heating and air conditioning of the various buildings located within the City of Massillon. 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: FEBRUARY 2, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 19 - 2009

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Chapter 121.02 "RULES OF COUNCIL" of title 3 of the Massillon Codified Ordinances by enacting rule 74, 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 to amend Section 121.02 "Rules of Council" of title 3 of the Massillon Codified Ordinances by adding thereto a new rule 73 to establish that procedure to be followed in the event that the duly appointed Clerk of Council is unable to attend a meeting an acting Clerk of Council is necessary for any meeting or other duties called upon by the President of Council.

Section 2:

Rule 74 of Section 121.02 of title 3 of the Codified Ordinances of the City of Massillon is hereby enacted and shall read as follows:

Rule 74: If the regular Clerk of Council is absent from his or her duties for just cause, the President of Council may appoint a temporary acting Clerk of Council who shall have all the duties and lawful powers to act for and as the Clerk of Council during the just absence of the Clerk of Council. The temporary acting Clerk of Council's compensation shall be paid at the rate of \$50.00 (fifty dollars) per meeting for attendance at any regular meeting, work session, or special meeting. The President is further authorized to select and train an acting Clerk. The acting Clerk shall be paid the sum of \$50.00 (fifty dollars) per training session.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the efficient operation of the Massillon City Council and for the additional reason that it is necessary that a procedure be established for the appointment of acting Clerk in the event that the Clerk of Council is unable to attend a meeting. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



DATE: FEBRUARY 2, 2009 CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 20 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor to pay various 2008 bills that have been received and that will be received by her office between January 1, 2009 and March 1, 2009, out of the 2009 appropriations within the various departments of the City of Massillon, Ohio, 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 it necessary to authorize the City Auditor to pay various 2008 bills that have been received and that will be received by her office between January 1, 2009 and March 1, 2009, out of the 2009 appropriations within the various departments of the City of Massillon, Ohio,

Section 2:

The City Auditor is hereby authorized and directed to pay various 2008 bills that have been received and that will be received by her office between January 1, 2009 and March 1, 2009, out of the 2009 appropriations within the various departments of the City of Massillon, Ohio.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to pay various 2008 bills that will be submitted to the City Auditors office between January 1, 2009 and March 1, 2009, and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: FEBRUARY 2, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 21 – 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2009 appropriations from within the General Fund, for the year ending December 31, 2009, and declaring an emergency.

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

Section 1:

There be and hereby is transferred from the 2009 appropriation from within the General Fund, for the year ending December 31, 2009, the following:

FROM:	Bailiff Salary	1100.135.2111	\$24,000.00
	Hospital/Eye/Dental	1100.135.2210	\$ 8,700.00
	Bailiff PERS	1100.135.2230	\$ 3,600.00
	Bailiff Medicare	1100.135.2231	\$ 348.00
TO	Salary Municipal Court	1100.125.2111	\$24,000.00
	Municipal Hospital/Eye/Dental	1100.125.2210	\$ 8,700.00
	Municipal Court PERS	1100.125.2230	\$ 3,600.00
	Municipal Court Medicare	1100.125.2231	\$ 348.00

Section 2

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2009. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: FEBRUARY 2, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 22- 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2009, 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 Capital Improvement Fund, for the year ending December 31, 2009, the following:

\$18,172.27 to an account entitled "Contracted Services" 1401.325.2392

Section 2:

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 \_\_\_\_\_ 2009

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

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR, MAYOR