

AGENDA

DATE: MONDAY, APRIL 18, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT ORDINANCE NO. 34 – 2005 AT 6:45PM

1. ROLL CALL — *Gloria Abaso*
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 — *Jim Walker*

present Pro Temp. — Tim Bryan

ORDINANCE NO. 41 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

Prop 8-0
AN ORDINANCE authorizing the Mayor to enter into an agreement with the Board of Stark County Commissioners and the City of Alliance, Ohio, to form a consortium for the purpose of becoming a participating jurisdiction in the Federal HOME Investment Partnership Program, and declaring an emergency.

ORDINANCE NO. 42 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Prop 8-0
B.C.*
AN ORDINANCE authorizing the director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement with Deville Development for the sale of land known as and being Part Out Lot No. 540, approximately 2.296 acres located in the City of Massillon, Stark County, Ohio, and declaring an emergency.

ORDINANCE NO. 43 – 2005

BY: ENVIRONMENTAL COMMITTEE

*Prop 8-0
B.C.*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Burch Hydro Inc., for the removal and disposal of sludge at the Wastewater Treatment Plant, and declaring an emergency.

ORDINANCE NO. 44 – 2005

BY: POLICE AND FIRE COMMITTEE

15
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with All-American Fire Equipment, Inc., for the purchase of a 2006 Emergency One Fire Pumper Truck for the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 45 – 2005

BY: FINANCE COMMITTEE

W.D.
AN ORDINANCE making certain appropriations from the unappropriated balance of the Lincoln Center III BR Fund, Street M & R Fund and the Economic Development Fund, for the year ending December 31, 2005, and declaring an emergency.

ORDINANCE NO. 46 – 2005

BY: FINANCE COMMITTEE

2 **AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2005, and declaring an emergency.

- 7. UNFINISHED BUSINESS
- 8. PETITIONS AND GENERAL COMMUNICATIONS
- 9. BILLS, ACCOUNTS AND CLAIMS
- 10. REPORTS FROM CITY OFFICIALS

*— Special Rules Com - Look @ Council Rules
Tim B. Koff Ctr. Paid name
+ Ron many.
w/ Glen Gaudier*

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2005
- B). TREASURER SUBMITS MONTHLY REPORT FOR MARCH 2005
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2005.
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR MARCH 2005
- E). MAYOR SUBMITS MONTHLY REPORT FOR MARCH 2005
- F). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR MARCH 2005
- G). MAYOR SUBMITS CAPITAL IMPROVEMENT BUDGET FOR 2005.
- H). COUNCIL'S LIST OF COMMITTEES FOR 2005.
- I). HEALTH DEPARTMENT SUBMITS 2004 ANNUAL REPORT

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

ORDINANCE NO. 34 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

Added Indemnity
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 Single Family Residential to RM-1 Multiple Family Residential.

- 15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 38 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

2 **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.

- 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 18, 2005

CLERK: MARY BETH BAILEY

PMO 8-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 41 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with the Board of Stark County Commissioners and the City of Alliance, Ohio, to form a consortium for the purpose of becoming a participating jurisdiction in the Federal HOME Investment Partnership Program, and declaring an emergency.

WHEREAS, the Congress of the United States has enacted the Cranston-Gonzales National Affordable Housing Act of 1990, which established the HOME Investment Partnership Program (HOME) to provide funds to state and local governments for the purpose of developing affordable housing programs and providing housing assistance for lower income persons; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has issued regulations allowing units of general local government to enter into mutual cooperation agreements to form consortiums for the purpose of obtaining federal funding from the HOME Program; and

WHEREAS, the City of Massillon, under the regulations established by HUD, does not meet the minimum requirements necessary to be designated as a participating jurisdiction under the HOME Program; and

WHEREAS, the City of Massillon, along with the City of Alliance and the Board of Stark County Commissioners, agree that it is in the best interest of carrying out the objectives of the HOME Program within Stark County that the communities should form a consortium to work together in the planning and implementation of affordable housing development activities.

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

Section 1:

That this Council hereby authorizes and directs the Mayor to enter into an agreement with the Board of Stark County Commissioners and the City of Alliance, Ohio, to form a consortium for the purpose of becoming a participating jurisdiction eligible to receive Federal funds under the HOME Investment Partnership Program for Fiscal Years 2006 - 2008.

Section 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety, and for the further reason that this Ordinance is necessary to provide for the establishment of affordable housing programs and housing assistance for lower income residents of Massillon. And provided it receives the affirmative vote of two-thirds of the members 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 _____ 2005

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL GLENN E. GAMBER, PRESIDENT

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

DATE: APRIL 18, 2005

CLERK: MARY BETH BAILEY

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CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 42 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement with Deville Development for the sale of land known as and being Part Out Lot No. 540, approximately 2.296 acres located in the City of Massillon, Stark County, Ohio, and declaring an emergency.

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

Section 1:

The following described real estate belonging to the City of Massillon, Ohio, is needed for the purpose of redeveloping that area for economic growth.

Known as and being Part Out Lot No. 540, approximately 2.296 acres located in the City of Massillon, Stark County, Ohio

Section 2:

The Director of Public Service and Safety is authorized to enter into a purchase agreement for the sale of said real estate to Deville Development. The purchase agreement shall be prepared by and approved by the City Law Director. The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to convey said real estate by deed to the Deville Development, according to law.

Section 3:

The purchase price is Two Hundred Fifty-One Thousand Dollars (\$251,000.00)

Section 4:

The Auditor is hereby directed to deposit the net proceeds from sale of said parcel into the Economic Development Fund 1237.905.1830.

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 of such emergency arising out of the necessity to dispose of real estate no longer needed for any municipal purpose for the best price obtainable for economic redevelopment growth of that area. 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 _____ 2005

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL GLENN E. GAMBER, PRESIDENT

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

DATE: APRIL 18, 2005

CLERK: MARY BETH BAILEY

P002-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 43 - 2005

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Burch Hydro Inc., for the removal and disposal of sludge at the Wastewater Treatment Plant, 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 Burch Hydro Inc., for the removal and disposal of sludge at the Wastewater Treatment Plant.

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 Burch Hydro Inc., for a one year renewal contract effective April 26th 2005 through April 26, 2006 for the purposed of removing and disposing of the sludge at the Wastewater Treatment Plant.

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 this sludge needs to be disposed of properly. 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.

DATE: APRIL 18, 2005

CLERK: MARY BETH BAILEY

4-18-05 - 1st

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 44 - 2005

passed 5/2

BY: POLICE AND FIRE COMMITTEE:

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with All-American Fire Equipment, Inc., for the purchase of a 2006 Emergency One Fire Pumper Truck for the Massillon Fire 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 enter into a contract with All-American Fire Equipment, Inc., for the purchase of a 2006 Emergency One Fire Pumper Truck for the Massillon Fire Department.

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 with All-American Fire Equipment, Inc., for the purchase of a 2006 Emergency One Fire Pumper Truck for the Massillon Fire Department. The cost of the Pumper Truck will be Two Hundred Thirty-Nine Thousand Seven Hundred and Five Dollars (\$239,705.00) with a Four Thousand Dollar trade in for the used truck. These funds will come from the Capital Improvement Fund.

Section 3:

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 additional reason for the efficient operation of the Massillon Fire 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.

DATE: APRIL 18, 2005

CLERK: MARY BETH BAILEY

pos

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 45 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Lincoln Center III BR Fund, Street M & R Fund and the Economic Development Fund, for the year ending December 31, 2005, 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 Lincoln Center III BR Fund, for the year ending December 31, 2005, the following:

\$2,881,000.00 to an account entitled "Lincoln Center III Principal" 1303.940.2611
\$ 20,000.00 to an account entitled "Services/Contracts" 1303.940.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Street M & R Fund, for the year ending December 31, 2005, the following:

\$24,972.89 to an account entitled "Services/Contracts" 1201.435.2392

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Economic Development Fund, for the year ending December 31, 2005, the following:

\$93.00 to an account entitled "Services/Contracts" 1237.845.2392

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 _____ 2005

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL GLENN E. GAMBER, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: APRIL 18, 2005

CLERK: MARY BETH BAILEY

~~135~~ 135 - 4-18-05

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed 5/2
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 46 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2005, 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, for the year ending December 31, 2005, the following:

\$52,000.00 to an account entitled "Lease Purchase" 1401.325.2530

Section 2:

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 _____ 2005

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR