

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

AGENDA

DATE: MONDAY, MAY 4, 2009  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

*MANY ABSENT*

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DAVE MCCUNE
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. 69 – 2009

BY: FINANCE COMMITTEE

*PASS 8-0*  
AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, OPWC Projects Fund, Municipal Road Vehicle License Plate Fund, Wastewater Treatment Capital Improvement Fund, Capital Improvement Fund, Local Law Enforcement Trust Fund and the Street Fund, for the year ending December 31, 2009, and declaring an emergency.

ORDINANCE NO. 70 – 2009

BY: FINANCE COMMITTEE

*PASS 7-1 (CATAZARO - PERRY)*  
AN ORDINANCE reducing the appropriations in the General Fund, for the year ending December 31, 2009, and declaring an emergency.

RESOLUTION NO. 4 – 2009

BY: COMMITTEE OF THE WHOLE

*PASS 8-0*  
A RESOLUTION recognizing the fire departments, EMS agencies and other local agencies that assisted with the Easter Sunday fire that occurred on April 12, 2009.

RESOLUTION NO. 5 – 2009

BY: COMMITTEE OF THE WHOLE

*PASS 8-0*  
A RESOLUTION stating that the Council of the City of Massillon, Ohio, will support changing the formula for the funding of the Municipal Courts in Ohio.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM AMVETS POST0006 303 WEIRICH NW MASSILLON OH 44646 TO AMVETS POST0006 DBA AMVETS POST NO 6 248 FEDERAL AVE NW MASSILLON OH 44647

9. **BILLS, ACCOUNTS AND CLAIMS**  
10. **REPORTS FROM CITY OFFICIALS**

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR APRIL 2009  
B). AUDITOR SUBMITS MONTHLY REPORT FOR APRIL 2009

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

**ORDINANCE NO. 48 – 2009**      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 8-0*  
**AN ORDINANCE** amending the agreement between the City of Massillon and Alco Industries, dba U.S. Chemical & Plastics, under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

**ORDINANCE NO. 49 – 2009**      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 8-0*  
**AN ORDINANCE** amending the agreement between the City of Massillon and Robert J. Matthews Co./Filters, Inc., under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

**ORDINANCE NO. 50 – 2009**      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 8-0*  
**AN ORDINANCE** repealing Ordinance No. 150 – 2001, and rescinding the Enterprise Zone Agreement with Crown Cork & Seal Co., and declaring an emergency.

**ORDINANCE NO. 51 – 2009**      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 8-0*  
**AN ORDINANCE** repealing Ordinance No. 148 – 2003, and rescinding the Enterprise Zone Agreement with Ring Masters LLC., and declaring an emergency.

**ORDINANCE NO. 52 – 2009**      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 8-0*  
**AN ORDINANCE** repealing Ordinance No. 67 – 2004, and rescinding the Enterprise Zone Agreement with Ohio Packaging Corp., and declaring an emergency.

**ORDINANCE NO. 53 – 2009**      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 8-0*  
**AN ORDINANCE** repealing Ordinance No. 152 – 1999, and rescinding the Enterprise Zone Agreement with R & D, Inc., and declaring an emergency.

**ORDINANCE NO. 54 – 2009**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 7-1 (CATAZARO-PERRY)*  
**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.

**ORDINANCE NO. 55 – 2009**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 8-0*  
**AN ORDINANCE** approving an amendment to the City of Massillon's FY 2008 Community Development Block Grant Program Annual Action Plan, authorizing the filing and execution of the amendment, and declaring an emergency.

**ORDINANCE NO. 56 – 2009**

**BY: PARKS AND RECREATION COMMITTEE**

*PASS 7-1 (CATAZARO-PERRY)*  
**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to enter into contract agreements with Variety Attractions, Inc., L & B Entertainment Inc., and other companies for various engagements for the 2009 summer concert series, and declaring an emergency.

**ORDINANCE NO. 59 – 2009**

**BY: PUBLIC UTILITIES COMMITTEE**

*PASS 6-2 (MCCUNE, TOWNSEND)*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Range Resources Appalachia, LLC for a 7.52 acre parcel owned by the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 60 – 2009**

**BY: PUBLIC UTILITIES COMMITTEE**

*PASS 6-2 (MCCUNE, TOWNSEND)*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Range Resources Appalachia, LLC for a 0.40 acre parcel owned by the City of Massillon, and declaring an emergency.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 67 – 2009**

**BY: PUBLIC UTILITIES COMMITTEE**

*2ND READING*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Range Resources Appalachia, LLC, 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: MAY 4, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO.69 – 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund and the Muni Motor Vehicle License Plate 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 General Fund, for the year ending December 31, 2009, the following:

\$35,500.00 to an account entitled "Salary - Police" 1100.305.2110

\$35,500.00 to an account entitled "Salary - Fire" 1100.325.2110

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2009, the following:

\$10,000.00 to an account entitled "Storm Sewer Repairs" 1206.425.2510

Section 3:

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.

