

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

DATE: MONDAY, DECEMBER 19, 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. 145 – 2011 *int*

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the City of Massillon to file an application to the State of Ohio, to participate in the Clean Ohio Revitalization Fund, and declaring an emergency.

ORDINANCE NO. 146 – 2011 *P*

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a sixty (60) day extension of said contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing, and declaring an emergency.

ORDINANCE NO. 147 – 2011 *P*

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Veterans Park-Duncan Plaza Fund and the 2105 Stormwater Utility Fund, for the year ending December 31, 2011, and declaring an emergency.

ORDINANCE NO. 148 – 2011 *P*

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2011 appropriations from within the General Fund, for the year ending December 31, 2011, and declaring an emergency.

ORDINANCE NO. 149 – 2011 *P*

BY: FINANCE COMMITTEE

AN ORDINANCE reducing the appropriations in the Wastewater Fund, Fire Pension Fund, Police Pension Fund, TIF Service Payment Fund, Street Fund, State Patrol Transfer Bond, Municipal Court Computer Fund, Section 108 Loan Repayment Fund, WIC Program Fund, Enterprise Zone Fund, Summer Concert Fund, Massillon Museum Fund, OPWC Loan Payments Fund, Tax Increment Financing Fund and the Bond Retirement Lincoln Center Fund, for the year ending December 31, 2011, and declaring an emergency.

**ORDINANCE NO. 150 – 2011**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending Ordinance No. 52 - 2011 by revising Section 4 of the 2011 budget, and declaring an emergency.

**ORDINANCE NO. 151 – 2011**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into Transportation Agreements between the City of Massillon safety forces and other political subdivisions safety forces of Stark County, and declaring an emergency.

**RESOLUTION NO. 17 – 2011**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**A RESOLUTION** rescinding Ordinance No. 98 – 2011.

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

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR NOVEMBER 2011
- B). TREASURER SUBMITS MONTHLY REPORT FOR NOVEMBER 2011
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR NOVEMBER 2011
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR NOVEMBER 2011
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR NOVEMBER 2011
- F). MAYOR SUBMITS MONTHLY REPORT FOR NOVEMBER 2011

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

**ORDINANCE NO. 131 – 2011**

**BY: PARKS AND RECREATION COMMITTEE**

**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**

**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 13<sup>th</sup> Street SW and 14<sup>th</sup> 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**

**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. 137 – 2011**

**BY: FINANCE COMMITTEE**

**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**

**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.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 139 – 2011**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**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**

**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. 142 – 2011**

**BY: RULES, COURT & CIVIL SERVICE COMMITTEE**

**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**

**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.

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



ORDINANCE NO. 144-2011

*passed*

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT  
PAGES TO THE MASSILLON CODIFIED ORDINANCES AND  
DECLARING AN EMERGENCY.

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Massillon, Ohio:

SECTION 1: That the ordinances of the City of Massillon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2011 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

- |         |   |
|---------|---|
| 333.01  | Driving or Physical Control While Under the Influence. (Amended)                    |
| 335.01  | Driver's License or Commercial Driver's License Required. (Amended)                 |
| 335.02  | Permitting Operation Without a Valid License. (Amended)                             |
| 335.05  | Wrongful Entrustment of a Motor Vehicle. (Amended)                                  |
| 335.06  | Display of License. (Amended)   |
| 335.07  | Driving Under License Suspension or Restriction. (Amended)                          |
| 335.071 | Driving Under OVI Suspension. (Amended)   |
| 335.072 | Driving Under Financial Responsibility Law Suspension or Cancellation.<br>(Amended) |
| 335.073 | Driving Without Complying With License Reinstatement Requirements.<br>(Amended)     |

### Traffic Code (Cont.)

335.074	Driving Under License Forfeiture or Child Support Suspension. (Added)
335.12	Stopping After Accident Upon Streets. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
335.14	Vehicle Accident Resulting in Damage to Realty. (Amended)
337.22	Windshield and Windshield Wipers. (Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)
373.02	Riding Upon Seats; Handlebars; Helmets. (Amended)

### General Offenses Code

501.01	Definitions. (Amended)
501.02	Classification of Offenses. (Amended)
501.99	Penalties for Misdemeanors. (Amended)
509.06	Inducing Panic. (Amended)
509.07	Making False Alarms. (Amended)
513.03	Drug Abuse; Controlled Substance Possession. (Amended)
517.05	Cheating. (Amended)
525.02	Falsification. (Amended)
537.10	Telecommunication Harassment. (Amended)
541.02	Arson. (Amended)
545.02	Determining Property Value in Theft Offense. (Amended)
545.04	Detention of Shoplifters. (Amended)
545.05	Petty Theft. (Amended)
545.07	Insurance Fraud. (Amended)
545.08	Unauthorized Use of Property. (Amended)
545.09	Passing Bad Checks. (Amended)
545.10	Misuse of Credit Cards. (Amended)
545.13	Criminal Simulation. (Amended)
545.14	Tampering With Records. (Amended)
545.15	Securing Writings by Deception. (Amended)
545.17	Defrauding Creditors. (Amended)
545.18	Receiving Stolen Property. (Amended)
549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.



SECTION 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately.

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

APPROVED: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President

\_\_\_\_\_  
Mayor

DATE: DECEMBER 19, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 145 - 2011

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the City of Massillon to file an application to the State of Ohio, to participate in the Clean Ohio Revitalization Fund, and declaring an emergency.

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of addressing local needs; and

WHEREAS, the City of Massillon desires to participate in the Program to receive financial assistance for the former Republic Steel Site under the Clean Ohio Revitalization Fund; and

WHEREAS, the City of Massillon has the authority to apply for financial assistance and to administer the amounts received from the State of Ohio, Clean Ohio Council, Clean Ohio Revitalization Fund.

WHEREAS, the City of Massillon must direct and authorize the Mayor to act in connection with the application and to provide such additional information as may be required;

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 authorizes the Mayor as the official representative of the City of Massillon's application to participate in the State of Ohio, Department of Development, and provide all information and documentation required in said Application for State of Ohio, Clean Ohio Revitalization Fund submission.

Section 2:

That the City of Massillon, hereby approves filing an application for financial assistance under the Clean Ohio Revitalization Fund.

Section 3:

That the City of Massillon hereby understands and agrees that participation in the Program will require compliance with program guidelines and assurances.



Section 4:

That the City of Massillon hereby commits itself to provide the match as described in the application.

Section 5:

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 GAMBER, PRESIDENT

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

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

AN ORDINANCE AUTHORIZING THE CITY OF MASSILLON TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION FUND.

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of addressing local needs; and

WHEREAS, the City of Massillon desires to participate in the Program to receive financial assistance for the former Republic Steel Site under the Clean Ohio Revitalization Fund and

WHEREAS, the City of Massillon has the authority to apply for financial assistance and to administer the amounts received from the State of Ohio, Clean Ohio Council, Clean Ohio Revitalization Fund

WHEREAS, the City of Massillon must direct and authorize the Mayor to act in connection with the application and to provide such additional information as may be required;

NOW THEREFORE, BE IT RESOLVED by Council of the City of Massillon, Ohio, with a majority of members thereof concurring:

Section 1. That Council authorizes the Mayor as the official representative of The City of Massillon's application to participate in the State of Ohio, Department of Development, and provide all information and documentation required in said Application for State of Ohio, Clean Ohio Council, Clean Ohio Revitalization Fund submission.

Section 2. That the City of Massillon hereby approves filing an application for financial assistance under the Clean Ohio Revitalization Fund.

Section 3. That the City of Massillon hereby understands and agrees that participation in the Program will require compliance with program guidelines and assurances.

Section 4. That the City of Massillon hereby commits itself to provide the match as described in the application.



DATE: DECEMBER 19, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 146 - 2011

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a sixty (60) day extension of said contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing, 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 sixty (60) day extension of said contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a sixty (60) day extension of said contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing. The said contract is attached hereto as Exhibit "A".

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 to extend the EMS Transport billing contract with the Board of Trustees of Jackson Township for an additional sixty (60) days for EMS Transporting that will be performed by the Massillon Fire Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

## EMS Charges Billing Agreement

The following is an Agreement between the Board of Trustees of Jackson Township, Stark County, Ohio (Jackson Township), and the City of Massillon, Stark County, Ohio (Massillon).

Jackson Township agrees to:

1. Process and mail insurance claims by generating a computerized HCFA-1500 form. This includes all commercial insurance, Medicaid, UMWA, Worker's Compensation and Medicare supplemental policies.
2. Manage accounts receivable for up to 120 days. After that time, Jackson Township will submit these accounts to Massillon's designated collection agency.
3. Provide all insurance forms, postage and billing supplies.
4. Maintain hard copy files for audit purposes.
5. Stay current with insurance changes, billing technique improvements, Medicare updates and all HIPAA compliancy regulations.
6. Provide your department with a monthly report that will show what was billed, to whom, what dollar amount and how many claims were submitted.
7. Reprocess any claims denied due to processing errors, coding, patient information at no extra charge.
8. Respect the confidentiality of your records by providing secure and password protected measures and require all staff to sign confidentiality agreements.

Massillon agrees to:

1. Collect all necessary patient and insurance information. This will include the authorization signature (HIPAA Privacy Act) for submission to patient's insurance.
2. Massillon will be billed every two months.
3. Pay invoices by the 15th of the month after invoice received.
4. Forward all copies of patient payments along with EOB's to Jackson Township.
5. Pay \$12 for each run processed by Jackson Township.

Conditions:

1. This Agreement will be binding for a period of one (1) year commencing January 1, 2011.
2. Amendments to this Agreement will be accepted if signed by both parties.

3. Jackson Township reserves the right to discontinue all services if its invoices are not paid in full by the 15th of the month after an invoice is received. A late fee of \$50.00 may be incurred on all past due invoices.

4. This Agreement may be terminated after a 30 day written notice by either party.

WITNESSES:

BOARD OF TRUSTEES OF JACKSON  
TOWNSHIP, STARK COUNTY, OHIO

Marilyn Lyon  
Randy Hoyer  
Paul Haggard

John E. Pizzino, President  
James N. Walters, Vice President  
William M. Burger, Trustee

DATE: 3-28-11

THE CITY OF MASSILLON  
STARK COUNTY, OHIO

Mary Ann Coyne  
Mary Lou Reed

Francis Cicchinelli Jr., Mayor  
Michael Loudiana, Director  
Public Service and Safety

DATE: 3/22/11



DATE: DECEMBER 19, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.147 – 2011

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Veterans Park-Duncan Plaza Fund and the 2105 Stormwater Utility 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 Veterans Park-Duncan Plaza Fund, for the year ending December 31, 2011, the following:

\$5,000.00 to an account entitled "Services & Contracts" 1240.125.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 2105 Stormwater Utility Fund, for the year ending December 31, 2011, the following:

\$1,870.00 to an account entitled "Services & Contracts" 2105.549.2392

Section 3:

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

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: DECEMBER 19, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 150 - 2011

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2011 appropriations from within the General 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 transferred from the 2011 appropriation from within the General Fund, for the year ending December 31, 2011, the following:

FROM:	Council – PERS	1100.105.2230	\$ 1,851.48
	Mayor = PERS	1100.110.2230	\$ 1,885.24
	Mayor – Services	1100.110.2392	\$ 3,810.48
	Law Director - PERS	1100.115.2230	\$ 9,321.48
	Law Director – Medicare	1100.115.2231	\$ 1,100.00
	Domestic Violence – Hosp/Eye	1100.116.2210	\$ 363.64
	Domestic Violence – PERS	1100.116.2230	\$ 1,724.64
	Domestic Violence – Medicare	1100.116.2231	\$ 130.00
	Muni Ct – Salary	1100.125.2111	\$10,000.00
	Sub. Judge – Salary	1100.125.2112	\$ 3,300.00
	Muni Ct – PERS	1100.125.2230	\$10,490.20
	Muni Ct - Medicare	1100.125.2231	\$ 550.00
	Clerk of Court – PERS	1100.130.2230	\$ 9,573.62
	Bailiff – PERS	1100.135.2230	\$13,418.77
	Bailiff – Medicare	1100.135.2231	\$ 1,700.00
	Bailiff – Bond	1100.135.2317	\$ 2,500.00
	Planning Commission – PERS	1100.140.2230	\$ 86.19
	Civil Service – PERS	1100.150.2230	\$ 75.03
	Service Dept – PERS	1100.160.2230	\$ 669.91
	Auditor – PERS	1100.205.2230	\$ 5,546.16
	Auditor – Medicare	1100.205.2231	\$ 187.00
	Income Tax – PERS	1100.210.2230	\$ 1,414.82
	Temp Treasurer – Salary	1100.215.2111	\$ 750.00
	Treasurer PERS	1100.215.2230	\$ 255.11
	Police – PERS	1100.305.2230	\$ 843.30
	Police – Medicare	1100.305.2231	\$ 4,800.00

Police – Uniform Allowance	1100.305.2280	\$ 3,053.52
Police Central Dispatch	1100.305.2375	\$39,924.47
Fire – Medicare	1100.325.2231	\$ 3,541.00
Fire – Central Dispatch	1100.325.2375	\$14,233.22
Engineer – PERS	1100.405.2230	\$ 1,827.94
City Hall – PERS	1100.410.2230	\$ 585.60
Building – PERS	1100.415.2230	\$ 2,786.77
Street – PERS	1100.435.2230	\$ 6,733.47
Health – Union	1100.435.2281	\$ 948.75
Street – Medicare	1100.435.2231	\$ 1,200.00
Supplies/Materials	1100.435.2410	\$32,700.00
Supplies/Materials	1100.440.2410	\$ 6,272.41
Health – PERS	1100.705.2230	\$ 1,640.97
Services/Contracts	1100.705.2392	\$ 1,142.00
Supplies/Materials	1100.705.2410	\$ 504.97
Indigent Burial	1100.905.2390	\$ 750.00
Advance Out	1100.905.2752	\$ 3,186.48

TO	Council – Medicare	1100.105.2231	\$ 230.00
	Fire – Hosp/Eye	1100.325.2210	\$ 4,000.00
	Engineer – Medicare	1100.405.2231	\$ 30.00
	Street – Salary	1100.435.2110	\$ 6,733.47
	City/State Fees	1100.905.2393	\$ 1,104.03
	Police – Salary	1100.305.2110	\$ 97,640.57
	Fire – Salary	1100.325.2110	\$ 97,640.57

## 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 2011. 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

DATE: DECEMBER 19, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 149 - 2011

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the Wastewater Fund, Fire Pension Fund, Police Pension Fund, TIF Service Payment Fund, Street Fund, State Patrol Transfer Bond Fund, Municipal Court Computer Fund, Section 108 Loan Repayment Fund, WIC Program Fund, Enterprise Zone Fund, Summer Concert Fund, Massillon Museum Fund, OPWC Loan Payments Fund, Tax Increment Financing Fund and the Bond Retirement Lincoln Center 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:

The appropriations are hereby reduced in the Wastewater Fund, for the year ending December 31, 2011, as follows:

\$200,000.00 from an account entitled "Services/Contracts" 2101.610.2392  
\$ 80,000.00 from an account entitled "Salary - Wastewater" 2101.610.2110  
\$ 70,000.00 from an account entitled "Supplies/Materials" 2101.610.2410  
\$ 30,579.91 from an account entitled "PERS - Wastewater" 2101.610.2230  
\$ 1,204.49 from an account entitled "Workers Comp" 2101.610.2270  
\$100,000.00 from an account entitled "Hospital/Eye/Dental" 2101.615.2210  
\$ 90,000.00 from an account entitled "Salary - O & M" 2101.615.2110  
\$ 14,232.20 from an account entitled "Workers Comp" 2101.615.2270

Section 2:

The appropriations are hereby reduced in the Fire Pension Fund, for the year ending December 31, 2011, as follows:

\$340,705.68 from an account entitled "Fire Pension" 1210.325.2240

Section 3:

The appropriations are hereby reduced in the Police Pension Fund, for the year ending December 31, 2011, as follows:

\$297,055.12 from an account entitled "Police Pension" 1209.305.2240



Section 4:

The appropriations are hereby reduced in the TIF Service Payment Fund, for the year ending December 31, 2011, as follows:

\$119,813.11 from an account entitled "School District TIF's" 3109.905.2379

Section 5:

The appropriations are hereby reduced in the Street Fund, for the year ending December 31, 2011, as follows:

\$ 5,142.29 from an account entitled "Hosp/Eye/Dental" 1201.420.2210  
\$ 2,366.58 from an account entitled "PERS – Safety" 1201.420.2230  
\$ 850.00 from an account entitled "Medicare – Safety" 1201.420.2231  
\$ 107.91 from an account entitled "Workers Comp" 1201.420.2270  
\$ 600.42 from an account entitled "Uniform Allowance – Safety" 1201.420.2280  
\$13,450.45 from an account entitled "Supplies/Materials" 1201.420.2410  
\$ 8,872.79 from an account entitled "Hosp/Eye/Dental – Street" 1201.435.2210  
\$ 202.21 from an account entitled "PERS – Street" 1201.435.2230  
\$ 1,800.00 from an account entitled "Medicare – Street" 1201.435.2231  
\$ 1,720.00 from an account entitled "Uniform Allowance" 1201.435.2280  
\$ 829.90 from an account entitled "Services/Contracts - Street" 1201.435.2392  
\$ 8,000.00 from an account entitled "Utilities" 1201.420.2340

Section 6:

The appropriations are hereby reduced in the State Patrol Transfer Fund, for the year ending December 31, 2011, as follows:

\$10,121.55 from an account entitled "State Patrol Transfer Law Library" 3105.930.2390  
\$10,121.61 from an account entitled "State Patrol Refund to General" 3105.930.2720

Section 7:

The appropriations are hereby reduced in the Municipal Court Computer Fund, for the year ending December 31, 2011, as follows:

\$16,013.40 from an account entitled "Equipment Purchase" 1233.125.2510  
\$ 7,000.00 from an account entitled "Services/Contracts" 1233.125.2392

Section 8:

The appropriations are hereby reduced in the Section 108 Loan Repayment Fund, for the year ending December 31, 2011, as follows:

\$18,687.44 from an account entitled "Debt Refire Section 108 Interest" 1341.845.2620

Section 9:

The appropriations are hereby reduced in the WIC Program Fund, for the year ending December 31, 2011, as follows:

\$ 600.00 from an account entitled "Salary - WIC" 1219.730.2110  
\$ 7,296.94 from an account entitled "Hosp/Eye/Dental" 1219.730.2210  
\$ 3,624.14 from an account entitled "PERS - WIC" 1219.730.2230  
\$ 100.00 from an account entitled "Medicare - WIC" 1219.730.2231  
\$ 673.90 from an account entitled "Workers Comp" 1219.730.2270  
\$ 2,500.00 from an account entitled "Supplies/Materials" 1219.730.2410  
\$ 771.64 from an account entitled "Utilities" 1219.730.2340  
\$ 202.45 from an account entitled "Travel/Seminar" 1219.730.2389  
\$ 400.00 from an account entitled "Services/Contracts" 1219.730.2392

Section 10:

The appropriations are hereby reduced in the Enterprise Zone Fund, for the year ending December 31, 2011, as follows:

\$2,728.82 from an account entitled "Salary – Enterprise Zone" 1241.845.2110

Section 11:

The appropriations are hereby reduced in the Summer Concert Fund, for the year ending December 31, 2011, as follows:

\$1,957.22 from an account entitled "Salary – Summer Concert" 1212.505.2110  
\$ 617.83 from an account entitled "PERS Pension Summer Concert" 1212.505.2230  
\$ 41.73 from an account entitled "Medicare – Summer Concert" 1212.505.2231

Section 12:

The appropriations are hereby reduced in the Massillon Museum Fund, for the year ending December 31, 2011, as follows:

\$248.61 from an account entitled "Massillon Museum Holding" 3110.905.2379

Section 13:

The appropriations are hereby reduced in the OPWC Loan Payments Fund, for the year ending December 31, 2011, as follows:

\$.54 from an account entitled "OPWC Principal" 1342.940.2610

Section 14:

The appropriations are hereby reduced in the Tax Increment Financing Fund, for the year ending December 31, 2011, as follows:

\$.50 from an account entitled "Debt Retirement Market Interest" 1340.905.2620

Section 15:

The appropriations are hereby reduced in the Bond Retirement Lincoln Center Fund, for the year ending December 31, 2011, as follows:

\$.24 from an account entitled "Phase III Interest" 1303.940.2621

Section 16:

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 \_\_\_\_\_ 2011

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

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

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

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

DATE: DECEMBER 19, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 150 - 2011

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 52 – 2011 by revising Section 4 of the 2011, budget, and declaring an emergency.

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

Section 1:

Ordinance No. 52 – 2011 a copy of which is attached hereto as Exhibit "A" be and is hereby amended.

Section 2:

The following provision is hereby inserted into Ordinance No. 52 – 2011.

\$182,243.46 from General Fund to Fire Pension Fund  
\$139,454.00 from General Fund to Police Pension Fund  
\$113,725.00 from General Fund to Senior Housing  
\$510,808.76 from General Fund to Lincoln Center II & III  
\$350,000.00 from General Fund to Legends Debt  
\$ 24,630.92 from General Fund to OPWC Loan  
\$ 3,372.63 from Unclaimed Fund to General Fund

Section 3:

This ordinance is hereby declared to be an emergency measure the reason for the emergency being that said amendment is necessary to the budget as a requirement by the State Auditor for these transferred to be completed. 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 19, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 151 - 2011

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into Transportation Agreements between the City of Massillon safety forces and other political subdivisions safety forces of Stark County, 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 safety and interest to enter into Transportation Agreements between the safety forces of the City of Massillon and the safety forces of Jackson Township, Perry Township, City of Canal Fulton, Village of Beach City, Village of Navarre, Village of Brewster, Village of Wilmot, Village of Hills & Dales and Lawrence Township for the transport of defendants to and from court proceedings and the Stark County Jail.

Section 2:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into Transportation Agreements for between the City of Massillon safety forces and the above referenced political subdivisions safety forces. Said agreements are attached hereto.

(SEE ATTACHMENT EXHIBIT A)

Section 3:

These Transportation Agreements shall be in effect for a period of one (1) year from January 1, 2012 through December 31, 2012. A separate line item is to be set up to receive these monies which will be used exclusively for improvements to the Massillon City Jail.

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 to enter into Transportation Agreements between the City of Massillon safety forces and other political subdivision. 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



CITY OF MASSILLON, OHIO  
INTERNAL CORRESPONDENCE  
Police Department



TO: Chief Williams  
CC:

Date: 21 November 2011

FM: Lt. William Peel

Subject: Legislation Request: Jail Transportation Agreements

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I have recently completed calculations of the Jail Transportation Fees for calendar year 2012. I sent them to all participating jurisdictions for review. I have received one approved contract. I have not been advised of any objections or problems with the contracts. The language is the same as last year, only the dollar amounts have changed.

I would request that you submit a legislation request to Massillon City Council for approval of the Jail Transportation Contracts as shown in the attachment. The fees are as follows:

Jurisdiction	Fees
Beach City	115.00
Brewster	1110.00
Canal Fulton	6880.00
Hills & Dales	230.00
Jackson Twp.	55200.00
Lawrence Twp.	2870.00
Navarre	2100.00
Perry	41700.00
Wilmot	880.00
Total	110985.00

In addition to the above contracted amounts, there is a provision in the contract for each participating department to pay the Massillon Police Department a twenty dollar fee for fingerprinting their prisoners. I would request a separate line-item or account be set up to receive these monies. Furthermore, I would request that these monies be restricted to pay for improvements to the Massillon City Jail. These monies should amount to less than \$10,000.00 per year.

2. Warrant Service:

In the event an Agency makes an arrest upon a Warrant, and the Warrant is not a Warrant issued by the Massillon Police Department, the arresting Agency shall be responsible for transportation of said prisoner to the Stark County Jail for booking. In the event the Agency makes an arrest upon a Massillon Police Department Warrant, the arresting Agency may drop the prisoner off at the Massillon Police Department or make arrangements to meet at a mutually acceptable location to turn the arrestee over to the Massillon Police Department for transportation and booking.

3. Reportable Offenses:

~~When an Arresting Agency chooses to summons, rather than book a person~~ charged with a reportable offense, and the person is sent to MPD for processing, the Agency will be charged a fee of \$20.00 per processing.

4. The annual amounts to be paid by each Agency in 2012 shall be computed by allocating the actual costs incurred and number of prisoners actually transported in 2011 for each Agency, said calculation to be provided to each Agency on or before January 30, 2012.

5. Additional Provisions:

Massillon further agrees to provide the following:

- A. Routine medical attention that may be required and can be provided at the Massillon City Jail;
- B. Transportation to a hospital emergency room or other local clinic in cases where medical attention other than routine is required and such transportation can be safely and properly provided in a police department vehicle;
- C. A guard for the prisoner while at the hospital for a period not to exceed three (3) hours, provided that no overtime costs are incurred to supply the guard;

6. In consideration of the foregoing, Agency covenants and agrees to pay Massillon the following:

- A. The total cost of using a Massillon police officer to serve as a guard while the Agency prisoner is confined to a hospital, except as provided in section (2) above. A minimum of two (2) hours will be charged in the event that a hospital guard is required. Such costs shall include any overtime costs or other payroll costs associated with supplying a guard officer. Agency shall be given notice and an opportunity to supply personnel of its own law enforcement agency to serve as a guard while the prisoner is confined in a hospital. Massillon police officer shall serve only as a guard after Agency has been given notice and failed to supply a guard pursuant to this section.



- B. It is understood that individual prisoners are primarily responsible for all costs of medical treatment or special medicines required in their treatment. Agency agrees to assume responsibility for any medical costs for which an Agency prisoner cannot be held responsible. In the event that Massillon is adjudicated liable for costs incurred by a Agency prisoner, Agency shall reimburse Massillon for said amount. However, Agency shall not be responsible for payment of the above costs of special medicines, medical attention or burial costs where the cause of death of the cause of illness or injury requiring medical attention or the administration of special medicines was the result of malfeasance, nonfeasance, neglect of duty or any other action of an employee and/or police officer of Massillon.

~~This Agreement shall take effect in January 1, 2012, and remain in effect until~~  
December 31, 2012, unless superseded or rescinded, however, either party may terminate this agreement upon thirty (30) days written notice to the other party.

This Agreement constitutes the entire agreement between Massillon and Perry Township. All other agreements concerning the booking and handling of prisoners, whether written or verbal, are hereby rescinded. Nothing in the Agreement shall be construed to provide any agreement, benefit or cause of action to any third party.

IN WITNESS WHEREOF, the parties have affixed their signatures below:

WITNESS:

CITY OF MASSILLON

\_\_\_\_\_

Michael Loudiana, Safety Service Director

WITNESSES:

\_\_\_\_\_, STARK COUNTY, OHIO

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: DECEMBER 19, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 17 - 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION rescinding Ordinance No. 98 - 2011.

WHEREAS, Ordinance No. 98 – 2011 consented to the annexation of the Bit of Eden annexation proposal, and;

WHEREAS, said Ordinance No. 98 – 2011 indicated what services would be provided to the Bit of Eden property upon annexation and set zoning conditions, and;

WHEREAS, the City Council of Massillon hereby finds that it is not in the best interests of the City of Massillon to annex the Bit of Eden property, and;

WHEREAS, the City Council of Massillon hereby finds it impracticable and excessively costly to provide City services to the Bit of Eden property.

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

Section 1: Ordinance No. 98 – 2011 is hereby repealed, rescinded, abrogated, and made null and void.

Section 2: The Director of Community Development of the City of Massillon is hereby ordered to notify the Stark County Commissioners office of this action immediately, and to advise the Commissioners that no hearing is necessary on this proposed annexation, and to notify the owner of the property, of the same, immediately, on December 20, 2011 before 10:00am.

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

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

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

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

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