

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

DATE: MONDAY, APRIL 4, 2011  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN PAUL MANSON
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. 53 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING APRIL 18th 6:30 Public Hearing  
AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

ORDINANCE NO. 54 – 2011

BY: ENVIRONMENTAL COMMITTEE

PASS 9-0  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Participation and Redevelopment Agreement with PSR Development, Ltd, to assist in the performance of a Phase II Environmental Assessment on the former Republic Steel Property, and declaring an emergency.

ORDINANCE NO. 55 – 2011

BY: PARKS AND RECREATION COMMITTEE

PASS 9-0  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease agreement with the Board of Education of the Massillon City School District for the leasing of Eagles 190 Sports Complex, and declaring an emergency.

ORDINANCE NO. 56 – 2011

BY: RULES, COURTS & CIVIL SERVICE

1ST READING  
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - SOLID WASTE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, WASTEWATER TREATMENT DEPARTMENT and the SOLID WASTE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, WASTEWATER TREATMENT DEPARTMENT and the SOLID WASTE DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 57 – 2011**

**BY: RULES, COURTS & CIVIL SERVICE**

1ST READING

**AN ORDINANCE** amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE, in the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 58 – 2011**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1482 OPWC Project Fund, for the year ending December 31, 2011, and declaring an emergency.

**ORDINANCE NO. 59 – 2011**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** authorizing the Director of Law of the City of Massillon, to renew the one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MARCH 2011
- B). AUDITOR SUBMITS MONTHLY REPORT FOR MARCH 2011
- C). MAYOR'S APPOINTMENT OF KRISTI MUZI TO AFFINITY MEDICAL BD OF TRUSTEES
- D). CLERK OF COURT'S ANNUAL REPORT FOR 2010

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

**ORDINANCE NO. 14 – 2011**

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

PASS 9-0

**AN ORDINANCE** amending Chapter 905, Construction of sidewalks and curbs; Chapter 907, Sidewalks contractors; and Chapter 919 Sidewalk Replacement Program, of part Nine, Title One of the Codified Ordinances of the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 31 – 2011**

**BY: RULES, COURTS & CIVIL SERVICE**

PASS 6-3

(MANG, PETERS, MANSON)

**AN ORDINANCE** establishing procedures to determine the lowest and best bid for the construction of public improvements in the City of Massillon, Ohio and to allow the use of Project Labor Agreements for the construction of certain public improvements in the City of Massillon.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 115 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

*2ND READING*

**AN ORDINANCE** declaring the improvements 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. 25 – 2011

BY: PUBLIC UTILITIES COMMITTEE

*2ND READING*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Lake Region Oil, Inc., for a 1.7 acre parcel owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 40 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

*2ND READING*

**AN ORDINANCE** declaring the improvements 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. 41 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

*2ND READING*

**AN ORDINANCE** declaring the improvements 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. 43 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

*2ND READING*

**AN ORDINANCE** amending CHAPTER 1307 "BUILDING MAINTENANCE CODE" of the Codified Ordinances of the City of Massillon, by amending existing Section 1307.01 "Purpose and Scope" by enacting new Subsection 1307.01 (h) "Application and Enforcement".

ORDINANCE NO. 44 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

*2ND READING*

**AN ORDINANCE** amending CHAPTER 1309 "HOUSING CODE" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b) and enacting new SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b).

ORDINANCE NO. 45 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

*2ND READING*

AN ORDINANCE amending CHAPTER 1311 "HOME IMPROVEMENT" of the Codified Ordinances of the City of Massillon, by amending certain SubSections and enacting revised Subsections as further provided hereto.

ORDINANCE NO. 46 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

*TABLE INDEFINITELY 8-1 (PETERS)*

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

ORDINANCE NO. 47 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

*TABLE INDEFINITELY 8-1 (PETERS)*

AN ORDINANCE enacting a new CHAPTER 1331 "REGISTRATION OF VACANT BUILDINGS", of Codified Ordinances of the City of Massillon.

ORDINANCE NO. 48 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

*2ND READING*

AN ORDINANCE amending CHAPTER 134130 "DEMOLITION AND MOVING OF BUILDINGS", of Codified Ordinances of the City of Massillon, and enacting amended Subsections 1341.02 "LICENSE AND BOND REQUIRED", 1341.03 "PERMIT FOR DEMOLITION", 1341.04 "FEES FOR DEMOLITION LICENSES AND PERMITS", 1341.05 "PERMIT TO MOVE A BUILDING FEE": and 1341.06 "PERMIT FOR USE OF PUBLIC PROPERTY".

ORDINANCE NO. 49 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

*2ND READING*

AN ORDINANCE amending CHAPTER 1501 "OHIO FIRE CODE", of Codified Ordinances of the City of Massillon, by enacting a new Section 1501.13 "KNOX BOX".

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: APRIL 4, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 53 - 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1st read  
2nd read 4/18  
passed 5/2*

TITLE: AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974 (which title is hereunder referred to as the "Act") and the regulations promulgated thereunder (24 CFR Parts 58 and 570, hereunder referred to as the "Regulations") is authorized to make block grants to units of general local government to help finance housing and community development programs (which grants are hereinafter to as "CDBG" grants); and

WHEREAS, the City of Massillon proposes to apply for such a grant for Fiscal Year 2011 and has, in that connection and as required by and pursuant to the Act and Regulations, prepared a Consolidated Plan for community development, including a strategic plan for meeting its housing and community development needs, and an annual action plan describing the activities that the City proposes to undertake with CDBG funds; and

WHEREAS, the City of Massillon has developed and implemented a citizen participation plan to make information available to citizens, public agencies, and others on the various elements of CDBG program; to encourage participation of citizens and organizations representing citizens, particularly low and moderate income citizens, in the development of the Consolidated Plan; to hold public meetings on the Plan and proposed CDBG Budget and to provide timely and adequate notice of such meetings; and to provide technical assistance to citizens and citizen groups requesting assistance to adequately participate in the planning, implementation, and evaluation of the Consolidated Plan and CDBG Program; and

WHEREAS, the Council has duly reviewed and considered the Consolidated Plan and Annual Action Plan, along with the views and proposals of citizens, and the comments and recommendations of the City's administrative and planning officials.

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

Section 1:

This Council hereby finds and determines that the Consolidated Plan and Annual Action Plan properly and adequately identifies the City's housing and community development needs and objectives; and that the programs and activities to be undertaken by the City with CDBG funds as provided for under the Act for the 2011 Program Year have been designed so as to give maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, so as to achieve the national objectives of the CDBG program which are to develop viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities, principally for low and moderate income persons; and for these reasons, this Council approves said Plan.

Section 2:

That the Mayor, being the chief executive officer of the City of Massillon, is hereby designated as the authorized representative of the City, to act in connection with the City's application for CDBG funds, and to provide such additional information, as well as to execute and file such additional documentation or certifications as may be required by the Secretary or by other responsible agencies in connection with the application.

Section 3:

That this Council hereby finds and determines that the City in preparing its application for CDBG funds, has complied with the applicable requirements of the Act and Regulations, and that this Council hereby approves the Annual Action Plan and authorizes the Mayor to execute and file the application, together with all related documentation, with the Secretary.

Section 4:

That this Council hereby directs that the City of Massillon is carrying out its CDBG funded activities, continue to comply with applicable requirements of the Act and Regulations and with other applicable laws including civil rights, equal opportunity and fair housing, citizens participation, real property acquisition and relocation, environmental protection, fair labor standards, and the requirement of giving maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, and this Council authorizes the Mayor to execute and file with the Secretary certifications in such form as the Secretary may prescribe, which will provide assurances concerning these foregoing matters, and concerning other matters as may be required by the Secretary in connection with carrying out the City's CDBG program.

Section 5:

That this Council hereby authorizes the Mayor to consent to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provision of such act applies to the Secretary's responsibilities for environmental review, decision making, and action to be assumed and carried out by the Mayor, and authorizes the Mayor to consent, on behalf of the City, to accept the jurisdiction of the Federal Courts for the purposes of carrying out the CDBG program; and furthermore, that this Council hereby authorizes the Mayor to execute and file such other documents and take such other actions in connection with the environmental review process as may be required by the Act and Regulations.

Section 6:

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the further reason that the immediate approval and filing of the application is necessary to enable the City to qualify for its CDBG Grant for the Fiscal Year 2011 Program Year and thus enable it to carry out its Community Development 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011

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

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

FY 2011 CDBG PROGRAM - LIST OF RECOMMENDED PROJECTS (REVISED)

CDBG PROGRAM FUNDING RESOURCES	FY 2011 CDBG Budget
CDBG Entitlement Grant from U.S. Dept. of HUD - Estimated	\$789,000
Unallocated Balance from previous years	\$59,000
Amount Reserved by HUD for Section 108 Loan Payment	-\$127,000
Estimated Program Income to be Received during Program Year	\$10,000
<b>FY 2011 CDBG PROGRAM BUDGET</b>	<b>\$731,000</b>

Project Name	Description	FY 2011 CDBG Program
<b>CITY CDBG ACTIVITIES</b>		
City Housing Program	Housing Rehabilitation/Emergency Home Repair Program	\$200,000
Housing Code Enforcement	Code Enforcement in lower income neighborhoods	\$100,000
Target Area Street Program	Repaving of streets within designated low income residential neighborhoods	\$105,000
Fire Dept. Ambulance	Purchase of ambulance for Central Fire Station	\$100,000
Target Area Sidewalk Program	Matching grant program with target area residents for sidewalk replacement	\$20,000
Planning, Administration, Fair Housing	CD Dept. Staff costs	\$95,000
Park & Recreation Dept. Summer Youth Program	Outreach Summer Youth Playground Program	\$5,000
<b>CITY PROJECTS TOTAL</b>		<b>\$625,000</b>

<b>LOCAL AGENCY PROJECTS</b>		
Massillon Main Street	Downtown Rehabilitation Program	\$20,000
Western Stark Medical Clinic	Free medical clinic serving low income uninsured persons	\$10,000
Westark Family Services	Homemaker services for elderly and/or handicapped residents	\$8,000
Community Health Foundation	Neighborhood Partnership Grants to local neighborhood associations	\$8,000
Community Services of Stark County	Family Living Center Homeless Shelter services	\$8,000
Community Legal Aid	Foreclosure Prevention Legal Assistance	\$8,000
Lighthouse Visions Inc.	Basic life skills education for youth, including foster children	\$8,000
Domestic Violence Project	Massillon Shelter Services for domestic violence victims	\$8,000
The Salvation Army	Housing Outreach Specialist serving homeless & families in crisis	\$8,000
Boys & Girls Club of Massillon	Project Learn After School Program	\$8,000
Faith in Action of Western Stark County	In-home caregiver services for the ill, frail elderly and/or handicapped	\$6,000
Massillon Commission to Advance Literacy	Adult Literacy Training Program	\$3,000
Family Economic Success Program	Financial literacy services, including income tax assistance, at Lillian Beane Center	\$3,000
<b>LOCAL AGENCY PROJECTS</b>		<b>\$106,000</b>

**CDBG PROGRAM TOTALS (City Projects + Local Agency Projects)** **\$731,000**

DATE: APRIL 4, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 54 - 2011

*passed*

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Participation and Redevelopment Agreement with PSR Development, Ltd, to assist in the performance of a Phase II Environmental Assessment on the former Republic Steel Property, 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 sign the Participation and Redevelopment Agreement with PSR Development, Ltd, to assist in the performance of a Phase II Environmental Assessment to determine the environmental suitability of the former Republic Steel Property.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to sign the Participation and Redevelopment Agreement with PSR Development, Ltd, to assist in the performance of a Phase II Environmental Assessment to determine the environmental suitability of the former Republic Steel Property. The City of Massillon has been award a Three Hundred Thousand Dollar (\$300,000) grant through the Clean Ohio Assistance Fund which will be used for the study. No city dollars will be used for the performance of the study.

(SEE ATTACHED GRANT AGREEMENT HERETO)

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 signing of the Participation and Redevelopment Agreement is necessary for the performance of the Phase II Environmental Assessment for the former Republic Steel Property. 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: APRIL 4, 2011

CLERK: MARY BETH BAILEY  
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 55 - 2011

BY: PARKS AND RECREATION COMMITTEE

*passed*

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease agreement with the Board of Education of the Massillon City School District for the leasing of Eagles 190 Sports Complex, 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 leasing agreement with the Board of Education of the Massillon City School District for the leasing of Eagles 190 Sports Complex.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a lease agreement with the Board of Education of the Massillon City School District for the leasing of the Eagles 190 Sports Complex.

Section 3:

The terms of the lease shall be for Twenty-Five (25) years commencing May 1, 2011 and ending April 30, 2036. It is understood and agreed that either party may terminate the lease by providing the other party with written notice of termination six (6) months in advance of the effective date of termination. The Massillon School District shall pay the sum of One Dollar (\$1.00) per year, payable annually on the first of January of each year. This lease agreement was approved by the Recreation Board at their March 10<sup>th</sup> 2011 meeting.

(SEE ATTACHED LEASE AGREEMENT HERETO)

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 additional reason that it is necessary that the lease agreement be signed between the City of Massillon and the Board of Education of the Massillon City School District in a timely manner. 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

## LEASE AGREEMENT

THIS LEASE AGREEMENT made and entered into effective the 1st day of May, 2011 by and between the CITY OF MASSILLON, OHIO, an Ohio Municipal corporation hereinafter referred to as "Landlord", and the BOARD OF EDUCATION OF THE MASSILLON CITY SCHOOL DISTRICT, hereinafter referred to as "Tenant".

### 1. LEASED LAND

In consideration of the rents, covenants, and conditions herein promised to be paid and performed by the Tenant, the Landlord hereby leases to Tenant and Tenant accepts from Landlord the lease of the following described property, hereinafter referred to as "Premises" the same being further described as follows:

Situated in the City of Massillon, County of Stark and State of Ohio and known as and being Outlot 795 in the city of Massillon as set out in the replat of lands of Massillon tiger Football Booster Club, recorded in Stark County, Ohio Recorder Plat Books 66, page 33 and containing approximately 8.84 acres of land more or less.

Parcel No. 06-81096

### 2. TERMS OF LEASE

The term of this lease shall be for twenty five (25) years commencing May 1, 2011 and ending April 30, 2036. It is understood and agreed that either party may terminate this lease by providing the other party with written notice of termination six (6) months in advance of the effective date of termination.

### 3. RENT

Tenant agrees to pay rent to Landlord during the term of this lease in a sum of one and no/100 Dollars (\$1.00) per year, payable annually on the first of January each year.

### 4. SUBLETTING AND STRUCTURES

Tenant shall not sublet the Premises nor be permitted to erect or build any permanent structures upon the Premises without the express written consent of Landlord.

### 5. INSURANCE

Tenant shall, during the Lease Term, keep in full force and effect a policy of public liability and property damage insurance with respect to the Premises and all uses of the Premises by Tenant, with a combined single limit for personal or bodily injury and property damage of not less than \$1,000,000.00. The policy shall name Tenant as insured, and Landlord as

an additional insured and shall contain a clause that the insurer will not cancel or change the insurance without first giving Landlord Thirty (30) days' written notice. The insurance shall be provided by an insurance company licensed to do business in Ohio and a copy of the policy or a certificate of insurance shall be delivered to Landlord. All public liability, property damage and other liability policies shall be written as primary policies, not contributing with and not in excess of coverage which Landlord may carry. Any insurance (whether liability or casualty) required by the terms of this Lease to be carried by Tenant may be carried under a blanket policy (or policies) covering other properties of Tenant or its related or affiliated corporations, or both; provided, however, that Tenant provides Landlord evidence reasonably satisfactory to Landlord that (a) Landlord is named as an additional insured on such policy or policies and (b) the coverage under such policy or policies is sufficient to cover the limits required herein.

#### 6. WAIVER OF SUBROGATION

Subject to the prior written consent of the Tenant's insurance carrier, whether the loss or damage is due to the negligence of either Landlord or Tenant, their employees or agents, or any other cause, Landlord and Tenant do each herewith and hereby release and relieve the other and any other Tenant, its employees and agents from responsibility for, and waive their entire claim of recovery (including deductible amounts under the policies of insurance referred to below) for, any loss or damage to the real or personal property of either located anywhere in the Buildings arising out of or incident to the occurrence of any of the perils which are covered and paid by their respective insurance policies, with extended coverage endorsements, that each of them is required to carry under this Lease (regardless of whether such coverage is actually in effect).

#### 7. INDEMNIFICATION

Landlord shall not be liable for any loss or damage to person or property sustained by Tenant or other persons, which may be caused by the buildings or the Premises, or any appurtenances thereto, being out of repair, or the bursting or leakage of any water, gas, sewer or steam pipe, or by theft, or by any food born or contagious illness; or by any act, omission or neglect of any Tenant or occupant, or other person, or by any other cause of whatsoever nature except to the extent that Tenant's loss is caused by the gross negligence, willful misconduct or willful omission of Landlord or Landlord's employees or agents. Tenant agrees to use and occupy the Premises at Tenant's own risk and, except as specifically set forth in the preceding sentence, hereby releases Landlord, Landlord's employees and/or agents from all claims for any damage or injury to the fullest extent permitted by law.

## 8. CARE OF PREMISES AND IMPROVEMENTS

Tenant covenants and agrees that it shall maintain the improvements erected on the demised premises in good condition and shall not permit or maintain a nuisance thereon, or permit waste on the premises.

Tenant shall be responsible for all reasonable repairs, resurfacing, landscaping, maintenance, and snowplowing on or about the premises.

## 9. UTILITIES AND MAINTENANCE

Tenant shall provide and pay for all utilities supplied to the premises, including but not limited to electrical, water and sewer, trash removal, connection charges and meter costs. Tenant, at its expense, shall keep the premises clean, neat, orderly, safe and sanitary at all times, and provide for the proper handling and disposal of garbage, trash, and other refuse. Tenant shall enjoy exclusive use and control of the premises during the term of this lease as well as the quiet enjoyment of the premises, free of any interference by Landlord, its employees or agents.

## 10. NOTICES

Any notices, consents, approvals, elections, submissions, requests or demands required or permitted to be given under this Lease or pursuant to any law or governmental regulation by Landlord to Tenant or by Tenant to Landlord shall be in writing (whether or not expressly so provided) and shall be deemed received and effective five (5) days after being deposited in the United States mail, registered or certified mail, return receipt requested, postage prepaid or one (1) business day after being sent by overnight express mail or nationally recognized courier service (e.g. Federal Express) to Landlord or Tenant, at the respective addresses set forth below or such other addresses as either party may designate by notice to the other from time to time. In lieu of registered or certified mail, and in any event during any period of postal strike or other interference with the mails, any notice may be given by personal delivery with a receipt signed by the person served or by any person authorized by law to serve process in the jurisdiction where such service is accomplished and shall be effective when received. The address for notices to Landlord shall be City of Massillon, Attention: MICHAEL J. LOUDIANA, 151 Lincoln Way E., Massillon, Ohio 44646-6615. The address for notices to Tenant shall be BOARD TREASURER, 207 Oak St. SE, Massillon, Ohio 44646, and a copy to General Counsel.

## 11. GENERAL

### TITLES

The title to sections of this Lease are not a part of this Lease and shall have no effect upon the construction or interpretation of any part hereof.

## 12. GOVERNING LAW

This Lease shall be construed and governed by the laws of the State of Ohio.

## 13. BINDING EFFECT

All of the covenants, agreements, terms and conditions contained in this Lease shall apply to and be binding upon Landlord and Tenant and their respective heirs, executors, administrators, successors and assigns.

## 14. ENTIRE AGREEMENT

This Lease contains all covenants and agreements between Landlord and Tenant relating in any manner to the lease, use and occupancy of the Premises and other matters set forth in this Lease. No prior agreements or understanding pertaining to the same shall be valid or of any force or effect and the covenants and agreements of this Lease shall not be altered, modified or added to except in writing signed by Landlord and Tenant.

## 15. VALIDITY

Any provision of this Lease which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof and the remaining provisions hereof shall nevertheless remain in full force and effect.

## 16. INTERPRETATION

This Agreement and each of the terms and provisions hereof are deemed to have been explicitly negotiated between the parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either party.

## 17. AUTHORIZATION

If Tenant is a corporation or partnership, Tenant represents and warrants that the execution, delivery and performance of this Lease have been duly authorized by all necessary persons. The officer or partner executing this Lease on behalf of Tenant further individually represents and warrants that he or she is duly authorized to execute and deliver this Lease to Landlord on behalf of Tenant.

## 18. NO RECORDING

Tenant shall not record this Lease or any notice or memorandum thereof in the records of the county auditor without Landlord's prior written consent.

IN WITNESS WHEREFORE the parties herein have executed duplicate originals  
hereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SIGNED AND ACKNOWLEDGED  
IN THE PRESENCE OF:

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

\_\_\_\_\_  
MICHAEL LOUDIANA  
Safety-Service Director,  
City of Massillon

BOARD OF EDUCATION  
OF THE MASSILLON  
CITY SCHOOL DISTRICT

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

BY: \_\_\_\_\_  
\_\_\_\_\_, Board President

BY: \_\_\_\_\_  
Teresa L. Emmerling, Treas/CFO

STATE OF OHIO,  
STARK COUNTY, SS:

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named CITY OF MASSILLON, OHIO, a municipal Corporation, by MICHAEL LOUDIANA its Safety Service Director, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed of said municipal corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF OHIO,  
STARK COUNTY, SS:

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named BOARD OF EDUCATION OF THE MASSILLON CITY SCHOOL DISTRICT, an Ohio nonprofit corporation, by \_\_\_\_\_, its President, AND TERESA L. EMMERLING, its Treasurer/CFO, who acknowledged that it did sign the foregoing instrument and that the same is the free act and deed of them personally.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

DATE: APRIL 4, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 56 - 2011

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

*1st read  
2nd read 4/18  
passed 5/2*

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - SOLID WASTE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, WASTEWATER TREATMENT DEPARTMENT and the SOLID WASTE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, WASTEWATER TREATMENT DEPARTMENT and the SOLID WASTE DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, WASTEWATER TREATMENT DEPARTMENT and the SOLID WASTE DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, WASTEWATER TREATMENT DEPARTMENT and the SOLID WASTE DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT 'A' PAGE 1; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the establishment of the new 18S position in the Income Tax, Wastewater Treatment and the Solid Waste Departments is necessary in order to create the new positions and pay the appropriate rate of pay and the provisions hereby enacted are immediately necessary to bring current personnel up to an appropriate rate of pay in the Income Tax, Wastewater Treatment and the Solid Waste Departments. 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

		<b><u>CLERK OF COURTS</u></b>	<b>130</b>
EL		Clerk of Courts	
EL		Deputy Clerks	

<b>CLASS GRADE</b>	<b>SCHEDULE</b>	<b>DEPARTMENT &amp; TITLE DESCRIPTION</b>	
		<b><u>BAILIFF</u></b>	<b>135</b>
	EL	Bailiffs	
		<b><u>PLANNING DEPARTMENT</u></b>	<b>140</b>
	MS	<b><u>PART TIME/TEMPORARY/SEASONAL</u></b>	
		Secretary - Planning Board	
		<b><u>CIVIL SERVICE COMMISSION</u></b>	<b>150</b>
12S	CL	Civil Service Administrator (1)	
9S	CL	Clerk Administrator	
	MS	Chairman (Appointed by Mayor)	
	MS	Members (Appointed by Mayor)	
		<b><u>SERVICE DEPARTMENT</u></b>	<b>160</b>
26S	SU UN	Safety Service Director	
9S	UN	Secretary	
		<b><u>DATA CENTER</u></b>	<b>170</b>
15S	SU UN	Data Center Chief (Split 1/3)	
		<b><u>HUMAN SERVICES DEPARTMENT</u></b>	<b>175</b>
22S	SU UN	E.E.O./M.B.E. Director/Drug Coordinator	
6S	UN	Clerk Typist II	
		<b><u>AUDITOR DEPARTMENT</u></b>	<b>205</b>
	EL	Auditor	
14S	UN	Chief Deputy Clerk	
13S	UN	Deputy Clerk	
12S	UN	Deputy Auditor	
9S	UN	Deputy Account Clerk II	
8S	UN	Deputy Account Clerk II	
6S	UN	Deputy Clerk Typist II	
		<b><u>PART TIME/TEMPORARY/SEASONAL</u></b>	
	MS	Clerk Typist	
		<b><u>INCOME TAX DEPARTMENT</u></b>	<b>210</b>
20S	SU UN	**Collection Supervisor/Tax Administrator (Split 1/3)	
18S	SU UN	**Collection Supervisor/Tax Administrator (Split 1/3)	
		Ordinance No. 56-2011	
12S	UN	**Investigator/Administration Assistant	
11S	UN	Deputy Tax Administrator	
9S	UN	Senior Auditor	
8S	UN	Income Tax Auditor	

1H                      A                      Temp Laborer

<b>RECREATION DEPARTMENT 510</b>		
24S	SU UN	Recreation Superintendent
12S-14S	SU UN	Facility Maintenance Supervisor
10S-12S	SU UN	Recreation Supervisor
10S-12S	SU UN	Aquatics/Fitness Supervisor
10S-12S	SU UN	Sports Supervisor
	MS	Office Worker
	MS	Recreation Coordinator III
	MS	Recreation Coordinator II
	MS	Recreation Coordinator I
	MS	Program Coordinator III

CLASS	GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION
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**CON'T. RECREATION DEPARTMENT**

MS	Program Coordinator II
MS	Program Coordinator I
MS	Security
MS	Clerk/Receptionist
SE	Laborer-1
SE	Laborer-2
SE	Laborer-3
SE	Laborer-4
SE	Laborer-5
SE	Laborer-6
SE	*Laborer-7

**PART TIME/TEMPORARY/SEASONAL**

MS	Custodian
MS	Program Coordinator I/Laborer I
MS	Program Coordinator II/Laborer II
MS	Program Coordinator III/Laborer III
MS	Clerk
MS	Clerk/Typist

**SOLID WASTE DEPARTMENT**

**620**

22S	SU UN	Operations Superintendent (Split 1/3)
20S	SU UN	**Collection Supervisor/Tax Administrator (Split 1/3)
18S	SU UN	**Collection Supervisor/Tax Administrator (Split 1/3)
		Ordinance No. 56-2011
12S	CL	Collection Clerk Administrator
11S	CL	Collection Clerk Administrator
8S	CL	Billing Clerk
7S	UN	Account Clerk II Typist
6S	UN	Account Clerk I
16H	A	Sanitation Group Leader
14H	A	Refuse Collection Foreman
14H	A	*Truck Driver - Foreman

12H	A	Truck Driver
11H	A	Laborer II
10H	A	Storekeeper (Split ½)
9H	A	Laborer I
	A	*Clerk-Dispatcher II
6H	A	Clerk-Dispatcher I
	A	Clerk-Dispatcher
1H	A	Temporary Labor
		<b>PART TIME/TEMPORARY/SEASONAL</b>
	MS	Clerk

### WASTEWATER TREATMENT 610 - 615

27S	SU UN	Manager
22S	SU CL	Operations Superintendent
22S	SU CL	Maintenance Superintendent

<u>CLASS GRADE</u>	<u>SCHEDULE</u>	<u>DEPARTMENT &amp; TITLE DESCRIPTION</u>
<u>CON'T WASTEWATER TREATMENT</u>		
22S	CL	*Collection System Superintendent
20S	CL	Industrial Pretreatment Coordinator
20S	SU CL	Maintenance Supervisor
20S	SU CL	Construction Superintendent
20S	UN	Design Superintendent
20S	CL	Laboratory Technician II
18S	CL	Industrial Pretreatment Inspector
18S	CL	Instrument Electrician II
18S	CL	Chief Main. Mechanic/Coll Sys. Inspector
20S	UN	Collection System Technician II
20S	SU UN	**Collections Supervisor/Tax Administrator (Split 1/3)
18S	SU UN	** Collection Supervisor/Tax Administrator (Split 1/3)
		Ordinance No. 56-2011
16S	CL	Instrument Electrician I
16S	UN	Collection System Technician I
12S	CL	Laboratory Technician I
12S	UN	Administrative Assistant
12S	CL	*Engineer Aide II
11S	UN	Investigator/Administrative Assistant
9S	CL	Account Clerk
9S	UN	Asst to Manager/Superintendent/Adm Asst
9S	UN	Account Clerk II Typist
8S	UN	Account Clerk II Typist
8S	UN	Laboratory Asst/Admin.. Aide
7S	UN	Account Clerk II Typist
6S	UN	Secretary
3S	UN	Clerk Typist I
16W	WW	Chief Operator
16W	WW	Collection System Crew Chief

DATE: APRIL 4, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 57 - 2011

*1st read  
2nd read 4/18  
passed 572*

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE of Ordinance No. 127 - 1997, by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE, in the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT 'A' MISCELLANEOUS SCHEDULE AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary for the efficient operation of the various departments of the City of Massillon, Ohio. 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.

6S	UN	Cashier/Receptionist
5S	UN	Deputy Clerk Typist II
		<b><u>PART TIME TEMPORARY/SEASONAL</u></b>
	MS	Auditor
	MS	Cooperative Business Education Student
	MS	**Investigator \$17.50 per hour
	MS	** Collections Specialist/Consultant @ \$25.00 per hour (Split 1/3) Ordinance No. 57 - 2011
		<b><u>TREASURER</u></b> 215
	EL	Treasurer
		<b><u>PART TIME TEMPORARY/SEASONAL</u></b>
	MS	Clerk Typist

CLASS	GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION
			<b><u>POLICE DEPARTMENT</u></b> 305
E	P		Police Chief
D	P		Police Captain
C	P		Police Lieutenant
B	P		Police Sergeant
A	P		Police Officer
15S	UN		Animal Control Officer
9S	UN		Police Secretary - Bookkeeper
6S	UN		Police Stenographer - Secretary
5S	UN		Clerk Typist I
3S	UN		Parking Enforcement Officer
			<b><u>PART TIME/TEMPORARY/SEASONAL</u></b>
	MS		Regular School Patrol
	MS		Extra School Patrol
	MS		Clerk
	MS		Clerk Typist
	MS		Parking Enforcement Officer
	MS	**	Hearing Officer - \$25.00 per hour
			<b><u>FIRE DEPARTMENT</u></b> 325
	F		Chief
	F		Assistant Chief
	F		Superintendent Buildings
	F		Captain/Medic
	F		Fire Captain/Mechanic/EMS Coordinator
	F		Firefighter - Paramedic
	F		Firefighter
	F		Cadet I
	F		Cadet II
			<b><u>PART TIME/TEMPORARY/SEASONAL</u></b>
	MS		Clerk
			<b><u>ENGINEERING DEPT</u></b> 405
29S	SU UN		City Engineering/Planning Director

14H	A	*Truck Driver - Foreman
12H	A	Truck Driver
11H	A	Laborer II
10H	A	Storekeeper (Split ½)
9H	A	Laborer I
	A	*Clerk-Dispatcher II
6H	A	Clerk-Dispatcher I
	A	Clerk-Dispatcher
1H	A	Temporary Labor
		<b>PART TIME/TEMPORARY/SEASONAL</b>
	MS	** Collections Specialist/Consultant @ \$25.00 per hour (Split 1/3) Ordinance No. 57 - 2011
	MS	Clerk

### **WASTEWATER TREATMENT 610 - 615**

27S	SU UN	Manager
22S	SU CL	Operations Superintendent
22S	SU CL	Maintenance Superintendent

<b><u>CLASS GRADE</u></b>	<b><u>SCHEDULE</u></b>	<b><u>DEPARTMENT &amp; TITLE DESCRIPTION</u></b>
		<b><u>CON'T WASTEWATER TREATMENT</u></b>
22S	CL	*Collection System Superintendent
20S	CL	Industrial Pretreatment Coordinator
20S	SU CL	Maintenance Supervisor
20S	SU CL	Construction Superintendent
20S	UN	Design Superintendent
20S	CL	Laboratory Technician II
18S	CL	Industrial Pretreatment Inspector
18S	CL	Instrument Electrician II
18S	CL	Chief Main. Mechanic/Coll Sys. Inspector
20S	UN	Collection System Technician II
20S	SU UN	**Collections Supervisor/Tax Administrator (Split 1/3)
18S	SU UN	** Collection Supervisor/Tax Administrator (Split 1/3) Ordinance No. 56-2011
16S	CL	Instrument Electrician I
16S	UN	Collection System Technician I
12S	CL	Laboratory Technician I
12S	UN	Administrative Assistant
12S	CL	*Engineer Aide II
11S	UN	Investigator/Administrative Assistant
9S	CL	Account Clerk
9S	UN	Asst to Manager/Superintendent/Adm Asst
9S	UN	Account Clerk II Typist
8S	UN	Account Clerk II Typist
8S	UN	Laboratory Asst/Admin.. Aide
7S	UN	Account Clerk II Typist
6S	UN	Secretary

3S	UN	Clerk Typist I
16W	WW	Chief Operator
16W	WW	Collection System Crew Chief
16W	WW	Chief Maintenance Mechanic
15W	WW	Operator III
15W	WW	Maintenance Mechanic III (w/class III license)
14W	WW	Maintenance Mechanic II (w/class II license)
14W	WW	Vactor Operator
14W	WW	Operator II (w/class II license)
14W	WW	Sewer Inspector
13W	WW	Operator I (w/class I license)
13W	WW	Maintenance Mechanic I
13W	WW	Light Equipment Operator
12W	WW	Operator (w/o license)
11W	WW	Laborer II
9W	WW	Laborer I
1W	WW	Temporary Labor

<u>CLASS GRADE</u>	<u>SCHEDULE</u>	<u>DEPARTMENT &amp; TITLE DESCRIPTION</u>
		<b><u>WASTEWATER TREATMENT CON'T.</u></b>
		<b><u>PART TIME/TEMPORARY/SEASONAL</u></b>
	MS	Clerk/Laborer
	MS	** Collections Specialist/Consultant @ \$25.00 per hour (Split 1/3) Ordinance No. 57 - 2011
1W	WW	Temp. sanit sewer Insp. (West Mass Trunk)
		<b><u>HEALTH DEPARTMENT</u></b> <b>705-710-730</b>
21S	SU CL	Health Administration Officer
17S	CL	Public Health Nursing Director/Supervisor
15S	CL	Housing Inspector
15S	CL	Public Health Nurse I
14S	CL	Public Health Sanitarian
12S	CL	Public Health Sanitarian-in-Training
14S	CL	WIC Clinic Supervisor
12S	CL	WIC Clinic Licensed Dietician    Ord. 29 – 2010
9S	CL	WIC Clinic Assistant
9S	CL	Registrar of Vital Statistics
8S	CL	Registrar of Vital Statistics
8S	CL	Clerk Typist II Deputy Registrar
7S	CL	WIC Clerk
6S	CL	Clerk Typist II
		<b><u>PART TIME/TEMPORARY/SEASONAL</u></b>
15S	MS CL	Public Health Nurse I
	MS	Health Comm. (Appt..)
	MS CL	Sanitarian (entry)
	MS CL	Acting Health Come.
	MS CL	Medical Director
	MS CL	WIC Prof/Nutritionist
	MS CL	WIC Staff Prof (entry)/ Nurse

DATE: APRIL 4, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.58 – 2011

*passed*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1482 OPWC Projects Fund, for the year ending December 31, 2011, and declaring an emergency.

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

Section 1:

There be and hereby is appropriated from the unappropriated balance of the 1482 OPWC Projects Fund, for the year ending December 31, 2011 the following:

\$106,475.00 to an account entitled "Erie Street Project" 1482.435.2514

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011

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

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

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

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

DATE: APRIL 4, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 59 - 2011

*passed*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, to renew the one year contract with the City of Canal Fulton, 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 renew the one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to renew the one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services. The City of Canal Fulton shall pay the sum of Twenty-Five Thousand Two Hundred Dollars (\$25,200.00) under the terms of the contract. The contract will be from February 1, 2011 through January 31, 2012.

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 City of Canal Fulton 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 February 1, 2011 through January 31, 2012, between the CITY OF CANAL FULTON and the CITY OF MASSILLON LAW DEPARTMENT, (MLD) sets forth the following responsibilities and mutual benefits. Accordingly, MLD agrees to prosecute criminal and traffic offenders in the Massillon Municipal Court, perform other related traffic and criminal legal services for Canal Fulton and maintain specific responsibility for:

1. Municipal Cases via City Ordinances /ORC (Titles 29 & 45);
2. Private citizens complaints and affidavits for violations under ORC Titles 29 & 45;
3. Informal Prosecutor conferences for bad checks, domestic disputes, neighborhood disturbances, and other appropriate circumstances as the MLD determines;
4. Review search warrants when appropriate or upon request;
5. Assist with and direct Misdemeanor/Felony summons/warrants when appropriate;
6. Issue subpoenas when appropriate (trials/hearings in Massillon Municipal Court);
7. Participate in Court pre-trials, trials, pleas and felony preliminary hearings to conclusion as required and scheduled by Massillon Municipal Court;
8. Prosecute traffic/criminal offenders by trial (judge/magistrate/jury) 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;
9. Coordinate with crime victims to explain their rights under law and secure their attendance when defendants are arraigned for issuance of TPO's, plus attendance at pre-trials, pleas and trial and coordinate restitution when appropriate; and
10. Serve as liaison between The Massillon Municipal Court and the Canal Fulton Police Department.
11. BASIC COMPENSATION: The City of Canal Fulton will pay the City of Massillon Twenty-Five Thousand Two Hundred Dollars (\$25,200.00) for the one (1) year Agreement. The amount shall be paid in twelve (12) monthly payments of Two Thousand One Hundred and 00/100 Dollars (\$2100.00) commencing on February 1, 2011 and payable on the 1st of each month thereafter.

TERM: THIS AGREEMENT is subject to termination at will by the CITY OF CANAL FULTON or the CITY OF MASSILLON LAW DEPARTMENT upon written notice by U.S. CERTIFIED MAIL, effective thirty (30) days after receipt.

EXECUTED ON DATE INDICATED BELOW:

MASSILLON CITY  
LAW DEPARTMENT

PERICLES G. STERGIOS  
Director of Law

CITY OF CANAL FULTON

BY: [Signature]  
CITY MANAGER

BY: [Signature]  
DIRECTOR OF FINANCE

BY: [Signature]  
CLERK OF COUNCIL

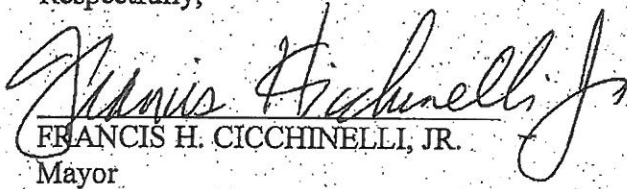
**THE CITY OF MASSILLON, OHIO**  
*Office of the Mayor*  
**FRANCIS H. CICCHINELLI, JR.**

\*\*\*\*\*  
**TO:** Massillon City Council      **DATE:** April 1, 2011  
**FROM:** Mayor Francis H. Cicchinelli, Jr.  
**SUBJECT:** Mayor's Appointment to Affinity Medical Center Board of Trustees  
\*\*\*\*\*

This Memo is to advise you of the following appointment which I have made to the Affinity Medical Center Board of Trustees:

**Kristi Muzi**  
2535 Linda Lane S.W.  
Massillon, OH 44647

Respectfully,

  
FRANCIS H. CICCHINELLI, JR.  
Mayor