

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

AGENDA

DATE: MONDAY, OCTOBER 5, 2009  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN LARRY SLAGLE (GUEST PASTOR LARRY LALAMA)
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. 118 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract development agreement with the Association for Better Community Development, Inc., (ABCD, Inc) to utilize Neighborhood Stabilization Program (NSP) funding to acquire, rehabilitate and resell two vacant, foreclosed properties in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 119 – 2009

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Director of Law of the City of Massillon, to enter into a one year contract with the Village of Hills and Dales, for the purpose of providing prosecutorial services, and declaring an emergency.

ORDINANCE NO. 120 – 2009

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Neighborhood Stabilization Program Fund and the Marketplace Infrastructure Fund, for the year ending December 31, 2009, and declaring an emergency.

ORDINANCE NO. 121 – 2009

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon, and declaring an emergency.

ORDINANCE NO. 122 – 2009

BY: FINANCE COMMITTEE

**AN ORDINANCE** establishing a fund entitled "EMS Fund", and creating line items within said fund, and declaring an emergency.

ORDINANCE NO. 123 – 2009

BY: FINANCE COMMITTEE

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to accept a Domestic Violence Prosecutor Grant (2009-AR-VA2-1251) that will allow the City of Massillon to have designate a prosecutor specifically for domestic violence cases, and declaring an emergency.

ORDINANCE NO. 124 – 2009

BY: FINANCE COMMITTEE

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to accept the Edward Byrne Memorial Justice Assistance Grant (2009-RA-D01-2203) for the establishment of a Community Partnership Prosecution Unit to fund 1.45 prosecution positions for the Massillon Law Department, and declaring an emergency.

RESOLUTION NO. 17 – 2009

BY: COMMITTEE OF THE WHOLE

**A RESOLUTION** reversing the decision of the Massillon Zoning Board of Appeals made on September 10, 2009 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code for a proposed fence/handrail at 2460 Wright State Drive SE, on Lot No. 16030 in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 18 – 2009

BY: COMMITTEE OF THE WHOLE

**A RESOLUTION** reversing the decision of the Massillon Zoning Board of Appeals made on September 10, 2009 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a proposed building site for the Salvation Army to located on vacant Lot No. 580 in the City of Massillon, Ohio, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR WALGREEN CO DBA WALGREENS 07865 1950 WALES RD NE MASSILLON, OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

**A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR SEPTEMBER 2009**

**B). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2009**



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

ORDINANCE NO. 115 – 2009

BY: POLICE AND FIRE COMMITTEE

*2nd*  
**AN ORDINANCE** amending CHAPTER 711 "AMBULANCE COMPANIES" of the Codified Ordinances of the City of Massillon, by repealing existing Section 711.02 "Description of Service" of CHAPTER 711 "AMBULANCE COMPANIES".

*2nd*  
ORDINANCE NO. 116 – 2009

BY: POLICE AND FIRE COMMITTEE

**AN ORDINANCE** enacting a new CHAPTER 967 "EMERGENCY MEDICAL SERVICES" of the Codified Ordinances of the City of Massillon.

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 OCTOBER 5, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 118 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a development agreement with the Association for Better Community Development, Inc., (ABCD, Inc) to utilize Neighborhood Stabilization Program (NSP) funding to acquire, rehabilitate and resell two vacant, foreclosed properties in the City of Massillon, and declaring an emergency.

Section 1:

This Council hereby authorizes the Mayor to enter into a development agreement with the Association for Better Community Development, Inc., (ABCD, Inc) to utilize Neighborhood Stabilization Program (NSP) funding to acquire, rehabilitate and resell two vacant, foreclosed properties in the City of Massillon.

Section 2:

The Mayor of the City of Massillon is hereby authorized to enter into a development agreement with the Association for Better Community Development, Inc., (ABCD, Inc) to utilize Neighborhood Stabilization Program (NSP) funding to acquire, rehabilitate and resell two vacant, foreclosed properties located at 1304 and 1321 Pearl Avenue SE. The total estimated project cost, including acquisition, redevelopment and resale is \$219,420 (Two Hundred Nineteen Thousand Four Hundred and Twenty Dollars). All proceeds from the sale of these homes will be returned to the City's NSP fund to be used for additional housing projects.

Section 3:

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 expansion of business and employment opportunities. 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: OCTOBER 5, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 119 - 2009

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, to enter into a one year contract with the Village of Hills and Dales, 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 enter into a one year contract with the Village of Hills and Dales for the purpose of providing prosecutorial services.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to enter into a one year contract with the Village of Hills and Dales for the purpose of providing prosecutorial services. The terms and conditions of the contract are as stated in the attached Exhibit "A".

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 additional reason the Village of Hills and Dales 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.

## AGREEMENT

THIS AGREEMENT effective \_\_\_\_\_ through \_\_\_\_\_, between the VILLAGE OF HILLS & DALES and the CITY OF MASSILLON LAW DEPARTMENT, (MLD) sets forth the following responsibilities and mutual benefits. Accordingly, MLD agrees to prosecute traffic and criminal offenders in the Massillon Municipal Court, perform other related legal services for Village of Hills & Dales and maintain specific responsibility for:

1. Municipal Cases via Village of Hills & Dales /ORC (Titles 29 & 45);
2. Prosecute traffic and criminal offenders by trial (judge/magistrate) 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;
3. Issue subpoenas when appropriate involving traffic and criminal trials in the Massillon Municipal Court; and
4. Serve as liaison between The Massillon Municipal Court and the Village of Hills & Dales as it relates to traffic and criminal offenses.
5. BASIC COMPENSATION: The Village of Hills & Dales will pay the City of Massillon One Hundred Dollars (\$100.00) per case for a one (1) year Agreement period. This amount shall be paid by the 10<sup>th</sup> of each month for cases concluded in the preceding month.
6. In the event any one specific case requires an extraordinary amount of time and effort by the MLD, the parties shall mutually agree upon additional payment for such services.
7. THIS AGREEMENT is subject to termination by the VILLAGE OF HILLS & DALES or the CITY OF MASSILLON LAW DEPARTMENT upon 30 days written notice by U.S. CERTIFIED MAIL, effective thirty (30) days after receipt.

