

AGENDA

DATE: AUGUST 4, 1997
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN WILLIAM POOLE
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. 146 - 1997 BY: PARKS AND RECREATION COMMITTEE

P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Southeastern Equipment Company, the lowest and best bidder, for the purchase of one (1) Case Backhoe/Loader for use in the Park Department of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 147 - 1997 BY: PUBLIC UTILITIES COMMITTEE

Store 1 57
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with Johnson Controls for the Energy Conservation Program for the City of Massillon in conjunction with HB 300, and declaring an emergency.

ORDINANCE NO. 148 - 1997 BY: FINANCE COMMITTEE

P
AN ORDINANCE making certain appropriations from the unappropriated balance of the Mural Fund and Parking Meter Fund, of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

ORDINANCE NO. 149 - 1997 BY: PARKS AND RECREATION COMMITTEE

Emergency 8-1 1st
Ordinance 3-6
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of approximately 80 acres of land known as the Hammer Property, located on Deerford Avenue S.W. in the Township of Tuscarawas and said land shall be designated as park land, and declaring an emergency.

ORDINANCE NO. 150 - 1997 BY: FINANCE COMMITTEE

157
AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

RESOLUTION NO. 10 - 1997 BY: HEALTH, WELFARE & BUILDING REGULATIONS

P
A RESOLUTION providing for the submitting to the electors of the City of Massillon at a General Election on November 4, 1997, the question of the approval of the issue of a renewal of one (1) Mill Operating Levy to provide continued funding for the Massillon Museum which is operated by the Massillon Museum, Inc., a non-profit corporation, and declaring an emergency.

RESOLUTION NO. 11 - 1997 BY: COMMITTEE OF THE WHOLE

P
A RESOLUTION commending Gregory E. Browning as a City Councilman for the City of Massillon, Ohio.

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 JULY 1997
C). AUDITOR SUBMITS MONTHLY REPORT FOR JULY 1997

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

AUGUST 4, 1997

15. **SECOND READING ORDINANCES AND RESOLUTIONS**

Steve
Emergency 7-2
Passage 6-3
Amended
P
ORDINANCE NO. 141 - 1997

BY: SEWER AND WASTE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids ~~and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder~~ for the cleaning of the **two (2) anaerobic digester** at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

A). APPROVAL OF APPOINTMENT OF COUNCILMAN BILL KRAFT TO COUNCIL COMMITTEES

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

18. ADJOURNMENT

SHARON HOWELL
COUNCIL CLERK

THERE IS A PUBLIC HEARINGS SCHEDULED PRIOR TO THE MEETING
REGARDING ORDINANCE NO. 149 - 1997

6:30 p.m.

DATE: August 4, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 146 - 1997

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Southeastern Equipment Company, the lowest and best bidder, for the purchase of one (1) Case Backhoe/Loader for use in the Park Department of the City of Massillon, 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 contract with Southeastern Equipment Company, the lowest and best bidder, for the purchase of one (1) Case Backhoe/Loader for use in the Park Department of the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into contract with Southeastern Equipment Company, the lowest and best bidder, for the purchase of one (1) Case Backhoe/Loader for use in the Park Department of the City of Massillon.

Section 3:

The cost of said contract shall not exceed Fifty Five Thousand Five Hundred Fifty-Three Dollars and Fifty Cents (\$55,553.50).

Section 4:

That 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 enter into a contract with Southeastern Equipment Company for the purchase of the backhoe/loader prior to the end of the 1997 summer season. 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 _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: August 4, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 147 - 1997

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with Johnson Controls for the Energy Conservation Program for the City of Massillon in conjunction with HB 300, 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, without competitive bidding, with Johnson Controls for the Energy Conservation Program for the City of Massillon in conjunction with HB 300 .

Section 2:

The cost of said contract shall not exceed One point Seven Million Dollars.

Section 3:

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 additional reason that the City of Massillon must comply with HB 300. 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 _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: August 4, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 148 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Mural Fund and Parking Meter Fund, of the City of Massillon, Ohio, for the year ending December 31, 1997, 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 Mural Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 9,822.06 to an account entitled "Mural Phase III" 3112.905.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Parking Meter Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 3,000.00 to an account entitled "Office Supplies-Metermaid" 1208.445.2410

Section 3:

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 _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: August 4, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 149 - 1997

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of approximately 80 acres of land known as the Hammer Property, located on Deerford Avenue S.W. in the Township of Tuscarawas and said land shall be designated as park land, and declaring and emergency.

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

Section 1:

The real estate known as the Hammer Property, located on Deerford Avenue S.W. in the Township of Tuscarawas, consisting of approximately 80 acres is needed for park land.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for Five Hundred Seventy-Five Thousand Dollars and upon the execution and approval the said Director of Public Service and Safety he is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

That the City Auditor is hereby authorized to pay the purchase price of Five Hundred Seventy-Five Thousand Dollars from the Park and Recreation Capital Improvement Fund.

Section 4:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5:

That 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 the acquisition of the real estate is necessary for the construction of the community park by the year 1999. 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 _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: August 4, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 150 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

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

Section 1:

There be and hereby is appropriated from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$150,000.00 to an account entitled "Salary Fire Dept." 1100.325.2110
\$ 75,500.00 to an account entitled "Salary Police Dept." 1100.305.2110
\$ 63,410.12 to an account entitled "Salary Clerk of Court Clerks" 1100.130.2111
\$ 46,798.42 to an account entitled "Salary Bailiff" 1100.135.2111
\$ 25,047.37 to an account entitled "Salary Income Tax Clerks" 1100.210.2111
\$ 16,382.12 to an account entitled "Salary Law Clerks" 1100.115.2111
\$ 15,564.97 to an account entitled "Salary Referee" 1100.125.2114
\$ 12,620.87 to an account entitled "Salary Janitors" 1100.410.2110
\$ 7,766.05 to an account entitled "Salary Sanitation" 1100.710.2110
\$ 7,340.40 to an account entitled "Salary Auditor Clerks" 1100.205.2111
\$ 5,627.20 to an account entitled "Salary Police Clerks" 1100.305.2111
\$ 3,607.27 to an account entitled "Salary Garage" 1100.440.2110
\$ 3,473.57 to an account entitled "Salary Service Director" 1100.160.2110
\$ 1,631.92 to an account entitled "Salary EEO" 1100.175.2112
\$ 293.20 to an account entitled "Salary Special Court Officer" 1100.120.2110
\$ 216.80 to an account entitled "Salary Engineer Dept." 1100.405.2110

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 the more efficient operation of the Auditor's 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 _____ 1997

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 10 - 1997

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: A RESOLUTION providing for the submitting to the electors of the City of Massillon at a General Election on November 4, 1997, the question of the approval of the issue of a renewal of a one (1) Mill Operating Levy to provide continued funding for the Massillon Museum which is operated by the Massillon Museum, Inc., a non-profit corporation, and declaring an emergency.

WHEREAS, the amount of revenues which will be raised by the City of Massillon, Ohio, within the ten mill limitation by levies on the current tax duplicate of the City of Massillon will be insufficient to provide adequate funds for the City of Massillon, to provide for a free Museum of Art, Science, or History that is maintained and operated by a private, non-profit organization as authorized by Section 5705.19 (AA) of the Ohio Revised Code; and

WHEREAS, it is necessary to levy a renewal of a tax in excess of the ten mill limitation for the purpose of providing funds to provide for a free Museum of Art, Science, or History that is maintained and operated by a private, non-profit organization.

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

Section 1:

There shall be submitted to the electors of the City of Massillon at a General Election on November 4, 1997, the question of the approval of issues providing for the levy of a renewal of a tax in the amount of one (1) Mill for each One Dollar (\$1.00) of valuation, which amounts to Ten Cents (.10¢) per One Hundred Dollars (\$100.00) of valuation for a period of Five (5) years, to wit: 1998, 1999, 2000, 2001 and 2002 for the purpose of providing for a free Museum of Art, Science, or History that is maintained and operated by a private, non-profit organization as authorized by Section 5705.19(AA) of the Ohio Revised Code.

Section 2:

The Clerk of Council is hereby directed to certify to the Board of Election of Stark County, Ohio, a copy of this Resolution upon the enactment of this Resolution for its submission to the electors of the City of Massillon, Ohio, for the question of its passage at the General Election to be held on November 4, 1997. The Clerk of Council is directed to request the Board of Elections to provide notice of election on the question of levying said renewal tax as required by law. The Clerk shall also provide the Board of Elections with a proposed sample ballot which is attached to this Resolution.

Section 3:

That this Resolution is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor. The reason for the emergency lies in the fact that the immediate enactment of this Resolution is necessary to provide for the orderly submission of the proposed levy to the electors of the City of Massillon in the interest of the public welfare and for the levy of a tax as provided in this Resolution in order to obtain sufficient revenue for the operation of a free Museum of Art, Science or History.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

**OFFICIAL QUESTIONS AND ISSUES BALLOT
STARK COUNTY---NOVEMBER 4, 1997**

MASSILLON CITY

A Majority Affirmative Vote Is Necessary For Passage.

"A RENEWAL of a One(1.0)Mill tax for the benefit of the City of Massillon, Stark County, Ohio for the PURPOSE OF THE MAINTENANCE AND OPERATION OF A FREE PUBLIC MUSEUM OF ART, SCIENCE OR HISTORY at a rate not exceeding One (1.0) mill for each One Dollar (\$1.00) of valuation, WHICH AMOUNTS TO TEN CENTS (\$.10) FOR EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION, for period of (5) years, tax years 1998, 1999, 2000, 2001, 2002."

DATE: August 4, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 11 - 1997

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending Gregory E. Browning as a City Councilman for the City of Massillon, Ohio.

WHEREAS, on July 12, 1997 GREGORY E. BROWNING completed three and a half years (3-1/2) as a member of the Council of the City of Massillon, Ohio, and

WHEREAS, GREGORY E. BROWNING, has fully cooperated with all members of City Council regardless of political affiliation and has devoted himself to his responsibilities and duties as a member of Massillon City Council, and

WHEREAS, MR. BROWNING, during his terms of office as a member of City Council has given outstanding service to the Citizens for the betterment of Massillon, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to MR. GREGORY E. BROWNING for the excellent service he has rendered to the people and the City of Massillon during his terms of office.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the Council commends GREGORY E. BROWNING for the efficient, energetic and capable manner in which he has discharged his duties and for the lasting contribution he has made to our City during his terms of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR