

Boe
CSI
SHEA

AGENDA

DATE: MONDAY, APRIL 19, 2004
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 68 – 2004 – CDBG BUDGET @ 6:30 PM

1. ROLL CALL *encls. Autery*
2. INVOCATION BY COUNCILMAN RON MANG
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. 80 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

Pass
Boe
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 certain tract of land known as and being Out Lot No. 739 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. 81 – 2004

BY: ENVIRONMENTAL COMMITTEE

Pass
Boe
AN ORDINANCE repealing Ordinance No. 51 – 2004, and enacting a new ordinance authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract, without competitive bidding, with Republic Services of Ohio, LLC, dba Countywide Recycling 7 Disposal Facility for the disposal of municipal solid waste for the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 82 – 2004

BY: POLICE AND FIRE COMMITTEE

Pass
Boe
AN ORDINANCE authorizing the Director of Service and Safety of the City of Massillon to apply for a U.S. Justice department grant for funding for the purchase of surveillance and security equipment to be used by the Police Department, and declaring an emergency.

ORDINANCE NO. 83 – 2004

BY: FINANCE COMMITTEE

Pass
Boe
AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks and Recreation Capital Fund, Capital Improvement Fund and the Legends Fund, for the year ending December 31, 2004, and declaring an emergency.

RESOLUTION NO. 10 – 2004

BY: COMMITTEE OF THE WHOLE

Pass
Boe
AN RESOLUTION designating May 15th as Peace Officers Memorial Day.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM DONATOS PIZZERIA CORPORATION 2630 LINCOLN WAY E, MASSILLON, OHIO, OHIO 44646 TO DONATOS PIZZERIA LLC DBA DONATOS PIZZERIA 2630 LINCOLN WAY E, MASSILLON, OHIO 44646.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2004
- B). TREASURER SUBMITS MONTHLY REPORT FOR MARCH 2004
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2004.
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR MARCH 2004
- E). MAYOR SUBMITS MONTHLY REPORT FOR MARCH 2004
- F). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR MARCH 2004
- G). MAYOR ADDRESSES COUNCIL ON IX TRADE CENTER UPDATE

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 55 - 2004

BY: ENVIRONMENTAL COMMITTEE

Pass 8-0
AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, by repealing existing Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" and enacting a new Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" of CHAPTER 925.

ORDINANCE NO. 56 - 2004

BY: HEALTH, WELFARE & BLDG REGULATIONS

Pass 8-0
AN ORDINANCE amending CHAPTER 1307 "BUILDING MAINTENANCE CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1307.05© "Roofs, Gutters, and Downspouts" of CHAPTER 1307 "BUILDING MAINTENANCE CODE" and enacting a new Section 1307.05 © "Roofs, Gutters, and Downspouts" of CHAPTER 1307 "BUILDING MAINTENANCE CODE".

ORDINANCE NO. 59 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Pass Table May 3
AN ORDINANCE directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 815 Seneca NE., in the City of Massillon.

ORDINANCE NO. 60 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Tabled May 3
AN ORDINANCE directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 725 Main Avenue West, in the City of Massillon.

ORDINANCE NO. 61 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Tabled May 3
AN ORDINANCE directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 319 Cherry Road NE., in the City of Massillon.

ORDINANCE NO. 64 - 2004

BY: FINANCE COMMITTEE

Pass 8-0
AN ORDINANCE amending CHAPTER 1113 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1113.06(b) "PLAN CHECKING AND FILED INSPECTIONS FEES" and enacting a new Section 1113.06(b) "PLAN CHECKING AND FILED INSPECTIONS FEES".

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 58 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

2 ND
AN ORDINANCE amending CHAPTER 353 "ON-STREET AND OFF-STREET PARKING" of the Codified Ordinances of the City of Massillon, by repealing existing Section 353.99 "PENALTY" and enacting a new Section 353.99 "PENALTY".

ORDINANCE NO. 68 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

2 ND
AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan, authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

ORDINANCE NO. 70 - 2004

BY: ENVIRONMENTAL COMMITTEE

Pass 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a revised Cooperative Agreement with Greif, Inc, for the design of a sanitary sewer pumping station for the West Warmington Area Region, and declaring an emergency.

ORDINANCE NO. 73 - 2004

BY: PARKS AND RECREATION COMMITTEE

Tabled + Reconsidered After Exec 3:05. Pass 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, enter into a contract without competitive bidding, upon award and approval of the Board of Control, with the Boys and Girls Club of Massillon, Inc, for the operation of the concession stands at the Genshaft and Community Parks, and declaring an emergency.

ORDINANCE NO. 75 - 2004

BY: POLICE AND FIRE COMMITTEE

2412
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to implement the Knox Box program in the Massillon Fire Department.

ORDINANCE NO. 79 - 2004

BY: FINANCE COMMITTEE

2413
AN ORDINANCE amending CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, and amending Section 181.03 "IMPOSITION OF TAX" by repealing subsection 181.03 (e) (13) and enacting a new subsection 181.03 (e) (13) and adding additional language to Section 181.03 (a) (1) of the Codified Ordinances of the City of Massillon to provide for the taxation of Lottery winnings.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: APRIL 19, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 80 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: 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 certain tract of land known as and being Out Lot No. 739 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.

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 advertise for and receive sealed bids, according to law, for the sale of a certain tract of land known as and being Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 2:

The following described real estate belonging to the City of Massillon, Ohio, is not needed for any municipal purpose, to-wit:

Known as and being Out Lot No. 739, a 4.861 acre located at the northwest corner of Nave Road, S.E. and University Drive S.E., in the City of Massillon, Ohio, County of Stark and State of Ohio.

Section 3:

The Director of Public Safety and Service be and is hereby authorized to advertise for and receive sealed bids, according to law, for the sale of a certain tract of land known as and being Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 4:

The advertisement for the bidding of said real estate shall contain the following instructions:

- 1). Each bidder shall be prepared to review with the administration of the City of Massillon and City Council their intended use for the real estate.
- 2). The successful bidder shall be responsible to pay all fees and costs associated with the sale and transfer of said property.
- 3). The City reserves the right to reject any and all bids.

Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason that it is necessary to dispose of real estate as soon as possible to promote future development of the same and it is no longer needed for any municipal purpose for the best price obtainable. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: APRIL 19, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 81 - 2004

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 51 - 2004, and enacting a new ordinance authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract, without competitive bidding, with Republic Services of Ohio, LLC, dba Countywide Recycling & Disposal Facility for the disposal of municipal solid waste for 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:

Ordinance No. 51 - 2004 be and is hereby repealed.

Section 2:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract, without competitive bidding, with Republic Services of Ohio, LLC, dba Countywide Recycling & Disposal Facility for the disposal of municipal solid waste for the City of Massillon, Ohio.

Section 3:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into the contract attached hereto as Exhibit "A", without competitive bidding, with Republic Services of Ohio, LLC, dba Countywide Recycling & Disposal Facility for the disposal of municipal solid waste for the City of Massillon, Ohio.

Section 4:

Said agreement is an extension of the original agreement for a two-year period. The cost remains the same at a total of Fourteen Dollars and Thirty-Four cents (\$14.34) plus host fees per ton through the remainder of the original term July 23, 2004 and will then be reduced to Twelve Dollars and Seventy-Five cents (\$12.75) per ton plus host fees for the extended term of July 24, 2004 through July 23, 2006.

Section 5:

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 the extension of the original contract to receive reduced rates during the extension and to implement the new fees for the disposal of municipal solid waste for the City of Massillon. 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 _____ 2004

APPROVED _____
MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

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

Exhibit "A"

FIRST AMENDMENT TO
DISPOSAL AGREEMENT

This First Amendment dated this ____ day of February, 2004, hereby amends the Disposal Agreement dated July 26, 2001 (the "Agreement"), by and between Republic Services of Ohio, LLC, d/b/a/ Countywide RDF, a limited liability company organized and existing under the laws of the State of Ohio ("Republic") and the City of Massillon, a corporation organized and existing under the laws of the State of Ohio ("Customer").

RECITALS

It is hereby ascertained, determined and declared by the parties that:

A. In consideration of the mutual covenants contained herein, the Customer desires to extend the term of the Agreement as set forth herein;

B. In consideration of the Customer's agreement to extend the term, Republic desires to offer the economic incentives set forth herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties to this Amendment, the parties agree as follows:

1. The term of the Agreement is hereby extended for an additional two (2) years through midnight Ohio Time, on July 23, 2006.

2. The Customer is currently paying the Republic the disposal rate of \$14.34 per ton for the disposal of Solid Waste (as defined in the Agreement). The new disposal rate for the term of this extension will be \$12.75 per ton plus fees.

3. Republic agrees to forego its annual Consumer Price Index disposal rate adjustment rights pursuant to paragraph 6. (d) of the Agreement through the remainder of the term, or through July 23, 2006.

4. Except as expressly set forth herein, the remaining terms and conditions of the Agreement shall remain in full force and effect and unaffected by this Amendment.

IN WITNESS THEREOF, the parties executed this Amendment to the Agreement as of the day and year first above written.

Republic

Customer

By: _____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

APPROVAL OF BOARD OF CONTROL

I hereby certify that pursuant to the authority conferred the Board of Control on the ____ day of _____, 2004, duly approved the foregoing Amendment to the Agreement and authorized the Director of Public Service and Safety to enter into said contract on behalf of the City of Massillon.

Date: _____

Secretary of the Board of Control

AUDITOR'S CERTIFICATE

I hereby certify that the amount of money required to meet the obligations of the City of Massillon which will accrue during the year(s) _____ according to a written estimate made to me by the Director of Public Service and Safety to wit: \$ _____, has been lawfully appropriated for such purpose and is in the Treasury or in the process of collection to the credit of an appropriate fund, free from previous encumbrance.

DATE: _____

City Auditor

LAW DIRECTOR'S CERTIFICATE

I, the undersigned, the duly elected and qualified Law Director of the City of Massillon, Ohio, do hereby certify that I have personally examined the foregoing Amendment to the Agreement and have found the same to be regular with respect to form and correctness, and binding upon all parties signatory thereto.

Date: _____

City Law Director

DATE: APRIL 19, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 82 - 2004

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Service and Safety of the City of Massillon to apply for a U.S. Justice Department grant for funding for the purchase of surveillance and security equipment to be used by the Police Department, 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 authorize the Director of Service and Safety of the City of Massillon to apply for a U.S. Justice Department grant for funding in the amount of Nineteen Thousand Seven Hundred and Ninety Dollars (\$19,790.00) for the purchase of surveillance and security equipment to be used by the Police Department. No matching funds are required to be spent by the City.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio is hereby authorized to apply for a U.S. Justice Department grant for funding in the amount of Nineteen Thousand Seven Hundred and Ninety Dollars (\$19,790.00) for the purchase of surveillance and security equipment to be used by the Police Department.

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 additional reason that the application must be submitted by April 26th, 2004 for it to be considered. 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 _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: APRIL 19, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 83 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks and Recreation Capital Fund, Capital Improvement Fund and the Legends Fund, for the year ending December 31, 2004, 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 Parks and Recreation Capital Fund, for the year ending December 31, 2004, the following:

\$60,000.00 to an account entitled "Capital Improvement Projects" 1433.505.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2004, the following:

\$9,045.00 to an account entitled "Leases" 1401.905.2530

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Legends Fund, for the year ending December 31, 2004, the following:

\$3,000.00 to an account entitled "Services/Contracts" 2104.920.2392

Section 4:

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 _____ 2004

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: APRIL 19, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 10 - 2004

BY COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION designating May 15th as Peace Officers Memorial Day..

WHEREAS, The Congress and President of the United States have designated may 15 as Peace Officers Memorial Day, and the week in which May 15 falls as National Police week; and

WHEREAS, the members of the Massillon Police Department play an essential role in safeguarding the rights and freedoms of Massillon; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Massillon Police department unceasingly provide a vital public service;

Now, therefore, the City Council of Massillon, call upon all citizens of Massillon and upon all patriotic, civic and educational organizations to observe the week of May 9 through 15, 2004, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

We further call upon all citizens of Massillon to observe Saturday, may 15, as Peace Officers Memorial Day, including the display at half staff of the flag of the United States, in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

PASSED THIS _____ DAY OF _____ 2004

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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