

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

AGENDA

DATE: MONDAY, DECEMBER 7, 2009

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DAVE HERSHER
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. 143 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 9-0

AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with Massillon Main Street for continuation of its Downtown Rehabilitation Program, and declaring an emergency.

ORDINANCE NO. 144 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Wings Wheels & Waves to provide an economic development "inducement grant" to assist the business in building repairs due to the downtown Easter fire in Massillon, and declaring an emergency.

ORDINANCE NO. 145 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a development agreement with TriDoc, Inc., to acquire 5 vacant and foreclosed residential lots on Gibson Avenue SE through the City's NSP Development Program, and declaring an emergency.

ORDINANCE NO. 146 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

P.H. - 114110 - 715

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-2 Single Family Residential to RM-1 Multiple Family Residential.

ORDINANCE NO. 147 - 2009

BY: COMMITTEE OF THE WHOLE

PASS 9-0

AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Stark County Commissioners for the housing of City Ordinance prisoners at the Stark County Jail, and declaring an emergency.

ORDINANCE NO. 148 - 2009

BY: COMMITTEE OF THE WHOLE

PASS 9-0

AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a settlement agreement with the Stark County Commissioners resolving all claims raised in Stark County Court of Common Pleas Case No. 2009OV01819, and declaring an emergency.

ORDINANCE NO. 149 - 2009

BY: ENVIRONMENTAL COMMITTEE

PASS 9-0

AN ORDINANCE amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing SubSection 920.10 "Water Control", and creating a new Subsection 920.10(d); and declaring an emergency.

ORDINANCE NO. 150 - 2009

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants charged under City Ordinances, and declaring an emergency.

ORDINANCE NO. 151 - 2009

BY: FINANCE COMMITTEE

PASS 9-0

\* AMENDED SECTION 2 TAKEN OUT.

AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Neighborhood Stabilization Program Fund, Community Development Block Grant Program Fund, Home Health Fund, Wastewater Treatment Capital Improvement Fund, Waste Grant Fund, 1201 Street Construction Fund, Economic Development Fund, Local Law Enforcement Trust Fund and the Massillon Museum Fund, for the year ending December 31, 2009, and declaring an emergency.

ORDINANCE NO. 152 - 2009

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE reducing the appropriation in the General Fund, for the year ending December 31, 2009, and declaring an emergency.

ORDINANCE NO. 153 - 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. 154 - 2009

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with The Health Plan for health insurance coverage for City employees, and declaring an emergency.

RESOLUTION NO. 22 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

1<sup>ST</sup> READING

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on November 12, 2009 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code with regard to a Lot Known as Lot No: 6796 in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 23 - 2009

BY: COMMITTEE OF THE WHOLE

8-1 (PERRY) PASS

A RESOLUTION in support of Ohio Senate Bill 196 and urging its adoption and passage by the Ohio State Legislature.

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 NOVEMBER 2009
- B). AUDITOR SUBMITS MONTHLY REPORT FOR NOVEMBER 2009
- C). MAYOR SUBMITS MONTHLY REPORT FOR OCTOBER 2009

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
13. CALL OF THE CALENDAR

POSSIBLE CONSIDERATION OF ORDINANCE NO. 126 - 2009

ORDINANCE NO. 126 - 2009

BY: FINANCE COMMITTEE

10-3 DEBAT TO PLACE ON AGENDA

AN ORDINANCE repealing Ordinance No. 251 - 1995 effective January 1, 2010, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 135 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2<sup>ND</sup> READING

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.



ORDINANCE NO. 136 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

*2ND READING*

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

ORDINANCE NO. 137 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

*2ND READING*

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

ORDINANCE NO. 138 - 2009

BY: HEALTH, WELFARE & BLGD REGULATIONS

*5-4 (TABLED INDEFINITELY)*

AN ORDINANCE enacting a new CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED OR MULTIPLE UNITS", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 139 - 2009

BY: HEALTH, WELFARE & BLGD REGULATIONS

*2ND READING*

AN ORDINANCE amending CHAPTER 1125 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1125.05 "Certificate of Occupancy", 1125.06 "Final Inspection" and 1125.07 "Fees", and enacting new Sections 1125.05 "Certificate of Occupancy", 1125.06 "Final Inspection" and 1125.07 "Fees", and declaring an emergency.

ORDINANCE NO. 140 - 2009

BY: HEALTH, WELFARE & BLGD REGULATIONS

*5-4 (TABLED INDEFINITELY)*

AN ORDINANCE enacting a new CHAPTER 1331 "REGISTRATION OF VACANT BUILDINGS", of the Codified Ordinances of the City of Massillon, 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: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Posselt*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 143 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with Massillon Main Street for continuation of its Downtown Rehabilitation Program, 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 enter into a contract agreement with Massillon Main Street for continuation of its Downtown Rehabilitation Program. The contract for services shall not exceed Forty Thousand Dollars (\$40,000.00)

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with Massillon Main Street for continuation of its Downtown Rehabilitation Program.

Section 3:

Upon delivery of the aforesaid agreement, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for said agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

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 further reason that these services are needed to meet the goals and objectives of the City's 2009 fiscal year Community Development Block Grant 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.

DATE DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 144 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Wings Wheels & Waves to provide an economic development "inducement grant" to assist the business in building repairs due to the downtown Easter fire in Massillon, 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, Wings Wheels & Waves is in need of repairs to the structure it sustained during the downtown Easter fire, and

WHEREAS, the City of Massillon proposed to assist Wings Wheels & Waves in the repairs to the structure by providing an economic development "inducement grant", the purpose of which is to help offset the businesses costs in repairs needed to continue its operations in Massillon.

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 Wings Wheels & Waves providing an economic development "inducement grant", in a total amount not to exceed Seventeen Hundred Dollars (\$1,700.00) for the purpose of assisting the business in making repairs to the structure needed to continue its operations in Massillon.

Section 2:

In return for this economic development grant assistance, Wings Wheels & Waves will make repairs to the structure needed to continue its operations in Massillon.



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.

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

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

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR. MAYOR



DATE: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 145 - 2009

*passed 10/21*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a development agreement with TriDoc, Inc., to acquire 5 vacant and foreclosed residential lots on Gibson Avenue SE through the City's NSP Development Program, and declaring an emergency.

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

Section 1:

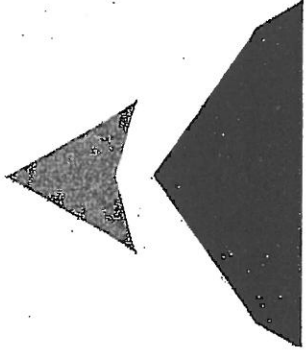
The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a development agreement with TriDoc, Inc., to acquire 5 vacant and foreclosed residential lots on Gibson Avenue SE through the City's NSP Development Program.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into a development agreement with TriDoc, Inc., to acquire 5 vacant and foreclosed residential lots on Gibson Avenue SE through the City's NSP Development Program. The NSP Development Program is to stabilize and strength neighborhoods and urban areas impacted by the nation's foreclosure crisis. The total estimated NSP cost is Three Hundred Eighty Thousand Dollars (\$380,000.00) which once the homes are constructed and sold the net proceeds will be returned to the City to recycle back into the NSP program.

Section 3:

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 stabilize and strengthen the neighborhoods and urban areas impacted by the nation's foreclosure crisis. 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.



*TriDoc Inc.*

City of Massillon

Neighborhood Stabilization Program-NSP

Sinclair Village-Southeast Target Area

New Housing Development and Residential In-Fill

Program description:

Mission: Revitalize an existing development in the Southeast Target Area that has stalled, lots are foreclosed and bank owned-turn development into a quality completed development.



How we are going to proceed:

- TriDoc has 5 lots under contract awaiting approval by NSP Housing Program-these lots have been foreclosed and bank owned
  - TriDoc to build 3 homes first phase
  - Once one home sells then start another home
  - Homes to be marketed by local real estate broker-
- Bob Princehorn Realty
- Homes with lots to be priced in range from \$100k-\$145k-final pricing to be submitted

## Timeline

- Phase 1-lot purchases by NSP-1 month
- Phase 2-Start construction of houses-4 months  
completion per house, with 2 week intervals between  
house starts
- Sale of houses-approximate time frame 3 months

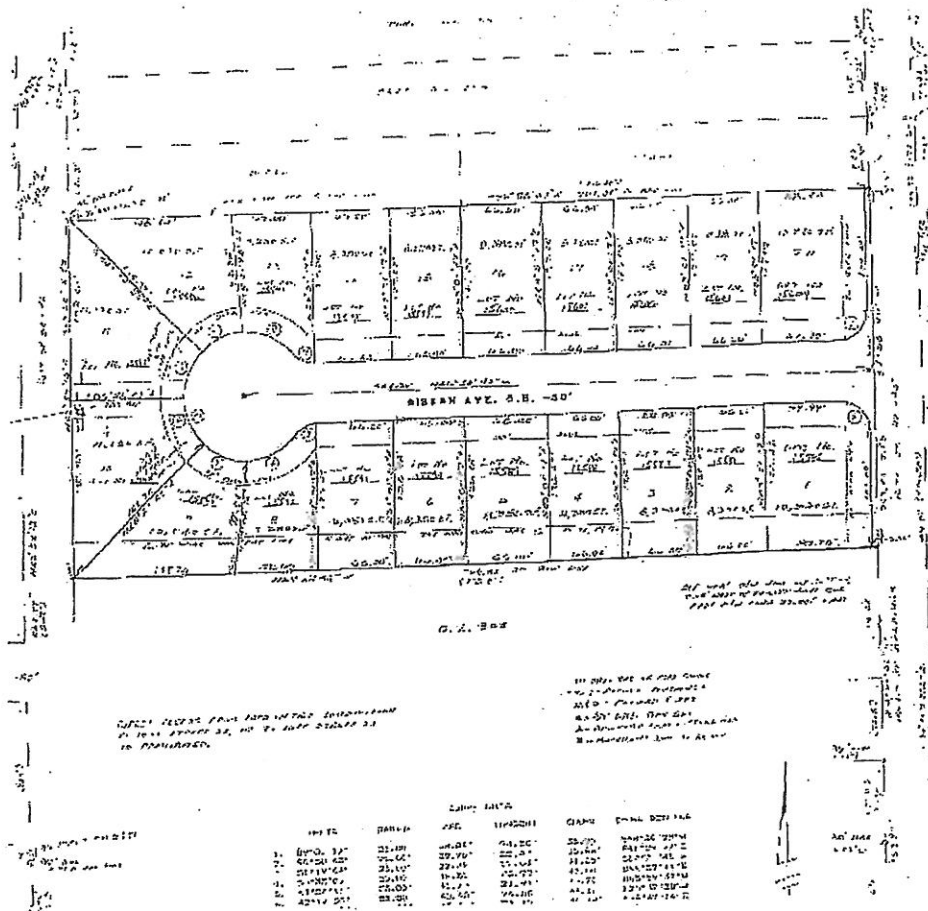
## Budget

- Lot purchase-5 lots-5 @ \$10,000/each=\$50,000.
- Homes-budget amount 3 @ \$110,000/ea=\$330,000.
- Total budget amount \$380,000.



Properties:

Lots-Gibson Ave SE-lot #3, 6, 8, 15, and 17.



TriDoc, Inc. contact:

David E. Daugherty  
2953 Carrie Hill Circle NW  
Massillon, Ohio 44646-2360  
Office: 330 830-6607  
Cell: 330 704-6099

Email: [dave@tridochomes.com](mailto:dave@tridochomes.com)



Key personnel:

David E. Daugherty-President TriDoc, Inc.

(See attached resume)

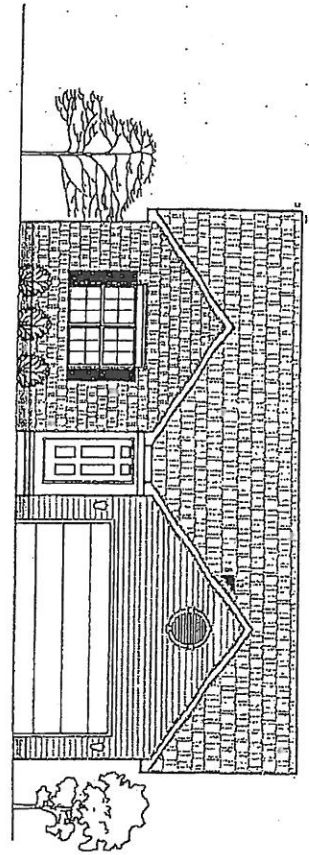
Wilbur E. Daugherty-Treasurer

Professional References:

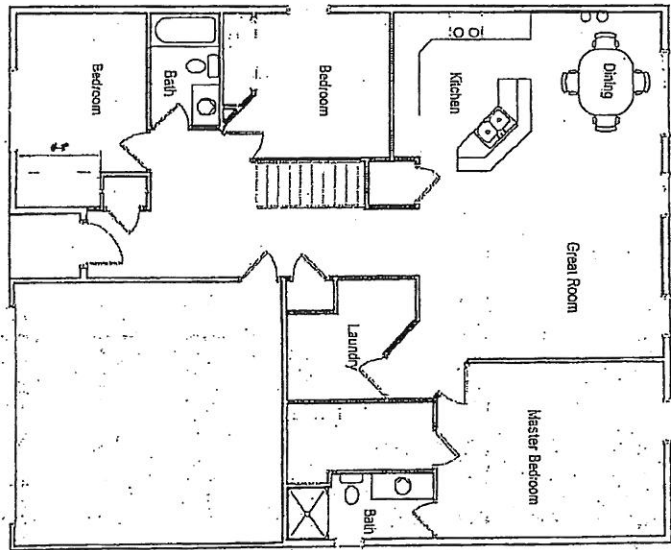
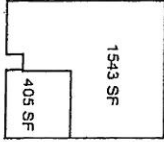
1. JoAnne Wheeler-Charter One Bank, Loan Originator  
(330) 837-1766
2. Nancy Rothermel-Midland Title Company, Attorney  
(330) 493-4449
3. Virgil Scott-A and L Heating-Owner  
(330) 456-3011
4. Additional upon request

Qualifications-TriDoc, Inc.-David Daugherty-President



- Civil Engineer-University of Akron
- Licensed Realtor State of Ohio
- Developed Autumn Ridge Allotment (approx. 70 lots)  
City of Massillon
- Developed Woodland Creek Condominium  
Development-City of Massillon
- Developed Massillon Area Storage-City of Massillon



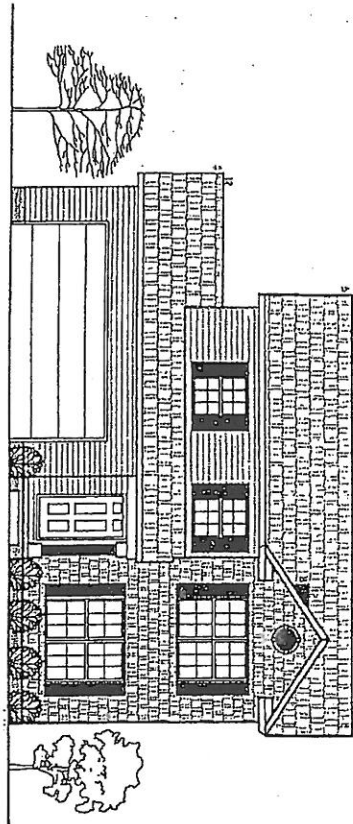
Madison



First Floor Plan

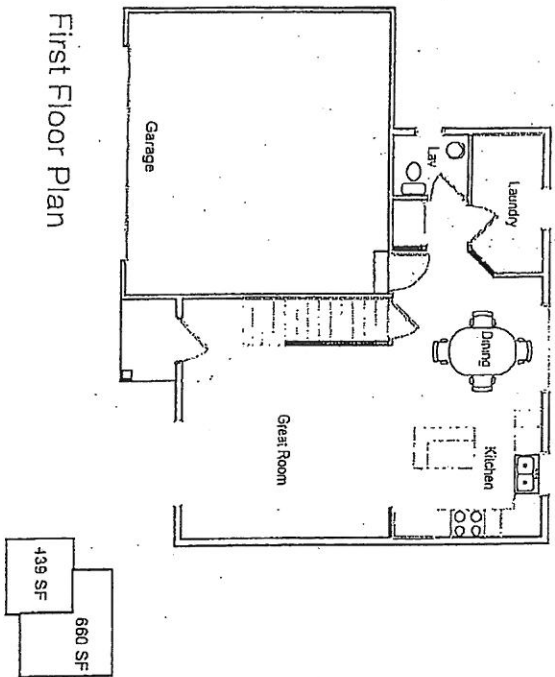
	First Floor Plan			Space Analysis				Project Number	Home Design For:		 <small>COPYRIGHT BY TRIDOC, INC. ALL RIGHTS RESERVED. THE REPLICATION, REPRODUCTION, COPIING, SALE, RENTAL, LOANING, OR ANY OTHER DISTRIBUTION OR USE OF THIS DRAWING AND/OR PRINTING, OR THE PLANS HEREON, WITHOUT THE WRITTEN CONSENT OF TRIDOC, INC. IS STRICTLY PROHIBITED.</small>
	Drawn By	Proj. Name	Date	Bed	Kit	Secnd	Grp	2009-12	Madison		
	Scott Albright	24" x 11" - 3	10/1/2009	1543	1143	0	405				
				5'	5'	6'	5'				





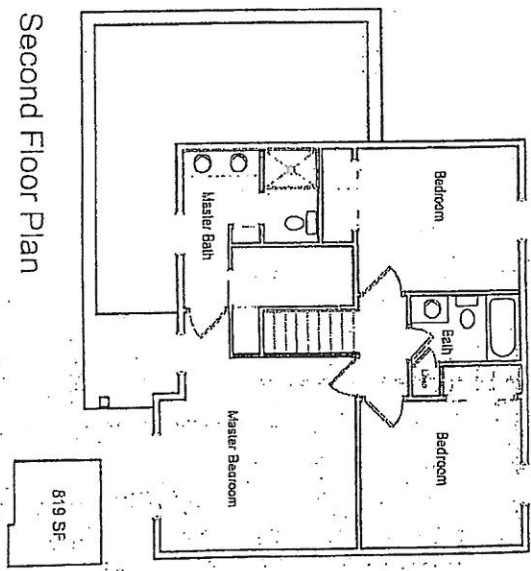
Megan

First Floor Plan



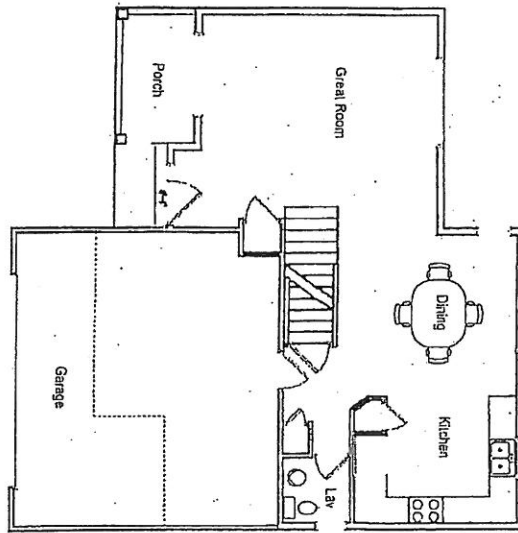
660 SF  
139 SF

Second Floor Plan

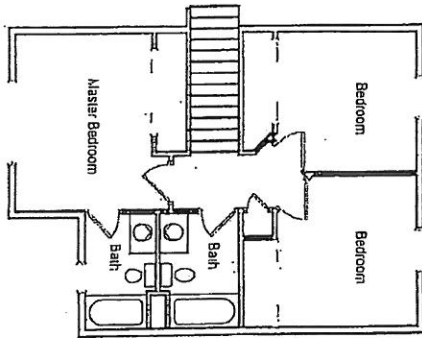


819 SF

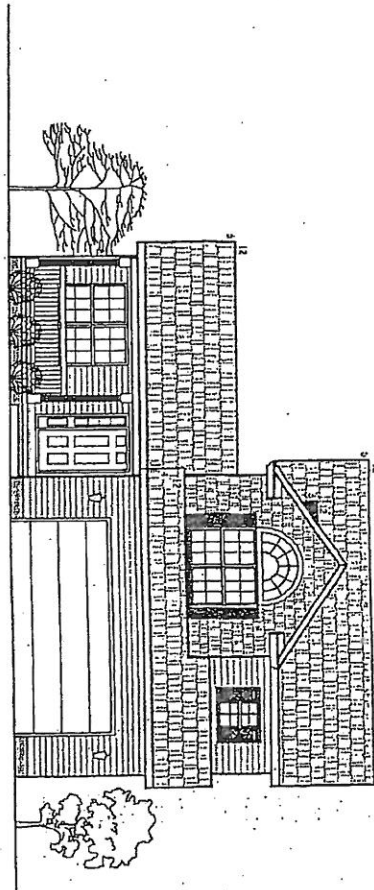
First & Second Floor Plan				Space Analysis	Project Number	Home Design For:	<small>                     COPYRIGHT © BY BROCK INC. ALL RIGHTS RESERVED. THE REPRODUCTION, REPRODUCTION, COPYING, SALE, RENTAL, LENDING, OR ANY OTHER DISTRIBUTION OR USE OF THIS DRAWING, ANY PORTION THEREOF, IN THE PLANS SPECIFIC HEREON IS STRICTLY PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF BROCK INC.                 </small>
Drawn By:	Proj. No.:	Date:	Scale:	First	Second	Third	
Scott Albright	2141-1-01	10-1-2009	1/8" = 1'-0"	630 SF	660 SF	519 SF	2009-11 Megan




