

AGENDA

DATE: MONDAY, APRIL 3, 2006

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN CHUCK MAIER
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

Passed
9/0 ORDINANCE NO. 55 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE accepting the Final Plat and dedication of various streets for Gray Ridge Estates No. 1, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

Passed
10 ORDINANCE NO. 56 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE enacted by the City of Massillon, Stark County, Ohio, hereinafter referred to as the Local Public Agency, in the matter of the state described project.

Passed
9/0 ORDINANCE NO. 57 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE enacted by the City of Massillon, Stark County, Ohio, hereinafter referred to as the Local Public Agency, in the matter of the state described project.

Passed
9/0 ORDINANCE NO. 58 – 2006

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Parks & Recreation Fund, Street Construction M & R Fund, Solid Waste Fund, ADR Fund, Waste Management Fund, Parking Enforcement Fund and Enterprise Zone Monitoring Fund, for the year ending December 31, 2006, and declaring an emergency.

Passed
9/0 ORDINANCE NO. 59 – 2006

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2006, and declaring an emergency.

MONDAY, APRIL 3, 2006

tabled
RESOLUTION NO. 10 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION expressing the support of the Council of the City of Massillon, Ohio, for a proposed casino and entertainment resort to be built by the Eastern Shawnee Tribe of Oklahoma.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM TNK ENTERPRISES INC DBA NEIGHBORS PUB 120 6TH STREET NE GROUND FL & BSMT MASSILLON, OHIO 44646 TO RANDY YARNELL DBA R PLACE 120 6TH ST NE GROUND FL & BSMT MASSILLON, OHIO 44646

(B) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR 248 FEDERAL AVENUE LLC DBA KRACKERS PIZZA 248 FEDERAL AVE NW MASSILLON, OHIO 44647

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MARCH 2006

B). AUDITOR SUBMITS MONTHLY REPORT FOR MARCH 2006

C). MAYOR'S APPOINTMENTS OF DR. CHARLES PAQUELET & THOMAS SEESAN

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

Passed 9/0
ORDINANCE NO. 38 – 2006

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

tabled 9/0
ORDINANCE NO. 42 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Jack Doheny Supplies to purchase one Elgine sweeper, without competitive bidding, through pricing based on State Purchasing #776235C and approved by the Board of Control, and declaring an emergency.

MONDAY, APRIL 3, 2006

9/6
table
ORDINANCE NO. 43 – 2006

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, General Fund and the Special Fund, for the year ending December 31, 2006, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

2nd
ORDINANCE NO. 47 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

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.

2nd
ORDINANCE NO. 49 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from RM-1 Multiple Family Residential to B-1 Local Business.

table
RESOLUTION NO. 9 – 2006

BY: COMMITTEE OF THE WHOLE

A RESOLUTION authorizing the City of Massillon, Ohio, to enter into an Intergovernmental Agreement with the Eastern Shawnee Tribe of Oklahoma.

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

Passed Resolution No. 10

DATE: APRIL 3, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 55 - 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Gray Ridge Estates No. I, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The Final Plat for Gray Ridge Estates No. I, in the City of Massillon, Stark County, Ohio, presently on file in the Office of the City Engineer, is hereby approved and accepted and that the dedication to public use is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held February 8th 2006. The undertaking given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Gray Ridge Estates No. I is as follows:

Being Known as Part of Out Lot 889, a 16.01 acre parcel located on the east side of 27th Street SE, south of Harsh Avenue. The plat would create 45 new lots and includes the dedication of four new streets Gray Ridge Avenue SE, Starr Ridge Street SE, Sickels Circle SE and Barrington Circle SE, as well as the sanitary sewer and drainage easements. These lots are zoned R-1 single family residential. The applicant is Barrington Framing co. Inc./Ron Duplain.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said plat is urgently needed for the development of this area and for the proper community growth and hence immediately necessary for the preservation of the 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 _____ 2006

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

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

DATE: APRIL 3, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 56 - 2006

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE enacted by the City of Massillon, Stark County, Ohio, hereinafter referred to as the Local Public Agency, in the matter of the stated described project.

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

Section 1 - Project Description

WHEREAS, the State has identified the need for the described project:

Resurfacing and signing upgrade from Massillon West Corp to Canton West Corp. Re-decking of 3 structures and painting of seven structures on US-30. Additional paving segment on SR-297 (Whipple to Raff). Repair of 84" culvert located at SLM 4.80.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF MASSILLON, OHIO.

Section 2 – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

Section 3 – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

Resurfacing and signing upgrade from Massillon West Corp to Canton West Corp. Re-decking of 3 structures and painting of seven structures on US-30. Additional paving segment on SR-297 (Whipple to Raff). Repair of 84" culvert located at SLM 4.80.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 4 – Utilities and Right-of-Way Statement

The LPA grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the LPA all necessary right-of-way required for the described Project. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5 – Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

This Ordinance is hereby declared to be an emergency measure to expedite the highway projects and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2006

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

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

DATE: APRIL 3, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 57 - 2006

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE enacted by the City of Massillon, Stark County, Ohio, hereinafter referred to as the Local Public Agency, in the matter of the stated described project.

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

Section 1 - Project Description

WHEREAS, the State has identified the need for the described project:

Minor rehab/resurfacing from Finefrock to Lincoln Way and from Lincoln Way to .8 mile north of Hills and Dales.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MASSILLON, OHIO.

Section 2 – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

Section 3 – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

Minor rehab/resurfacing from Finefrock to Lincoln Way and from Lincoln Way to .8 mile north of Hills and Dales.

The LPA agrees to participate in the project by funding Twenty Percent (20%) of the resurfacing within the city limits.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

Section 4 – Utilities and Right-of-Way Statement

The LPA grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the LPA all necessary right-of-way required for the described Project. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5 – Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

This Ordinance is hereby declared to be an emergency measure to expedite the highway projects and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2006

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

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

DATE: APRIL 3, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 58 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Parks & Recreation Fund, Street Construction M & R Fund, Solid Waste Fund, ADR Fund, Waste Management Fund, Parking Enforcement Fund and the Enterprise Zone Monitoring Fund, for the year ending December 31, 2006, 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 General Fund, for the year ending December 31, 2006, the following:

\$47,200.00 to an account entitled "Workers Comp" 1100.905.2270

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Parks & Recreation Fund, for the year ending December 31, 2006, the following:

\$6,244.00 to an account entitled "Workers Comp" 1234.505.2270

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Street Construction M & R Fund, for the year ending December 31, 2006, the following:

\$4,707.00 to an account entitled "Workers Comp" 1201.435.2270

\$ 756.00 to an account entitled "Workers Comp" 1201.420.2270

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Fund, for the year ending December 31, 2006, the following:

\$3,360.00 to an account entitled "Workers Comp" 2102.605.2270

Section 5:

There be and hereby is appropriated from the unappropriated balance of the ADR Fund, for the year ending December 31, 2006, the following:

\$1,850.00 to an account entitled "Workers Comp" 1242.125.2270

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Waste Management Fund, for the year ending December 31, 2006, the following:

\$526.00 to an account entitled "Workers Comp" 1222.605.2270

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Parking Enforcement Fund, for the year ending December 31, 2006, the following:

\$141.00 to an account entitled "Workers Comp" 1208.445.2270

Section 8:

There be and hereby is appropriated from the unappropriated balance of the Enterprise Zone Monitoring Fund, for the year ending December 31, 2006, the following:

\$44.00 to an account entitled "Workers Comp" 1241.845.2270

Section 9:

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 _____ 2006

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: APRIL 3, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 59 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2006, 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, 2006, the following:

\$50,130.00 to an account entitled "Lease/Purchases" 1401.905.2530

\$ 615.00 to an account entitled "Lease/Purchases" 1401.305.2530

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 _____ 2006

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATED: APRIL 3, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 10 - 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION expressing the support of the Council of the City of Massillon for a proposed casino and entertainment resort to be built by the Eastern Shawnee Tribe of Oklahoma and for a delay in the current court schedule to allow in their case further negotiations.

WHEREAS, as part of the potential settlement in the Eastern Shawnee litigation the Eastern Shawnee Tribe of Oklahoma (the "Tribe") has proposed the construction of a casino and entertainment resort (the "Project") located on the former Republic Steel site situated within the City of Massillon; and

WHEREAS, the City recognizes that the Project could potentially result in the creation of new jobs and new employment for the citizens of Massillon and the surrounding area; and

WHEREAS, the City recognizes that the if it enters into an Intergovernmental Agreement with the Tribe that such agreement could result in significant mitigation payments to the City and be an economic benefit to the City; and

WHEREAS, the City recognizes the significant economic impact of both the proposed Project and the potential residual development occurring in and around the former Republic Steel site; and

WHEREAS, if casino gaming is properly authorized in the State of Ohio it would be beneficial to the economic development of the City to have an agreement in place specifying what the City will receive in the event that the Project is built in the City of Massillon; and

WHEREAS, the Council of the City of Massillon ^{considers} supports entering into negotiations to determine the terms of any such agreement.

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

Revised 3-31-2006

Section 1:

The Council of the City of Massillon, Ohio hereby ^{may} expresses its support for the proposed construction of a casino and entertainment resort on the former Republic Steel site by the Eastern Shawnee Tribe of Oklahoma.

Section 2:

The Council of the City of Massillon, Ohio shall ^{may possibly} enter into negotiations with legal representatives of the Eastern Shawnee Tribe of Oklahoma with the intent of determining the final terms of the Intergovernmental Agreement with the Tribe concerning the Project.

Section 3:

The Council of the City of Massillon, Ohio determines that the potential economic impact of the proposed Project would be beneficial to the City of Massillon and its residents, fully supports the project, and by way of this Resolution hereby expresses its support for the same.

Section 4:

The Council of the City of Massillon, Ohio supports the Tribes request for a delay in the current court schedule.

Section 5:

This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2006.

ATTEST:

MARY BETH BAILEY,
CLERK OF COUNCIL

GLEN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR.,
MAYOR