DATE: MAY 4, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 70 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriation in the Summer Concert Fund, of the City of Massillon, 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:

The appropriations are hereby reduced in the Summer Concert Fund, for the year ending December 31, 2009, as follows:

\$40,000.00 from an account entitled "Services/Contracts" 1212.505.2392

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 and for the additional reason that the appropriation needs to be reduced because of an audit procedure. 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

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

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

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

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



DATE: MAY 4, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 4 - 2009

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION recognizing the various fire departments, EMS agencies and other local agencies that assisted with the Easter Sunday fire that occurred on April 12, 2009.

WHEREAS, On Easter Sunday, April 12, 2009 a fire broke out in downtown Massillon destroying several businesses along the block. The Massillon Fire Department was dispatched to the scene in which case the fire had consumed most of the city block. Fire Chief Tom Burgasser called in all personnel from the fire department also requesting assistance from neighboring communities.

WHEREAS, the Council of the City of Massillon would like to formally express our deepest gratitude to the following departments, various cities and agencies that assisted in keeping the fire contained to one block of downtown Massillon. The fire departments that are being recognized for their excellent service is City of Massillon, City of Canton, Bethlehem Township, Jackson Township, Perry Township and Plain Township. The Massillon Police Department is being recognized for their assistance with crowd control and safety. The agencies that assisted with various services are Smith Ambulance, EMT Ambulance, the Salvation Army, Red Cross, Dominion Gas, Ohio Edison and Aqua Water Company.

WHEREAS, without the assistance of the various departments and entities that have been listed the damage to the downtown area of the City of Massillon would have been more extensive.

Now, therefore be it resolved that Massillon City Council recognizes these various departments and agencies for the assistance during what could have been very tragic for the City of Massillon.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009

ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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

DATED: MAY 4, 2009

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 5 - 2009

BY: COMMITTEE OF THE WHOLE

A RESOLUTION stating that the Council of the City of Massillon, Ohio, will support changing the formula for the funding of Municipal Courts in Ohio.

WHEREAS, the City of Massillon is required by the Ohio Revised Code to pay virtually all of the cost and expense for operating the Massillon Municipal Court System and Clerk of Court's office for said System, and

WHEREAS, the City of Massillon has a population of approximately 32,000 people paying income taxes for the funding of this Court System, and

WHEREAS, the Massillon Municipal Court and the Clerk of Court for Massillon, Ohio serve the entire area of Western Stark County with a 2000 population of approximately 130,000 people, and

WHEREAS, the City of Massillon receives little or no compensation from taxpayers or entities outside of the corporate limits to pay for the expenses involved in maintaining such Court System, and

WHEREAS, the Court System benefits and provides services for all of Stark County, and

WHEREAS, the Massillon City Law Department is paid for entirely with funds from the City of Massillon General Fund as is a vast majority of the expenses for the operation of the Court and Clerk of Courts, and

WHEREAS, Massillon City Law Department is required to perform many services that benefit the Township Police Departments, other City and Village Police Departments, the Stark County Sheriff's Office, and the Ohio State Highway Patrol and receives no compensation from any outside entities to pay the cost and expenses of said Department, and

WHEREAS, the legislature of the State of Ohio has failed to consider any legislation to correct such inequities or compensate municipalities and assist in the cost of maintaining and providing such a Court System for residents residing outside of the municipality, and

WHEREAS, the legislative authority of the City of Massillon wishes to inform the elected representatives in the State Legislature that something needs to be done to correct these inequities, address Court funding and assistance to municipalities which house the municipal courts.

WHEREAS, it is our belief that the fairest and most equitable means of supporting the court system would be that each participant of the court system pay a fair share towards the support based upon the percentage of their usage of the court system in the year prior.

WHEREAS, it is our belief that in an effort to relieve the financial burden of housing the court system from the host city that the State Legislature should implement the recommendation of their joint committee to study court costs and filing fees for 2008 and that "court costs should be returned to the funding source".

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, AS FOLLOWS:

The Council of the City of Massillon hereby urges Senator Kirk Schuring, Representatives W. Scott Oelslager, Stephen Slesnik and Todd Snitchler to take the action necessary and bring forth legislation to correct this gross inequity that has been brought upon municipalities such as Massillon which house municipal courts and are required by law to pay the expenses of said courts and receive little or no compensation from the surrounding citizens or governmental units which receive the benefit of said courts.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

ATTEST:

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

\_\_\_\_\_  
GLENN GAMBER, PRESIDENT

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

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