Second Floor Plan



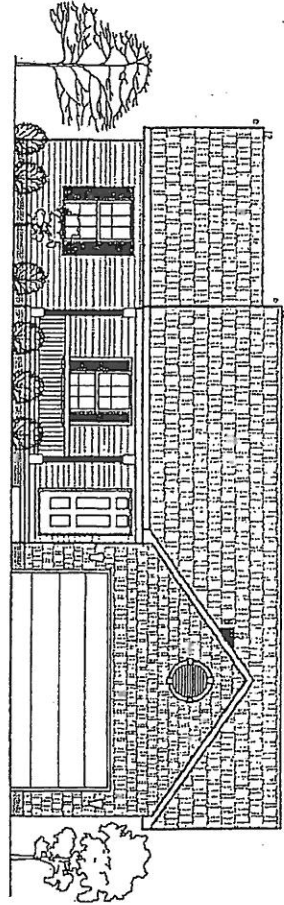
Brady



First & Floor Plan			Space Analysis				Project Number	Home Design For:	
Drawn By	Plot Scale	Date	Level	First	Second	Garage	2009-14	Brady	
Scott Albright	1/8" = 1'-0"	10-1-2009	710 SF	710 SF	445 Gr	445 SF			

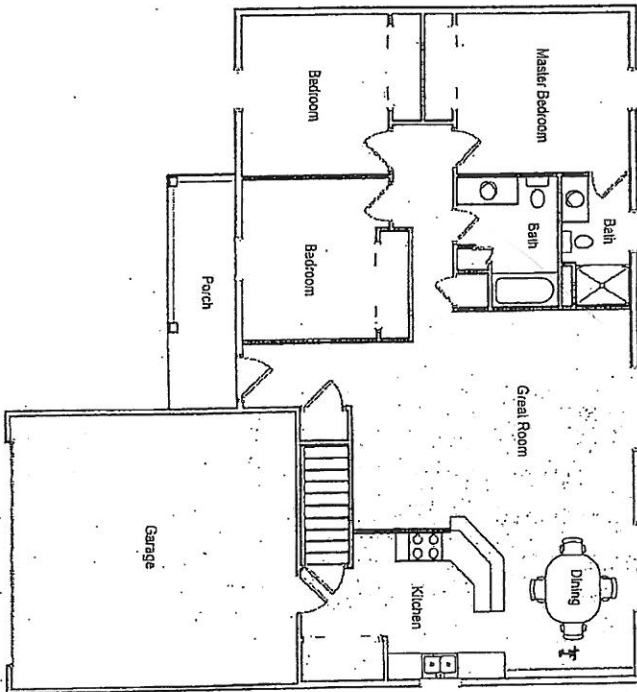

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Clinton



1415 SF  
445 SF

First Floor Plan



First & Floor Plan				Space Analysis				Project Number	Home Design For:	<small>                     COPYRIGHT © 2009 BY TRUSS INC. ALL RIGHTS RESERVED. THE REPRODUCTION, DISTRIBUTION, SALE, TOTAL, OR PARTIAL REPRODUCTION OR USE OF THESE DRAWINGS AND PORTION THEREOF, OR THE PLANS SPECIFIED HEREON IS STRICTLY PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF TRUSS INC.                 </small>	
Drawn by	Plot Scale	Notes	Sheet	Area	Perim	Second	Garage	2009-13	Clinton		
Scott Allinghill	1/4" = 1'-0"	15-0-2009	1113	1113	1415	0	445				
			27	27	27	27	27				

DATE: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 146 - 2009

*1st reading  
2nd reading 12/21  
passed 9/14*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-2 Single Family Residential to RM-1 Multiple Family Residential.

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 R-2 Single Family Residential to RM-1 Multiple Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on November 11, 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 RM-1 Multiple Family Residential.

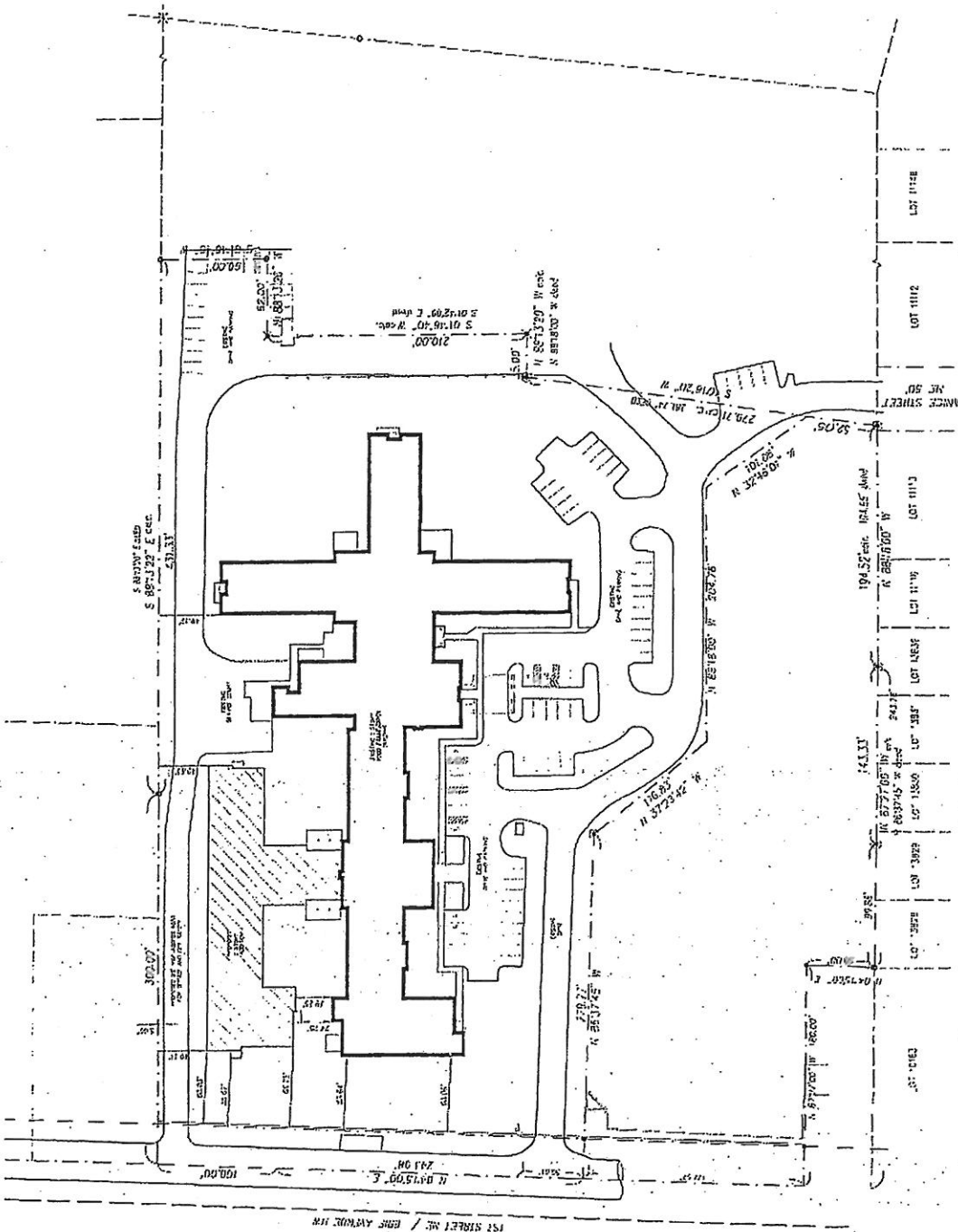
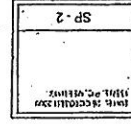
Being known as Out Lot 367, located at 1620 1<sup>st</sup> Street NE. The purpose for the rezoning is for the construction of an addition to Amherst Meadows Nursing Home. The applicant is Amherst Alliance, LLC.

Section 3:

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







SITE PLAN  
SCALE: 1" = 20'-0"

DATE: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 147- 2009

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Stark County Commissioners for the housing of City Ordinance prisoners at the Stark County Jail, 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 enter into an agreement with the Stark County Commissioners for the housing of prisoners charged or convicted under City Ordinances at the Stark County Jail.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with the Stark County Commissioners for the Stark County Jail Housing Contract. The cost for housing of City Ordinance prisoners shall be a rate of Seventy Dollars (\$70.00) per day. See attached agreement.

(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 reason that it is necessary to enter into the agreement with the Stark County Commissioners for the Stark County Jail Housing Contract so the City of Massillon will be responsible for the housing of City Ordinance prisoners in the Stark County Jail. 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**

**BOARD OF  
STARK COUNTY COMMISSIONERS  
WITH**

**CITY OF MASSILLON, OHIO**

**DATED \_\_\_\_\_**

**SUBJECT: STARK COUNTY JAIL HOUSING CONTRACT**

This Agreement made and entered into the \_\_\_\_ day of \_\_\_\_\_, 2009, by and between the Board of Commissioners of Stark County, Ohio, a political subdivision of the State of Ohio (hereinafter referred to as "Commissioners") and The City of Massillon, a municipal corporation (hereinafter referred to as Massillon),

**WITNESSETH:**

WHEREAS, The Stark County Jail is duly inspected and approved by the Department of Rehabilitation and Corrections in accordance with the minimum standards for jails in Ohio; and,

WHEREAS, the Stark County Sheriff is authorized, or charged with the duty, to keep such persons safely, attend to the jail, and govern and regulate the jail in accordance with the aforesaid standards; and

WHEREAS, it is the intent of the parties that arrestees be charged in good faith so as not to circumvent the charges which flow from this agreement; and,

WHEREAS, the City of Massillon may utilize the Stark County Jail for the housing of arrestees, pre-trial detainees and prisoners subject to the limitations provided by law;

Now therefore in accordance with the mutual promises contained herein, the parties hereto agree as follows:

1. This agreement shall be effective January 1, 2010, and shall remain in full force and effect through December 31, 2012, unless terminated by the parties hereto by either party giving the other thirty (30) days notice in writing of its intention to terminate said Agreement, except as restricted by Section 1905.37 of the Ohio Revised Code. This agreement shall cover all inmates confined in the Stark County Jail on or after the effective date of this agreement, including those convicted and sentenced before the effective date of this agreement. This



Agreement is entered into as part of a settlement between the parties. (see Stark County Common Pleas Court case number 2009 CV 01819)

2. With respect to arrestees charged under Massillon City Ordinance, compensation for said services set forth herein shall be at a rate of Seventy Dollars (\$70.00) per day per prisoner, together with the fees required by Section 311.17 (B) (3) (a) of the Ohio Revised Code or subsequent revisions thereof.

- (a) Billing will be based upon the actual date the City Prisoner arrives at the jail. Any period of day constitutes a day, even though such prisoner is in jail only part of a day.
- (b) The rates as provided for herein shall be effective and payable by the City of Massillon for the period January 1, 2010, through December 31, 2010, at which time new rates, as determined by the Sheriff and upon 90-day notice to Massillon may be in effect until further notice.
- (c) The City of Massillon Law Department will furnish the Stark County Sheriff's Department with a copy of their City Ordinances, and also timely furnish all future updates or modifications of said Ordinances.
- (d) In consideration of the foregoing agreement, the City of Massillon hereby further agrees to refrain from changing the code used in charging arrestees from City ordinance to State statute when the intent of such change is to allow the City to avoid payment provided by this Agreement.

3. With respect to inmates charged under municipal ordinances, the Commissioners shall furnish:

- (a) Reasonable, customary and routine medical care.
- (b) In cases where surgical, medical, and/or acute mental health attention is required, other than that routinely given at the Stark County Jail, the Stark County Sheriff shall immediately notify the City of Massillon and provide the necessary medical/mental health treatment, including, but not limited to, transporting said prisoner to a local hospital and/or specialized medical facility where the necessary medical and surgical attention can be given in accordance with jail policy. If requested by the City of Massillon, the Sheriff will furnish guards for those committed prisoners who require confinement in off-site medical facilities, including but not limited to, hospitals or nursing homes. The City of Massillon shall reimburse the Stark County Sheriff for all actual costs incurred, including but not limited to, medical care, ambulance, and guards.

- (c) In cases where the prisoners are working in the jail, or on the premises, the Stark County Sheriff shall furnish said prisoner with clothing at the expense of the Commissioners.
4. With respect to inmates charged under municipal ordinances, in addition to the compensation provided in paragraph two of this Agreement, the City of Massillon shall:
- (a) Reimburse the Commissioners the actual cost to Stark County of all special medicines, treatments, procedures, and/or appliances required in the treatment of these prisoners.
  - (b) Reimburse the Commissioners for surgical, medical, and acute mental health attention rendered under this Contract to prisoners in medical facilities and/or hospitals outside the premises of the Stark County Jail.
  - (c) Reimburse the Commissioners, in the event the Stark County Sheriff's Office is required to furnish guards during any medical care, treatment or follow-up appointments, the actual pay expense incurred by the Sheriff.
  - (d) Reimburse the Commissioners, if a prisoner requires an escorted visit to a funeral home and/or cemetery to attend a funeral as ordered by the court and the Sheriff's Office is required to furnish the guards, the actual pay expense incurred by the Sheriff.
  - (e) In the case of the death of a prisoner, assume the disposition of the body and burial of same.
  - (f) Reimburse the Commissioners for all reasonable and necessary expenses incurred on behalf of the City of Massillon in all habeas corpus proceedings filed by such municipal prisoners.
5. For all cases, whether the arrestee is charged under municipal ordinance or Ohio Revised Code, the City of Massillon shall:
- (a) Provide for the transportation of prisoners both to and from the Stark County Jail or other facility whenever necessary for Massillon Municipal Court appearances.
  - (b) Provide for the transportation of any prisoner both to and from the Stark County Jail or other facility whenever a warrant is issued against any prisoner being held from the Massillon Municipal Court and book them in the appropriate facility.

- (c) The Sheriff or his designee shall prepare a list of the prisoners each day who have special medical needs, and who must be transported back to the Stark County Jail for treatment during the lunch court recess. The City of Massillon shall transport such prisoners at the recess and, if necessary, return them to Massillon Municipal Court.
  - (d) The City of Massillon shall be responsible for guarding prisoners while attending Massillon Municipal Court. The City of Massillon will sign a prisoner receipt acknowledging custody of the inmates prior to their departure from the Stark County Jail.
  - (e) The City of Massillon shall be responsible for any necessary medical and other expenses incurred as a result of the following:
    - (1) An automobile accident resulting in injury to a prisoner who is occupying a vehicle operated by the City of Massillon; and
    - (2) An injury or illness occurring to a prisoner while in the custody of the City of Massillon.
6. The Commissioners agree to receive for confinement, board, and work, all able-bodied adult prisoners committed by Massillon Municipal Court on Massillon Municipal Ordinances with the exception of those suffering from active bleeding or a serious untreated medical condition, subject to the right of the Stark County Sheriff to deny access to those suffering from a contagious and/or infectious disease and those who are mentally ill, including, without limitation thereto, those prisoners who fit the guidelines attached hereto as Exhibit "A". The parties acknowledge that with respect to a prisoner that has been sentenced to the County Jail, under an ordinance or Ohio Revised Code, the commissioners and/or their independent contractors are responsible for medical costs as provided by law.
7. The Stark County Sheriff, in his sole discretion, shall retain the authority to refuse to accept any prisoner for whom complete information is not provided as required by the booking form "Stark County Sheriff's Office Prisoner Information Sheet" attached hereto as Exhibit "B"; or to refuse to accept, or to release, any prisoner charged under Massillon City Ordinance when in his judgement such act is necessary in order to comply with any order of a court of competent jurisdiction thereof, or meet the requirements of minimum standards for jails promulgated by the Bureau of Adult Detention, Ohio Department of Rehabilitation and Corrections, or to prevent overcrowding such as in the event a portion of the Jail is closed.

8. The Stark County Sheriff or his designee will issue to the City of Massillon an itemized invoice of all charges under this Agreement on a monthly basis as soon as practicable after the month in which the charges were incurred. The City of Massillon shall pay said charges as soon as legally permitted after receipt of same. If the City of Massillon fails to timely remit payment within sixty (60) days of the date of the invoice, the County reserves the right to discontinue providing the services outlined herein and may take other action as allowed by law.
9. All prior Contracts or Agreements between the parties hereto pertaining to housing of prisoners at the Stark County Jail are hereby cancelled and terminated.

In WITNESS WHEREBY, the parties hereto have affixed their signatures the date and year hereinafter first written.



WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

THE BOARD OF COMMISSIONERS  
COUNTY OF STARK

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved as to legal  
form and sufficiency:

\_\_\_\_\_  
Stark County Prosecutor's Office

\_\_\_\_\_  
Timothy A. Swanson  
Stark County Sheriff

\_\_\_\_\_  
Perry Stergios  
Attorney at Law  
City of Massillon

## EXHIBIT "A"

The following is a list of different situations which may indicate possible medical problems and is to be used as a guideline only:

1. Psychotic patients – Any patient who appears not to be oriented to time, place, or person; any person who has recently been apprehended in the act of suicide.
2. Patients who have been involved in trauma. Any patient who has been involved in a traumatic incident in which there is evidence of head or neck injury; unconsciousness; any penetrating wounds to the chest or abdomen; evidence of arterial or massive bleeding; any alteration of vital signs.
3. Any patient who has a high temperature (102 degrees and above) and is known to have a infectious disease as in AIDS, tuberculosis, meningitis or hepatitis.
4. An unconscious patient or any patient having active seizures.
5. Those patients that have any deformity of bony prominence that may indicate they have a fracture that would require an immediate X-ray and treatment.
6. An alcohol intoxicated and/or drug intoxicated patient that cannot care for his or her bodily functions – a patient who cannot stand by themselves, who cannot urinate or defecate on their own and is incontinent. A patient who has obviously vomited and possibly choked on their vomitus.
7. Any patient with a history of cardiac disease that is experiencing chest pain or shortness of breath at the time of admission.
8. In any situation where there is a question concerning the individual's medical welfare the Sheriff may exercise discretion and have the inmate transferred to an area hospital emergency room for triage and treatment.
9. If a mental health crisis takes place with a patient the Sheriff may exercise discretion and have the inmate transported to the appropriate facility for treatment.

DATE: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 148- 2009

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a settlement agreement with the Stark County Commissioners resolving all claims raised in Stark County Court of Common Pleas Case No. 20090V01819, 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 enter into a settlement agreement with the Stark County Commissioners to resolve all claims raised in the pending lawsuit known as Stark County Court of Common Pleas Case No. 20090V01819.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a settlement agreement with the Stark County Commissioners pursuant to the terms of the settlement agreement attached hereto as Exhibit "A".

(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 reason that it is necessary to enter into a settlement agreement to resolve the pending lawsuit. 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

### SETTLEMENT AGREEMENT

This Agreement, final on the date the last party hereto executes same, which shall not be later than December 7, 2009, is to settle all matters between the parties in Stark County Common Pleas Case No. 2009CV01819. Also, as the lawsuit was brought pursuant to R.C. §309.12 to recover money due the county, this Agreement is to settle all matters between the Defendant and the Board of Stark County Commissioners, that were the subject of the litigation.

WHEREAS, the Board of Stark County Commissioners, Prosecuting Attorney John D. Ferrero, and the City of Massillon want to settle the issue of the costs associated with the housing of prisoners charged with violations of Massillon Municipal ordinances at the Stark County Jail from January 1, 2003 to the present; and

WHEREAS, the City of Massillon and the Board of Stark County Commissioners want to resolve any future issues regarding costs associated with the housing of prisoners charged with violations of Massillon Municipal ordinances at the Stark County Jail; and

WHEREAS, the parties hereto believe that the resolution of these issues now is in the best interest of the parties and their constituents.

NOW, THEREFORE, BE IT HEREBY RESOLVED that Case No. 2009CV01819 be settled under the following terms:

1. Defendant City of Massillon, as and for full payment for the cost of housing prisoners charged with violations of Massillon Municipal ordinances at the Stark County Jail from January 1, 2003 to the present, shall pay to Plaintiff John D. Ferrero, for the benefit of the general fund of Stark County, Ohio, the amount of Seven Hundred Thousand Dollars (\$700,000.00).

2. Said amount will be paid in twenty (20) semi-annual consecutive installments of Thirty-Five Thousand Dollars (\$35,000.00) each, to be withheld by the Stark County Auditor from the City of Massillon's general fund real estate tax settlement, beginning January 1, 2011.
3. There will be no interest assessed on this settlement payment.
4. The parties agree that the Board of Stark County Commissioners, the Stark County Sheriff, and Defendant City of Massillon will execute the "Stark County Jail Housing Contract," attached hereto as "Exhibit A," simultaneously with the execution of this Settlement Agreement.
5. The parties further agree that the City of Massillon, its agents, servants, successors and assigns, is released and forever discharged from all debts, claims, demands, damages, actions, and causes of action whatsoever, and including without limiting the generality of the foregoing such that may have arisen and may hereafter arise by reason of, or in any manner grow out of the housing of prisoners charged with a violation of Massillon Codified Ordinances at the Stark County Jail for the time period of September 30, 1999 to the present, and the amounts claimed to be owed as a result of such housing of prisoners as further referenced and described in the pending lawsuit known as Stark County Court of Common Pleas Case Number 2009CV01819.
6. The parties to Case No. 2009CV01819 agree to dismiss, with prejudice, all claims and counterclaims after this Agreement has been fully executed.



APPROVAL:

John D. Ferrero, Plaintiff

\_\_\_\_\_

City of Massillon, Defendant

By:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Board of Stark County Commissioners:

\_\_\_\_\_

Tom Harmon, President

\_\_\_\_\_

Todd D. Bosley, Vice-President

\_\_\_\_\_

Dr. Peter Ferguson, Member

Approved as to legal form and sufficiency:

\_\_\_\_\_

Deborah A. Dawson.  
Stark County Prosecutor's Office

\_\_\_\_\_

Perry Stergios  
Massillon Law Director

DATE: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 149 - 2009

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing SubSection 920.10 "Water Control", and creating a new SubSection 920.10(d), and declaring an emergency.

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

Section 1:

Existing SubSection 920.10 "Water Control" of CHAPTER 920 of the Codified Ordinances of the City of Massillon, Ohio, be and hereby is amended by adding Subsection 920.10(d) to said section.

Section 2:

Section 920.10 "Water Control" of CHAPTER 920 of the Codified Ordinances of the City of Massillon, Ohio, is hereby amended as follows:

(SEE ATTACHED EXHIBIT "A" FOR THE NEW SUBSECTION BEING ADDED TO SECTION 920.10.)

Section 3:

This Ordinance is hereby declared to be an emergency measure for preservation of the health, safety, and welfare of the community and for the additional reason that the revisions and amendments to existing Chapter 920 "EROSION/SEDIMENT CONTROL" are required by the Ohio Environmental Protection Agency to keep the city in compliance with its regulations. 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: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 150 - 2009

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants charged under City Ordinances, 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, Ohio, to renew the one year contract with the Stark County Public Defender's Office for the purpose of providing representation for indigent defendants charged with violations of City Ordinances.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to renew the one year contract with the Stark County Public Defender's Office for the purpose of providing representation for indigent defendants. The City of Massillon shall pay the sum of One Hundred Ninety-Five Dollars (\$195.00) per case under the terms of the contract said payment to be made from municipal court funds which were previously used to pay private counsel appointed for indigent defendants. The contract will commence January 1, 2010 through the end of 2010 calendar year with an option to renew for an additional year.

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 Stark County Public Defender's Office will provide representation to the City of Massillon's indigent defendants that come before the Massillon Municipal Court and it is necessary to be effective immediately. 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

## CONTRACT FOR MUNICIPAL ORDINANCE REPRESENTATION

This Agreement is entered into by the Stark County Public Defender Commission (the "**COMMISSION**"), and the City of Massillon, Ohio (the "**CITY**").

WHEREAS, **CITY** recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with loss of liberty offenses in Municipal Court; and

WHEREAS, **CITY** in furtherance of the execution of its legal responsibilities desires that the legal services of the Public Defender Office be delivered to **CITY'S** indigent citizens and others so situated;

NOW, THEREFORE, the parties do mutually agree to bind themselves as follows:

### 1. Scope of Work

**COMMISSION** shall, in a satisfactory and proper manner, under the terms and conditions contained herein, perform the services set out in the "Work Plan" as follows:

#### Work Plan

**COMMISSION** shall provide Public Defenders to be available in the Massillon Municipal Court to represent indigents charged under City Ordinances, thus allowing **CITY** continuing representation in conformance with Chapter 120 of the Ohio Revised Code. It is understood by both parties that the representation presently provided to indigents charged under the Ohio Revised Code will be continued by **COMMISSION** and is in no way affected by this Agreement.

### 2. Compensation

**CITY** shall pay to **COMMISSION** compensation for representation by **COMMISSION** on City ordinance jailable offenses as follows:

#### A. For purposes of this Agreement, a "case" is defined as follows:

- (i) one or a series of related traffic or criminal charges which are assigned the same case number; or
- (ii) one or a series of related traffic or criminal charges which are assigned separate case numbers; or
- (iii) one or a series of unrelated traffic or criminal charges which are assigned separate case numbers which are administratively processed together for ease of disposition (However, a current arrest where there are outstanding warrants on separate unresolved and unrelated charges constitute separate cases if the offense is tried to a verdict to the court or to a jury.)



- B. In any case where the principal offense or count one constitutes a City ordinance jailable offense, CITY shall pay COMMISSION a fee of \$195.00 for representation in the case, regardless of the manner of disposition of the case.
- C. In any case where the principal offense or count one is charged under State statute with additional or secondary offenses charged as a City ordinance jailable offense or offenses, CITY shall pay COMMISSION a fee of \$195.00 for representation, provided that the City ordinance jailable offense(s) are tried to a verdict to the Court or to a jury. (In other words, no compensation shall be paid for such cases which are disposed of by pleas.)
- D. In any case where the principal offense is charged as a felony or felonies, with additional lesser included or associated or unassociated City ordinance jailable offenses, CITY shall pay COMMISSION a fee of \$195.00 for representation on the City ordinance jailable offense(s), provided that one of the following applies:
- (i) The case(s) are bound over to the Stark County Grand Jury and the City ordinance offense(s) are returned to the Massillon Municipal Court; or
  - (ii) The Massillon Municipal Court retains jurisdiction of the City ordinance offense(s) apart from the felony case or cases which are bound over to the Stark County Grand Jury and a further appearance is required by the COMMISSION on behalf of Defendant.
- E. The Stark County Public Defender shall be entitled to a single fee for any one case, regardless of the number of separate offenses contained therein. No additional fee shall be paid if the Defendant fails to appear and is arrested requiring subsequent Court appearances. The fee of \$195.00 encompasses all work required to provide representation, including pre-trial and post-trial work in the Municipal Court.

COMMISSION will bill CITY four (4) times per year (March 31, June 30, September 30, and December 31) for the amount of City ordinance cases assigned to COMMISSION. In the event that CITY fails to make full payment within thirty (30) days after receipt of invoice, then interest shall accrue at the rate of ten percent (10%) (per annum). The interest shall accrue beginning with the first day after the thirty (30) day period and be calculated on any unpaid balance until full payment is received. The formula for computation of any interest shall be as follows:

Total amount due X 10% : 365 = N x number of late days.

### 3. Term of Service

The duration of this contract shall be for the period commencing January 1, 2010 and shall terminate December 31, 2010 with an option to renew this contract for a period of one (1) year, commencing January 1, 2011 and terminating December 31, 2011.



4. Assignment

**COMMISSION** shall not assign all or any part of this Agreement without the prior written consent of **CITY**, which consent shall not be unreasonably withheld.

5. Termination of Agreement

If either party shall fail to fulfill in reasonable, timely or proper manner, its obligations under this Agreement, or if either party should substantially violate any of the covenants, agreements or stipulations of this Agreement, the other party shall thereupon have the right to terminate this Agreement by giving written notice to the party violating this Agreement of such termination and specifying an effective date thereof of at least sixty (60) days before the effective date of said termination. However, notwithstanding the above clause, **COMMISSION** shall have the separate and additional right to discontinue the service provided by **COMMISSION** under this contract, without notice, if payment of a quarterly invoice is not received within thirty (30) days of invoice. The decision to suspend or continue service under the contract upon non-payment of an invoice with thirty (30) days is discretionary with **COMMISSION**. The suspension or continuation of services by **COMMISSION** shall have no effect upon the obligation of payment of an invoice or the calculation of interest as set forth elsewhere in this contract. (If service is suspended, it shall be provided again when payment plus interest is received.)

6. Amendments

Any amendments to this Agreement agreed upon by the parties shall be in writing and made a part of this Agreement.

7. Anti-Discrimination Provision

There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex or national origin. This provision shall apply to, but not be limited to, employment, promotion or transfer, recruitment or recruitment advertising, layoffs or termination, raises of pay or other forms of compensations, and selections of training. **COMMISSION** shall insert a similar provision in any sub-contract for services covered by this Agreement.

8. Conflict of Interest

**COMMISSION** covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement. No resident commissioner shall share in any part of this contract or any benefits to arise here from.

9. Re-Negotiation of Agreement

Upon a thirty (30) day written notice either party may re-negotiate this agreement for good cause.

10. Determination of Indigency

The Standards of Indigency and other rules and standards as established by the Ohio Public Defender Commission and the State Public Defender shall be used in determining an individual's indigent status and the appointment of the services of the Public Defender shall be in conformity with those standards.

IN WITNESS WHEREOF, the parties have hereunto set their hands at Massillon, Ohio, this \_\_\_\_ day of \_\_\_\_\_, 2009.

WITNESSES

\_\_\_\_\_  
\_\_\_\_\_

STARK COUNTY PUBLIC DEFENDER  
COMMISSION

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

\_\_\_\_\_  
\_\_\_\_\_

CITY OF MASSILLON, OHIO

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

\_\_\_\_\_  
\_\_\_\_\_

OHIO PUBLIC DEFENDER  
COMMISSION

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

APPROVED AS TO FORM:

\_\_\_\_\_

DATE: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO.151 – 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Neighborhood Stabilization Program Fund, Community Development Block Grant Program Fund, Home Health Fund, Wastewater Treatment Capital Improvement Fund, Waste Grant Fund, 1201 Street Construction Fund, Economic Development Fund, Local Law Enforcement Trust Fund and the Museum 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:

\$215,000.00 to an account entitled "Salary – Police" 1100.305.2110

\$205,000.00 to an account entitled "Salary – Fire" 1100.325.2110

Section 2:

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:

\$380,000.00 to an account entitled "Housing Activities" 1207.845.2802

\$ 3,778.00 to an account entitled "NSP Program Administration" 1207.845.2377

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund, for the year ending December 31, 2009, the following:

\$40,000.00 to an account entitled "Massillon Main Street" 1203.845.2828

Section 4:

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

\$10,000.00 to an account entitled "Salary – Home Health" 1235.705.2110

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Capital Improvement Fund, for the year ending December 31, 2009, the following:

*Wright*  
\$5,104.00 to an account entitled "Services/Contracts" 1406.610.2392

Section 6:

*26-N Cochran St  
PO Box 499  
Duluth 44618*  
There be and hereby is appropriated from the unappropriated balance of the Waste Grant Fund, for the year ending December 31, 2009, the following:

\$4,000.00 to an account entitled "Recycling Services/Contracts" 1222.605.2392

Section 7:

There be and hereby is appropriated from the unappropriated balance of the 1201 Street Construction Fund, for the year ending December 31, 2009, the following:

*Hiburn*  
\$2,600.00 to an account entitled "Storm Sewer Repairs" 1201.435.2397

Section 8:

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

\$1,700.00 to an account entitled "Services/Contracts" 1237.845.2392

Section 9:

There be and hereby is appropriated from the unappropriated balance of the Local Law Enforcement Trust Fund, for the year ending December 31, 2009, the following:

\$1,278.00 to an account entitled "Services/Contracts" 1215.305.2392

Section 10:

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

\$1,192.53 to an account entitled "Massillon Museum Holding Acct" 3110.905.2379

\$ 63.17 to an account entitled "Fees" 3110.905.2393



Section 11:

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



DATE: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 152 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriation in 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:

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

\$12,508.00 from an account entitled "Deputy Clerks Salary" 1100.130.2111

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: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

ORDINANCE NO. 153 - 2009

*Passed*  
LEGISLATIVE DEPARTMENT

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:	Salary – Street	1100.435.2110	\$42,077.88
TO	Debt Retirement	1100.905.2712	\$42,077.88

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.

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: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 154 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with The Health Plan for health insurance coverage for City employees, 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 The Health Plan for health insurance coverage for City employees.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into contract with The Health Plan for health insurance coverage for City employees for the 2010 calendar year.

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 contract with The Health Plan for health insurance coverage for City employees. 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: DECEMBER 7, 2009 CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 22 - 2009

*passed 12/7*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on November 12, 2009 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code with regard to a Lot known as Lot No. 6796 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on November 12, 2009 approved a variance from the Massillon Zoning Code: and

WHEREAS, on November 20, 2009, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Mr. Ryan Hallgren, appealing the decision in Case No. 1945 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 for proper community growth to reverse and amend the decision of the Massillon Zoning Board of Appeals made on November 13, 2009 in Case No. 1945, by denying the setback variance requested or the construction of a single family dwelling to be built on Lot No. 6796 in the City of Massillon, Ohio.

Section 2:

This Resolution is declared to be an emergency measure in 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.

DATE: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 23 - 2009

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION in support of Ohio Senate Bill 196 and urging its adoption and passage by the Ohio State Legislature.

WHEREAS, in 2004, HB 278 was passed into law, making the Ohio Department of Natural Resource's Division of Mineral Resources Management the sole permitting authority for well-drilling in Ohio, taking away any control villages, cities and townships had to regulate drilling; and,

WHEREAS, since 2004, local communities in Ohio have been impacted by a surge in the drilling of new oil and gas wells, many of which are located within residential neighborhoods or near environmentally sensitive areas; and,

WHEREAS, in an effort to address the concerns of local communities and to restore some local control to the oil and gas well drilling permitting and approval process, Senate Bill 196 has been introduced in the Ohio Legislature; and,

WHEREAS, Senate Bill 196 will provide much needed oil and gas well reform through the following provisions:

- Restore local control of well placement through local zoning
- Increase protective setbacks from wells to homes and public places from 100 feet to 1000 feet
- Prohibit burial of possibly hazardous solid waste and use of known toxic chemicals
- Require continuous monitoring of wells for lethal gases
- Eliminate mandatory pooling (which forces property owners, against their will, to be part of a drilling unit)
- Require balanced review boards
- Significantly increase liability insurance of oil and gas drilling companies

WHEREAS, the City of Massillon supports the need to reform the overall regulatory process for oil and gas wells, to restore local control over this process, and further, to support reform that responsibly balances the public health and safety of Ohioans with the development of the state's natural resources.

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



Section 1:

That this Council endorses Senate Bill 196 and urges its adoption and passage by the Ohio State Legislature.

Section 2:

That a copy of this Resolution be submitted to the Ohio State Legislature, as well as to the City's duly elected State Representative and State Senator.

Section 3:

That this Resolution shall be immediately in effect upon its passage and approval by the Mayor.

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

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

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR., MAYOR