EXECUTED ON DATE INDICATED BELOW:

MASSILLON CITY  
LAW DEPARTMENT

VILLAGE OF HILLS & DALES

PERICLES G. STERGIOS  
Director of Law

BY: \_\_\_\_\_

BY: \_\_\_\_\_

DATE: OCTOBER 5, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st Reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO.120 – 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Neighborhood Stabilization Program Fund and the Marketplace Infrastructure 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 Neighborhood Stabilization Program Fund, for the year ending December 31, 2009, the following:

\$219,420.00 to an account entitled "Housing Activities" 1207.845.2802

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Marketplace Infrastructure Fund, for the year ending December 31, 2009, the following:

\$6,072.56 to an account entitled "Services/Contracts" 1419.845.2392

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.

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DATE: OCTOBER 5, 2009 CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 121 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for 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:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to enter into contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon.

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 it is necessary to enter into a contract with Public Entities Pool of Ohio (PEP) as the previous policies are about to expire and the renewal is due in September, 2009. In addition it is necessary to maintain insurance coverage for the City. 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: OCTOBER 5, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st Reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 122 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "EMS Fund", and creating line items within said fund, 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 is hereby established within the City of Massillon, Ohio, a fund entitled "EMS Fund", and creating line items within said fund.

Section 2:

The City Auditor is hereby authorized and directed to draw her warrants and make payments on vouchers duly approved by the proper departmental authority.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary in order to keep federal grant dollars in one specific fund as recommended by the State Auditor for accounting procedures within the Auditor's Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

DATE: OCTOBER 5, 2009 CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 123 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to accept a Domestic Violence Prosecutor Grant (2009-AR-VA2-1251) that will allow the City of Massillon to have designate a prosecutor specifically for domestic violence cases, 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 the public health, safety and welfare of the community to accept a Domestic Violence Prosecutor Grant (2009-AR-VA2-1251) that will allow the City of Massillon to have a prosecutor specifically designated to handle all domestic violence cases.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to accept a Domestic Violence Prosecutor Grant (2009-AR-VA2-1251) that will allow the City of Massillon to specifically designate one prosecutor to prosecute for domestic violence cases.

Section 3:

The amount of the Domestic Violence Prosecutor Grant (2009-AR-VA2-1251) shall be Fifty-Three Thousand Four Hundred Twenty-Four Dollars and Twenty-Two Cents (53,424.22). The city will be responsible for the remaining cost of Seventeen Thousand Eight Hundred Eight Dollars and Seven Cents (\$17,808.07).



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 the grant is necessary to provide the Law Department with and allow the City of Massillon to have a prosecutor handle cases specifically for domestic violence. This will be in accordance with Violence Against Women Act (VAWA). 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: OCTOBER 5, 2009

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 124 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept the Edward Byrne Memorial Justice Assistance Grant (2009-RA-D01-2203) for the establishment of a Community Partnership Prosecution Unit to fund 1.45 prosecution positions for the Massillon Law Department, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to accept the Edward Byrne Memorial Justice Assistance Grant (2009-RA-D01-2203) in the amount of One Hundred Twenty-Seven Thousand Three Hundred Thirty-Four Dollars (\$127,334.00) to fund 1.45 prosecution positions for the Massillon Law Department.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to accept the Edward Byrne Memorial Justice Assistance Grant (2009-RA-V01-2209) to fund 1.45 prosecution positions for the Massillon Law Department.

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 reason that the grant is necessary for the funding of 1.45 prosecution positions in the Massillon Law Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: OCTOBER 5, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 17 - 2009

BY COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on September 10, 2009 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code for a proposed fence/handrail at 2460 Wright State Drive SE, on Lot No. 16030 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on September 10, 2009 denied a variance from the Massillon Zoning Code in Case No. 1243; and

WHEREAS, on September 14, 2009 and September 16, 2009, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Kevin McDonald, Michael J. Showen and the University Villa of Massillon Condominium Association, appealing the decision in Case No. 1243 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest of proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on September 10, 2009 and hereby determines that the request for a variance should be approved.

Section 2:

This Resolution is declared to be an emergency measure so that a prompt decision can be given to both the applicant and the adjacent property owners on the status of this construction, and that the reversal of the decision of the Massillon Zoning board of Appeals is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

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DATE: OCTOBER 5, 2009

CLERK: MARY BETH BAILEY

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

*1st Reading*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 18 - 2009

BY COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on September 10, 2009 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a proposed building site for the Salvation Army to located on vacant Lot No. 580 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on September 10, 2009 approved a variance from the Massillon Zoning Code in Case No. 1944; and

WHEREAS, on September 15, 2009, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Paul Doering, Linda Enders and James Tucker, appealing the decision in Case No. 1944 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest of proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on September 10, 2009 and hereby determines that the request for a variance should be denied.

Section 2:

This Resolution is declared to be an emergency measure so that a prompt decision can be given to both the applicant and the adjacent property owners on the status of this construction, and that the reversal of the decision of the Massillon Zoning board of Appeals is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

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