

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT  
AGENDA

DATE: MONDAY, MARCH 7, 2011  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

9-0 TO AMEND TO ADD ORD 38-39

1. ROLL CALL
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. 29 - 2011

BY: ENVIRONMENTAL COMMITTEE

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications, advertise for and receive sealed bids and enter into contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Aeration Tank Recycle Project at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 30 - 2011

BY: ENVIRONMENTAL COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the grant agreement with the Ohio Department of Development for the performance of a Phase II Environmental Assessment on the northern portion of the former Republic Steel Property, and declaring an emergency.

ORDINANCE NO. 31 - 2011

BY: RULES, COURTS & CIVIL SERVICE

1ST READING

AN ORDINANCE establishing procedures to determine the lowest and best bid for the construction of public improvements in the City of Massillon, Ohio and to allow the use of Project Labor Agreements for the construction of certain public improvements in the City of Massillon.

ORDINANCE NO. 32 - 2011

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

HERSCHER EXCUSED 8-0

PASS 8-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Contract For Sale and Purchase of Real Property with First Merit Bank for the purchase of 0.050 acres of Right of Way for the 2011 Intersection Improvement Project, and declaring an emergency.

**ORDINANCE NO. 33 – 2011**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Contract For Sale and Purchase of Real Property with Lincoln Company for the purchase of 0.019 acres of Right of Way and Temporary Easement for the 2011 Intersection Improvement Project, and declaring an emergency.

**ORDINANCE NO. 34 – 2011**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Contract For Sale and Purchase of Real Property with Grant Ohio, LLC for the purchase of 0.041 acres of Right of Way and Temporary Easement for the 2011 Intersection Improvement Project, and declaring an emergency.

**ORDINANCE NO. 35 – 2011**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for Improvements to the intersections of SR 241 (Erie Street) and Tremont Avenue and SR 172 (Lincoln Way East) and 27<sup>th</sup> Street/Jackson Avenue, and declaring an emergency.

**ORDINANCE NO. 36 – 2011**

**BY: FINANCE COMMITTEE**

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the 16<sup>th</sup> Street Project Fund, Wastewater Treatment Capital Improvement Fund and the 2105 Stormwater Utility Fund, for the year ending December 31, 2011, and declaring an emergency.

**ORDINANCE NO. 37 – 2011**

**BY: FINANCE COMMITTEE**

PASS 9-0

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 contract upon the award and approval of the Board of Control, with the lowest and best bidder for various items needed for the use in various departments of the city, and declaring an emergency.

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 FEBRUARY 2011
- B). AUDITOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2011

1. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER



ORD 38-2011 - PASS 9-0  
ORD 39-2011 - PASS 9-0

-3-

MONDAY, MARCH 7, 2011

### 13. CALL OF THE CALENDAR - TABLED FROM FEBRUARY 22, 2011

#### ORDINANCE NO. 10 - 2011

BY: FINANCE COMMITTEE

PASS 9-0

X AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2011, and declaring an emergency.

### 14. THIRD READING ORDINANCES AND RESOLUTIONS

#### ORDINANCE NO. 13 - 2011

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 9-0

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 Intersection Improvement Project, in the City of Massillon, and declaring an emergency.

#### ORDINANCE NO. 14 - 2011

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AMENDED -> 1ST READING

AN ORDINANCE amending Chapter 905, Construction of sidewalks and curbs; Chapter 907, Sidewalks contractors; and Chapter 919 Sidewalk Replacement Program, of part Nine, Title One of the Codified Ordinances of the City of Massillon, and declaring an emergency.

#### ORDINANCE NO. 22 - 2011

BY: FINANCE COMMITTEE

AN ORDINANCE appropriating money for current expenses and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2011, and declaring an emergency.

### 15. SECOND READING ORDINANCES AND RESOLUTIONS

#### ORDINANCE NO. 24 - 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

P.H. 3/21/11 7:20 PM - 2ND READING

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Perry Township, R-2 Single and Two Family Residential to R-3 Single Family Residential.

#### ORDINANCE NO. 25 - 2011

BY: PUBLIC UTILITIES COMMITTEE

2ND READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Lake Region Oil, Inc., for a 1.7 acre parcel owned by the City of Massillon, and declaring an emergency.

#### ORDINANCE NO. 26 - 2011

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 9-0

AN ORDINANCE accepting the dedication plat for the Sterilite Street SE Extension on Out Lot 717 and Part of Out Lot 753, a 0.835 acre parcel that would extend existing Sterilite Street SE approximately 177 feet to the south and 192 feet to the west, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

MONDAY, MARCH 7, 2011

**ORDINANCE NO. 28 – 2011**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** creating an account numbered 1401.325.1500 in which to deposit a percentage of funds received for EMS services, 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: MARCH 7. 2011

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 29 - 2011

*1st read  
passed 3/21*

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications, advertise for and receive sealed bids and enter into contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Aeration Tank Recycle Project at the Wastewater Treatment Plant 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 prepare plans and specification, advertise for and receive sealed bids and enter into contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Aeration Tank Recycle Project at the Wastewater Treatment Plant 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, advertise for and receive sealed bids and to enter into contract, upon award and approval by the Board of Control, with the lowest and best bidder for the Aeration Tank Recycle Project at the Wastewater Treatment Plant. The estimated cost of the project is Forty-One Thousand Seven Hundred Eighty-Nine Dollars (41,789.00) which will be paid for from the WWT Services and Contracts Fund.

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 advertise for bids and enter into contract for the Aeration Tank Recycle Project can be completed in a timely manner. 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.

2<sup>nd</sup> page is the signature page

DATE: MARCH 7, 2017

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 30 - 2011

*Passed*

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the grant agreement with the Ohio Department of Development for the performance of a Phase II Environmental Assessment on the northern portion of the former Republic Steel Property, 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 sign the grant agreement with the Ohio Department of Development for the performance of a Phase II Environmental Assessment on the northern portion of the former Republic Steel Property.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to sign the grant agreement with the Ohio Department of Development for the performance of a Phase II Environmental Assessment on the northern portion of the former Republic Steel Property. The City has been awarded a Three Hundred Thousand Dollar (\$300,000.00) Clean Ohio Assistance Fund Grant which will be used for the environmental assessment.

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 reason that the dollars received from a Clean Ohio Assistance Fund Grant will pay for the Phase II Environmental Assessment on the northern portion of the former Republic Steel Property. 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.

employment standards, and other related matters.

- (ii) If the Mayor, or his designee, determines that a project labor agreement will serve the goals set forth above, the Mayor, or his designee, shall negotiate a project labor agreement with the East Central Ohio Building and Construction Trades Council and its affiliated local unions, or said Council's successor.
- (iii) The bidding documents for each such construction project shall contain a written provision requiring the successful bidder to comply with and adhere to all of the provisions of any project labor agreement negotiated by the Mayor for the project.
- (iv) The City shall not thereafter enter into any contract with the successful bidder for the construction of any such city building unless the contract contains a provision requiring the successful bidder, and all of the bidder's contractors and subcontractors, to comply with and adhere to the provisions of the negotiated project labor agreement.
- (v) If the Mayor, or his designee, with respect to any proposed construction project, determines that a project labor agreement will not serve the goals set forth in subsection (b)(1), the Mayor shall submit a written report to the Clerk of Council that shall state the reasons for concluding that a project labor agreement for the project will not substantially further the purposes of this section.

(c) Bids and Required Bidder Information.

Upon Council approval, the Director of Public Service and/or Director of Public Safety shall advertise and accept bids for a construction project in accordance with the following procedures:

- (i) Contracts shall be bid as follows:
  - A. An aggregate bid from a general contractor; or
  - B. Separate bids for work and materials from multiple prime contractors.
- (ii) The Board of Control shall be responsible for awarding all contracts for construction projects under this Chapter. Bidders for all proposed construction projects shall be required to furnish the following information to the Board of Control:
  - A. The work, supplies and materials covered by the bidder's



bid.

- B. Identification of all work to be subcontracted. All subcontractors are also subject to the approval of the Board of Control based on the criteria contained in this section.
- C. Descriptions of bidder's experience with projects of comparative size, complexity and cost within recent years, demonstrating the bidder's ability and capacity to perform a substantial portion of the project with its own forces.
- D. Documentation from previous similar projects regarding timeliness of performance, quality of work, extension requests, fines and penalties imposed and payments thereof, liens filed, history of claims for extra work, contract defaults, together with explanations of the same.
- E. The number of years the bidder has been actively engaged as a contractor in the construction industry.
- F. The bidder's recent experience record in the construction industry, including the original contract price for each construction job undertaken by the bidder, the amount of any change orders or cost overruns on each job, the reasons for the change orders or cost overruns, and the bidder's record for complying with and meeting completion deadlines on construction projects.
- G. Identification of any projects within the previous five years that the bidder was determined by a public entity not to be a responsible bidder, the reasons given by the public entity, together with an explanation thereof.
- H. Demonstration of financial responsibility to assure that the bidder possesses adequate resources and availability of credit, the means and ability to procure insurance and acceptable performance bonds required for the project and whether any claims have been made against performance bonds secured by the bidder on other construction projects.
- I. Disclosure of any suspension or revocations of any professional license of any director, officer, owner, or managerial employees of the bidder, to the extent that any work to be performed is within the field of such licensed profession.

- J. Disclosure of any and all OSHA violations within the previous three years; as well as all notices of OSHA citations filed against the bidder in the same three year period, together with a description and explanation of remediation or other steps taken regarding such violations and notices of violation.
- K. Disclosure of any and all violations within the previous five years pertaining to unlawful intimidation or discrimination against any employee by reason of race, creed, color, disability, gender, or national origin and/or violations of an employee's civil or labor rights or equal employment opportunities.
- L. Disclosure of any litigation (including copies of pleadings) in which the bidder has been named as a defendant or third party defendant in an action involving a claim for personal injury or wrongful death arising from performance of work related to any project in which it has been engaged within the previous five years.
- M. Disclosure of allegations of violations of the prevailing wage law and any other state or federal labor law, including, but not limited to, child labor violations, failure to pay wages, or unemployment insurance tax delinquencies or unfair labor practices within the past five years.
- N. Disclosure of violations of the workers compensation law.
- O. Disclosure of any criminal convictions or criminal indictments, involving the bidder, its officers, directors, owners, and/or managers within the past five years.
- P. Disclosure of any violation within the past five years or pending charges concerning federal, state, or municipal environmental and/or health laws, codes, rules and/or regulations.
- Q. Documentation that the bidder provides health insurance and pension benefits to its employees.
- R. The experience and the continuity of the bidder's work force.
- S. The identity of the bidder's permanent work force that will

be employed on the public contract, to include the number of employees (or contract labor) to be assigned to the contract, their city and state of residence, and their job descriptions or trade specialties.

- T. The identity of any temporary work force that will be employed on the public contract, to include the number of employees (or contract labor) to be assigned to the contract, their city and state of residence, and their job descriptions or trade specialties.
- U. Whether the bidder's work force is drawn mainly from local employees. The number of local employees, as defined in paragraph (a)(3), and their job descriptions or trade specialties that the bidder will employ on the public contract.
- V. When a bidder claims that non-local employees (or non-local contract labor) are to be assigned to the public contract instead of local employees, the reasons therefor.
- W. When a bidder claims that local employees are not intended to be used by the bidder on the public contract because they are not available, qualified or trainable within a reasonable period of time, the reasons therefor.
- X. Whether the bidder participates in a bona fide apprenticeship program that is approved by the Ohio State Apprenticeship Council and the United States Department of Labor.
- Y. Whether the bidder has adopted and implemented a comprehensive drug and alcohol testing program for its employees.
- Z. Whether the bidder's employees are OSHA-I 0 and/or OSHA-30 certified.

(d) Each factor enumerated in subsection (c)(2), standing alone, shall not be considered as determinative of the lowest and best bid. The Board of Control shall have complete discretion in assessing the level of importance to be placed upon any one or more of the factors enumerated and in determining the lowest and best bid and in awarding the construction contract.

(e) All bid invitations and specifications for construction, repair and



renovation work shall advise prospective bidders of all of the factors that will be taken into consideration by the Board of Control in determining whether a bid is not only the "lowest" but the "best" bid. Bid specifications shall contain provisions conforming to this Chapter, including a form or forms to enable a bidder to provide evidence to the Board of Control of the bidder's compliance with, adherence to, or satisfaction of, the various factors that shall be considered by the Board of Control in determining the lowest and best bid.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 5. This ordinance shall take effect from and after the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED:

\_\_\_\_\_  
Mayor

DATE: MARCH 7, 2011

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 32 - 2011

*passed*

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Contract For sale and Purchase of Real Property with First Merit Bank for the purchase of 0.050 acres of Right of Way and Temporary Easements for the 2011 Intersections Improvement Project, and declaring and emergency.

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

Section 1:

The real property consisting of 0.050 acres of Right of Way and Temporary Easements in the City of Massillon is needed for the 2011 Intersections Improvement Project.

Section 2:

The Director of Public Service and Safety is authorized to sign the Contract For Sale and Purchase of Real Property to purchase the 0.050 acres of Right of Way and Temporary Easements for Thirty-Two Thousand Nine Hundred Eighty Dollars (\$32,980.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

That the City Auditor is hereby authorized to pay the purchase price of Thirty-Two Thousand Nine Hundred Eighty Dollars (\$32,980.00). These funds will be provided through a grant that was received from the Ohio Department of Transportation.

Section 4:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5:

That this Ordinance is hereby 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 that the acquisition of the real estate is necessary for further development within the downtown area of the City of Massillon. 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 \_\_\_\_\_ 2011

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR



DATE: MARCH 7, 2011

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 33 - 2011

*Passed*

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Contract For sale and Purchase of Real Property with Lincoln Company for the purchase of 0.019 acres of Right of Way and Temporary Easement for the 2011 Intersections Improvement Project, and declaring an emergency.

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

Section 1:

The real property consisting of 0.019 acres of Right of Way and Temporary Easement in the City of Massillon is needed for the 2011 Intersections Improvement Project.

Section 2:

The Director of Public Service and Safety is authorized to sign the Contract For Sale and Purchase of Real Property to purchase the 0.019 acres of Right of Way and Temporary Easement for Twenty-Three Thousand Four Hundred Forty Dollars (\$23,440.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

That the City Auditor is hereby authorized to pay the purchase price of Twenty-Three Thousand Four Hundred Forty Dollars (\$23,440.00). These funds will be provided through a grant that was received from the Ohio Department of Transportation.

Section 4:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5:

That this Ordinance is hereby 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 that the acquisition of the real estate is necessary for further development within the downtown area of the City of Massillon. 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 \_\_\_\_\_ 2011

APPROVED: \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: MARCH 7, 2011

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 34 - 2011

*Passed*

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Contract For sale and Purchase of Real Property with Giant Ohio, LLC for the purchase of 0.041 acres of Right of Way and Temporary Easement for the 2011 Intersections Improvement Project, and declaring and emergency.

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

Section 1:

The real property consisting of 0.041 acres of Right of Way and Temporary Easement in the City of Massillon is needed for the 2011 Intersections Improvement Project.

Section 2:

The Director of Public Service and Safety is authorized to sign the Contract For Sale and Purchase of Real Property to purchase the 0.041 acres of Right of Way and Temporary Easement for Twenty-Eight Thousand Nine Hundred Fourteen Dollars (\$28,914.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

That the City Auditor is hereby authorized to pay the purchase price of Twenty-Eight Thousand Nine Hundred Fourteen Dollars (\$28,914.00). These funds will be provided through a grant that was received from the Ohio Department of Transportation.

Section 4:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.



Section 5:

That this Ordinance is hereby 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 that the acquisition of the real estate is necessary for further development within the downtown area of the City of Massillon. 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 \_\_\_\_\_ 2011

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: MARCH 7, 2011

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 35 - 2011

*Passed*

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for improvements to the intersections of SR 241 (Erie Street) and Tremont Avenue and SR 172 (Lincoln Way East) and 27<sup>th</sup> Street/Jackson Avenue, 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 sign a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for improvements to the intersections of SR 241 (Erie Street) and Tremont Avenue and SR 172 (Lincoln Way East) and 27<sup>th</sup> Street/Jackson Avenue.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for improvements to the intersections of SR 241 (Erie Street) and Tremont Avenue and SR 172 (Lincoln Way East) and 27<sup>th</sup> Street/Jackson Avenue.

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 reason that it is necessary to sign a LPA Federal Local-Let Project Agreement with Ohio Department of Transportation so as to proceed with the improvements to the intersections of SR 241 (Erie Street) and Tremont Avenue and SR 172 (Lincoln Way East) and 27<sup>th</sup> Street/Jackson Avenue Project. 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.

2<sup>nd</sup> page is the signature page

DATE: MARCH 7, 2011

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.36 – 2011

BY: FINANCE COMMITTEE

*passed*

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 16<sup>th</sup> Street Project Fund, Wastewater Treatment Capital Improvement Fund and the 2105 Stormwater Utility Fund, for the year ending December 31, 2011, 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 16<sup>th</sup> Street Project Fund, for the year ending December 31, 2011 the following:

\$85,334.00 to an account entitled "Intersection Design Projects" 1410.435.2511

*LAND PURCHASE*

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Capital Improvement Fund, for the year ending December 31, 2011 the following:

\$24,500.00 to an account entitled "Capital Purchase" 1406.610.2510

Section 3:

There be and hereby is appropriated from the unappropriated balance of the 2105 Stormwater Utility Fund, for the year ending December 31, 2011 the following:

✓ \$5,860.00 to an account entitled "Storm Sewer Repairs" 2105.425.2510

*TETRA TECH*

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.



DATE: MARCH 7, 2011

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 37 - 2011

*Passed*

BY: FINANCE 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 contract upon the award and approval of the Board of Control, with the lowest and best bidder for various items needed for the use in various departments of the city, 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 the award and approval of the Board of Control, with the lowest and best bidder for various items needed for the use in various departments of the city, said items listed on Exhibit "A" attached hereto.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to advertise for and receive sealed bids, and enter into contract with the lowest and best bidder for various items needed for the use in various departments of the city, said items listed on Exhibit "A" attached hereto.

Section 3:

This Ordinance is declared to be an emergency measure for the reason that the items listed on Exhibit "A" attached hereto are needed for the efficient operation of the city, and due to the time involved in advertising and bid process it must be commenced immediately so that the items are available for use as soon as possible as the various items are needed for the efficient operation of the various departments. 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.



DATED: March 7, 2011

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 38 - 2011

*passed*

BY: STREETS AND HIGHWAY COMMITTEE

TITLE: AN ORDINANCE authorizing the Safety Service Director of the City of Massillon to enter into contract for the work, supplies or materials for the emergency repair of Erie Avenue South with out the necessity of formal bidding or advertising as authorized in ORC 735.051 and declaring an emergency.

WHEREAS, a portion of Erie Avenue South in the City of Massillon, Ohio sustained serious damage and caved in because of recent heavy rains and runoff; and

WHEREAS, based upon such damage the road caved in and became impassable; and

WHEREAS, the repair and opening of such road is necessary for the orderly and efficient operation of the City of Massillon, Safety Services Department, Citizens, and Police and Fire Forces; and

WHEREAS, in order to ensure that road is repaired and opened as soon as possible, it is necessary for the road to be immediately repaired.

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

Section 1:

The Safety Service Director of the City of Massillon, Ohio is hereby authorized to enter into contract for work, supplies or materials for the emergency repair of Erie Avenue South without the necessity of formal bidding or advertising as authorized by ORC 735.051.

Section 2:

This Council finds and determines that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of this council and that all deliberations of this council and of its committees that resulted in these formal actions were in meeting open to the public in compliance with the law.

Section 3:

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Massillon, Ohio and shall go into immediate effect for the reason that it is immediately necessary to assure continued used and accessibility of Erie Avenue South for the Citizens, Safety Forces, and other Departments of the City of Massillon.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

ATTEST: \_\_\_\_\_

MARY BETH BAILEY,  
CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: MARCH 7, 2011

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 39 - 2011

*Passed*

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the grant agreement with the Ohio Public Works Commission for the Erie Street South Repair Project, 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 sign the grant agreement with the Ohio Public Works Commission for the Erie Street South Repair Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the grant agreement with the Ohio Public Works Commission for the Erie Street South Repair Project. The City has been awarded a One Hundred Six Thousand Four Hundred Seventy-Five Dollar (\$106,475.00) grant which will be used for the Erie Street South Repair Project. This is a 90/10 split which the City will be responsible for Eleven Thousand Eight Hundred Thirty Dollars (\$11,830.00).

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 reason that the dollars received from the Ohio Public Works Commission will pay towards the Erie Street South Repair Project. 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 \_\_\_\_\_ 2011

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR