

14th & Pearl

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

DATE: MONDAY, MAY 2, 2011
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DONNIE PETERS
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL *MANG ABSENT*
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 64 - 2011

BY: ENVIRONMENTAL COMMITTEE

PASS 8-0

AN ORDINANCE amending Ordinance No. 42 - 2011 by making revisions to the Massillon-Stark County Sewer Service Agreement Supplemental #1 for the Bar Screen & Grit Screw Replacement at the Wastewater Treatment Plant, and declaring an emergency.

ORDINANCE NO. 65 - 2011

BY: FINANCE COMMITTEE

PASS 8-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the Park & Rec. Community Park Fund and the Park & Rec. Fund, for the year ending December 31, 2011, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR OHIO CVS STORES LLC 1130 LINCOLN WAY E MASSILLON OHIO 44646

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM SUPERAMERICA BEVERAGE LLC DBA SPEEDWAY 9290 906 LINCOLN WAY E MASSILLON OHIO 44646 TO SPEEDWAY LLC DBA SPEEDWAY 9290 906 LINCOLN WAY E MASSILLON OHIO 44646

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM BUCKEYE CLUB DBA BUCKEYE CLUB ANNEX 932 6TH ST SW 1ST FLR ONLY MASSILLON OHIO 44646 TO BUCKEYE CLUB DBA BUCKEYE CLUB ANNEX 62 ERIE ST S MASSILLON OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR APRIL 2011

B). AUDITOR SUBMITS MONTHLY REPORT FOR APRIL 2011

DATE: MAY 2, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 64 - 2011

passed

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 42 – 2011 by making revisions to the Massillon-Stark County Sewer Service Agreement Supplemental #1 for the Bar Screen & Grit Screw Replacement at the Wastewater Treatment Plant, and declaring an emergency.

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

Section 1:

Ordinance No. 42 – 2011 is amended to reflect the revisions to the Massillon-Stark County Sewer Service Agreement Supplemental #1 for the Bar Screen & Grit Screw Replacement at the Wastewater Treatment Plant. See attachment hereto.

Section 2:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency is so work may begin in a timely manner for the Bar Screw & Grit Replacement at the Wastewater Treatment Plant. 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

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

_____ GLENN E. GAMBER, PRESIDENT

APPROVED: _____

_____ FRANCIS H. CICCHINELLI, JR, MAYOR

Agreement

Stark County Commissioners

With _____

Dated City of Massillon

Distribution:

Journal
Auditor
J. Jones
Massillon
Squire, Sanders, Dempsey
file

Subject **MASSILLON-STARK COUNTY SEWER SERVICE AGREEMENT
SUPPLEMENTAL NO. 1**

THIS SUPPLEMENTAL AGREEMENT made and entered into this ____ day of _____, 2011, by and between the City of Massillon, Ohio (hereinafter referred to as "Massillon" or the "City"), by its Mayor and its Director of Public Service and Safety, duly authorized in its behalf by Ordinance No. _____ passed by its Council on the ____ day of _____, 2011, and the County of Stark, Ohio (hereinafter referred to as the "County"), by its Board of Stark County Commissioners, duly authorized by a resolution adopted by the Board on the ____ day of _____, 2011, witnesseth:

WHEREAS, the City of Massillon and Stark County entered into a sewer service agreement on April 26, 2001, said Agreement referred to as the "Basic Agreement"; and

WHEREAS, the "Basic Agreement" obligates the County and Massillon to revise same as necessary and as required; and

WHEREAS, the City has found it necessary to rehabilitate the grit screw conveyor and bar screens located in the Headworks Building; and

WHEREAS, the County, acting under authority of Revised Code Section 6117.01 et. seq., and Massillon, acting pursuant to Article XVIII of the Ohio Constitution, are fully authorized to enter into this Agreement; and

WHEREAS, the same terms used herein have the definitions as described in the "Basic Agreement";

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, and of other good and valuable considerations, the County and Massillon do hereby agree to amend the Basic Agreement as follows:

Section 1.0

1.01 The bar screen and grit screw replacement project includes demolition of existing bar screens and electrical components and the installation of two (2) new screens; two (2) panels; and one (1) conveyor along with associated electrical and concrete work. The grit screw replacement portion of the project shall consist of demolition of existing electrical; two (2) screw conveyors; installation of two (2) new screw conveyors and associated electrical, all of which were constructed in 1975 and require rehabilitation.

The estimated project cost for this project including construction and construction administration is \$666,638.00.

1.02 As established in the "Basic Agreement," the County shall pay a share of 50% as invoiced monthly by the City during the course of construction of the bar screen and grit screw replacement project. Said share amounts to \$333,319.00 based on estimated project costs.

- 1.03 Upon completion of the project by Massillon, the City shall provide the County with final costs and the County's share shall be adjusted accordingly.

Except as amended hereby, the Basic Agreement is hereby confirmed in all other respects.

IN WITNESS WHEREOF, the County and Massillon have caused this Tenth Supplemental Agreement to be executed by their respective officers thereunto duly authorized and the Agreement shall be in effect as of the day and year first above written.

APPROVED AS TO FORM:

BOARD OF COMMISSIONERS
STARK COUNTY:

Assistant Prosecuting Attorney
Stark County

Commissioner Dr. Peter Ferguson

Commissioner Janet Weir Creighton

Commissioner Thomas M. Bernabei

APPROVED AS TO FORM:

CITY OF MASSILLON:

Massillon Law Director

Mayor

Director of Public Service & Safety

DATE: MAY 2, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.65 – 2011

passed

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Park & Rec. Community Park Fund and the Park & Rec. 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 Park & Rec. Community Park Fund, for the year ending December 31, 2011 the following:

\$9,403.23 to an account entitled "Park Equipment" 1434.505.2530

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Park & Rec. Fund, for the year ending December 31, 2011 the following:

\$1,846.77 to an account entitled "Park Equipment" 1234.505.2530

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 _____ 2011

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR