

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

DATE: MONDAY, DECEMBER 5, 2011
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC MEETINGS TONIGHT

1. ROLL CALL *McLUNE ABSENT*
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. 139 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

** ANDERSON NO TO SUSPEND*

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Shearer's Foods, Inc., to provide an economic development "inducement grant" to assist the company in relocating its corporate headquarters to Massillon, and declaring an emergency.

ORDINANCE NO. 140 – 2011

BY: ENVIRONMENTAL COMMITTEE

1ST READING

AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" and declaring an emergency.

ORDINANCE NO. 141 – 2011

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

PASS 7-0

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. 142 – 2011

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

1ST READING

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – MAYOR of Ordinance No. 127 – 1997 by amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – MAYOR by creating a new position under said section designated as "Budget Director" and by amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - MAYOR, to include such position thereunder, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 143 – 2011

BY: FINANCE COMMITTEE

1ST READING

AN ORDINANCE making certain appropriations from the unappropriated balance of the Economic Development Fund, for the year ending December 31, 2011, and declaring an emergency.

ORDINANCE NO. 144 – 2011

BY: FINANCE COMMITTEE

PASS 7-0

AN ORDINANCE to approve current replacement pages to the Massillon Codified Ordinances, for the year ending December 31, 2011, 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 NOVEMBER 2011
- B). AUDITOR SUBMITS MONTHLY REPORT FOR NOVEMBER 2011

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

ORDINANCE NO. 130 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

→ AMENDED → PASS 7-0

AN ORDINANCE repealing existing Chapter 919, SIDEWALK REPLACEMENT PROGRAM, OF PART NINE, TITLE ONE of the Codified Ordinances of the City of Massillon, and enacting a new Chapter 919, and declaring an emergency.

ORDINANCE NO. 131 – 2011

BY: PARKS AND RECREATION COMMITTEE

2ND READING

7:00 12/12/11 PUBLIC MEETING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, according to law, for the sale of the parcel of real estate commonly known as Hetrick Park, in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, and declaring an emergency.

ORDINANCE NO. 132 – 2011

BY: PARKS AND RECREATION COMMITTEE

2ND READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, according to law, for the sale of a portion of Lawndale Park, located on 13th Street SW and 14th Street SW aka Lawndale Park, in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, and declaring an emergency.

ORDINANCE NO. 135 – 2011

BY: FINANCE COMMITTEE

2ND READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Truck Sales & Service for the lease/purchase of two (2) dump trucks for the Street Department, and declaring an emergency.

ORDINANCE NO. 136 – 2011

BY: FINANCE COMMITTEE

PASS 7-0

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.

ORDINANCE NO. 137 – 2011

BY: FINANCE COMMITTEE

2ND READING

AN ORDINANCE adopting temporary appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2012, and declaring an emergency.

ORDINANCE NO. 138 – 2011

BY: FINANCE COMMITTEE

2ND READING

AN ORDINANCE appropriating money for current expenses and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2012, 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 5, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 139 - 2011

1st read

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Shearer's Foods, Inc., to provide an economic development "inducement grant" to assist the company in relocating its corporate headquarters to 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, Shearer's Foods Inc., desires to relocate its corporate headquarters to Grand Mill Centre, at 100 Lincoln Way East, and

WHEREAS, the City of Massillon proposed to assist Shearer's Foods, Inc., in the relocation of its corporate headquarters by providing an economic development "inducement grant", the purpose of which is to help offset the company's costs in relocating its corporate headquarters to 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 Shearer's Foods, Inc., by providing an economic development "inducement grant", in a total amount not to exceed One Hundred Thousand Dollars (\$100,000.00) for the purpose of relocating their corporate headquarters to Grand Mill Centre, at 100 Lincoln Way East.

Section 2:

In return for this economic development grant assistance, Shearer's Foods, Inc., shall provide the City with information regarding its total project investment and the number of jobs that it has provided at the project site as a result of the company's corporate headquarters relocating to 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 _____, 2011

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

ATTEST: _____
FRANCIS H. CICCHINELLI, JR. MAYOR

AGREEMENT

This Agreement made and entered into this _____ day of _____, 2011 by and between the City of Massillon, Ohio, a municipal corporation, with its main offices located at 151 Lincoln Way East, Massillon, Ohio 44646 (hereinafter referred to as the "City"), and Shearer's Foods, Inc., an Ohio Corporation with its main offices located at 692 Wabash Avenue North, Brewster, Ohio 44613 (hereinafter referred to as "Shearer's").

WITNESSETH:

Whereas, the City carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

Whereas, Shearer's, desires to relocate its corporate headquarters to Massillon at Grand Mill Centre, a four story office building located at 100 Lincoln Way East (hereinafter the "Project Site"); and

Whereas, Shearer's, as a result of this project, plans to relocate approximately 125 existing jobs to Massillon; and

Whereas, the City of Massillon proposes to assist Shearer's in the relocation of this portion of its operations by providing an economic development "inducement grant", the purpose of which is to help offset the company's costs in relocating its corporate headquarters to Massillon.

Now, therefore, in consideration of the mutual covenants herein contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

Section 1: Project Description

Shearer's shall relocate and expand its corporate headquarters to Massillon at Grand Mill Centre, a four story office building located at 100 Lincoln Way East. As a result of this project, Shearer's shall provide a minimum of 125 jobs at the Project Site within a one year period.

Section 2: Economic Development Grant

In order to assist Shearer's in this relocation, the City shall make an economic development inducement grant to Shearer's in a total amount not to exceed One Hundred Thousand Dollars (\$100,000.00). Shearer's shall use these funds to help offset its expenses related to the relocation of the company's operations in Massillon.

This inducement grant shall be provided in the form of a deferred payment loan, at 0% interest, for a ten year term. At the end of the ten year period, the balance on said deferred payment loan shall be \$0.00, and no payment shall be required, provided that Shearer's is still in operation at the Project Site.

The entire balance of the outstanding principal of the inducement grant shall become immediately due and payable either upon the bankruptcy, reorganization, syndication, dissolution or liquidation of Shearer's. In addition, if during the term of the deferred payment loan, Shearer's relocates its business operations outside the corporate limits of the City of Massillon, Ohio, the balance of the inducement grant shall become immediately due and payable.

Section 3: Assurance of Project Jobs

In return for this economic development grant assistance, Shearer's shall furnish the City with information regarding its total project investment and the number of jobs that it has provided at the Project Site.

Section 4: Disbursement of Funds

The City shall provide this inducement to Shearer's, or its designee, upon the relocation and the establishment of its business operations at the Project Site. Economic development grant funds shall be disbursed by the City on the basis of vouchers submitted by Shearer's, including any supporting documentation as needed to verify project costs.

Section 5: Miscellaneous

This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio.

In Witness Whereof, the City and Shearer's have caused this Agreement to be duly executed, as of the date first above written.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

WITNESSED BY:

SHEARER'S FOODS, INC.

Robert J. Shearer, President

Approved as to form and legal sufficiency:

Pericles G. Stergios, Director of Law
City of Massillon, Ohio

DATE: DECEMBER 5, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 140 - 2011

pt read

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

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

Section 1:

That Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, be and is hereby repealed.

Section 2:

There be and is hereby enacted a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon. Said newly enacted section shall read as follows:

965.09 COLLECTION RATES.

(a) For garbage and rubbish collected and removed, the Director of Public Service and Safety on behalf of the City shall make a monthly charge of:

- (1) Seventeen dollars Fifty Cents (\$17.50) per month for each single family residence or unit for weekly service.
- (2) Weekly service shall be limited to five units of trash or garbage in plastic bags no larger than thirty gallons. Bags or containers must not weigh in excess of fifty pounds.

(b) Any quantity over the weekly limit of five units will be billed at a minimum fifty cents (\$.50) per unit.

(c) The applicable rate shall be payable in quarterly installments in advance on the twenty-fifth day of January, April, July and October of each year at the office of the Treasurer, Collections Department. All bills not paid on or before the due date are subject to a ten percent (10%) penalty.

(d) An additional charge shall be incurred for pickup upon prior arrangements of additional items not generally characterized as garbage or rubbish except automotive or building materials which will not be picked up at all. (Example: Major appliances – approved; auto transmission – unapproved; construction brick – unapproved; furniture – approved.)

(e) The rates for additional pick-ups indicated in subsection (d) above shall be:

- (1) Ten dollars (\$10.00) for each major appliance, piece of furniture, mattress or box springs.
- (2) Special clean-up of trash: Ten dollars (\$10.00) for ten bags or boxes not weighing over fifty pounds each plus one dollar (\$1.00) per bag or box over ten.
- (3) Other large quantities or extraordinary circumstances will be determined on an individual basis and will be billed accordingly.

(f) Rates for commercial users will be determined by the Director of Public Safety and Service.

(g) All bills not paid fifteen days after the date when they are billed shall be subject to a ten percent (10%) penalty.

(h) The use of a City-owned container would be subject to the commercial rates established herein.

(i) All moneys and revenues received by the Director of Public Service and Safety or City Auditor in any manner for the collection and disposal of garbage and rubbish shall be held and retained in the Department of Garbage and Rubbish Fund and applied to the expense of the conduct and operation of such department.

(j) Commencing January 1, 2011, One Hundred percent (100%) of the amounts collected pursuant to this section shall be deposited into the Solid Waste Fund to be used for operating costs. Zero percent (0%) shall be deposited into the Solid Waste Capital Improvement Fund to be used for improvements within the department.

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said increase needs to take effect January 1st 2012 due to the cost of higher fuel prices, the fact that additional revenues are need to operate the department, and for the additional reason for the preservation of the public health, safety and welfare of the community. And 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 5, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 141 - 2011

passed

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, 2012 through the end of 2012 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.

DATE: DECEMBER 5, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 142 - 2011

1st read

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - MAYOR of Ordinance No. 127 - 1997 by amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - MAYOR by creating a new position under said section designated as "Budget Director" and by amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - MAYOR, to include such position thereunder, 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 - MAYOR of Ordinance No. 127 - 1997 be and is hereby amended to include a new position as designated therein.

Section 2:

That an amended Section 2(D) OCCUPATION LIST OF CLASS TITLES - MAYOR 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 25S position in the MAYOR'S Office is necessary in order to create the new position and pay the appropriate rate of pay. 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.

OCCUPATION LIST OF CLASS TITLES

SCHEDULE CODE:

| | | | | | |
|-----------|-------------|-----------|---------------|-----------|------------|
| SU | SUPERVISORY | A | AFSCME | CL | CLASSIFIED |
| F | FIRE | UN | UNCLASSIFIED | P | POLICE |
| WW | WASTEWATER | MS | MISCELLANEOUS | SE | SEASONAL |
| EL | ELECTED | | | | |

| CLASS GRADE | SCHEDULE | DEPARTMENT & TITLE DESCRIPTION |
|--|----------|--|
| <u>CITY COUNCIL</u> 105 | | |
| | EL | Council Members |
| 12S | UN | Administrative Assistant/Council Clerk |
| 9S | UN | Council Clerk |
| | MS | Steno Clerk - Part Time |
| <u>MAYOR</u> 110 | | |
| | EL | Mayor |
| 12S | UN | Administrative Assistant |
| 25S | UN | **Budget Director Ordinance No. 142 - 2011 |
| <u>LAW DIRECTOR</u> 115 | | |
| | EL | Law Director |
| 24S | UN | Police Prosecutor/Asst Law Director |
| 20S | UN | Prosecutor |
| 17S | UN | *Prosecutor |
| 12S | UN | Administrative Assistant |
| 9S | UN | Secretary |
| <u>PART TIME/TEMPORARY/SEASONAL</u> | | |
| | MS | Chief Pol. Pros/Asst Law Director |
| | MS | Assist. Pol. Prosecutors |
| | MS | Legal Clerk |
| | MS | Office Worker |
| <u>MUNICIPAL COURT</u> 125 | | |
| | EL | Judges |
| | EL | Magistrate |
| 16S | SU UN | Court Administrator |
| 13S | UN | Administrative Assistant I |
| 12S | UN | Administrative Assistant I |
| 9S | UN | Administrative Assistant II |
| 6S | UN | Secretary |
| | MS | Security Supervisor |
| | MS | Security Officer |
| | MS | Mediator |
| | MS | Cooperative Business Education Student |

DATE: DECEMBER 5, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.143 – 2011

pt read

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Economic Development 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 Economic Development Fund, for the year ending December 31, 2011, the following:

\$100,000.00 to an account entitled "Services & Contracts" 1237.845.2392

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2011

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR