

AGENDA

*Denny HENNING - ABSENT
Glen Henry Pres.*

DATE: MONDAY, OCTOBER 4, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN GLORIA AUTREY
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. 152 - 2004

BY: PARKS AND RECREATION COMMITTEE

*Susp
9-0
Pass
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract, upon approval of the Board of Control, with North Star Asphalt, Inc. for the installation of basketball courts at Community Park, and declaring an emergency.

ORDINANCE NO. 153 - 2004

BY: FINANCE COMMITTEE

*Susp
9-0
Pass
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon, and declaring an emergency.

ORDINANCE NO. 154 - 2004

BY: FINANCE COMMITTEE

*Susp
9-0
Pass
9-0*
AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Plant Upgrade Fund, Wastewater Treatment Fund, Indigent Drivers Alcohol Treatment Fund, Federal Grants Fund, Solid Waste Fund and the Community Health Fund, for the year ending December 31, 2004, and declaring an emergency.

ORDINANCE NO. 155 - 2004

BY: FINANCE COMMITTEE

*Susp
9-0
Pass
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety to accept a Federal Law Enforcement Block Grant, and declaring an emergency.

ORDINANCE NO. 156 - 2004

BY: FINANCE COMMITTEE

*Susp
9-0
Pass
9-0*
AN ORDINANCE establishing a fund entitled "Federal Grants Fund" and creating line items within said fund, and declaring an emergency.

ORDINANCE NO. 157 – 2004

BY: FINANCE COMMITTEE

*5000
9-0
P009-0*
AN ORDINANCE making certain transfers in the 2004 appropriations from within the General Fund, of the City of Massillon, Ohio, for the year ending December 31, 2004, and declaring an emergency.

RESOLUTION NO. 23 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*5000
9-0
P009-0*
A RESOLUTION on the establishment of a Stark County Interagency Council on Homelessness.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM SUSAN L STREET LTD DBA ROSEMARYS FLORIST 274 FEDERAL AVE NW SOUTH SIDE ONLY MASSILLON, OHIO 44647 TO FLORAL EXPRESSIONS AND GIFTS INC. 274 FEDERAL AVE NW SOUTH SIDE ONLY MASSILLON, OHIO 44647.

(B) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM MASSILLON S & K INC DBA SNACK BOX 2622 LINCOLN WAY W MASSILLON, OHIO 44646 TO MANTYLA LLC DBA MASSILLON MINI MART 2622 LINCOLN WAY W MASSILLON, OHIO 44646.

*Indy 920.23 SIP
872.42 Post Due.*
9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR SEPTEMBER 2004

B). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2004

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

*10-11-04
1st Emergency Session
-THANK MR. C. L. FORT TO GET SET UP.
(BARBETTE)*
RECONSIDERATION OF ORDINANCE NO. 151 – 2004

BY: FINANCE COMMITTEE

*move already 149-2004-(6-3)
any paid \$1720 - over last 3/4/03 when 304 has \$10,000 Post Bills.*
AN ORDINANCE making certain transfers in the 2004 appropriation from within the General Fund to Council Services & Contracts Fund, of the City of Massillon, Ohio, and declaring an emergency.

13. CALL OF THE CALENDAR

*Tab 6a
Nov. 1, 2004
9-0*
ORDINANCE NO. 115 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement amending the promissory note previously entered into between the City of Massillon and DOWNTOWN MASSILLON HOTEL, LTD.

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 148 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 One Family Residential to I-1 Light Industrial.

*MOVE TO READ
of Agenda 9-0*
ORDINANCE NO. 149 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*MR. BRYAN
Amended
9-0*
AN ORDINANCE authorizing the director of Public Service and Safety of the City of Massillon, Ohio, to enter contract for the sale of a 9.25 acre parcel of land owned by the City and not needed for any municipal purpose in the City of Massillon, Stark County, Ohio, to the Alliance Management Group for the purpose of building a movie theatre, and declaring an emergency.

*SUSP
9-0*
16. NEW AND MISCELLANEOUS BUSINESS

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

*POSS
9-0*
18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

Items

The order of Agenda LAW DIR opinion.

ORD 149-2004- TIM BRYAN REQUESTED SUMMARIES TO MICROFILM

1) SEC. 4.2 - Agreement of Infrastructure w/out clause

2) Attendance 51 visits/yr 250,000 people
OVER 11 mil. visits.

3) PASSED OUT PICTURES.

4) Amended met TO ORD.

NEW SEC 5 all expenses for Infrastructure
+ Reports due of. Shall be paid for by
Inhabitants + TIFs. NO General, STREET LIGHT
Shall be used

SEC 4.6 - Infrastructure approved
By Council

- Financial Viability according to
LAW DIR.

EXISTING 513 NOW SEC 8

DATE: OCTOBER 4, 2004

CLERK: MARY BETH BAILEY

503P 9-0
P000 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 152 - 2004

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 a contract, upon approval of the Board of Control, with North Star Asphalt, Inc. for the installation of basketball courts at Community Park, 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 contract, upon approval of the Board of Control, with North Star Asphalt, Inc. for the installation of basketball courts at Community Park.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract upon approval by the Board of Control, with North Star Asphalt, Inc. for the installation of basketball courts at Community Park. This is not to exceed \$43,945.00.

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 for the efficient operation of the Park and Recreation Department of 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

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

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

DATE: OCTOBER 4, 2004

CLERK: MARY BETH BAILEY

*SOSP 9-0
PASS 9-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Correctly Bldg
instead of Annual*

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 153 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for 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 and in the public health, safety and welfare to enter into contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon.

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 it is necessary to enter into a contract with Public Entities Pool of Ohio (PEP) as the previous policies are about to expire and the renewal is due in September, 2004. In addition it is necessary to maintain insurance coverage for the City. 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: OCTOBER 4, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 154 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Plant Upgrade Fund, Wastewater Treatment Fund, Indigent Drivers Alcohol Treatment Fund, Federal Grants Fund, Solid Waste Fund, and the Community Health 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 Wastewater Treatment Plant Upgrade Fund, for the year ending December 31, 2004, the following:

\$150,000.00 to an account entitled "WWT Plant Upgrade" 1421.610.2510

Section 2:

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

Sldg
\$50,000.00 to an account entitled "Sledge Hauling" 2101.610.2390

Section 3:

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

\$40,000.00 to an account entitled "Services/Contracts" 1225.125.2392

Section 4:

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

\$19,790.00 to an account entitled "2004DDBX1322" 1216.305.2510

Section 5:

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

\$10,000.00 to an account entitled "Supplies/Materials/Postage" 2102.605.2410

Section 6:

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

\$3,250.00 to an account entitled "Bio-Terrorism Supplies" 1225.125.2392

\$1,975.00 to an account entitled "Bio-Terrorism Services/Contracts" 1235.705.2390

Section 7:

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: OCTOBER 4, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

5030 9-0
2000 9-0

ORDINANCE NO. 155 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to accept a Federal Law Enforcement Block Grant, 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 accept a Federal Law Enforcement Block Grant 2004DDBX1322 in the amount of Nineteen Thousand Seven Hundred and Ninety Dollars (\$19,790.00) for the purchase of security equipment for the jail, upgrade surveillance and recording equipment to be used by the Massillon Police Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to accept a Federal Law Enforcement Block Grant 2004DDBX1322 in the Massillon Police Department. This grant does not require a match of local funds.

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 this grant is necessary to continue updating the equipment needed to operate the Police 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.

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: OCTOBER 4, 2004

CLERK: MARY BETH BAILEY

5030 9-0
pass 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 156 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Federal Grants Fund" and creating line items within said fund, 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 is hereby established within the City of Massillon, Ohio, a fund entitled "Federal Grants Fund", and creating line items within said fund.

Section 2:

The City Auditor is hereby authorized and directed to draw his warrants and make payments on vouchers duly approved by the proper departmental authority.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary in order to keep federal grant dollars in one specific fund as recommended by the State Auditor for accounting procedures within the Auditor's 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.

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: OCTOBER 4, 2004

CLERK: MARY BETH BAILEY

*205P 9-0
passed 9-0*

CITY OF MASSILLON, OHIO

passed

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 157 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2004 appropriations from within the General Fund, of the City of Massillon, Ohio, 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 transferred from the 2004 appropriations from within the General Fund of the City of Massillon, Ohio, the following:

\$ 3,250.00	FROM: "Police Hosp/Eye/Dental/PRES/Life."	1100.305.2210
\$	TO: "Engineer Hosp/Eye/Dental/PRES/Life"	1100.405.2210
\$ 18,000..00	FROM: "Police Disability & Pension"	1100.305.2710
\$	TO: "Fire Disability & Pension"	1100.325.2710

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 various departments 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 _____, 2004

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

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

DATE: OCTOBER 4, 2004

CLERK: MARY BETH BAILEY

*SUPP 9-0
POSS 9-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 23 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION on the establishment of a Stark County Interagency Council on Homelessness.

WHEREAS, community leaders, government agencies and social service agencies have been increasing their collaboration to address the problem of homelessness in Stark County; and

WHEREAS, through progress is being made, there is evidence that more needs to be done; and

WHEREAS, poverty is at the root of homelessness but in addition, a small percentage of persons who are homeless also have multiple physical or mental health problems or other substantial barriers to housing stability. This smaller percentage of persons experience repeated episodes of homelessness and result in high costs to our communities' public resources such as hospitals, jails, shelter, etc; and

WHEREAS, an existing collaborative body called the Interagency Council on Homelessness Formation Committee is recommending the establishment of a formalized Council;

NOW THEREFORE, BE IT RESOLVED that we, the City of Massillon, Ohio acting by virtue of the authority vested in us and in the spirit of cooperation and bipartisanship demanded by the importance of the matter, do hereby, create in partnership with Stark County and the Cities of Canton and Alliance the Stark County Interagency Council on Homelessness hereinafter referred to as the Council.

BE IT FURTHER RESOLVED that members of the Council shall include but are not limited to the following or their designees: The Director of the Department of Jobs and Family Services; the Executive Director of the Stark County Mental Health Board, the Executive Director for the Alcohol and Drug Addiction Services Board of Stark County, the President and CEO of the United Way of Greater Stark County; the Chief of Community Development of the Stark County Regional Planning commission; the Executive Director of the Stark Metropolitan Housing Authority; The Executive Director of the Sisters of Charity Foundation; the Vice President for Program of the Stark Community Foundation; representation from local health care providers; the local business community; representatives from local nonprofit service and housing providers and representation from the local Continuum of Care planning committee. Members shall also include representatives of the County Commissioners office, and the cities of Alliance, Canton and Massillon; and the Mayors' offices.

BE IT FURTHER RESOLVED that the mission of the Council shall be to develop and implement strategies and solutions to address the problem of homelessness throughout Stark County, including the development of supportive housing options and the securing of federal, state and local resources and other measures designed to:

1. Prevent and end chronic homeless in Stark County.
2. Insure a coordinated safety net of emergency services for those in a short term housing crisis.
3. Coordinate and consolidate local efforts to provide a cost effective and streamlined system for addressing homelessness.

The Council will report to the community on the status of its efforts. The Council shall be effective upon the date of this Resolution.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2004

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR