

AGENDA

DATE: JUNE 4, 2001
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS THIS EVENING

1. ROLL CALL - *excuse Councilman Frank*
2. INVOCATION - COUNCILMAN MIKE LOUDIANA
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL - *add ORD 135 - 2001*
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 131 - 2001 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

Susp. 8-0
Pass 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract, with the Ohio Department of Transportation to establish an emergency alternate route for I.R. 77 between S.R. 21 and U.S. 30, and declaring an emergency.

hcr ORDINANCE NO. 132- 2001 BY: PARKS AND RECREATION COMMITTEE

Susp. 8-0
Pass 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract without competitive bidding, with Professional Service Industries Inc., for construction materials testing and inspection services during the construction of the new Massillon Recreation Center, and declaring an emergency.

ORDINANCE NO. 133 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Susp. 8-0
Pass 8-0
AN ORDINANCE amending the agreement between the City of Massillon and Rayco Manufacturing, Inc., under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

ORDINANCE NO. 134 - 2001 BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

Susp. 8-0
Pass 8-0
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 135 - 2001 BY: FINANCE COMMITTEE

Susp. 8-0
Pass 8-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Road Fund, Wastewater Treatment Plant fund, Waste Management Grant Fund and Capital Improvement fund for the year ending December 31, 2001, and declaring an emergency.

JUNE 4, 2001

RESOLUTION NO. 14 - 2001 BY COMMUNITY DEVELOPMENT & ANNEXATION COMM

15P
AN ORDINANCE declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of redevelopment.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

- A)* LETTER OHIO DIVISION OF LIQUOR CONTROL REGARDING TRANSFER OF LIQUOR LICENSSES FROM SCHRADER SUPERMARKET INC., 1619 WALNUT ROAD S.E. MASSILLON, OHIO, 44646 TO KALAS SUPERMARKET INC., DBA M & K SUPERMARKET, 1619 WALNUT ROAD S.E., MASSILLON, OHIO 44646

3rd Base - Berrien Main St. Saloon.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A)* MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MAY - 2001

- B)* AUDITOR SUBMITS MONTHLY REPORT FOR MAY - 2001

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 107 - 2001 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

Posed 8-0
AN ORDINANCE vacating a portion of Rhode Island Avenue S.E., and declaring an emergency.

ORDINANCE NO. 111 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Tabled 12 PM 11/18-0
AN ORDINANCE accepting the Final Plat for Country View Estates No. 5., in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 125 - 2001 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

hcr 5-0 Posed 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with Bitzel Excavating, Inc. for emergency storm sewer rehabilitation on Lincoln Way West between 12th Street N.W. and 17th Street N.W., and declaring an emergency.

JUNE 4, 2001

2-418
ORDINANCE NO. 126 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

PK 2-418 7:00
AN ORDINANCE amending Section 1151.02 of the Massillon code rezoning a certain tract of land from A-1 Agricultural to R-2 One Family Residential

ORDINANCE NO. 127 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

2-418 7:00 7:15
AN ORDINANCE amending Section 1151.02 of the Massillon code rezoning a certain tract of land from A-1 Agricultural to R-1 One Family Residential.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

**SHARON HOWELL
CLERK OF COUNCIL**

DATE: JUNE 4, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

planned
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 131-2001

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement with the Ohio Department of Transportation to establish an emergency alternate route for I.R. 77 between S.R. 21 and U.S. 30, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into an agreement with the Ohio Department of Transportation to establish an emergency alternate route for I.R. 77 between S.R. 21 and U.S. 30.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with the Ohio Department of Transportation to establish an emergency alternate route for I.R. 77 between S.R. 21 and U.S. 30.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that it is necessary to enter into an agreement with Ohio Department of Transportation so as to relocate traffic back ups caused by the construction of I.R.77. 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 _____ 2001

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: JUNE 4, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 132 - 2001

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with Professional Service Industry Inc., for providing construction materials, testing and inspection services for the Massillon Recreation Center, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement without competitive bidding, with Professional Service Industry Inc., for providing construction materials, testing and inspection services for the Massillon Recreation Center. The cost of said contract shall not exceed Twenty Three Thousand Five hundred Seventy-Five Dollars and Seventy-Five Cents.

Section 2:

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 Professional Service Industry Inc., for providing construction materials, testing and inspection services for the Massillon Recreation Center.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that it is necessary to enter into contract, without competitive bidding, so that Professional Service Industry Inc., may provide the specialized service to the City of Massillon during the construction of the new Massillon City Recreation Center. 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 _____ 2001

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL - DENNIS D. HARWIG, PRESIDENT

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

DATE JUNE 4, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 133 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon and Rayco Manufacturing, Inc., under the Ohio Urban Jobs and Enterprise Zone 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 Council of the City of Massillon, Ohio does hereby authorize amending the agreement between the City of Massillon and Rayco Manufacturing, Inc., under the Ohio Urban Jobs and Enterprise Zone Program.

Section 2:

The agreement between the City of Massillon and Rayco Manufacturing, Inc., under the Ohio Urban Jobs and Enterprise Zone Program is hereby amended to change the completion date for Phase I of the project from June 30 - 2001 to December 31, 2001.

Section 3:

A copy of said amendment is attached hereto and made part of this Ordinance.

Section 4:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone agreement to reflect the revised completion date in that Rayco Manufacturing Inc., began construction later than anticipated. 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 _____, 2001

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

ATTEST: _____

**AMENDMENT TO
OHIO ENTERPRISE ZONE AGREEMENT**

This Amendment is made and entered into by and between the CITY OF MASSILLON, OHIO, a Municipal Corporation (hereinafter "City of Massillon") and RAYCO MANUFACTURING, INC., an Ohio Corporation (hereinafter "Rayco Manufacturing")

WITNESSETH:

WHEREAS, the City of Massillon and Rayco Manufacturing have previously entered into an Ohio Enterprise Zone Agreement dated September 25, 2000 (hereinafter "Agreement"); and

Whereas, pursuant to the Agreement, Rayco Manufacturing, a manufacturer of stump cutter machines and forestry mowing equipment, agreed to establish a facility within the Enterprise Zone through the construction of a new facility that will house the company's manufacturing operations, (hereinafter the "Project"); and

Whereas, pursuant to the Agreement, Rayco Manufacturing agreed to undertake the Project in two phases: Phase 1 being the construction of a new 84,350 square foot industrial building including the purchase and installation of new machinery and equipment; and Phase 2 being the construction of a new 115,500 square foot addition and the purchase and installation of additional machinery and equipment to provide increased manufacturing and warehouse capacity.

WHEREAS, pursuant to the Agreement, the City of Massillon agreed to grant Rayco Manufacturing a tax exemption pursuant to ORC 5709.62 for eligible real and personal property improvements in conjunction with the Project; and

WHEREAS, pursuant to the Agreement, Rayco Manufacturing agreed to complete Phase 1 of the Project by June 30, 2001; and

WHEREAS, due to circumstances beyond its control, Rayco Manufacturing will not be able to complete Phase 1 of the Project by June 30, 2001 and has requested that this completion date be extended through December 31, 2001; and

WHEREAS, in order to accomplish the intended purpose of the Agreement, the Parties have determined to amend the Agreement, in the particulars set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants set forth in the Agreement and the benefit to be derived from each party for completion of Phase 1 of the Project as contemplated by the Agreement, the parties hereby agree as follows:

1. Section 1, paragraph 5 of the Agreement is hereby amended to read as follows:

“Phase 1 will begin in September 2000 and all acquisition, construction, and installation under this phase of the Project will be completed by December 31, 2001.”

2. In all other respects, the Agreement is hereby confirmed and ratified as written.

IN WITNESS WHEREOF, the Parties have each caused this Agreement to be executed by their duly authorized representatives as of _____, 2001.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

WITNESSED BY:

RAYCO MANUFACTURING, INC.

John M. Bowling, President

Approved as to form and legal sufficiency:

John D. Ferrero, Jr., Director of Law
City of Massillon, Ohio

DATE: JUNE 4, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 134 - 2001

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

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

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

Section 1:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

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

(SEE ATTACHMENT 'A' PAGE 9; 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 provisions hereby enacted are immediately necessary to restructure positions within the Community Development/Planning 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.

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION
		<u>HEALTH DEPT</u> 705-710-730
21S	SU CL	Health Administration Officer
17S*	CL	Public Health Nursing Director/Supervisor
15S	CL	Housing Inspector
15S*	CL	Public Health Nurse I
14S	CL	Public Health Sanitarian
12S	CL	Public Health Sanitarian-in-Training
14S	CL	WIC Clinic Supervisor
9S	CL	WIC Clinic Assistant
9S	CL	Registrar of Vital Statistics
8S	CL	Registrar of Vital Statistics
8S	CL	Clerk Typist II Deputy Registrar
7S	CL	WIC Clerk
6S	CL	Clerk Typist II
		<u>PART TIME/TEMPORARY/SEASONAL</u>
15S	MS CL	Public Health Nurse I
	MS	Health Comm. (Appt..)
	MS CL	Sanitarian (entry)
	MS CL	Acting Health Come.
	MS CL	Medical Director
	MS CL	WIC Prof/Nutritionist
	MS CL	WIC Staff Prof (entry)/ Nurse
	MS CL	WIC Clerk
		<u>COMM. DEV./PLANNING</u> 845
26S	SU UN	Community Development Director
22S	SU UN	Economic Development Director
20S	SU UN	Housing Director
15S	SU UN	Youth Director
10S	UN	*Housing/Administrative Assistant
9S	CL	Secretary/Bookkeeper
9S	UN	Code Enforcement Officer
6S	UN	Clerk Typist II
5S	CL	Clerk Typist I
5S	CL	Relocation Aide
		<u>SUMMER YOUTH PROG.</u> 845
		<u>PART TIME/TEMPORARY/SEASONAL</u>
	MS	SESP Administrator (6 Hr. Limit)
	MS	Cook
	MS	Aide
	MS	Site Coordinator
	MS	Secretary/Janitor (6 Hr. Limit)
	MS	Cook Helper/Youth Center
	MS	SYPE Coordinator
	MS	SYPE Counselor
	MS	SYPE Teachers

DATE: June 4, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 135 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Road Fund, Wastewater Treatment Plant Fund, Waste Management Grant Fund and Capital Improvement Fund for the year ending December 31, 2001, 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 Municipal Road Fund for the year ending December 31, 2001, the following:

* \$169,000.00 to an account entitled "Lincoln Way West Rehab" 1409.435.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Plant Fund for the year ending December 31, 2001, the following:

* \$ 84,368.00 to an account entitled "Interim Odor Control Equip." 2101.610.2533

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Waste Management Grant Fund for the year ending December 31, 2001, the following:

/ \$ 16,000.00 to an account entitled "Services/Contracts" 1222.605.2392

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund for the year ending December 31, 2001, the following:

/ \$ 6,000.00 to an account entitled "Renovation Roof Fire Dept." 1401.325.2510

F S H

Section 5:

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 _____ 2001

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: JUNE 4, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

not reading
2nd reading 6/14/01
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 14- 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of redevelopment.

WHEREAS, it is necessary to acquire property within the corporate limits of the City of Massillon for the reason that the city is an "impacted city," as defined in division (C) of Section 1728.01 of the Ohio Revised Code, and the acquisition of such property is necessary in order to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the City of Massillon; and

WHEREAS, the City of Massillon intends to appropriate, enter upon, and hold such property within its corporate limits for either (a) the sale, lease, exchange or other disposition of such property for use or development for industry, commerce, housing, distribution, or research; or (b) the construction, enlargement, improvement, or equipment and subsequent sale, lease, exchange, or other disposition of such property with the structures, equipment, and facilities thereon for industry, commerce, housing, distribution, or research; and

WHEREAS, the property to be acquired is part of an Urban Renewal Plan which has been adopted by the City of Massillon, and

WHEREAS, it is desirable in the public interest that the City take possession of the property and the structures thereon, and

WHEREAS, the City, prior to the actual filing of a complaint will attempt to purchase the property from the landowners.

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

Section I:

It is deemed necessary and it is hereby declared to be the intention of this Council to acquire the following described property:

"Situated in the City of Massillon, County of Stark and State of Ohio and known as Part of Out Lot No. 13, a .33 acre parcel, the address being 217 Third Street N.W., according to the present numbering of lots therein."

Section 2:

The property hereinabove described is to be acquired pursuant to an Urban Renewal Plan which has been adopted by the City and is therefore declared to be desirable in the public interest that the City take possession by all legal means including eminent domain of the desired property and the structures thereon. Said redevelopment is vital for the future development of the City of Massillon.

Section 3:

The Mayor is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner, persons in possession or having an interest of record in the above premises and said notice shall be served according to law by the person designated for that purpose and to make return of said service of notice in the manner provided by law.

Section 4:

This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, the emergency being to proceed with the rehabilitation and subsequent sale of the within property, and provided it received the affirmative vote of two-thirds of all the members duly elected 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 _____, 2001

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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