

A G E N D A

DATE: APRIL 21, 1997
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

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

A). MR. RICK ANNEN FROM THE MASSILLON FIRE FIGHTERS REGARDING CONTRACT

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 86 - 1997 BY: SEWER AND WASTE DISPOSAL COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Supplemental Sewer Service Agreement No. 8, with the Stark County Ohio Board of Commissioners, and declaring an emergency.

ORDINANCE NO. 87 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE authorizing and directing the Mayor and Director of Public Service and Safety to enter into a contract agreement with Perry J. Ricciardi, P.E. for engineering design services for Lincoln Way West culvert Project in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 88 - 1997 BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE amending CHAPTER 373 "BICYCLE AND MOTORCYCLES" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 373.13 through 373.22 of CHAPTER 373 "BICYCLE AND MOTORCYCLES" and enacting new Sections 373.13 through 373.22 of CHAPTER 373 "BICYCLES AND MOTORCYCLES", and declaring an emergency.

ORDINANCE NO. 89 - 1997 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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

ORDINANCE NO. 90 - 1997 BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Municipal Golf Course Fund, Indigent Driver Alcohol Treatment Fund, UDAG B-81-AB-39-0097 Towne Plaza Fund, General Fund, Special Assessment Bond Retirement Fund and the Ornamental Street Lights Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

ORDINANCE NO. 91 - 1997 BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Safety and Service of the City of Massillon, Ohio, to enter into a contract agreement with the F.O.P. Henderson Lodge #105, that shall be in effect from January 1, 1997 through December 31, 1999, and declaring an emergency.

ORDINANCE NO. 92 - 1997 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Richville Drive-Nave Street Area Annexation, upon Annexation, and declaring an emergency.

ORDINANCE NO. 93 - 1997 BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 1997 appropriation from the General fund to the Local Law Block Grant Fund of the City of Massillon, Ohio, and declaring an emergency.

- A. UNFINISHED BUSINESS
- B. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO MUNICIPAL LEAGUE REGARDING IN-TERM INCREASES IN COMPENSATION AND AN OHIO ETHICS COMMISSION INFORMATION SHEET

9. BILLS, ACCOUNTS AND CLAIMS

APRIL 21, 1997

10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY REPORT FOR MARCH 1997
- B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 1997
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH 1997
- D). MAYOR PRESENTS PROPOSED MASSILLON-PERRY COMMUNITY PLANNING DISTRICT AGREEMENT.

3:30 Community Development
6:00 Parks & Rec.
6:30 Public

- 11. REPORTS OF COMMITTEES
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
- 13. CALL OF THE CALENDAR

ORDINANCE NO. 55 - 1997

BY: PARKS AND RECREATION COMMITTEE

P
Amended
AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 961.11 "ADVERTISING PROHIBITED" of said CHAPTER 961 "PARKS" and enacting a new Section 961.11 "ADVERTISING PROHIBITED" of said CHAPTER 961, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 54 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
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 - 1997

BY: PARKS AND RECREATION COMMITTEE

P
Amended
AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by the addition of Section 961.21 "COMMERCIAL ENTERPRISE" of said CHAPTER 961 "PARKS", and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 75 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

2nd
Public Hg. 5/11
7:00
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to A-1 Agricultural, and declaring an emergency.

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

THERE ARE NO PUBLIC HEARINGS THIS EVENING

SHARON HOWELL
CLERK OF COUNCIL

DATE: April 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 86 - 1997

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Supplemental Sewer Service Agreement No. 8, with the Stark County Ohio Board of Commissioners, and declaring an emergency.

WHEREAS, the City of Massillon and Stark County entered into a sewer service agreement on November 19, 1981, the First Supplemental Agreement on May 11, 1983, the Second Supplemental on October 4, 1984, the Third Supplemental on April 4, 1990, the Fourth Supplemental on October 29, 1993, the Fifth Supplemental on August 7, 1995, the Sixth Supplemental on April 15, 1996 and the Seventh Supplemental on December 18, 1996 said Agreements referred to as the Basic Agreement; and

WHEREAS, from time to time it is necessary to evaluate and review the Agreement of November 19, 1981, for the purpose of modifying its provisions if required and it has been determined that a Supplemental Agreement is necessary for that purpose; 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 Agreement of November 19, 1981:

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

Section 1:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, are hereby authorized to enter into a Supplemental Sewer Service Agreement No. 8, with the Stark County Ohio Board of Commissioners, and declaring an emergency.

Section 2:

A copy of said Supplemental Agreement No. 8 is attached hereto.

Section 3:

This ordinance is hereby declared to be an emergency measure immediately necessary to enter into this Supplemental Agreement so that the cost shall shared between Stark County and the City for the West Massillon Trunk Sewer Project, and for 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 _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

Agreement

Stark County Commissioners

With City of Massillon

Dated

Distribution:

Journal
Auditor
M. Armogida
Massillon
Squire, Sanders, Dempsey
file

Subject MASSILLON-STARK COUNTY SEWER SERVICE AGREEMENT
SUPPLEMENTAL NO. 8

THIS SUPPLEMENTAL AGREEMENT made and entered into this ____ day of _____, 1997, 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 _____, 1997, 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 _____, 1997, witnesseth:

WHEREAS, the City of Massillon and Stark County entered into a sewer service agreement on November 19, 1981, the First Supplemental Agreement on May 11, 1983, the Second Supplemental on October 4, 1984, the Third Supplemental on April 4, 1990, the Fourth Supplemental on October 29, 1993, the Fifth Supplemental on November 30, 1995, the Sixth Supplemental on June 25, 1996, and the Seventh Supplemental on October 8, 1996, said Agreements referred to as the Basic Agreement; and

WHEREAS, the City has found it necessary to rehabilitate two primary clarifiers and replace components of the sludge pump building number 2 and modify the plant's disinfection and dechlorination processes; and

WHEREAS, the City and the County desire to update the joint sewerage system facilities plan which was initially commissioned in the mid 1970's and as part of the plan update, a number of points in the joint system will be metered to determine amounts of infiltration/inflow so that information can be utilized in evaluating solutions to system surcharging problems; 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 Primary Clarifier and Disinfection Improvements project includes the replacement of Primary Clarifier 7 and 8 equipment, selected valves, outdoor lighting, walkway and handrail, Primary Sludge Building No. 2 pumps, selected valves, piping and roof, including electrical, heating and ventilation work, all of which were constructed in 1962 and require rehabilitation. Gaseous chlorine will be replaced with liquid chlorine through construction of a Disinfection/Dechlorination metal building, storage tanks, metering pumps, secondary containment, chlorine contact tank modifications including electrical, heating, and ventilation work.

The estimated project cost for this project including engineering and construction is \$975,000.00.

- 1.02 The Massillon-Stark County, Ohio Regional Sewerage System Facilities Plan update project includes sanitary sewer flow monitoring of up to twenty-five (25) locations in the City and County systems for a period of 120 days to determine dry weather and wet weather flows due to infiltration and inflow (I/I) and the updating of the 1976 Facilities Plan to provide the planning necessary to determine wastewater treatment plant and trunk sewer system capacity needs for Massillon and Stark County for the next twenty (20) years.

AGREEMENT WITH THE CITY OF MASSILLON
SUPPLEMENTAL NO. 8

The estimated cost of sewer system flow monitoring, I/I analyses, and the Facility Plan Update is \$150,000.00.

- 1.03 Based on computed cost sharing information included in Section 1.03 of the Fourth Supplemental Agreement, the County shall pay a share of 51% as invoiced monthly by the City during the course of construction of the wastewater treatment plant improvements and the implementation of the Facilities Plan Update project. Said share amounts to \$573,750.00 based on estimated project costs.
- 1.04 Upon completion of the projects 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.

This Agreement includes the exhibits attached hereto, all of which are fully a part of this Agreement as if herein fully set forth in writing.

IN WITNESS WHEREOF, the County and Massillon have caused this Eighth 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

Approved as to Form:

CITY OF MASSILLON:

Massillon Law Director

Mayor

Director of Public Service and Safety

DATE: April 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 87 - 1997

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and Director of Public Service and Safety to enter into a contract agreement with Perry J. Ricciardi, P.E. for engineering design services for Lincoln Way West Culvert Project 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 Mayor and Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with Perry J. Ricciardi, P.E. for engineering design services for Lincoln Way West Culvert Project in the City of Massillon. Cost to the City shall not exceed Nineteen Thousand Dollars (\$19,000.00) for said services.

Section 2:

That 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 additional reason that it is necessary that the City of Massillon enter into this agreement to complete the Lincoln Way West Culvert 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 _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 88 - 1997

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 373 "BICYCLE AND MOTORCYCLES" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 373.13 through 373.22 of CHAPTER 373 "BICYCLE AND MOTORCYCLES" and enacting new Sections 373.13 through 373.22 of CHAPTER 373 "BICYCLES AND MOTORCYCLES", and declaring an emergency.

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

Section 1:

Existing Sections 373.13 through 373.22 of CHAPTER 373 "BICYCLES AND MOTORCYCLES" of the Codified Ordinances of the City of Massillon are hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 373.13 through 373.22 of CHAPTER 373 "BICYCLES AND MOTORCYCLES" of the Codified Ordinances of the City of Massillon and which shall read as follows:

(SEE ATTACHED)

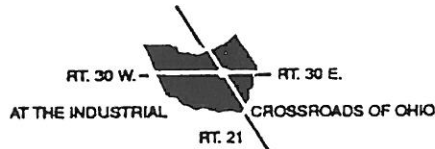
Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that the new Sections 373.13 through 373.22 of the Codified Ordinances of the City of Massillon are needed to make the licensing of bicycles in the City more feasible and convenient, and for the additional reason 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 _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR



Francis H. Cicchinelli, Jr.
Mayor

**THE CITY OF MASSILLON, OHIO
POLICE DEPARTMENT**

Mark D. Weldon
Chief of Police

Proposed Bicycle Licensing Program

Submitted by Chief Mark Weldon
April 10th, 1997

In the last two years the Massillon Police Department has seen a dramatic increase in the number of recovered bicycles for which no owner can be located. These bicycles can only be disposed of at the annual public auction, which creates a major administrative burden. In previous years we auctioned 40 to 60 bikes. Last year the number was 140, and this year we expect the number to be in excess of 160. We do not have enough buyers at the auction for all these bikes. Having this many bikes also creates a major storage problem.

We also have a tremendous number of bicycles stolen every year, and in most cases the owner does not have the necessary information to positively identify the stolen bike.

To try to alleviate both problems, I am proposing to revamp and revitalize our system for registering and licensing bicycles. Most people are unaware that Massillon City Ordinances require bicycles to be licensed. This has been the law since the 1950's. It is a law that has not been enforced as long as I have been a member of the department. The procedure is inconvenient for citizens, and the license plate itself is not suitable for modern bikes.

My proposal involves the following major components:

1. Replace the current metal license plate with a metallic foil license sticker.
2. Make the registration and licensing process available through bicycle retailers. Ernie's, Hill's and K-Mart have agreed to participate. This will be more convenient for citizens due the stores having longer business hours than City Hall.
3. Increase the license fee from \$.50 to \$2.00. Retailers will be permitted to keep \$.50 for each license they sell.
4. Education and active enforcement of the licensing ordinance to increase compliance.

ORDINANCE CHANGES

The revamping of the registration and licensing will require making changes to Chapter 373 of the Codified Ordinances of the City of Massillon. The current version of the ordinances that follow should be repealed and replaced with the language contained here.

373.13 Information Required; Minors

Every owner of a bicycle having a wheel diameter of twenty (20) inches or greater shall register with the Chief of Police his or her name, address, phone number, the name of the manufacturer, model name or number, serial number, style, color(s) and general description. In the event the owner of the bicycle is a minor under the age of eighteen years, then the parent or guardian or the person having the care of such minor shall make such registration on behalf of the minor."

373.14 Registration Forms & Stickers; Agents; Display

(a) The Chief of Police shall provide sequentially numbered registration stickers suitable for affixing to the frame of a bicycle, and forms for the recording and registration of the sticker number and information required under Ordinance 373.13.

(b) Any person or company engaged in the business of selling bicycles at retail within the City of Massillon may be authorized to act as an agent for the purpose of registering and licensing bicycles. Such agents shall comply with licensing and registration procedures as established by the Chief of Police. An agent shall be entitled to retain fifty cents (\$.50) of the licensing fee for each bicycle licensed and registered.

(c) Any resident of the City of Massillon acquiring ownership of a bicycle having a wheel diameter of twenty (20) inches or greater shall register the bicycle pursuant to this chapter within five (5) days of the date of acquisition. For bicycles having a wheel diameter of less than twenty (20) inches registration is optional.

(d) Upon completion of the registration form and payment of the registration fee, the owner shall receive a numbered registration sticker and copy of the registration form. The numbered registration sticker shall be affixed to the bicycle frame in a conspicuous place.

373.15 Sale and Transfer

It shall be the duty of any person who sells or transfers ownership of any bicycle to report such sale or transfer to the Massillon Police Department. It shall be the duty of the purchaser or transferee of such bicycle to register the bicycle and obtain a registration sticker pursuant to Ordinance 373.14(a).

373.16 Dismantling Bicycles

Any person who dismantles, reduces to junk or takes out of operation any bicycle bearing a registration sticker issued by the City of Massillon shall report the same to the Massillon Police Department.

373.17 Tampering With Numbers On Bicycle

(a) No person shall purposely or knowingly remove, destroy, mutilate or alter the numbers on any bicycle frame.

(b) No person shall purposely or knowingly remove destroy, mutilate or alter any registration sticker or license tag or make any facsimile of a license tag or registration sticker. This section does not apply to the legal owner of the bicycle or licensing agent who has removed the sticker of a previous owner pursuant to re-registering the bicycle.

373.18 Loss of Registration Sticker

In case of the loss or destruction of a registration sticker, the registered owner shall obtain a replacement sticker upon satisfactory proof of the loss or destruction to the Massillon Police Department. Replacement registration stickers may only be obtained at the Massillon Police Department.

373.19 Fees

The fee for the registration and licensing of each bicycle shall be two dollars (\$2.00) and shall be paid to the Massillon Police Department or designated retail agent at the time of registration. The fee for a registration sticker to replace one lost or destroyed pursuant to Ordinance 373.18 shall be one dollar (\$1.00).

373.20 Inspection

No bicycle may be registered or licensed unless it is physically presented to and inspected by an officer of the Massillon Police Department or the person issuing the registration sticker. Registration may be denied if the bicycle is found not to be in safe operating condition.

373.22 Impounding

If the operator of any bicycle violates any of the provisions of this chapter, such bicycle may be immediately taken and impounded by the Massillon Police Department for a period to be determined by the Chief of Police or an officer appointed by him, but not to exceed ten (10) days. If any bicycle is found unattended, the Police Department shall take possession of such bicycle and hold it until ownership can be established. Bicycles for which no owner can be found shall be disposed of in accordance with the law.

DATE: April 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 89 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-1 Single Family Residential to I-1 Light Industrial, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-1 Single Family Residential to I-1 Light Industrial. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on April 9th, 1997 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and hereby is amended to show the following described area as I-1 Light Industrial.

Being known as Out Lot No. 524, a 4.98 acre vacant parcel of land located on the southeast corner of the intersection of 17th Street S.W. and Finefrock Road S.W. (State Route 241)

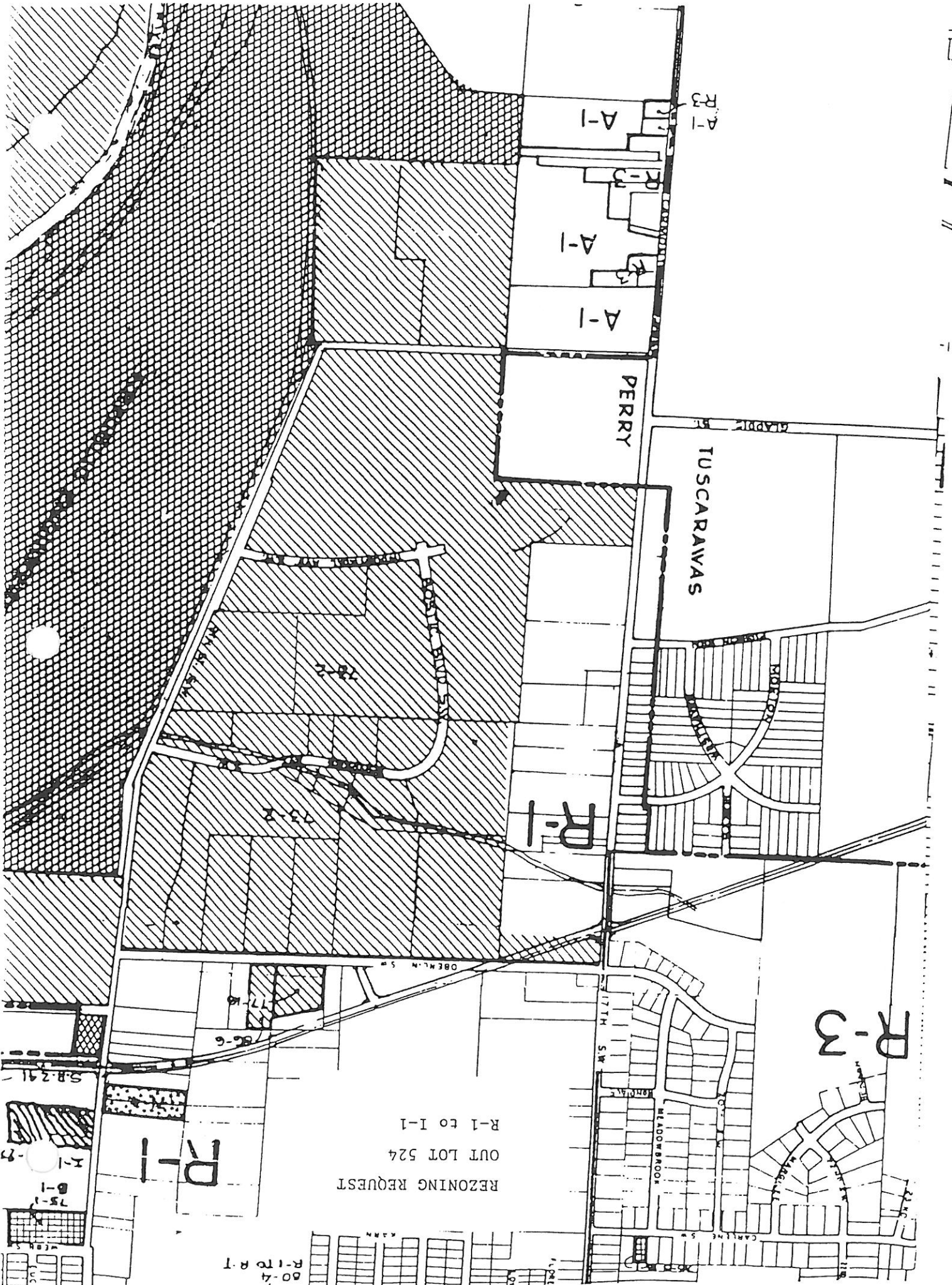
Section 3:

That this Ordinance is declared to be an emergency measure in that the owner desires to construct a new shop building and warehouse on this property and hence immediately necessary for the preservation of the 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 _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR



REZONING REQUEST
OUT LOT 524
R-1 to I-1

R-1

R-1

R-3

PERRY

TUSCARAWAS

A-1

A-1

A-1

17TH SW

BLADDER BROOK

WINDY HILL

CARLINE SW

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DATE: April 21 , 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 90 - 1997

BY: THE FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Law Enforcement Block Grant Fund, Capital Improvement Fund, Municipal Golf Course Fund, Indigent Driver Alcohol Treatment Fund, UDAG B-81-AB-39-0097 Towne Plaza Fund, General Fund, Special Assessment Bond Retirement Fund and the Ornamental Street Lights Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, 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 Law Enforcement Block Grant Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 28,164.40 to an account entitled "New Equipment-Computers" 1231.305.2510

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, 1997, the following:

\$ 10,000.00 to an account entitled "Engineering Department Upgrade" 1401.405.2531

\$ 5,440.00 to an account entitled "Poles Painting Project" 1401.435.2513

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Municipal Golf Course Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 9,113.00 to an account entitled "18 Hole Municipal Golf Course" 1432.920.2510

\$ 4,600.00 to an account entitled "18 Hole Municipal Golf Course" 1432.920.2510

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Indigent Driver Alcohol Treatment Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 6,505.00 to an account entitled "Indigent Drivers Alcohol Treatment" 1225.125.2392

Section 5:

There be and hereby is appropriated from the unappropriated balance of the UDAG B-81-AB-39-0097 Towne Plaza Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 4,100.00 to an account entitled "6th Street N.W. Extension: 1217.840.2593

Section 6:

There be and hereby is appropriated from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 3,820.00 to an account entitled "Operating Supplies" 1100.305.2420

\$ 2,560.40 to an account entitled "Transfer to" 1100.905.2710

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Special Assessment Bond Retirement Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 281.00 to an account entitled "Fees" 1502.935.2382

Section 8:

There be and hereby is appropriated from the unappropriated balance of the Ornamental Street Lights Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 12.00 to an account entitled "Fees" 1416.905.2382

Section 9:

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 efficient operation of the various departments, 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 _____ 1997

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DAVID A. SMITH, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 21, 1997 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 91 - 1997

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Safety and Service of the City of Massillon, Ohio, to enter into a contract agreement with the F.O.P. Henderson Lodge #105, that shall be in effect from January 1, 1997 through December 31, 1999, and declaring an emergency.

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

Section 1:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, be and are hereby authorized to enter into a contract agreement with the F.O.P. Henderson Lodge #105, that shall be in effect from January 1, 1997 until December 31, 1999.

Section 2:

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 additional reason that it is necessary that the contract with the F.O.P. Henderson Lodge #105 be executed immediately. Provided it receives the affirmative vote of two-thirds of the elected members of 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 _____ 1997

APPROVED: _____
SHARON K. HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 92 - 1997

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Richville Drive-Nave Street Area Annexation, upon annexation, and declaring an emergency.

WHEREAS, certain property owners have filed a petition requesting the Richville Drive-Nave Street Area Annexation to be annexed to the City of Massillon, Ohio, pursuant to the Ohio Revised Code Section 709.02, and

WHEREAS, The Ohio Revised Code Section 709.031 (B) requires:

Upon receiving this notice, the Municipal Legislative Authority, hall by Ordinance or Resolution, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation,

and

WHEREAS, this Ordinance is intended to comply with the requirements of the Ohio Revised Code Section 709.031 (B), and

WHEREAS, the legislative authority of the City of Massillon, Ohio, is supportive of the annexation proposal, and

WHEREAS, the Stark County Commissioners have scheduled a public hearing, to be held in the Perry Township Hall, at 3111 Hilton Street N.W. on Wednesday, May 21, 1997 at 7:00 P.M.

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

Section 1:

The City of Massillon, Ohio, will extend to the proposed area, upon annexation, the availability of all municipal services extended to all of the current citizens, residents and property owners of the City of Massillon, Ohio, including, but not limited, to the services of the Municipal Police Department, services of the Municipal Fire Department, services of the Municipal Service Department, services of the Engineering Department, services of the Building Department, services of the Street Department, services of the Safety Department, services of the Planning Department, services of the Health Department, services of the Sewer Department and services of the City of Massillon Administration.

The City of Massillon, Ohio, will extend a trunkline sewer to the perimeter of the Nova East development at a location to be determined by the developer of the Nova East development at no cost to the developer of the Nova East development. The developer of the Nova East development shall consult with the City of Massillon, Ohio, Engineering Department to determine the location of the sewer to be most economical to the City of Massillon, Ohio, and to adequately serve the Nova East development. The final location of the point of intersection of the sewer with the perimeter of the Nova East development shall be communicated in writing by the developer of the Nova East development to the Massillon City Engineer no later than May 1, 1997. The City of Massillon, Ohio,

will use its expedited efforts to design the sewer extension and submit to the Ohio EPA, no later than May 31, 1997, the necessary information to secure the approval for construction of the sewer. Construction of the sewer will commence by the issuance to the sewer construction contractor of an authority to proceed notice no later than July 31, 1997.

The City of Massillon, Ohio, will extend "enterprise zone" classification to the development and provide a 75% abatement of real and personal property taxes for 10 years. The legislative authority of the City of Massillon, Ohio, will introduce legislation for the expansion of the enterprise zone and the tax abatement within thirty days following the acceptance of the annexation by the legislative authority of the City of Massillon, Ohio, said thirty days extended by the State of Ohio approval and notification process. It is the duty of the developer of the Nova East development to apply for the enterprise zone designation and the abatement.

The City of Massillon, Ohio, will use its best efforts to secure or assist the developer of the Nova East development and the owners of land within the Nova East development in securing grants, loans and development assistance (including infrastructure development) as available to the development.

The City of Massillon, Ohio, will install at no cost to the developer of the Nova East development street lighting on Richville Drive by August 1, 1997. The operational cost of underground-wired ornamental street lighting on all dedicated public streets within the Nova East development will be the responsibility of the City of Massillon.

The City of Massillon, Ohio, will assist in securing the approval of the Ohio Department of Transportation for an intersection of the Nova East development streets with Richville Drive.

The City of Massillon, Ohio, will approve a variance on the length and configuration of the streets within the Nova East development. Specifically, the length to the cul-de-sac and the block length requirements will be subject to variance.

The City of Massillon, Ohio, will designate the zoning in the Nova East development as "Light Industrial" as set forth in Chapter 1169 of the Codified Ordinances of the City of Massillon. The Nova East development shall retain the zoning classification as designated by Perry Township until rezoned by the City of Massillon, Ohio. If the Nova East development is zoned any classification other than Light Industrial under the Perry Township Zoning Code, the developer of the Nova East development shall submit a written rezoning request within thirty days following the acceptance of the annexation by the legislative authority of the City of Massillon, Ohio. The City of Massillon, Ohio, shall expedite the rezoning of the Nova East development in the shortest period allowed under law.

Section 2:

That this Ordinance is hereby adopted and shall be immediately effective. Further, this ordinance shall be considered as an official statement of the Council of the City of Massillon, Ohio.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 93 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1997 appropriation from the General Fund to the Local Law Block Grant Fund of 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:

There be and hereby is transferred from the 1997 appropriation from the General Fund to the Local Law Block Grant Fund.

\$ 2,560.40 FROM: "Transfer From" 1100.905.2710
TO: "Transfer In" 1231.305.1860

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to be transferred so that the City of Massillon may implement the terms of the Federal Block Grant Fund Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1997

APPROVED: SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____ FRANCIS H. CICCHINELLI, JR., MAYOR