

## AGENDA

DATE: OCTOBER 18, 1999  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN WILLIAM POOLE
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. 203 - 1999      BY: HEALTH, WELFARE & BUILDING REGULATIONS COMM

1<sup>st</sup>  
JH  
AN ORDINANCE amending CHAPTER 1137 "CHANGES AND AMENDMENTS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" and enacting a new Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" of CHAPTER 1137 "CHANGES AND AMENDMENTS", and declaring an emergency.

ORDINANCE NO. 204 - 1999      BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

1<sup>st</sup>  
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-1 Single Family Residential to R-T Two Family Residential, and declaring an emergency.

ORDINANCE NO. 205 - 1999      BY: FINANCE COMMITTEE

P  
AN ORDINANCE making certain transfers in the 1999 appropriation from within the General Fund and the Street M & R Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 206 - 1999      BY: FINANCE COMMITTEE

P  
AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund and the Fire Damage Structure Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, and declaring an emergency.

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

- A). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER - 1999
- B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER - 1999
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER - 1999
- D). TREASURER SUBMITS MONTHLY REPORT FOR SEPTEMBER - 1999

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

13. CALL OF THE CALENDAR

ORDINANCE NO. 179 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*De Seated 3-5*  
**AN ORDINANCE** authorizing the Zoning Inspector of the City of Massillon, Ohio, to issue a conditional zoning certificate to MB Operating to drill a gas and oil well, which shall be known as the Morelli Unit 2D, on Part of Out Lot 555, located on the north side of Hankins Road between Wales Road and Valerie Avenue, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 191- 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

*Tabloid*  
**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from B-1 Neighborhood Business to ~~B-2 Central Business~~ *O-1 Office*, and declaring an emergency.  
*Public hearing - 11/1/99*

ORDINANCE NO. 192 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

*Tabloid*  
**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from Tuscarawas Township to Massillon Zoning, and declaring an emergency.  
*Public hearing - 11/1/99*

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 200 - 1999 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

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

ORDINANCE NO. 201 - 1999 BY: HEALTH, WELFARE & BUILDING REGULATIONS

*2nd*  
**AN ORDINANCE** amending CHAPTER 147 "BOARD OF CONTROL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 147.01 "Procedures for Determining the Lowest and Best Bids for the construction of Public Improvements", 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 HEARING THIS EVENING

DATE: October 18, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 203 - 1999

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1137 "CHANGES AND AMENDMENTS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" and enacting a new Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" of CHAPTER 1137 "CHANGES AND AMENDMENTS", and declaring an emergency.

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

Section 1:

The existing Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" of CHAPTER 1137 "CHANGES AND AMENDMENTS" of the Codified Ordinances of the City of Massillon are hereby repealed.

Section 2:

That there hereby is enacted new Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" of CHAPTER 1137 "CHANGES AND AMENDMENTS" of the Codified Ordinances of the City of Massillon. Said newly enacted Sections shall read as follows:

1137.02 DETAILS OF PROCEDURE

- (a) Applications for any change in the regulations, district boundaries, or classifications of property shall be made in the following manner:
  - (1) On the initiative of Council, which shall be by passage of a resolution that it is deemed advisable that the Planning Commission investigate and study the proposed change.
  - (3) On the initiative of any property owner in the City, which request shall be accompanied by:

- (A) A completed "Application for Zoning Change" form, which shall be provided by the Director of Community Development.
  - (B) A petition for zoning change signed by the owners of a majority of the properties lying within the area sought to be changed, and by the owners of a majority of all properties within **300** feet of any part of the area sought to be changed.
  - (C) A map or sketch of the area sought to be changed, and the location of such area in relation to the nearest street.
  - (D) A deposit of the fee required in Section 1137.03.
- (b) The application for zoning change petition and map shall be filed by the applicant with the Director of Community Development.
  - (c) When the Director of Community Development determines that all requirements have been satisfactorily completed and are correct, and the fee paid, he shall immediately forward the original application, petition and map to Council and forward copies of same to the Planning Commission.
  - (d) In the event the applicant is unable to obtain the signature of a majority of the property owners as required by subsection (a)(2)B, hereof, he may appear before the Planning Commission and request the Planning Commission to recommend such change to Council.
  - (e) The Planning Commission shall give due consideration to any and all such requests.
  - \* (f) Written notice of the Planning Commission hearing shall be mailed by the secretary of the Planning Commission, by first class mail at least twenty days (20) before the date of the public hearing to the owners of all properties lying within the area sought to be changed, and to the owners of all properties within 300 feet of any part of the area sought to be changed, to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, to the applicant, and to such others as may be specified.

#### 1137.03 APPLICATION FEES.

At the time an application for zoning change, petition, and map are filed as provided herein, the applicant shall deposit **Two Hundred Dollars (\$200.00)** with the Director of Community Development as a fee to cover investigation, legal notices and other related expenses incidental to the determination of such matter, such fee to be for one lot or part of one lot of record. An additional fee of ten dollars (\$10.00) shall be deposited for each additional lot of record or part of an additional lot of record which may be included in the request. Such additional lot of record or part of lot of record shall be adjacent to each other. Such sums so deposited shall be credited by the City Auditor to the General Fund.

1137.04 REFERENCE AND HEARING

- (a) Action by City Council shall be conducted after a report is submitted by the Planning Commission, and after a public hearing by Council, notice of the time and place of which shall be published by the Clerk of Council at least once in a newspaper of general circulation in the city not less than thirty days (30) prior to such hearing.
- (b) Written notice of the hearing shall be mailed by the Clerk of Council, by first class mail at least twenty days (20) before the date of the public hearing to the owners of all properties lying within the area sought to be changed, and to the owners of all properties within **300** feet of any part of the area sought to be changed, to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, to the applicant, the secretary of the Planning Commission, and to such others as may be specified.
- (c) During such thirty (30) days, the application, map and other documents relating to such proposed change in zoning, including the recommendation and documents submitted by the Planning Commission, shall be on file for public examination in the office of the Director of Community Development.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Planning Commission and City Council regarding rezoning requests to the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And 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 \_\_\_\_\_, 1999

ATTEST: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DENNIS D. HARWIG, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: October 18, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 204 - 1999

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 R-T Two Family Residential, 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 R-T Two Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on September 8th, 1999 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 R-T Two Family Residential.

Known as Lot No. 15584, located on the east side of 24<sup>th</sup> Street S.E., south of Lincoln Way East. This request has been submitted by Dave Graber who wishes to purchase the property and construct a duplex on it.

Section 3:

That 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 R-T Two Family Residential. 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 \_\_\_\_\_ 1999

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

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: October 18, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 205 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1999 appropriation from within the General Fund and the Street M & R 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 1999 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$ 700.00 FROM: "Law Director P.E.R.S." 1100.115.2230  
\$ TO: "Domestic Violence P.E.R.S." 1100.116.2230  
\$ 115.00 FROM: "Workers Comp" 1100.905.2270  
\$ TO: "P.E.R.S. Summer Feeding" 1100.845.2230

Section 2:

There be and hereby is transferred from the 1999 appropriation from within the Street M & R Fund of the City of Massillon, Ohio, the following:

\$ 1,931.00 FROM: "Hospitalization" 1201.420.2210  
\$ 1,807.00 TO: "P.E.R.S. - Safety" 1201.420.2230  
\$ 124.00 TO: "P.E.R.S. - Street" 1201.435.2230

Section 3:

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 various departments in 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 \_\_\_\_\_, 1999

ATTEST: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL    DENNIS D. HARWIG, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: October 18, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 206 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund and the Fire Damage Structure Fund of the City of Massillon, Ohio, for the year ending 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:

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, 1999, the following:

\$ 23,314.76 to an account entitled "Leases" 1401.905.2530

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Fire Damage Structure Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$ 14,000.00 to an account entitled "Fire Damage Structure" 3107.905.2390

Section 3:

This Ordinance is hereby declared to be an emergency measure, for the reason that said appropriation is needed for the more efficient operation of the various departments in 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 \_\_\_\_\_ 1999

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

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR