

AGENDA

DATE: MONDAY, JUNE 6, 2005
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE THREE PUBLIC HEARINGS TONIGHT

ORDINANCE NO. 47 – 2005 AT 6:45PM

ORDINANCE NO. 48 – 2005 AT 6:30PM

ORDINANCE NO. 49 – 2005 AT 6:35PM

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TOM WEBER
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. 58 – 2005

BY: HEALTH, WELFARE & BLDG REGULATIONS

Pass 9-0
AN ORDINANCE amending CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon, by repealing existing Subsection 509.11 (c) and enacting new Subsections 509.11 (c) and 509.11 (d), and declaring an emergency.

ORDINANCE NO. 59 – 2005

BY: FINANCE COMMITTEE

Pass 9-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the Safety Forces Equipment Fund, Capital Improvement Fund and the General Fund, for the year ending December 31, 2005, and declaring an emergency.

RESOLUTION NO. ¹³8 – 2005

BY: ENVIRONMENTAL COMMITTEE

Pass 9-0
A RESOLUTION to adopt the Solid Waste Management Plan for the Stark-Tuscarawas-Wayne Joint Solid Waste Management District.

RESOLUTION NO. 9 – 2005

BY: FINANCE COMMITTEE

Pass 9-0
A RESOLUTION authorizing political subdivision to participate in the State of Ohio Cooperative Purchasing Program.

RESOLUTION NO. 10 – 2005

BY: PUBLIC UTILITIES COMMITTEE

Pass 9-0
A RESOLUTION authorizing all actions necessary to effect a governmental natural gas aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution and authorizing and directing the Director of Public Service and Safety to enter into an agreement with Buckeye Energy, Inc. for consulting services and any other required services related to natural gas aggregation.

Res 13-2005 Pass 90

RESOLUTION NO. 11 – 2005

BY: COMMITTEE OF THE WHOLE

Pass

A RESOLUTION expressing on behalf of the community and the City of Massillon, Ohio, the admiration, respect and gratitude due our heroic son Army 1st Lt. Aaron Nicholas Seesan and commemorating him.

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 MAY 2005

B). AUDITOR SUBMITS MONTHLY REPORT FOR MAY 2005

C). MAYOR SUBMITS MONTHLY REPORT FOR APRIL 2005

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

ORDINANCE NO. 115 – 2004

BY: FINANCE COMMITTEE

*Tabbed
index*

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

ORDINANCE NO. 47 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

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 R-CRD Condominium Residential District.

*7-2
CITY & BRYAN*

ORDINANCE NO. 48 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to O-1 Office.

Dubbed

ORDINANCE NO. 49 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

Tabbed

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to R-T Two Family Residential.

ORDINANCE NO. 51 – 2005

BY: RULES, COURTS & CIVIL SERVICE

*Pod
9-0*
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – WASTEWATER TREATMENT DEPARTMENT of Ordinance No. 127 – 1997 by amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – WASTEWATER TREATMENT DEPARTMENT and establishing three (3) new classifications under Section 2(D) OCCUPATION LIST OF CLASS TITLES – WASTEWATER TREATMENT DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 56 – 2005

BY: HEALTH, WELFARE & BLDG COMMITTEE

*Pod
9-0*
AN ORDINANCE repealing CHAPTER 1305 “ONE, TWO AND THREE FAMILY DWELLING CODE” of the Codified Ordinances of the City of Massillon, Ohio, and enacting a new CHAPTER 1305 “OBOA ONE, TWO AND THREE FAMILY DWELLING CODE” of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

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: JUNE 6, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 58 - 2005

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon, by repealing existing Subsection 509.11(c) and enacting new subsections 509.1 (c) and (d), and declaring an emergency.

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

Section 1:

The existing Subsection 509.11(c) of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

That there be and hereby is enacted new Subsections 509.11(c) and 509.11(d) of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon. Said subsections shall be added to existing 509.11(a) and (b) and shall read as follows:

(SEE ATTACHMENT "A")

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is needed to amend the City's ordinances concerning the prohibition of loud noises during certain hours of a day within the City and for the additional reason 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.

ATTACHMENT "A"

509.11 LOUD NOICES

(c) No person shall use any pile driver, shovel, hammer derrick, hoist tractor, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of sunset and 7:00a.m. except by special permit issued by the Safety Service Director.

(d) Whoever violates this section is guilty of a minor misdemeanor. If the offender has had one prior conviction of this offense, the second violation of this section is a misdemeanor of the fourth degree. If the offender has had two or more prior convictions of this offense, any subsequent violation of this section is a misdemeanor of the third degree.

DATE: JUNE 6, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 59 - 2005

BY: FINANCE COMMITTEE

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

\$21,000.00 to an account entitled "Equipment" 1205.125.2530

Section 2:

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

\$7,049.00 to an account entitled "Fire Dept. Roof Repair" 1401.325.2510

\$1,080.00 to an account entitled "Fire Dept. Equipment" 1401.325.2531

Section 3:

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

\$4,000.00 to an account entitled "Services/Contracts" 1100.210.2392

\$1,482.00 to an account entitled "Travel/Seminar Schooling" 1100.305.2389

\$ 185.00 to an account entitled "Purchasing Fees" 1100.905.2393

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: JUNE 6, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. *12* 8 - 2005

BY ENVIRONMENTAL COMMITTEE

TITLE: A RESOLUTION to adopt the Solid Waste Management Plan for the Stark-Tuscarawas-Wayne Joint Solid Waste Management District

WHEREAS; the City of Massillon is located within the jurisdiction of the Stark-Tuscarawas-Wayne Joint Solid Waste Management District.

WHEREAS; the Stark-Tuscarawas-Wayne Joint Solid Waste Management District Policy Committee prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54 and 3734.55.

WHEREAS; the Stark-Tuscarawas-Wayne Joint Solid Waste Management District has provided a copy of the Draft Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District.

WHEREAS; the City of Massillon must decide whether it approves of said Solid Waste Management Plan within ninety days of receipt of the Final Draft Plan.

NOW, therefore, be it resolved by the Council of the City of Massillon:

1. The City of Massillon approves the Stark-Tuscarawas-Wayne Joint Solid Waste Management District Solid Waste Management Plan.
2. The Clerk is hereby directed to send the Stark-Tuscarawas-Wayne Joint Solid Waste Management District a copy of this resolution to the attention of David Held, Stark-Tuscarawas-Wayne Joint Solid Waste Management District, 9918 Wilshire Blvd, Bolivar, Ohio 44612.
3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

DATE: JUNE 6, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 9 - 2005

BY FINANCE COMMITTEE

TITLE: A RESOLUTION authorizing political subdivision to participate in the State of Ohio Cooperative Purchasing Program

WHEREAS; Ohio's Cooperative Purchasing Act (AM Sub. H.B. No. 100), as signed into law on December 4, 1985; and

WHEREAS; effective March 6, 1986, Ohio's Cooperative Purchasing Act provides the opportunity for counties, townships, municipal corporations, regional transit authorities, regional airport authorities or port authorities and school districts, conservancy districts, township park districts and park districts and other authorities to participate in contracts distributed by the State of Ohio, Department of Administrative Services, Office of Cooperative Purchasing for the purchase of supplies, services, equipment and certain materials;

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

Section 1: That the Mayor and the Director of Public Service and Safety hereby requests authority in the name of the City of Massillon to participate in state contracts which the Department of Administrative Services, Office of State Purchasing has entered into and the Office of Cooperative Purchasing has distributed for the purchase of supplies, services, equipment and certain other materials pursuant to Revised Code Section 125.04.

Section 2: That the Mayor and the Director of Public Service and Safety is hereby authorized to agree in the name of the City of Massillon to be bound by all contract terms and conditions as the Department of Administrative Services, Office of Cooperative Purchasing prescribes. Such terms and conditions may include a reasonable annual membership fee to cover the administrative costs which the Department of Administrative Services incurs as a result of the City of Massillon's participation in the contract. Further, that the Mayor and the Director of Public Service and Safety does hereby agree to be bound by all such terms and conditions and to not cause or assist in any way the misuse if such contracts or make contract disclosures to non-members of the Coop for the purpose of avoiding the requirements established by ORC 125.04.

Section 3: That the Mayor and the Director of Public Service and Safety is hereby authorized to agree in the name of the City of Massillon to directly pay the vendor, under each such state contract in which it participates for items it receives pursuant to the contract, and the Mayor and the Director of Public Service and Safety does hereby agree to directly pay the vendor.

PASSED THIS _____ DAY OF _____ 2005

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

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

DATE: JUNE 6, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT
2nd reading 6/20

RESOLUTION NO. 10 - 2005

BY: PUBLIC UTILITIES COMMITTEE

TITLE: A RESOLUTION authorizing all actions necessary to effect a governmental natural gas aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution and authorizing and directing the Director of Public Service and Safety to enter into an agreement with Buckeye Energy Brokers, Inc. for consulting services and any other required services related to natural gas aggregation.

WHEREAS, the Ohio Constitution provides for any municipality to acquire, construct, own, lease and operate within or without its corporate limits, and public utility the product or service of which is or is to be supplied to the municipality or its inhabitants, and may contract with others for any such product or service.

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually;

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution for the residents, businesses and other natural gas consumers in the City, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, COUNTY OF STARK AND STATE OF OHIO, THAT;

Section 1:

That the Director of Public Service and Safety is hereby authorized and directed to enter into an agreement with Buckeye Energy Brokers, Inc. for consulting services and any other required services related to natural gas utility deregulations for the City of Massillon and ratifying any such services heretofore performed.

Section 2:

This Council finds and determines that it is in the best interest of the City, its residents, businesses and other natural gas consumers located within the corporate limits of the City to establish the Aggregation Program in the City. The City may exercise such authority jointly with other municipalities using Buckeye Energy Brokers, Inc, as to the full extent permitted by law, and for such purpose, the Director of Public Service and Safety is hereby authorized to execute and deliver a service agreement with the selected natural gas program supplier. The aggregation will occur provided each interested person using natural gas service from Dominion East Ohio Gas within the city limits "opts-in" to the program by contacting the natural gas program supplier.

Section 3:

This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4:

This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Resolution is required to be immediately effective in order to file a certified copy of this Resolution.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2005

APPROVED _____

MARY BETH BAILEY CLERK OF COUNCIL GLENN GAMBER, ACTING PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: JUNE 6, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 11 - 2005

BY COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION expressing on behalf of the community and the City of Massillon, Ohio, the admiration, respect and gratitude due our heroic native son Army 1st Lt. Aaron Nicholas Seesan and commemorating him.

WHEREAS, 1st Lt. Aaron Seesan was faithful in life to his duties and responsibilities, even going above and beyond those duties to attain the highest levels of service. A model student, a beloved son and brother and a courageous soldier, he lived an exemplary life.

WHEREAS, 1st Lt. Aaron Seesan was described by his superiors as an exceptional leader, who was willing to volunteer for the toughest missions, while protecting the soldiers under his command, and was honored with the Purple Heart, Bronze Star and Army commendation medal.

WHEREAS, 1st Lt. Aaron Seesan sacrificed his life protecting all of us, May 22nd, 2005 while serving his country in Iraq.

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

Section 1. On behalf of the city and community of Massillon, This Council expresses its deeply felt condolences to the family of 1st Lt. Aaron Seesan and further wishes to commemorate 1st Lt. Aaron Seesan for his service to his community and his country, his example to all of us and his ultimate sacrifice which shall not be forgotten in the City of Massillon.

Section 2. That this resolution be effective immediately