

A G E N D A

DATE: SEPTEMBER 16, 1996
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

ROLL CALL

INVOCATION - COUNCILMAN GLENN GAMBER

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. 169 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the Massillon Commission to Advance Literacy to assist in the Adult Literacy Training Program, and declaring an emergency.

ORDINANCE NO. 170 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the YMCA/YWCA of Western Stark County, to assist with necessary repairs to the heating system, and declaring an emergency.

ORDINANCE NO. 171 - 1996 BY: SEWER AND WASTE DISPOSAL COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Supplemental Sewer Service Agreement No. 7 with the Stark County Board of Commissioners, and declaring an emergency.

ORDINANCE NO. 172 - 1996 BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 1996 appropriation from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 173 - 1996 BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 1996 appropriation from the Legends Golf Fund to the General Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 174 - 1996 BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Waste Water Treatment Fund, Community Development Block Grant program Fund, Towne Plaza UDAG B-81-AB-39-0097 Fund, City Garage Fund, Safety Department Fund, Solid Waste Fund, General Fund and Lincoln Center Phase II Project Fund, of the City of Massillon, Ohio, for the year ending December 31, 1996, and declaring an emergency.

ORDINANCE NO. 175 - 1996 BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 1996 appropriation from the Lincoln Center Phase II Fund to Lincoln Center Phase II Bond Retirement Fund of the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 18 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

A RESOLUTION endorsing the proposed annexation of 2.1 acres of land in Tuscarawas Township, owned by the City of Massillon, Ohio, and urging the Stark County Commissioners to approve said annexation.

UNFINISHED BUSINESS

PETITIONS AND GENERAL COMMUNICATIONS

BILLS, ACCOUNTS AND CLAIMS

REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY REPORT FOR AUGUST 1996

B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR AUGUST 1996

C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR AUGUST 1996

D). SPECIAL INVESTIGATION UNIT SUBMITS REPORT AS OF AUGUST, 1996

REPORTS OF COMMITTEES

RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

ORDINANCE NO. 135 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from RM-1 Multiple Family Residential to B-1 Local Business, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 146 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing the sale of certain tracts of land known as and being parts of Out Lot Nos. 562 and 563 within the City of Massillon, Stark County, Ohio, and owned by said City, said property being no longer needed for any municipal purpose, to the highest and best bidder according to law, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 164 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-1 Single Family Residential to P-1 Vehicular Parking, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
ADJOURNMENT

THERE IS A PUBLIC HEARINGS THIS EVENING AT 7:00 P.M.

ORDINANCE NO. 135 - 1996

SHARON HOWELL
CLERK OF COUNCIL

DATE: September 16, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 169 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the Massillon Commission to Advance Literacy to assist in the Adult Literacy Training Program, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with the Massillon Commission to Advance Literacy to assist in the Adult Literacy Training Program, at a cost not to exceed Five Thousand Dollars (\$ 5,000.00).

ction 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the further reason that these services are needed to meet the goals and objectives of the City's Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS DAY OF 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICCCHINELLI, JR., MAYOR

DATE: September 16, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 170 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the YMCA/YWCA of Western Stark County, to assist with necessary repairs to the heating system, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with the YMCA/YWCA of Western Stark County, to assist with necessary repairs to the heating system at a cost not to exceed Eleven Thousand Dollars (\$11,000.00).

Section 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the further reason that these services are needed to meet the goals and objectives of the City's Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS DAY OF 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICHINELLI, JR., MAYOR

DATE: September 16, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 171 - 1996

BY: SEWER AND WASTE DISPOSAL COMMITTEE

*File: West Mass.
Trunk Sewer.*

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Supplemental Sewer Service Agreement No. 7, with the Stark County Ohio Board of Commissioners, and declaring an emergency.

WHEREAS, the City of Massillon and Stark County entered into a sewer service agreement on November 19, 1981, the First Supplemental Agreement on May 11, 1983, the Second Supplemental on October 4, 1984, the Third Supplemental on April 4, 1990, the Fourth Supplemental on October 29, 1993, the Fifth Supplemental on August 7, 1995 and the Sixth Supplemental on April 15, 1996 said Agreements referred to as the Basic Agreement; and

WHEREAS, from time to time it is necessary to evaluate and review the Agreement of November 19, 1981, for the purpose of modifying its provisions if required and it has been determined that a Supplemental Agreement is necessary for that purpose; and

WHEREAS, the County, acting under authority of Revised Code Section 6117.01 et. seq. and Massillon, acting pursuant to Article XVIII of the Ohio Constitution, are fully authorized to enter into this Agreement; and

WHEREAS, the same terms used herein have the definitions as described in the Agreement of November 19, 1981:

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

Section 1:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, are hereby authorized to enter into a Supplemental Sewer Service Agreement No. 7, with the Stark County Ohio Board of Commissioners, and declaring an emergency.

Section 2:

A copy of said Supplemental Agreement No. 7 is attached hereto.

Section 3:

This ordinance is hereby declared to be an emergency measure immediately necessary to enter into this Supplemental Agreement so that the cost maybe shared between Stark County and the City for the West Massillon Trunk Sewer Project, and for 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 _____ 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICHINELLI, JR., MAYOR

Distribution:

Journal
Auditor
M. Armogida
Massillon
Squire, Sanders, Dempsey
file

Agreement

Stark County Commissioners

With City of Massillon

Dated

Subject MASSILLON-STARK COUNTY SEWER SERVICE AGREEMENT
 SUPPLEMENTAL NO. 7

THIS SUPPLEMENTAL AGREEMENT made and entered into this ____ day of _____, 1996, by and between the City of Massillon, Ohio (hereinafter referred to as "Massillon" or the "City"), by its Mayor and its Director of Public Service and Safety, duly authorized in its behalf by Ordinance No. ____ passed by its Council on the ____ day of _____, 1996, and the County of Stark, Ohio (hereinafter referred to as the "County"), by its Board of Stark County Commissioners, duly authorized by a resolution adopted by the Board on the ____ day of _____, 1996, witnesseth:

WHEREAS, the City of Massillon and Stark County entered into a sewer service agreement on November 19, 1981, the First Supplemental Agreement on May 11, 1983, the Second Supplemental on October 4, 1984, the Third Supplemental on April 4, 1990, the Fourth Supplemental on October 29, 1993, the Fifth Supplemental on November 30, 1995, and the Sixth Supplemental on June 25, 1996, said Agreements referred to as the Basic Agreement; and

WHEREAS, a section of the Fourth Supplemental Agreement included a provision that the City and the County would share in the cost of the design and installation of the Westside Trunk (the "Project") which the City was proposing to build in order to provide service to annexed areas; and

WHEREAS, the County, acting under authority of Revised Code Section 6117.01 et. seq., and Massillon, acting pursuant to Article XVIII of the Ohio Constitution, are fully authorized to enter into this Agreement; and

WHEREAS, the same terms used herein have the definitions as described in the Basic Agreement:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, and of other good and valuable considerations, the County and Massillon do hereby agree to amend the Basic Agreement as follows:

Section 1.0

1.01 The project shall consist of designing and installing approximately 13,500 feet of various sizes of sanitary sewer line in Tuscarawas Township at the locations as shown on the attached Exhibit "A" and as identified as Alternative II. The estimated project costs as pertinent to this Agreement are as follows:

Engineering Services	
Design	\$ 68,750
Bidding/Construction	
Services	\$ 30,000
Construction	\$1,010,000 (Less bike path)
Contingency	\$ 101,000
Total	\$1,209,750

1.02 Based on an evaluation and analysis of its projected flow requirements and the provisions of the Fourth Supplemental Agreement, the County has determined that twenty-five percent (25%) of the capacity of the trunk is required for long term needs. The County's estimated share of the project is \$302,437.00. The County shall pay its share of design related costs upon its review and approval of the plans and specifications, and its share of construction related costs as invoiced monthly by Massillon during the course of construction.

1.03 Upon completion and approval of the project by Massillon, the City shall provide the County with certified costs and the County's share shall be adjusted accordingly.

AGREEMENT WITH THE CITY OF MASSILLON
SUPPLEMENTAL NO. 7

Except as amended hereby, the Basic Agreement is hereby confirmed in all other respects.

This Agreement includes the exhibits attached hereto, all of which are fully a part of this Agreement as if herein fully set forth in writing.

IN WITNESS WHEREOF, the County and Massillon have caused this Seventh Supplemental Agreement to be executed by their respective officers thereunto duly authorized and the Agreement shall be in effect as of the day and year first above written.

Approved as to Form:

BOARD OF COMMISSIONERS
STARK COUNTY:

Assistant Prosecuting Attorney
Stark County

Approved as to Form:

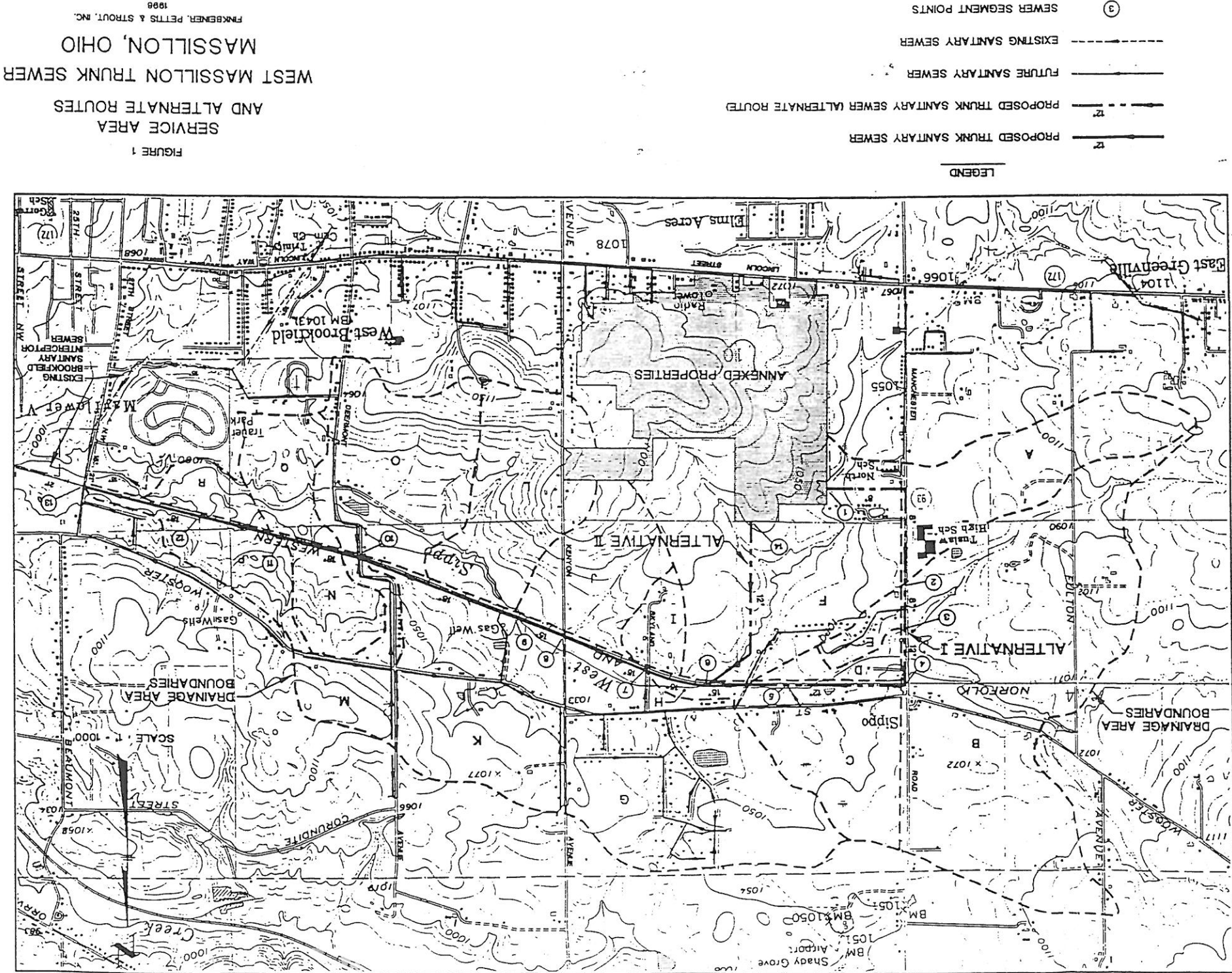
CITY OF MASSILLON:

Massillon Law Director

Mayor

Director of Public Service and Safety

EXHIBIT "A"



DATE: September 16, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 172 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1996 appropriation from within the General Fund, of 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:

There be and hereby is transferred from the 1996 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$ 1,750.00 from "Repave Lincoln Way" 1100.435.2447
to "Workers Comp Defense Account" 1100.905.2399

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for payment of the Workers Compensation Defense Claims 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 TN COUNCIL THIS _____ DAY OF _____, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: September 16, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 173 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1996 appropriation from the Legends Golf Fund, to the General Fund of 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:

There be and hereby is transferred from the 1996 appropriation from the Legends Golf Fund to the General Fund the following:

\$ 50,000.00 FROM: "Transfer To" 2104.920.2710
TO: "Transfer From Legends" 1100.905.1865

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds must be transferred from the Legends Golf Course Fund to the General Fund in the City of Massillon, Ohio, 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 _____, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: September 16, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 174 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Waste Water Treatment Fund, Community Development Block Grant Program Fund, Towne Plaza UDAG B-81-AB-39-0097 Fund, City Garage Fund, Safety Department Fund, Solid Waste Fund, General Fund and Lincoln Center Phase II Project Fund, of the City of Massillon, Ohio, for the year ending December 31, 1996, 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 Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 121,200.00 to an account entitled "1996 Street Resurfacing" 1401.435.2515
\$ 1,600.00 to an account entitled "Auditor Office Computers" 1401.205.2531

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Waste Water Treatment Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 175,000.00 to an account entitled "Salary-Waste Water Treatment"
2101.610.2110

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 11,000.00 to an account entitled "YMCA/YWCA Renovation" 1402.845.2830
\$ 5,000.00 to an account entitled "Massillon Commission to Advance Literacy"
1402.845.2805

Section 4:

There be and hereby is appropriated from the unappropriated balance of the City Garage Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 10,000.00 to an account entitled "Repair-Maint.-Supplies-Equip."
2201.440.2442

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Towne Plaza UDAG B-81-AB-39-0097 Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 4,500.00 to an account entitled "Nave Area Survey" 1217.840.2511

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Safety Department Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 3,743.00 to an account entitled "Traffic Supplies" 1201.420.2470

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 2,500.00 to an account entitled "Operating Supplies & Containers"
2102.605.2420

Section 8:

There be and hereby is appropriated from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 1,000.00 to an account entitled "Animal Control Fees" 1100.305.2376

Section 9:

There be and hereby is appropriated from the unappropriated balance of the Lincoln Center Phase II Project Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 305.20 to an account entitled "Transfer To" 1429.410.2710

Section 10:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the aforesaid departments of the City of Massillon, Ohio, 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 _____, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: September 16, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 175 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1996 appropriation from the Lincoln Center Phase II Fund to Lincoln Center Phase II Bond Retirement Fund of 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:

There be and hereby is transferred from the 1996 appropriation from the Lincoln Center Phase II Fund to Lincoln Center Phase II Bond Retirement Fund.

§ 305.20 FROM: "Transfer To" 1429.410.2710
TO: "Transfer In For Bond Debt" 1303.410.1860

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to be transferred to close out the Lincoln Center Phase II Fund. 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 _____, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCCHINELLI, JR., MAYOR