

AGENDA

DATE: MONDAY, JULY 18, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE TWO PUBLIC HEARINGS TONIGHT

ORDINANCE NO. 60 – 2005 AT 7:00 P.M.

ORDINANCE NO. 61 – 2005 AT 7:15 P.M.

1. ROLL CALL *Doris Lewis*
Wileen transfer
2. INVOCATION BY COUNCILWOMAN KATHY CATAZARO-PERRY
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. 77 – 2005

BY: PARKS AND RECREATION COMMITTEE

Supp. 8-0
Pos 8-0
BoC \$26,274. ~~29~~ covered by Ins. \$

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio to purchase a John Deere ProGator Utility Vehicle with spray tank, without competitive bidding, through pricing based on State of Ohio purchasing and approved by the Board of Control, and declaring an emergency.

ORDINANCE NO. 78 – 2005

BY: PARKS AND RECREATION COMMITTEE

Supp. 8-0
Pos 8-0
Ins. \$ will cover all cost less deductible

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and award contracts, upon the approval of the Board of Control for the renovation of the Golf Course Maintenance Building, and declaring an emergency.

ORDINANCE NO. 79 – 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Supp. 8-0
Pos 8-0
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners regarding shared maintenance responsibilities for Southway Street, Elton Street, Navarre Road and Richville Drive, and declaring an emergency.

ORDINANCE NO. 80 – 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Supp. 8-0
Pos 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets, and declaring an emergency.

ORDINANCE NO. 81 – 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Supp. 8-0
Pos 8-0
AN ORDINANCE accepting the dedication of additional right-of-way in the City of Massillon, Ohio, and declaring an emergency.

Southway / Richville Drive

ORDINANCE NO. 82 – 2005

BY: FINANCE COMMITTEE

*50300
P. 80*
AN ORDINANCE making certain appropriations from the unappropriated balance of the Indigent Driver Alcohol Treatment 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 *\$285.40 - Tide*

10. REPORTS FROM CITY OFFICIALS

A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JUNE 2005

B). TREASURER SUBMITS MONTHLY REPORT FOR JUNE 2005

C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JUNE 2005.

D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR JUNE 2005

E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR JUNE 2005

11. REPORTS OF COMMITTEES *next coming 7/25*

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

*FROM MAY
330 signed the contract
+ 30 TO BUCKLEY TO
ADVISE THE BOARD,
2) Check Master
a) Paint Lines - schedule
b) STAFF of TREASURER
Bridge*

ORDINANCE NO. 60 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Pass
0-8
T. Daniel*
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 RM-1 Multi Family Residential.

ORDINANCE NO. 61 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Pass
8-0*
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. 62 – 2005

BY: POLICE AND FIRE COMMITTEE

*Pass
8-0*
AN ORDINANCE amending CHAPTER 1519 "FIREWORKS" of the Codified Ordinances of the City of Massillon, by repealing existing Subsection 1519.02 (c) "PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS" and enacting new Subsection 1519.02 (c) "PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS."

15. SECOND READING ORDINANCES AND RESOLUTIONS


ORDINANCE NO. 72 – 2005

BY: POLICE AND FIRE COMMITTEE

*BOE
P. 3
8-0*
May \$30,000 - in CAP will only cost \$6,700
AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding with Professional Civil Structural Group, for engineering services for the evaluation of settlement cracks on rear wall of #1 Fire Station, and declaring an emergency.

ORDINANCE NO. 73 – 2005

BY: POLICE AND FIRE COMMITTEE



AN ORDINANCE amending CHAPTER 1511 "OPEN BURNING" of the Codified Ordinances of the City of Massillon, Ohio, and enacting new sections 1511.06 "DEFINITION AND EXEMPTION", 1511.07 "APPLICATION, LOCATION, MATERIAL, SIZE AND DURATION AND ATTENDANCE", 1511.08 "APPROVED EXTINGUISHING EQUIPMENT" and 1511.09 "PROHIBITED OPEN BURNING", 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: JULY 18, 2005

CLERK: MARY BETH BAILEY

*Supp 8-10
Prop 8-10*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 77 - 2005

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio to purchase a John Deere ProGator Utility Vehicle with spray tank, without competitive bidding, through pricing based on State of Ohio purchasing and approved by the Board of Control 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 purchase a John Deere ProGator Utility Vehicle with spray tank, without competitive bidding, through pricing based on State of Ohio purchasing and approved by the Board of Control. The cost of said contract shall not exceed Twenty Six Thousand Two Hundred Seventy-Four Dollars and Sixty-Nine Cents (\$26,274.69).

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to purchase a John Deere ProGator Utility Vehicle with spray tank, without competitive bidding, through pricing based on State of Ohio purchasing and approved by the Board of Control

Section 3:

Upon delivery of the aforesaid agreement, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for said agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason the City of Massillon enter into a contract with Xenia Power Equipment, to purchase a John Deere ProGator Utility Vehicle with spray tank, so that the tractors may be purchased for use by the Parks and Recreation 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 _____ 2005

APPROVED _____

MARY BETH BAILEY, CLERK OF COUNCIL

TIM BRYAN, ACTING PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: JULY 18, 2005

CLERK: MARY BETH BAILEY

Susp 8-0
Pass 8-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 78 - 2005

BY: PARKS AND RECREATION 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 and award contracts, upon the approval of the Board of Control, for the renovation of the Golf Course Maintenance Building, 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 and award contracts upon the approval of the Board of Control, for the renovation of the Golf Course Maintenance Building located at 2100 Nave Road SE..

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and award contracts upon the approval of the Board of Control, for the renovation of the Golf Course Maintenance Building located at 2100 Nave Road SE.

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 these renovations to be done now before the repairs become more costly. 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 TIM BRYAN, ACTING PRESIDENT

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

DATE: JULY 18, 2005

CLERK: MARY BETH BAILEY

*Susp 8-0
F V 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 79 - 2005

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio to enter into an agreement with the Board of Stark County Commissioners regarding shared maintenance responsibilities for Southway Street, Elton Street, Navarre Road and Richville Drive, 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 Mayor to enter into an agreement with the Board of Stark County Commissioners regarding shared maintenance responsibilities for Southway Street, Elton Street, Navarre Road and Richville Drive.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into an agreement regarding shared maintenance responsibilities for Southway Street, Elton Street, Navarre Road and Richville Drive with the Board of Stark County Commissioners.

(SEE ATTACHED AGREEMENT)

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 the agreement is needed with the Board of Stark County Commissioners so as to define the responsibilities of the City in maintaining the above referenced streets. 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 TIM BRYAN, ACTING PRESIDENT

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

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2005, between the County of Stark, by its Board of Commissioners, hereinafter called the COUNTY, and the City of Massillon by its Council and Mayor, hereinafter called CITY.

WHEREAS, the COUNTY and CITY mutually recognize the need for a formal Agreement regarding the maintenance of sections of road wherein mutual responsibilities exist; and

WHEREAS, it is agreed that general maintenance responsibility should be defined for the full width of road right-of-way for each section of roadway maintained; and

WHEREAS, it is agreed that a policy and system for the issuance of highway related permits is in the best interest of public health and welfare; and

WHEREAS, the COUNTY and CITY mutually agree that a formal agreement regarding the maintenance of portions of said road by the other, constitutes adequate consideration for entering into this agreement.

NOW, THEREFORE, the parties in exchange for the following terms and agreement each to the other, enter into this formal agreement:

SECTION I – DEFINITION – GENERAL MAINTENANCE RESPONSIBILITY

- a. Snow and ice removal.
- b. Application of abrasives.
- c. Pavement maintenance, including minor surface treatment, not exceeding two-inch (2") thickness.
- d. Vegetation control, including weeds, brush and trees.
- e. Application of pavement markings.

- f. Guardrail repair.
- g. Erection and repair of all uniform traffic control devices.
- h. Public health and welfare (dirt, obstacles, liquid spills, etc.)
- i. Minor pavement base repair.
- j. Repair of berms.
- k. Ditches, drainage systems and culverts.

SECTION II – ISSUANCE OF HIGHWAY PERMITS

A. General Permits

The following type permits shall be issued by the party having general maintenance responsibility as designated in Sections III and IV.

- (1) Permits for overweight loads.
- (2) Permits for oversize loads.

B. Utility Permits

Permits issued to utilities, companies or individuals for the installation of pipes, conduits, sewers, power lines and poles, telephone lines and poles, television cables and poles shall be issued as follows:

- (1) When the installation is parallel to the right-of-way, the permit shall be issued by the party in the COUNTY or CITY in which the installation terminates.
- (2) When the installation crosses the right-of-way, the permit shall be issued by the party in the COUNTY or CITY in which the installation terminates.

C. Road Opening and Driveway Permits

Nothing in this agreement shall deny the COUNTY or the CITY their rights of issuing road opening permits or driveway culvert permits, and inspecting the work performed in their respective portions of these sections of roads.

D. Notification

Each party shall notify the other party on the issuance of permits and commencement of work that involves:

- (1) Movement of oversize loads and overweight loads that could go from one party's maintenance section to the other party's maintenance section.
- (2) Work on utilities that will disturb ditches, drainage systems, pavement or berms along the other party's maintenance section.

SECTION III

The COUNTY shall be responsible to perform GENERAL MAINTENANCE which the following rights-of-way:

<u>ROAD NAME & NUMBER</u>	<u>LIMITS FROM AND TO</u>
Southway Street	Jackson Avenue to Richville Drive
Navarre Road	Erie Avenue to Klick Street
Elton Street	Carmon Avenue to Navarre Corporation Line

There shall be no changes in existing Street Marking Patterns on the above roads without prior written agreement of both parties.

SECTION IV

The City shall be responsible to perform GENERAL MAINTENANCE within the following rights-of-way:

ROAD NAME & NUMBER

Richville Drive

LIMITS FROM AND TO

Southway Street to S.R. 30

There shall be no changes in existing Street Marking Patterns on the above roads without prior written agreement of both parties. The existing traffic signal at Southway Street and Richville Drive shall remain the City of Massillon's responsibility.

SECTION V

The COUNTY and the CITY further agree that, in the event it is believed necessary and desirable that unusual maintenance, repair, reconstruction or improvement should be performed, which is of such magnitude as to be beyond the scope of work normally considered GENERAL MAINTENANCE, then such work may be performed by contract or by the political subdivision, upon the following conditions:

- A. Upon agreement of the parties hereto of the necessity, the COUNTY or CITY shall, by mutual agreement, proceed to accomplish the required work by the contract method; or
- B. Upon agreement of the parties hereto of the necessity, the COUNTY or CITY may do the work with their own workforces; and
- C. The complete cost of the work shall be pro-rated, based on the lineal footage at the time of the improvement and the appropriate amount remitted to the party that issued the contract or did the work.

SECTION VI

This Agreement shall be in effect for an indefinite term. It may be revised by mutual agreement of the parties and it may be terminated by either party upon sixty (60) days written notice to the non-terminating party.

IN WITNESS WHEREOF, the parties to this renewed agreement have hereunto set
their hands and seals this _____ day of _____, 2005.

ATTEST:

COUNTY OF STARK

STARK COUNTY COMMISSIONERS

Approved as to form and
Legal sufficiency:

Assistant Prosecuting Attorney
Stark County, Ohio

Attest:

CITY OF MASSILLON, OHIO

FRANCIS H. CICCHINELLI, JR.
Mayor

Approved as to form and Correctness:

PERICLES G. STERGIOS,
Director of Law for the City of Massillon

DATE: JULY 18, 2005

CLERK: MARY BETH BAILEY

Sudd 8-0
Pro 8-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 80 - 2005

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets, 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 an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on city streets.

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 Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase salt for ice control on city streets.

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, participating in the cooperative purchase program saves the city money in its salt purchases and for the additional reason for the more efficient operation of the Street Department in the City of Massillon during the winter months. 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

TIM BRYAN, ACTING PRESIDENT

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

DATE: JULY 18, 2005

CLERK: MARY BETH BAILEY

Sub B-D
Pass B-D

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 81 - 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the dedication of additional right-of-way, in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, upon hearing, the Council hereby finds that there is good cause to accept the additional right-of-way and that it will be beneficial to the general interest of this community and that the additional right-of-way should be accepted.

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

Section 1:

Council hereby accepts the dedication of additional right-of-way. The additional right-of-way is as follows:

1. Approximately 0.1938 acres of land to Southway Street SE
2. Approximately 0.0952 acres of land to Richville Drive SE
3. Approximately 0.0030 acres of land to Sherbrook Street SE

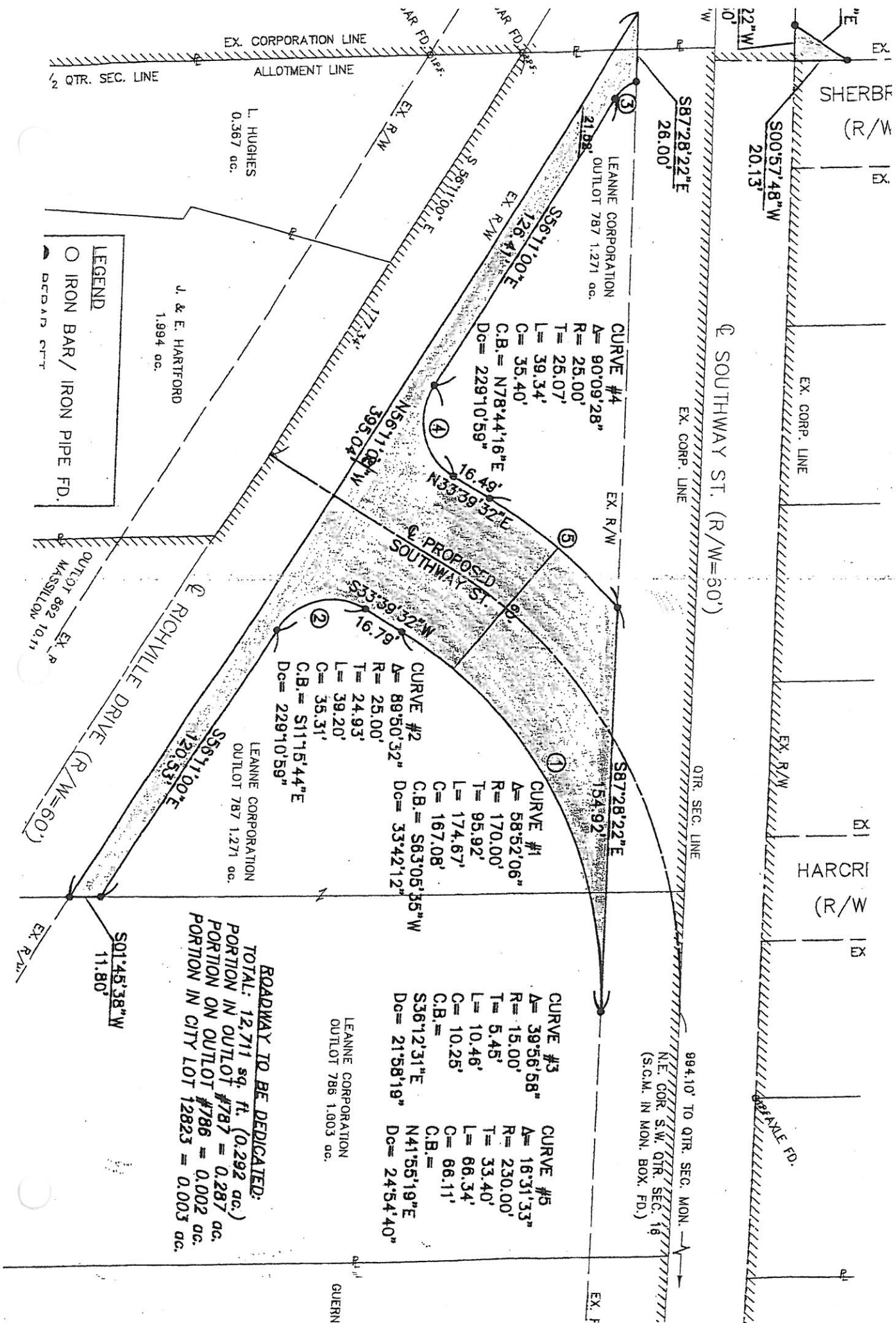
Section 2:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and it is in the best interest of the citizens that the additional right-of-way be immediately accepted without further delay. 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 TIM BRYAN, ACTING PRESIDENT

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



DATE: JULY 18, 2005

CLERK: MARY BETH BAILEY

*Supp
8-0
pro 0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 82 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Indigent Driver Alcohol Treatment 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 Indigent Driver Alcohol Treatment Fund, for the year ending December 31, 2005, the following:

\$30,000.00 to an account entitled "Services/Contracts" 1225.125.2392

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

TIM BRYAN, ACTING PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR