

## AGENDA

DATE: JUNE 3, 1996  
TIME: 7:30 P.M.  
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN GLENN GAMBER
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

A). MR. EVAN HANNON TO SPEAK REGARDING NEIGHBORHOOD AWARENESS AND IMPROVEMENTS.

### 6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

#### ORDINANCE NO. 102 - 1996

BY: STREETS, HIGHWAY, TRAFFIC & SAFETY COMM.

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve a Change Order No. 2, on the Lincoln Way Rehab Project Phase II, without competitive bidding, with Superior Paving & Materials Inc., of Canton, Ohio, and declaring an emergency.

#### ORDINANCE NO. 103 - 1996

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT of Ordinance No. 94 - 1994 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

#### ORDINANCE NO. 104 - 1996

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Towne Plaza Fund UDAG B-81-AB-39-0097, Capital Improvement Fund, Solid Waste Fund, Parking Meter Fund, and the Enforcement and Education Fund, of the City of Massillon, Ohio, for the year ending December 31, 1996, and declaring an emergency.

#### RESOLUTION NO. 14 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on May 9, 1996, wherein the Zoning Board of Appeals denied a certain variance as relates to property owned by Mr. John Hurst and known as Lot No. 9901 located at 1141 Tremont S.W., in the City of Massillon, Ohio, and declaring an emergency.

#### RESOLUTION NO. 15 - 1996

BY: COMMITTEE OF THE WHOLE

A RESOLUTION opposing the proposed River Oaks Housing Development on the west side of Massillon, for which Picerne Development has applied for low-income housing tax credits, and declaring an emergency.

### 7. UNFINISHED BUSINESS

### 8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO DEPARTMENT OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM CLARENCE O. CALHOUN DBA BIMBOS PLACE, 223 11TH STREET N.E. & BASEMENT, MASSILLON, OHIO, 44646, TO JEFFREY A. MATHES DBA CHAMPS, 221 11TH STREET N.E. & BASEMENT MASSILLON, OHIO, 44646

### 9. BILLS, ACCOUNTS AND CLAIMS

### 10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MAY 1996  
B). AUDITOR SUBMITS MONTHLY REPORT FOR MAY 1996

### 11. REPORTS OF COMMITTEES

### 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

### 13. CALL OF THE CALENDAR

ORDINANCE NO. 63 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing and directing the Mayor of the City of Massillon, to enter into a loan agreement with Sandra Eberhart, Kim Himmel and Apple Jax Cafe, Inc. under the City of Massillon's Economic Development Revolving Loan Fund, for the purchase of restaurant equipment at 49 Lincoln Way East, in the City of Massillon, Ohio, and declaring an emergency.

JUNE 3, 1996

ORDINANCE NO. 64 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing and directing the Mayor of the City of Massillon, to enter into a loan agreement with Cunningham Services, Inc. under the City of Massillon's Economic Development Revolving Loan Fund, for the purchase of machinery and equipment related to the business at 318 Erie Street South, in the City of Massillon, Ohio, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 85 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE accepting the Final Plat for St. Andrews Golf Estates No. 2, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 91 - 1996

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE vacating a certain public alley, and declaring an emergency.

ORDINANCE NO. 94 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from Perry Township to Massillon Zoning, and declaring an emergency.

ORDINANCE NO. 95 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from B-3 General Business to R-1 Single Family Residential, and declaring an emergency.

ORDINANCE NO. 97 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing and directing the Mayor of the City of Massillon to enter into a contract agreement with the consulting firm of Planning Resources, Inc., for the preparation of a Master Land Use Plan for the northwest portion of the downtown area, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

SHARON HOWELL  
COUNCIL CLERK

THERE ARE NO PUBLIC HEARINGS SCHEDULED FOR THIS EVENING

DATE: June 3, 1996

CLERK: SHARON HOWELL

*passed*  
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 102 - 1996

BY: STREETS, HIGHWAY, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve a Change Order No. 2, on the Lincoln Way Rehab Project Phase II, without competitive bidding, with Superior Paving & Materials Inc., of Canton, Ohio, 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 for the Director of Public Service and Safety of the City of Massillon, Ohio, to approve a Change Order No. 2, on the Lincoln Way Rehab Project Phase II, without competitive bidding, with Superior Paving & Materials Inc., of Canton, Ohio.

Section 2:

The Director of Public Service and Safety be and is hereby authorized to approve a Change Order No. 2, on the Lincoln Way Rehab Project Phase II, without competitive bidding, with Superior Paving & Materials Inc., of Canton, Ohio.

Section 3:

That upon the completion of said services the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for such services and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 4:

That this ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the further reason that said services are necessary for the completion of the Lincoln Way Rehab Project that is currently under way. 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 \_\_\_\_\_ 1996

PROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: June 3, 1996

CLERK: SHARON HOWELL

*passed*  
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 103 - 1996

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT of Ordinance No. 94 - 1994 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT of Ordinance No. 94 - 1994 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT of Ordinance No. 94 - 1994 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT "A" PAGE 9; AND INSERT IN THE SALARY ORDINANCE 94 - 1994)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary so that the Parks and Recreation Department may employ staffing necessary to operate the department. 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 \_\_\_\_\_, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

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

FRANCIS H. CICCINELLI, JR., MAYOR

| CLASS                                    | DEPARTMENT & | GRADE         | SCHEDULE | TITLE DESCRIPTION                       | BASE RATE EFFECTIVE SCHEDULE                 |
|------------------------------------------|--------------|---------------|----------|-----------------------------------------|----------------------------------------------|
| CON'T COMMUNITY DEVELOPMENT/PLANNING 845 |              |               |          |                                         |                                              |
| PART TIME/TEMPORARY/SEASONAL             |              |               |          |                                         |                                              |
|                                          | UN           |               |          | Cook Helper/Youth Center                | March 21, 1994                               |
|                                          | UN           |               |          | TYPE Coordinator                        | March 20, 1995                               |
|                                          | UN           |               |          | TYPE Counselor                          | March 18, 1996                               |
|                                          | UN           |               |          | TYPE Teachers                           |                                              |
|                                          | UN           |               |          |                                         | \$ 5.00 Per Hr \$ 5.15 Per Hr \$ 5.33 Per Hr |
|                                          | UN           |               |          |                                         | \$ 5.99 Per Hr \$ 6.17 Per Hr \$ 6.39 Per Hr |
|                                          | UN           |               |          |                                         | \$ 5.14 Per Hr \$ 5.29 Per Hr \$ 5.48 Per Hr |
|                                          | UN           |               |          |                                         | \$13.70 Per Hr \$14.11 Per Hr \$14.60 Per Hr |
|                                          |              |               |          |                                         | March 21, 1994                               |
|                                          |              |               |          |                                         | March 20, 1995                               |
|                                          |              |               |          |                                         | March 18, 1996                               |
| GOLF COURSE DEPARTMENT 920               |              |               |          |                                         |                                              |
|                                          | SU UN        | 18S           |          | Golf Course Superintendent              | March 21, 1994                               |
|                                          | UN           | 12S           |          | Greenskeeper I                          |                                              |
|                                          | UN           | 8S            |          | Greenskeeper II                         |                                              |
|                                          | UN           | 3S            |          | Secretary/Bookkeeper                    | April 1, 1996                                |
| PART TIME/TEMPORARY/SEASONAL             |              |               |          |                                         |                                              |
|                                          | UN           |               |          | Laborer I                               | FIRST SEASON                                 |
|                                          | UN           |               |          | Laborer II                              | SECOND SEASON                                |
|                                          | UN           |               |          | Laborer III                             | THIRD SEASON                                 |
|                                          | UN           |               |          | Starter/Rangers                         | EMPL & BEYOND                                |
|                                          | UN           |               |          | Golf Cart personnel                     |                                              |
|                                          | UN           |               |          | Customer Service Representative         |                                              |
|                                          | UN           |               |          | Customer Service Operations Coordinator |                                              |
| PARKS AND RECREATION DEPARTMENT 510      |              |               |          |                                         |                                              |
|                                          | UN           | 26S-30S SU UN |          | Parks and Recreation Director           | January 1, 1996                              |
|                                          | UN           | 26S           |          | Acting Parks and Recreation Director    |                                              |
|                                          | UN           | 24S           |          | Park Superintendent                     | April 15, 1996                               |
|                                          | UN           | 24S           |          | Recreation Superintendent               | "                                            |
|                                          | UN           | 12S           |          | *Office Manager                         | June 9, 1996                                 |
|                                          | UN           | 7S            |          | Data Entry Clerk                        | April 15, 1996                               |
| PART TIME/TEMPORARY/SEASONAL             |              |               |          |                                         |                                              |
|                                          | UN           | 6S            |          | Data Entry Clerk                        | March 20, 1995                               |
|                                          | UN           | 14S           |          | Recreation Coordinator                  | March 18, 1996                               |
|                                          |              |               |          | Sports Coordinator                      |                                              |
|                                          | UN           |               |          | Laborer-1                               | 1st YEAR                                     |
|                                          | UN           |               |          | Laborer-2                               | 2nd YEAR                                     |
|                                          | UN           |               |          | Laborer-3                               | 3rd YEAR                                     |
|                                          | UN           |               |          | Laborer-4                               | 4th YEAR & BEYOND                            |
|                                          | UN           |               |          | Laborer-5                               |                                              |
|                                          | UN           |               |          | Laborer-6                               |                                              |

DATE: June 3, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 104 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Towne Plaza Fund UDAG B-81-AB-39-0097, Capital Improvement Fund, Solid Waste Fund, Parking Meter Fund, and the Enforcement and Education Fund, of the City of Massillon, Ohio, for the year ending December 31, 1996, 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 Towne Plaza Fund UDAFG B-81-AB-39-0097 of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 31,325.00 to an account entitled "Downtown Master Land Use Plan"  
1217.840.2590

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 10,000.00 to an account entitled "Bridges" 1401.405.2511  
\$ 6,700.00 to an account entitled "Police Base Unit" 1401.305.2531  
\$ 5,000.00 to an account entitled "Storm Sewers" 1401.405.2512

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 10,000.00 to an account entitled "Earth Return Disposal Fees" 2102.605.2490

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Parking Meter Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 2,000.00 to an account entitled "P.E.R.S." 1208.445.2230

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Enforcement and Education Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 463.21 to an account entitled "Safety Equipment" 1226.305.2530

Section 6:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the aforesaid departments of the City of Massillon, Ohio, 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 \_\_\_\_\_, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

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

FRANCIS H. CICCCHINELLI, JR., MAYOR

DATE: June 3, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 14 - 1996

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on May 9, 1996, wherein the Zoning Board of Appeals denied a certain variance as relates to property owned by Mr. John Hurst and known as Lot No. 9901 located at 1141 Tremont S.W., in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on May 9, 1996, denied a variance to erect a six foot chain link fence on Tremont Street S.W. and 12th Street S.W. and which property is owned by Mr. John Hurst.

WHEREAS, on May 16, 1996, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code has been filed with the Clerk of Council by Mr. John Hurst, owner of property known as Lot No. 9901 located at 1141 Tremont S.W., in the City of Massillon, Ohio, appealing a decision in Case No. 788 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest of proper community growth and welfare of the community to reverse the decision of the Massillon Zoning Board of Appeals made on May 9, 1996, in regards to the property owned by Mr. John Hurst.

Section 2:

That this Resolution is declared to be an emergency measure in that the reversal of the decision of the Massillon Zoning Board of Appeals is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

PPROVED:

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: June 3, 1996

CLERK: SHARON HOWELL

*passed*  
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 15 - 1996

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION opposing the proposed River Oaks Housing Development on the west side of Massillon, for which Picerne Development has applied for low-income housing tax credits, and declaring an emergency.

WHEREAS, in May 1996 Picerne Development announced plans to build 128 unit development south of Lincoln Way between Noble Avenue and 32nd Street and has applied for a low-income housing tax credits through the Ohio Housing Finance Agency;

WHEREAS, the residents surrounding this area are concerned over the effects of the congestion this will create;

WHEREAS, Mayor Francis H. Cicchinelli and the Council of the City of Massillon are in agreement that this project goes against the current trend regarding low-income housing.

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

Section 1:

The Mayor and the Council of the City of Massillon do hereby strongly oppose the proposed River Oaks Housing Development on the west side of Massillon, for which Picerne Development has applied for low-income housing tax credit,

Section 2:

The Clerk of Council be and she is hereby directed to forward a certified copy of this Resolution to Governor George V. Voinovich, U.S. Congressman Ralph Regula, U.S. Senators John Glenn and Mike Dewine, State Senator Scott Oelslager, and State Representatives Kirk Schuring and Johnnie Maier.

Section 3:

It is found and determined 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 any of its committees or subcommittees 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.

ction 4:

This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that Council deems it necessary to oppose this area for such a large low-income project. Therefore, this Resolution shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICCCHINELLI, JR., MAYOR