

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

DATE: MONDAY, APRIL 18, 2011
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 53 – 2011 AT 6:30PM CDBG BUDGET

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DAVE MCCUNE
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. 60 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Mayor to enter into an agreement with the Board of Stark County Commissioners and the City of Alliance, Ohio, to form a consortium for the purpose of becoming a participating jurisdiction in the Federal HOME Investment Partnership Program, and declaring an emergency.

ORDINANCE NO. 61 – 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 grant agreement with the Board of Stark County Transportation Improvement District for the 2011 Intersections Improvement Project, and declaring an emergency.

* ORDINANCE NO. 62 – 2011

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund and the Community Development Block Grant Program Fund, for the year ending December 31, 2011, and declaring an emergency.

ORDINANCE NO. 63 – 2011

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE reducing the appropriations in the General Fund, for the year ending December 31, 2011, and declaring an emergency.

RESOLUTION NO. 4 – 2011

BY: COMMITTEE OF THE WHOLE

PASS 9-0

A RESOLUTION supporting the Stark County Community Action Agency for the services they provide to the citizens of Stark County while urging adequate funding for the Community Services Block Grant be adopted in the Congressional appropriations process so the vital services continue for the much needed citizens of Stark County.

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 2011
 - B). TREASURER SUBMITS MONTHLY REPORT FOR MARCH 2011
 - C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 2011
 - D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR MARCH 2011
 - E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR MARCH 2011
 - F). MAYOR SUBMITS MONTHLY REPORT FOR MARCH 2011

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 115 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 7-2 (PETERS; CATABARO-PERRY)

AN ORDINANCE declaring the improvements of certain real property located in the City of Massillon, Ohio, to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

ORDINANCE NO. 25 - 2011

BY: PUBLIC UTILITIES COMMITTEE

PASS 5-4 (MANN; ANDERSON; CATABARO-PERRY; TOWNSEND)

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 approximately 5 acres of real estate owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 40 - 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

DEFEAT (5-4) (ANDERSON; CATABARO-PERRY; TOWNSEND; PETERS; HERSHNER)

AN ORDINANCE declaring the improvements of certain real property located in the City of Massillon, Ohio, to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

ORDINANCE NO. 41 - 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 6-3 (CATABARO-PERRY; TOWNSEND; HERSHNER)

AN ORDINANCE declaring the improvements of certain real property located in the City of Massillon, Ohio, to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

ORDINANCE NO. 43 - 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 9-0
AN ORDINANCE amending CHAPTER 1307 "BUILDING MAINTENANCE CODE" of the Codified Ordinances of the City of Massillon, by amending existing Section 1307.01 "Purpose and Scope" by enacting new Subsection 1307.01 (h) "Application and Enforcement".

ORDINANCE NO. 44 - 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 7-2 (CATAZARO-PERRY; TOWNSEND)
AN ORDINANCE amending CHAPTER 1309 "HOUSING CODE" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b) and enacting new SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b)

ORDINANCE NO. 45 - 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 7-2 (CATAZARO-PERRY; TOWNSEND)
AN ORDINANCE amending CHAPTER 1311 "HOME IMPROVEMENT" of the Codified Ordinances of the City of Massillon, by amending certain SubSections and enacting revised Subsections as further provided hereto.

ORDINANCE NO. 48 - 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 7-2 (CATAZARO-PERRY; TOWNSEND)
AN ORDINANCE amending CHAPTER 1341 "DEMOLITION AND MOVING OF BUILDINGS", of Codified Ordinances of the City of Massillon, and enacting amended Subsections 1341.02 "LICENSE AND BOND REQUIRED", 1341.03 "PERMIT FOR DEMOLITION", 1341.04 "FEES FOR DEMOLITION LICENSES AND PERMITS", 1341.05 "PERMIT TO MOVE A BUILDING FEE": and 1341.06 "PERMIT FOR USE OF PUBLIC PROPERTY".

ORDINANCE NO. 49 - 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 9-0
AN ORDINANCE amending CHAPTER 1501 "OHIO FIRE CODE", of Codified Ordinances of the City of Massillon, by enacting a new Section 1501.13 "KNOX BOX".

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 53 - 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING
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, and declaring an emergency.

ORDINANCE NO. 56 – 2011

BY: RULES, COURTS & CIVIL SERVICE

2ND READING

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - SOLID WASTE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – INCOME TAX DEPARTMENT, WASTEWATER TREATMENT DEPARTMENT and the SOLID WASTE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – INCOME TAX DEPARTMENT, WASTEWATER TREATMENT DEPARTMENT and the SOLID WASTE DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 57 – 2011

BY: RULES, COURTS & CIVIL SERVICE

2ND READING

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - MISCELLANEOUS SCHEDULE, in the City of Massillon, Ohio, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: APRIL 18, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 60 - 2011

passed

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with the Board of Stark County Commissioners and the City of Alliance, Ohio, to form a consortium for the purpose of becoming a participating jurisdiction in the Federal HOME Investment Partnership Program, and declaring an emergency.

WHEREAS, the Congress of the United States has enacted the Cranston-Gonzales National Affordable Housing Act of 1990, which established the HOME Investment Partnership Program (HOME) to provide funds to state and local governments for the purpose of developing affordable housing programs and providing housing assistance for lower income persons; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has issued regulations allowing units of general local government to enter into mutual cooperation agreements to form consortiums for the purpose of obtaining federal funding from the HOME Program; and

WHEREAS, the City of Massillon, under the regulations established by HUD, does not meet the minimum requirements necessary to be designated as a participating jurisdiction under the HOME Program; and

WHEREAS, the City of Massillon, along with the City of Alliance and the Board of Stark County Commissioners, agree that it is in the best interest of carrying out the objectives of the HOME Program within Stark County that the communities should form a consortium to work together in the planning and implementation of affordable housing development activities.

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

Section 1:

That this Council hereby authorizes and directs the Mayor to enter into an agreement with the Board of Stark County Commissioners and the City of Alliance, Ohio, to form a consortium for the purpose of becoming a participating jurisdiction eligible to receive Federal funds under the HOME Investment Partnership Program for Fiscal Years 2012 - 2014.

Section 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety, and for the further reason that this Ordinance is necessary to provide for the establishment of affordable housing programs and housing assistance for lower income residents of Massillon. And provided it receives the affirmative vote of two-thirds of the members elected 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: APRIL 18, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 61- 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 the grant agreement with the Board of Stark County Transportation Improvement District 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 Council of the City of Massillon, Ohio, hereby finds that it is necessary to sign the grant agreement with the Board of Stark County Transportation Improvement District for the 2011 Intersections Improvement 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 Board of Stark County Transportation Improvement District for the 2011 Intersections Improvement Project. The City was awarded a grant in the amount of One Hundred Forty-Seven Thousand Dollars from the TID which will along with the ODOT grant fund the project construction, right-of-way acquisition and construction management 100%. This project will improve the intersections of Erie (SR 241) & Tremont Avenue along with Lincoln Way East (SR 172) & 27th Street/Jackson Avenue.

(SEE ATTACHED EXHIBIT "A")

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 the grant agreement with the Board of Stark County Transportation Improvement District for the 2011 Intersections Improvement Project so for the work to begin 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.

GRANT AGREEMENT

THIS GRANT AGREEMENT is entered into at Canton, Ohio, on the ____ day of March 2011, by and between The Board of the Stark County Transportation Improvement District, (hereinafter referred to as the "TID"), whose address is 201 Third Street, N.E., Suite 201, Canton, Ohio 44702, and the City of Massillon, a political subdivision (hereinafter referred to as the "Sponsor"), whose address is 151 Lincoln Way East, Massillon, Ohio 44646.

WITNESSETH

WHEREAS, it is the goal of the TID to provide a mechanism to facilitate the funding of certain approved projects in accordance with the Ohio Revised Code.

WHEREAS, the parties have acknowledged the need for the 2011 Intersection(s) Improvement Project located at Erie Street and Tremont Avenue and at Lincoln Way East and 27th St NE in Massillon, Ohio (hereinafter "Project").

WHEREAS, the TID has received grant funds from the Ohio Department of Development to undertake road improvements that will retain or attract businesses for the State of Ohio and the Project is listed on the scope of work list for said grant fund received by the TID.

WHEREAS, on March 14, 2011, the TID approved granting up to One Hundred Forty Seven Thousand (\$147,000) to the Sponsor for the Project pursuant to a Stark County TID Transportation Project Application.

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth herein, the receipt and sufficiency of which is hereby acknowledged by each, the TID and the Sponsor agree as follows:

1. Project. The TID shall grant to the Sponsor up to a total of One Hundred Forty Seven Thousand Dollars (\$147,000) (hereinafter referred to as "Grant Funds") for Construction of the Project as set forth in the Project Application which is attached and fully incorporated herein. Grant Funds provided through the TID shall be applied only to costs associated with Construction of the Project and for no other purpose.

2. The Sponsor acknowledges that time is of the essence for the completion of the Project. Any and all work performed under the terms of this Agreement must be completed and submitted for reimbursement to the TID by or before October 1, 2011. Requests for Reimbursement shall be sent to the TID c/o Rich LaRocco, ME Companies, 4150 Belden Village Ave, Canton, Ohio 44718. Any and all work that is not completed and submitted to the TID by or before October 1, 2011 shall no longer be eligible for reimbursement from the TID under the terms of this Agreement.

3. Minority Hiring Requirement. Sponsor shall make a good faith effort to hire minority persons for completion of the Project in the same percentage as the average percentage of minority persons represented in the population and demographics of Stark County, Ohio.

4. Equal Employment Opportunity. Sponsor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, age, veteran status or ancestry.

5. Rights, Responsibilities and Obligations. Nothing in this Agreement shall be construed as imposing any legal duty or obligation on the TID over and above those enumerated herein. Furthermore, nothing in this Agreement shall be construed as creating any legal relation between the TID and any other person or entity performing services or supplying the equipment, materials, goods or supplies for the Project sufficient to impose upon the TID any of the obligations specified in Section 126.30 of the Revised Code. The Sponsor certifies that it will maintain insurance coverage against all claims, damages, costs and expenses, and/or liability which may arise as a result of Sponsor's work on the Project and furthermore, that the Sponsor shall indemnify and hold harmless the TID, and their respective officers, directors, members, agents and employees from any and all liability arising out of or pursuant to this Agreement, including claims for personal injury and/or property damage, or recipient's use or application of the Grant Funds being provided by the TID hereunder, and Sponsor's construction or management of the Project. The Sponsor or Sponsor's employees or agents shall in no way be considered employees of the TID for any purpose, including but not limited to retirement benefits, workers' compensation, unemployment compensation, health insurance, or any other fringe benefit.

6. Competitive Bid Requirements. Sponsor shall comply with all applicable state and local competitive bidding requirements.

7. Final Closeout Report. Within thirty (30) days after completion, Sponsor shall submit to the TID a Final Closeout Report detailing the completion of the Project, and the total number of full time employees hired and/or retained at the Project site.

8. Project Default. If for any reason the Project is not completed by October 1, 2011, this Agreement shall terminate and TID shall have no further obligation to reimburse Sponsor under the terms of this Agreement. If the Grant Funds are used for another purpose other than stated herein, the Sponsor shall repay to the TID an amount equal to the total Grant Funds the TID disbursed on behalf of the Project within thirty (30) days after demand by TID.

9. Entire Agreement. This Agreement constitutes the entire agreement between the parties, and all prior discussions and understandings between the parties are superceded by this Agreement. This Agreement shall not be altered, modified, or amended except by written agreement signed by each of the parties hereto.

10. Notices. Notices required in this Agreement shall be directed as follows:

Keith A. Dylewski, City Engineer
City of Massillon
151 Lincoln Way East
Massillon, Ohio 44646

Stark County Transportation Improvement District
Attn: Rich LaRocco
201 Third Street, N.E., Suite 201
Canton, OH 44702

11. Applicable Law. This Agreement, and any claims arising out of this Agreement, shall be governed by the laws of the State of Ohio.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed in duplicate as of the date and year first above written.

WITNESSES:

SPONSOR

By: _____

**BOARD OF STARK COUNTY
TRANSPORTATION IMPROVEMENT
DISTRICT**

By: _____
John Benincasa, President

Approved as to Sufficiency and Form:

Leslie Iams Kuntz, Esq.
Attorney for the Stark County
Transportation Improvement District

DATE: APRIL 18, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.62 – 2011

passed

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund and the Community Development Block Grant Program 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 2105 Stormwater Utility Fund, for the year ending December 31, 2011 the following:

* \$20,000.00 to an account entitled "Storm Sewer Repairs" 2105.425.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund, for the year ending December 31, 2011 the following:

\$20,000.00 to an account entitled "CDBG Sidewalk Replacement Program" 1203.845.2875

Section 3:

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.

2nd page is the signature page

DATE: APRIL 18, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 63 - 2011

passed

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the General 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:

The appropriations are hereby reduced in the General Fund, for the year ending December 31, 2011, as follows:

\$24,540.00 from an account entitled "Salary – Deputy Clerks" 1100.130.2111
\$ 3,400.00 from an account entitled "PERS – Clerk of Court" 1100.130.2230

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 and for the additional reason that the appropriation needs to be reduced because of an audit procedure. 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