

AGENDA

DATE: OCTOBER 5, 1998
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN BILL AMAN
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. 219 - 1998 BY: POLICE AND FIRE

P
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract agreement to participate in a county wide Juvenile Crime Enforcement Coalition (JCEF) in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 220 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

BC
354
P
AN ORDINANCE accepting the final Plat for Autumn Ridge Estates No. 1 in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 221 - 1998 BY: PARKS AND RECREATION COMMITTEE

P
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of approximately 14.5 acres of land being part of the North-West Quadrant of Section 24 in Tuscarawas Township currently owned by Gloria Marsh and said land shall be designated as park land, and declaring an emergency.

ORDINANCE NO. 222 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

GM
157
AN ORDINANCE vacating a certain public alley, and declaring an emergency.

ORDINANCE NO. 223 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

157
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 O-1 Office, and declaring an emergency.

ORDINANCE NO. 224 - 1998 BY: FINANCE COMMITTEE

P
AN ORDINANCE making certain transfers in the 1998 appropriation from within the General Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 225 - 1998 BY: FINANCE COMMITTEE

AC
P
AN ORDINANCE making certain appropriations from the unappropriated balance of the State Patrol Transfer Fund, Rt 21 Ramp Fund and Solid Waste Fund, of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency.

ORDINANCE NO. 226 - 1998 BY: FINANCE COMMITTEE

P
AN ORDINANCE authorizing the Safety-Service Director of the City of Massillon, to enter into a contract with Public Entities Pool of Ohio (PEP) and Love Insurance Agency for municipal general liability, public officials' liability, police professional liability, automobile insurance, property boile and machinery and dishonesty insurance coverages in the City of Massillon, and declaring an emergency.

ORD 227. - JOURNAL PROCEED - FINANCE COMMITTEE

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR SEPTEMBER 1998
- B). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 1998
- C). TREASURER SUBMITS MONTHLY REPORT FOR AUGUST - 1998

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

ORDINANCE NO. 171 - 1998 BY: HEALTH, WELFARE & BUILDING REGULATIONS

P
AN ORDINANCE amending CHAPTER 505 "ANIMALS AND FOWL" of the Codified ordinances of the City of Massillon, by repealing existing Section 505.11 "Hunting Prohibited" of CHAPTER 505 "ANIMALS AND FOWL" and enacting a new Section 505.11 "Hunting Prohibited" of CHAPTER 505 "ANIMALS AND FOWL", and declaring an emergency.

ORDINANCE NO. 172 - 1998 BY: HEALTH, WELFARE & BUILDING REGULATIONS

P
Amended
AN ORDINANCE amending CHAPTER 549 "WEAPONS AND EXPLOSIVES" of the Codified ordinances of the City of Massillon, by repealing existing Section 549.10 "Discharging Firearms" of CHAPTER 549 "WEAPONS AND EXPLOSIVES" and enacting a new Section 549.10 "Discharging Firearms" of CHAPTER 549 "WEAPONS AND EXPLOSIVES", and declaring an emergency.

ORDINANCE NO. 173 - 1998 BY: HEALTH, WELFARE & BUILDING REGULATIONS

P
AN ORDINANCE amending CHAPTER 557 "WEEDS AND TREES" of the Codified ordinances of the City of Massillon, by repealing existing Section 557.08 (a) "Cutting and Destroying Weeds Required" of CHAPTER 557 "WEEDS AND TREES" and enacting a new Section 557.08(a) "Cutting and Destroying Weeds Required" of CHAPTER 557 "WEEDS AND TREES", and declaring an emergency.

ORDINANCE NO. 174 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

P
AN ORDINANCE amending PART ELEVEN - PLANNING AND ZONING CODE - TITLE FIVE of the Codified Ordinances of the City of Massillon, by the addition of a new CHAPTER 1174 "A-2 GENERAL AGRICULTURAL DISTRICT" of PART ELEVEN - PLANNING AND ZONING CODE - TITLE FIVE, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 213 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

2nd
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from A-1 Agricultural to R-2 Single Family Residential, and declaring an emergency.

ORDINANCE NO. 214 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

2nd
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from RM-1 Multiple Family to B-2 Central business, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

A). MAYOR TO TALK ON CONCERT SERIES COMMITTEE

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

18. ADJOURNMENT

SHARON HOWELL
COUNCIL CLERK

THERE WILL BE A PUBLIC HEARING THIS EVENING REGARDING
ORDINANCE NO. 171, 172, 183 & 174 - 1998 AT 7:00 p.m.

DATE: October 5, 1998 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 219 - 1998

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract agreement to participate in a county wide Juvenile Crime Enforcement Coalition (JCEF) in the City of Massillon,, Ohio, and declaring an emergency.

NOW, THEREFORE, BE 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 and in the public interest for the Mayor to enter into a contract agreement to participate in a county wide Juvenile Crime Enforcement Coalition (JCEF) in the City of Massillon, Ohio.

Section 2:

That the Mayor is hereby authorized to enter into a contract agreement to participate in a county wide Juvenile Crime Enforcement Coalition (JCEF) in the City of Massillon, Ohio.

Section 3:

The cost of said contract shall be covered by block grant funds in the amount of Sixteen Thousand Five Hundred Eighty-One Dollars (\$16,581.00)

Section 4:

That this Ordinance is declared to be an emergency measure immediately necessary that the Mayor enter into the agreement so as to take advantage of the eligible Block Grant Funds. 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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: October 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 220 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat for Autumn Ridge Estates No. 1 in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The Final Plat for Autumn Ridge Estates No. 1 in the City of Massillon, Stark County, Ohio, presently on file in the Office of the City Engineer and designated as File No. 98PS29 be, and the same is approved and accepted and that the dedication to public use of the streets and alleys thereon shown, be, and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held August 12, 1998. The undertaking given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Autumn Ridge Estates No. 1 is as follows:

Being Known as part of Out Lot 502, a 4.773 acre parcel located on the east side of 29th Street N.W. This plat creates a total of 12 lots zoned R-2 Single Family Residential as well as dedicates portions of 29th Street N.W., Gordon Avenue N.W and Fire Bush Drive S.W.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said plat is urgently needed for the development of this area and for the proper community growth 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 _____, 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: October 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 221 - 1998

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of approximately 14.5 acres of land being part of the North-West Quadrant of Section 24 in Tuscarawas Township currently owned by Gloria Marsh and said land shall be designated as park land, and declaring an emergency.

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

Section 1:

The real property owned by Gloria Marsh, located on the North-West Quadrant of Section 24 in the Township of Tuscarawas, consisting of approximately 14.5 acres is needed for park land.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for One Hundred Fifty Two Thousand Two Hundred Fifty Dollars (\$152,250.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

That the City Auditor is hereby authorized to pay the purchase price of One Hundred Fifty Two Thousand Two Hundred Fifty Dollars (\$152,250.00) from the Park and Recreation Capital Improvement Fund.

Section 4:

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

Section 5:

That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that the acquisition of the real estate is necessary for further construction of the community park. 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 _____ 1998

APPROVED: SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

MILLERSBURG ROAD

Jenny Cir

Vonnie Dr.

Esken Ave.

KELLY ST

BENSON
BROS.
DEV.

BENSON
BROS DEV.

CARLENE AVE

MARGILEE

HARRIS

PARK
60 acres

MARSH
14.5 Acres

HORNBERGER

Frase
Approx 4.5 Acres

ST RT 241

MORTON AVE

PIGEON RUN

NOT TO SCALE

DATE: October 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 222 - 1998

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

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

WHEREAS, there has been filed with this Council by the owners of all of the lots and lands bounding and abutting upon the alley hereinafter described, a petition requesting that a portion thereafter described be vacated, and

WHEREAS, upon hearing, the Council hereby find that there is good cause for such vacation and that it will not be detrimental to the general interest of this community and that such vacation should be made.

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

Section 1:

A request to vacate a 10 foot wide alley lying between Erie Street South and 13th Street S.E. and running in a east/west direction between Chester Avenue S.E. and Forest Avenue S.E. specifically to vacate that portion of the alley located 445.5 feet easterly from Erie Street South to the southwest property line of Lot 7882 a distance of 50.1 feet easterly to the southeast property line of Lot No. 7882. This vacation plat is filed in the City Engineer's Office and was approved by the City Planning Commission on September 9, 1998. The said vacation is hereby approved, adopted and confirmed.

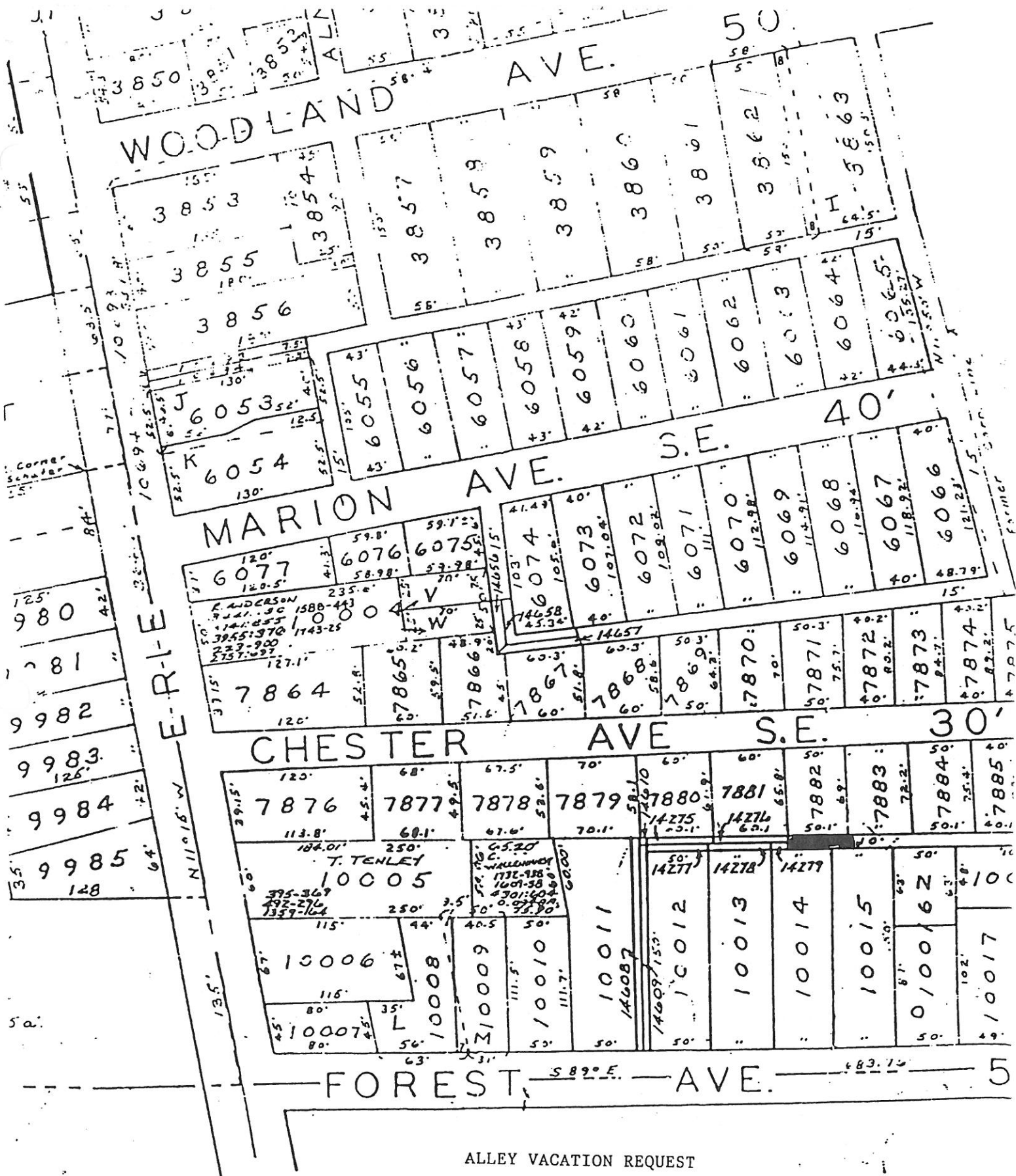
Section 2:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and for the reason that the alley is no longer needed for a municipal purpose 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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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



ALLEY VACATION REQUEST

DATE: October 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 223 - 1998

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 O-1 Office, 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 and O-1 Office. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on September 30th, 1998 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 is hereby amended to show the following described area as I-1 Light Industrial.

Being known as Part of Out Lot 767 (122.494 acres), Out Lot 768 (5.008 acres) and Out Lot 770 (6.198 acres) for a total parcel of 133.700 acres, located on the north side of Nave Road S.E.

Section 3:

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

Being known as Part of Out Lot 767 a total parcel of 4.618 acres, located on the north side of Nave Road S.E.

Section 4:

This ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated I-1 Light Industrial and O-1 Office. 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 _____ 1998

APPROVED: SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

SEC. 15



DATE: October 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 224- 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1998 appropriation from within the General 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 is hereby transferred from the 1998 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$ 35,000.00 FROM: "Law Director Clerks Salary" 1100.115.2111

\$ 26,000.00 FROM: "Health" 1100.115.2210

\$ 61,000.00 TO: "Clerk of Courts Clerks Salary" 1100.130.2111

\$158,000.00 FROM: "Workers Comp" 1100.905.2270

\$ 71,000.00 TO: "Police Salary" 1100.305.2110

\$ 37,000.00 TO: "Street Salary" 1100.435.2110

\$ 20,000.00 TO: "Fire Salary" 1100.325.2110

\$ 12,000.00 TO: "Auditor Clerks Salary" 1100.205.2111

\$ 7,000.00 TO: "Building Salary" 1100.410.2110

\$ 6,000.00 TO: "Health Salary" 1100.705.2110

\$ 4,900.00 TO: "S.C.O.G." 1100.905.2370

\$ 100.00 TO: "Health Medicare" 1100.705.2231

Section 2:

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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: October 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 226 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Safety-Service Director of the City of Massillon, to enter into a contract with Public Entities Pool of Ohio (PEP) and Love Insurance Agency for municipal general liability, public officials' liability, police professional liability, automobile insurance, property, boiler and machinery and dishonesty insurance coverages in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract with the Public Entities Pool of Ohio (PEP) and Love Insurance Agency for general liability, public officials' liability, police professional liability, automobile insurance, property, boiler and machinery and dishonesty insurance coverages for the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon be and hereby is authorized to enter into a contract with the Public Entities Pool of Ohio (PEP) and Love Insurance Agency for general liability, public officials' liability, police professional liability, automobile insurance, property, boiler and machinery and dishonesty insurance coverage for the City of Massillon, Ohio.

Section 3:

Upon delivery of the aforesaid agreement, 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 said agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

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 imperative that the City of Massillon has liability insurance coverage in immediate effect. 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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: October 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 227 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Massillon Mural Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, 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 Mural Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 16,895.00 to an account entitled "Mural Project" 3112.905.2370

Section 2:

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 in the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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