

AGENDA

DATE: MONDAY, APRIL 17, 2006
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE TWO PUBLIC HEARINGS TONIGHT
ORDINANCE NO. 47 – 2006 AT 6:30PM – CDBG BUDGET
ORDINANCE NO. 49 – 2006 AT 7:00PM – REZONING

1. ROLL CALL
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

*passed
7-2*

ORDINANCE NO. 60 – 2006 BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with SpyGlass Technology Advisors, Inc. to perform an analysis of the city's telecommunications service billing, and declaring an emergency.

ORDINANCE NO. 61 – 2006 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and received sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2006 Target Neighborhood Street Program improvements in the City of Massillon, and declaring an emergency.

1st
ORDINANCE NO. 62 – 2006 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, upon award and approval of the Board of Control, with the lowest and best bidder for the 2006 Street Resurfacing Program within the City of Massillon, and declaring an emergency.

9-0
ORDINANCE NO. 63 – 2006 BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, General Fund, Community Health Fund, Parking Enforcement Fund and the Economic Development Fund, for the year ending December 31, 2006, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2006
- B). TREASURER SUBMITS MONTHLY REPORT FOR MARCH 2006
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2006.
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR MARCH 2006
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR MARCH 2006
- F). MAYOR SUBMITS MONTHLY REPORT FOR MARCH 2006
- G). CLERK OF COURT SUBMITS ANNUAL REPORT FOR 2005

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

ORDINANCE NO. 42 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City 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.

ORDINANCE NO. 43 – 2006

BY: FINANCE COMMITTEE

3-0
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

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 47 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

tabled
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.

ORDINANCE NO. 49 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

defeated
0-9
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.

15. SECOND READING ORDINANCES AND RESOLUTIONS

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 17, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 60 - 2006

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with SpyGlass Technology Advisors, Inc. to perform an analysis of the city's telecommunications service billing, 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 SpyGlass Technology Advisors, Inc. to perform an analysis of the city's telecommunications service billing provided by local service providers, long distance providers, data providers, internet providers and IP providers.

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 SpyGlass Technology Advisors, Inc. to perform an analysis of the city's telecommunications service billing provided by local service providers, long distance providers, data providers, internet providers and IP providers.

(EXHIBIT "A" ATTACHED HERETO)

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 to have the analysis done to find out if the city is being over charged in various departments through our telecommunication service billing. 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

SpyGlass Snapshot Audit Agreement

This agreement ("Agreement"), effective as of the later of the dates of execution on the signature page ("Effective Date"), is made by and between the **City of Massillon**, whose address is **151 Lincoln Way E, Massillon, Ohio 44646** ("City"), and **SpyGlass Technology Advisors, Inc.**, an Ohio corporation, whose address is **2001 Crocker Road, 130 Gemini Tower II, Westlake, Ohio 44145** ("Auditor").

1. Primary Audit Services. City hereby engages Auditor as an independent contractor to provide the following services:

- Analysis of City telecommunications service billing provided to Auditor relating to services by local service providers, long distance service providers, data providers, Internet providers, and IP providers using Auditor's proprietary auditing tools and processes;
- Creation of complete telecommunications inventory of all services on such billing which dissects all service cost, usage information and PIC information;
- Identification of all opportunities which exist in such billing for:
 - Cost Recovery;
 - Service Elimination; and
 - Cost Reduction;
- Presentation of recommendations to City after analysis is complete;
- Implementation of any recommendations that City elects to implement; and
- Delivery of complete telecommunications inventory to City.

City agrees that while Auditor is performing its analysis City will not make any changes or perform any internal cost reduction analysis with respect to any Provider accounts which City has included within the scope of Auditor's review.

2. Compensation for Cost Recovery. City agrees to pay Auditor fees equal to fifty percent (50%) of any Cost Recovery (as defined in this Section) provided that City initiates implementation of Auditor's recommendation leading to the Cost Recovery within twelve (12) months of Auditor delivering the recommendation to City.

"Cost Recovery" is defined as any refund, credit or compensation received by City as a result of Auditor's activities with respect to any past services provided or past charges assessed by any Provider.

3. Compensation for Service Elimination. City agrees to pay Auditor fees equal to twelve (12) times any Service Elimination Savings (as defined in this Section) provided that City initiates implementation of Auditor's recommendation leading to the Service Elimination Savings within twelve (12) months of Auditor delivering the recommendation to City.

"Service Elimination Savings" is defined as the monthly cost reduction received by City as a result of Auditor's activities with respect to the cancellation of any service determined to be no longer in use or identified as no longer needed, including the monthly usage cost reduction (calculated as the average of the last two (2) months of usage costs associated with the cancelled service).

With respect to calculation of Auditors fees under this Section 3, the cost of any cancellation fee required to cancel a service recommended by Auditor will be divided by the remaining number of months on the contract for the service to be cancelled and subtracted from the monthly savings City will realize by canceling the service.

4. Compensation for Cost Reduction. City agrees to pay Auditor fees equal to twelve (12) times any Cost Reduction Savings (as defined in this Section) provided that City initiates implementation of Auditor's recommendation leading to the Cost Reduction Savings within twelve (12) months of Auditor delivering the recommendation to City.

"Cost Reduction Savings" is defined as any of the following received by City as a result of Auditor's activities (not including any Service Elimination Savings described in Section 3):

- the monthly cost reduction resulting from modification or consolidation of any service, account or contract;
- the monthly usage cost reduction from any usage rate modification (calculated as the product of (a) any decrease in per unit pricing realized by City for any service, and (b) the average of City's last two (2) months usage levels measured in such units for such modified service);
- the monthly discount related cost reduction from any discount modification (calculated as the product of (a) any increase in discount percentage realized by City for any service, service component or usage, and (b) the average of City's last two (2) months spending in non-discounted total dollars for the applicable service, service component or usage); and

- any other reduction in monthly cost or increase in discount received with respect to any service, account or contract.

With respect to calculation of Auditors fees under this Section 4, the cost of any capital expenditure required to implement a solution recommended by Auditor will be divided by sixty (60) and subtracted from the monthly savings City will realize by implementing the solution.

5. Timing of Payment. Any fees owed to Auditor pursuant to this Agreement with respect to Cost Recovery are due as a one-time payment within thirty (30) days of verification by City and Auditor that City has been issued the refund, credit or compensation resulting in such fees. Any fees owed to Auditor pursuant to this Agreement with respect to Service Elimination Savings and Cost Reduction Savings are due as a one-time payment within thirty (30) days of verification by City and Auditor that the cancellation, modification, consolidation, or other activity resulting in the Service Elimination Savings or Cost Reduction Savings has been completed. The parties agree that fees relating to different Cost Recovery, Service Elimination Savings and Cost Reduction Savings may be billed to City at different times as they are verified in accordance with this Section 5; provided, however, that neither the foregoing clause nor anything else herein shall be interpreted to mean that City is entitled to pay fees on a monthly or any other periodic basis.

A late payment charge of 1.5% per month will incur on any unpaid balance invoiced under this Agreement from the date the invoice was mailed. The parties agree that Auditor will also have the right to suspend work if any invoices are not paid in a timely manner and not be in breach of any provision of this Agreement as a result thereof.

6. Optional Wireless Services. By initialing below, City and Auditor agree that City's wireless service billing will be included in the scope of Auditor's services as described in Section 1 above. Auditor agrees to analyze such service billing and include such services in the telecommunications inventory developed by Auditor. City and Auditor agree that the fee for including the wireless service billing in the scope of Auditor's services will be _____. This fee will be paid in two equal installments, the first due upon commencement of the audit and the second due upon delivery of recommendations for the wireless services. Any recommendations resulting from the wireless billing analysis will not result in fees under Sections, 2, 3, or 4 of this Agreement.

City Approval: _____

Auditor Approval: _____

7. Miscellaneous. This Agreement shall be governed by the laws of the State of Ohio, without regard to principles of conflicts of law, and may be executed by facsimile and simultaneously in multiple counterparts. City agrees that Auditor does not warrant the overall performance or City satisfaction of any telecommunications carrier, provider or vendor at any time whatsoever during or after the term of this Agreement. AUDITOR SHALL NOT BE LIABLE TO THE CITY FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR PUNITIVE DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS OR BUSINESS INTERRUPTION, WHETHER SUCH LIABILITY IS ASSERTED ON THE BASIS OF CONTRACT, TORT OR OTHERWISE, EVEN IF EITHER PARTY HAS BEEN WARNED OF THE POSSIBILITY OF ANY SUCH LOSS OR DAMAGE IN ADVANCE. IN ADDITION, IN NO EVENT SHALL AUDITOR'S LIABILITY TO CITY EXCEED THE FEES ACTUALLY PAID BY CITY TO AUDITOR.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

CITY

AUDITOR

City of Massillon

SpyGlass Technology Advisors, Inc.

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

DATE: APRIL 17, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 61 - 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY 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 enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2006 Target Neighborhood Street Program Improvements in 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 in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of control, with the lowest and best bidder for the 2006 Target Neighborhood Street Program in the City of Massillon.

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 to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the 2006 Target Neighborhood Street Program in the City of Massillon.

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 that bids be received so that work may be completed on the 2006 Target Neighborhood Street Program. 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

2006 TARGET STREET ESTIMATE

RD	STREET NAME		FROM	TO
3	Wallace Ave SE	SE	10th St SE	Pine Ave SE
4	Oak ave SE	SE	Independence SE	16th St SE
5	12th St SW	SW	Main ave W	Tremont SW
5	11th St SW	SW	Main ave W	Tremont SW
5	Hosetter Pl	SW	Main	Tremont

DATE: APRIL 17, 2006 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 62 - 2006

passed 5/1

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY 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, upon award and approval of the Board of Control, with the lowest and best bidder for the 2006 Street Resurfacing Program within 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 in the public health, safety and welfare to advertise for and receive sealed bids, upon award and approval of the Board of Control, with the lowest and best bidder for the 2006 Street Resurfacing Program within the City of Massillon.

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, upon award and approval by the Board of Control, with the lowest and best bidder for the 2006 Street Resurfacing Program within the City of Massillon.

Section 3:

That 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 that the advertising for bids be made to pave and/or resurface the streets prior to the commencement of the paving season. 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

2006 STREET ESTIMATE

WARD	STREET NAME	FROM	TO
1	11th St NE	NE Lincoln Way	North Ave NE
1	11th St NE	NE North NE	State Ave NE
1	9th St NE	NE Lincoln Way	Andrew NE
1	Andrew Ave NE	NE 6th St NE	8th St NE
1	Burd Ave NE	NE Wales Rd NE	Amherst Rd NE
1	Federal Ave NE	NE 8th St NE	11th St NE
1	North Ave NE	NE 6th St NE	11th St NE
1	North Ave NE	NE 11th St NE	Wales Rd NE
1	Orchard NE	NE Amherst Rd NE	8th St NE
1	State Ave NE	NE 8th St NE	11th St NE
1	State Ave NE	NE 11th St NE	Wales Rd NE
1	Taggart Ave NE	NE Amherst Rd NE	Clearview
1	Vogel NE	NE Amherst Rd NE	8th St NE
2	2nd St NE	NE Lincoln Way	Cherry
2	3rd St NE	NE Lincoln Way	Cherry
2	Lincoln Way West	NW 6th St NW	8th St NW
3	Phillips Rd NE	NE 16th St NE	Hankins Rd
3	Rhode Island SE	SW 21st St SE	120 west
3	Sippo Blvd NE	NE 400' west	17th St NE
4	Walnut Road SE	SE Johnson SE	15th St SE
4	Walnut Road SE	SE 3rd St SE	Johnson SE
5	14th St NW	NW Main Ave	Lincoln Way
6	Alden NW	NW Carver	Standish
6	Carver NW	NW Grosvenor	Mayflower
6	Duane Ave NW	NW 23rd St NW	25th St NW
6	Duane Ave NW	NW 23rd St NW	east end
6	Grosvenor NW	NW Lincoln Way	Alden NW
6	Howard NW	NW Carver NW	19th St NW

DATE: APRIL 17, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 63 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, General Fund, Community Health Fund, Parking Enforcement Fund and the Economic Development 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:

~~\$30,000.00~~ to an account entitled "Roof Repair – Annex Bldg" 1401.410.2511

33,000 -

Section 2:

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

\$15,000.00 to an account entitled "Arbitrator Services/Contracts" 1100.905.2392

Section 3:

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

\$15,000.00 to an account entitled "Services/Contracts" 1235.705.2392

Section 4:

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

\$5,000.00 to an account entitled "Services/Contracts" 1208.445.2392

Section 5:

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

\$800.00 to an account entitled "Services/Contracts" 1237.845.2392

Section 6:

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