

AGENDA

DATE: NOVEMBER 5, 2001
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING THIS EVENING
ORDINANCE NO. 209 - 2001 7:00 PM

*Tabled
Nov. 19*

1. ROLL CALL
2. INVOCATION BY COUNCILMAN AMAN (OR GUEST)
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. 241 - 2001 BY: HEALTH, WELFARE & BUILDING REGULATIONS

125
AN ORDINANCE authorizing the adoption and incorporation of the 2002 edition of the National Electrical Code, which will become effective on January 1, 2002 into the Codified Ordinances of the City of Massillon under Chapter 1313, and declaring an emergency.

ORDINANCE NO. 242 - 2001 BY: HEALTH, WELFARE & BUILDING REGULATIONS

Prop 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Love Insurance Partners for boiler and machinery insurance, and declaring an emergency.

ORDINANCE NO. 243 - 2001 BY: HEALTH, WELFARE & BUILDING REGULATIONS

Prop 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Public Entities Pool of Ohio (PEP) for property insurance, and insurance for the Massillon City Health Department, and declaring an emergency.

ORDINANCE NO. 244 - 2001 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

125
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Downtown Area Rehab Phase I Project, and declaring an emergency.

ORDINANCE NO. 245 - 2001 BY: FINANCE COMMITTEE

Prop 9-0
AN ORDINANCE making certain transfers in the 2001 appropriation from the Lincoln Center Fund to the Bond Retirement Lincoln Center Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 246 - 2001 BY: FINANCE COMMITTEE

Prop 9-0
AN ORDINANCE making certain transfers in the 2001 appropriation from within the General Fund of the City of Massillon, Ohio, and declaring an emergency.

NOVEMBER 5, 2001

ORDINANCE NO. 247 - 2001 BY: FINANCE COMMITTEE

9-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the Indigent Driver Alcohol Treatment Fund, General Fund, Wastewater Treatment Fund and the Massillon Mural Fund, 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 PERMIT REPORT FOR OCTOBER - 2001
- B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER - 2001

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

RESOLUTION NO. 23 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

11-0
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on September 13th, 2001 wherein the Zoning Board of Appeals denied a variance to reduce the front and rear yard setbacks on the property located at 932 14th Street S.E. and known as Lot No. 16118 in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 24 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

10-0
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on September 13th, 2001 wherein the Zoning Board of Appeals denied a variance to reduce the front yard setbacks on the property located at 924 14th Street S.E. and known as Lot No. 16117 in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 25 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

10-0
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on September 13th, 2001 wherein the Zoning Board of Appeals denied a variance to reduce the front and rear yard setbacks on the property located at 928 14th Street S.E. and known as Lot No. 16119 in the City of Massillon, Ohio, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 209 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

12-0
AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a certain tract of land from R-1 Single Family Residential to B-1 Business, and declaring an emergency.

NOVEMBER 5, 2001

7-09-0
ORDINANCE NO. 222 - 2001 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE vacating a portion of Penmont Avenue S.E., and declaring an emergency.

- 15. SECOND READING ORDINANCES AND RESOLUTIONS**
- 16. NEW AND MISCELLANEOUS BUSINESS**
- 17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**
- 18. ADJOURNMENT**

**SHARON HOWELL
CLERK OF COUNCIL**

DATE: November 5, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
2nd Reading 11/19/01
passed 12/3
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 241 - 2001

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the adoption and incorporation of the 2002 edition of the National Electrical Code which will become effective on January 1, 2002 into the Codified Ordinances of the City of Massillon under Chapter 1313, 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 determines it to be necessary in the public health, safety and welfare to authorize the adoption and incorporation of the 2002 edition of the National Electrical Code which will become effective on January 1, 2002 into the Codified Ordinances of the City of Massillon under Chapter 1313.

Section 2:

The Building Department of the City of Massillon is hereby authorized to adopt and incorporate the 2002 edition of the National Electrical Code which becomes effective on January 1, 2001 into the Codified Ordinances of the City of Massillon under Chapter 1313.

Section 3:

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 the adoption and incorporation of the edition of the National Electrical Code for 2002 is necessary for the proper use of the electrical code of the Massillon Codified Ordinances starting January 1, 2002. 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 _____ 2001

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 5, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 242 - 2001

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Love Insurance Partners for boiler and machinery insurance, 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 determines it to be necessary and in the public health, safety and welfare to enter into contract with Love Insurance Partners for boiler & machinery insurance.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Love Insurance Partners for boiler & machinery insurance.

Section 3:

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 to enter into a contract with Love Insurance Partners as the previous policies are about to expire. 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 _____ 2001

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 5, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 243 - 2001

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Public Entities Pool of Ohio (PEP) for property insurance, and insurance for the Massillon City Health Department, 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 determines it to be necessary and in the public health, safety and welfare to enter into contract with Public Entities Pool of Ohio (PEP) for property insurance and for the Massillon City Health Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Public Entities Pool of Ohio (PEP) for property insurance and insurance for the Massillon City Health Department.

Section 3:

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 to enter into a contract with Public Entities Pool of Ohio (PEP) as the previous policies are about to expire. 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 _____ 2001

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 5, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

*1st Reading
Filed Index*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 244 - 2001

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Downtown Area Rehab Phase I Project, 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 determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Downtown Area Rehab Phase I Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the Downtown Area Rehab Phase I Project.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that bids be received so that work may be completed on the Downtown Area Rehab Phase I 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 _____, 2001

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 5, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 245 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2001 appropriation from the Lincoln Center Fund to the Bond Retirement Lincoln Center 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 2001 appropriation from the Lincoln Center Fund to the Bond Retirement Lincoln Center Fund, of the City of Massillon, Ohio the following:

\$79,380.00 FROM: "Transfer To" 1425.905.2710
TO: "Transfer In" 1303.940.1860

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the payment of the Lincoln Center Bonds. 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 _____ 2001

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

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 5, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 246 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2001 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 2001 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$ 4,000.00 FROM: "Income Tax Web Page" 1100.210.2391
TO: "Health Dept. Compost Disposal" 1100.705.2390

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 for the end of the year 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 _____ 2001

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

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

DATE: November 5, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 247 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Indigent Driver Alcohol Treatment Fund, General Fund, Wastewater Treatment Fund, and the Massillon Mural Fund, 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 Indigent Driver Alcohol Treatment Fund for the year ending December 31, 2001, the following:

\$ 40,000.00 to an account entitled "Indigent Drivers Treatment" 1225.125.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the General Fund for the year ending December 31, 2001, the following:

\$30,000.00 to an account entitled "Court Treatment Grant Service" 1100.127.2392

\$24,000.00 to an account entitled "Misc. Insurance" 1100.905.2312

\$ 9,000.00 to an account entitled "Salary Building Dept." 1100.415.2110

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund for the year ending December 31, 2001, the following:

\$25,000.00 to an account entitled "Supplies/Materials/Postage" 2101.610.2410

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Massillon Mural Fund for the year ending December 31, 2001, the following:

\$ 3,200.00 to an account entitled "Mural Project-Phase IV" 3112.905.2510

DATE: September 17, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

***AMENDED**
RESOLUTION NO. 23 - 2001

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: A RESOLUTION reversing and amending the decision of the Massillon Zoning Board of Appeals made on September 13th, 2001 wherein the Zoning Board of Appeals denied a variance to reduce the front and rear setbacks on the property located at 932 14th Street S.E. and known as Lot No. 16118 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on September 13th, 2001 denied a variance to reduce the front and rear yard setbacks on the property located at 932 14th Street S.E. and known as Lot No. 16118 in the City of Massillon, Ohio, and

WHEREAS, on September 14th, 2001, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Mr. Eldon Glick, appealing the decision in Case No. 1017 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 for proper community growth to reverse and amend the decision of the Massillon Zoning Board of Appeals made on September 13th, 2001 in Case No. 1017, by reducing the front set back to 10 feet on property located at 932 14th Street N.E., Lot No. 16118 in the City of Massillon, Ohio.

Section 2:

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.

DATE: September 17, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

***AMENDED**
RESOLUTION NO. 24 - 2001

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: A RESOLUTION reversing and amending the decision of the Massillon Zoning Board of Appeals made on September 13th, 2001 wherein the Zoning Board of Appeals denied a variance to reduce the front yard setbacks on the property located at 924 14th Street S.E. and known as Lot No. 16117 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on September 13th, 2001 denied a variance to reduce the front yard setbacks on the property located at 924 14th Street S.E. and known as Lot No. 16117 in the City of Massillon, Ohio, and

WHEREAS, on September 14th, 2001, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Mr. Eldon Glick, appealing the decision in Case No. 1017 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 for proper community growth to reverse and amend the decision of the Massillon Zoning Board of Appeals made on September 13th, 2001 in Case No. 1017, by reducing the front yard setback to 10 feet on the property located at 924 14th Street N.E., Lot No. 16117 in the City of Massillon, Ohio.

Section 2:

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.

DATE: September 17, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

***AMENDED**
RESOLUTION NO. 25 - 2001

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: A RESOLUTION reversing and amending the decision of the Massillon Zoning Board of Appeals made on September 13th, 2001 wherein the Zoning Board of Appeals denied a variance to reduce the front and rear yard setbacks on the property located at 928 14th Street S.E. and known as Lot No. 16119 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on September 13th, 2001 denied a variance to reduce the front and rear yard setbacks on the property located at 928 14th Street S.E. and known as Lot No. 16119 in the City of Massillon, Ohio, and

WHEREAS, on September 14th, 2001, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Mr. Eldon Glick, appealing the decision in Case No. 1017 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 for proper community growth to reverse and amend the decision of the Massillon Zoning Board of Appeals made on September 13th, 2001 in Case No. 1017, by reducing the front and rear yard setbacks to 18 feet, on property located at 928 14th Street N.E., Lot No. 16119 in the City of Massillon, Ohio.

Section 2:

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.