

Dr. S. CARD - motion
2 - motion
3 - motion
4 - motion
5 - motion
6 - motion

AGENDA

DATE: JULY 15, 2002
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 123 - 2002

1. ROLL CALL
 2. INVOCATION BY CAPTAIN RALPH CAMPBELL, MASSILLON SALVATION ARMY POST
 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
- Moto
Motion
Res 13-2002

ORDINANCE NO. 128 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

Lambert - enclosed 8-0
Susp 8-0
Prop 8-0
AN ORDINANCE accepting the Final Plat for Park View Estates and dedication of an extension of Bethann Avenue S.W. in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 129 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

5
Prop 9-0
9-0
AN ORDINANCE authorizing the Director Public Service and Safety of the City of Massillon, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of a certain tract of land known as and being Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, and declaring an emergency.

ORDINANCE NO. 130 - 2002 BY: ENVIRONMENTAL COMMITTEE

BOC
Susp 9-0
Prop 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to approve change order No. 2, for additional work on the Wetmore Sanitary Sewer Project, in the contract with Wenger Excavating, without competitive bidding, and declaring an emergency.

ORDINANCE NO. 131 - 2002 BY: HEALTH, WELFARE & BUILDING REGULATIONS

151
AN ORDINANCE amending CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon, by deleting Section 505.10 "ANIMAL BITES; REPORTS AND QUARANTINE", and enacting a new Section 505.10 "ANIMAL BITES, REPORTS, QUARANTINE AND MANDATORY RABIES VACCINATION" of CHAPTER 505 "ANIMALS AND FOWL", and declaring an emergency.

ORDINANCE NO. 132 - 2002 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

246
Lambert 8-0
Susp 8-0
Prop 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to grant the installation of a sanitary and storm sewer easement through Community Park to service Park View Estates Development, and declaring an emergency.

ORDINANCE NO. 133 - 2002 BY: PARKS AND RECREATION COMMITTEE

Susp 9-0
Pass 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve change order No. 18, with Schumacher Construction, without competitive bidding, to provide additional door security hardware at the Massillon Recreation Center, and declaring an emergency.

ORDINANCE NO. 134 - 2002 BY: PARKS AND RECREATION COMMITTEE

Susp 9-0
Pass 9-0
AN ORDINANCE authorizing the Director Public Service and Safety of the City of Massillon, to enter into an agreement, without competitive bidding, with Dansizen Architects for architectural services needed for a new Park maintenance facility, and declaring an emergency.

ORDINANCE NO. 135 - 2002 BY: POLICE AND FIRE COMMITTEE

Susp 9-0
Pass 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Vom Kaiserkofe Kennels in Lawrence, Kansas to purchase a trained drug detection dog to be handled by the Massillon Police Department, and declaring an emergency.

ORDINANCE NO. 136 - 2002 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

Susp 9-0
Pass 9-0
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract with Smith & Nejedik, Inc., to review appraisals for the 16th Street Project, and declaring an emergency.

ORDINANCE NO. 137 - 2002 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

Susp 9-0
Pass 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for salt for ice control on City streets, and declaring an emergency.

ORDINANCE NO. 138 - 2002 BY: FINANCE COMMITTEE

Susp 9-0
Pass 9-0
Filmed
AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Parks and Recreation Capital Improvement Fund, Wastewater Treatment Fund, Parks and Recreation Fund, Law Enforcement Fund, Economic Development Fund, Parking Enforcement Fund, Debt Retirement TIF Fund, and declaring an emergency.

ORDINANCE NO. 139 - 2002 BY: POLICE AND FIRE COMMITTEE

Susp 9-0
Pass 9-0
AN ORDINANCE authorizing the Director of Service and Safety of the City of Massillon to apply for the DARE Law Enforcement Grant for funding and to implement the DARE Program within the City of Massillon, and declaring an emergency.

JULY 15, 2002

ORDINANCE NO. 140 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

P.H. Aug 19 @ 7:15 PM

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

RESOLUTION NO. 13 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on June 13th, 2002, wherein the Zoning Board of Appeals did not approve a certain variance as it relates to property owned by the Massillon Museum and known as Lot No.385, located at 121 Lincoln Way East, Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 14 - 2002 BY: ENVIRONMENTAL COMMITTEE

A RESOLUTION determining the necessity to improve Hamilton Avenue N.E. from the existing manhole in front of 415 Hamilton Avenue N.E. to the east, approximately 443 linear feet by extending the existing 8" sanitary sewer in the right-of-way of Hamilton Avenue N.E. and directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for said project, and declaring an emergency.

RESOLUTION NO. 15 - 2002 BY: FINANCE COMMITTEE

AN ORDINANCE for the proposed budget for the fiscal year 2003.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS *- Pay bills 7-0*

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY REPORT FOR JUNE2002

B). AUDITOR SUBMITS MONTHLY REPORT FOR JUNE2002

C). FIRE CHIEF SUBMIT MONTHLY REPORT FOR JUNE2002

D). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JUNE2002

E). TREASURER SUBMITS MONTHLY REPORT FOR JUNE2002

F). INCOME TAX ADMINISTRATOR SUBMIT MONTHLY REPORT FOR JUNE2002

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

*July 29 @ 5:30
Admin @ 5:30 - phone III update
6:00 - 4 AM 10 POC clock*

Final @ 7:00 PM

JULY 15, 2002

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 123 - 2002 BY: HEALTH, WELFARE & BUILDING REGULATIONS

PSSD
Bryan
AN ORDINANCE amending CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon, by deleting Section 1187.14(a)(5) "PRINCIPLE USES PERMITTED SUBJECT TO SPECIAL CONDITIONS" (private swimming pools). Of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" and enacting a new Section 1187.14(a)(5) "PRINCIPLE USES PERMITTED SUBJECT TO SPECIAL CONDITIONS" (private swimming pools), of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" 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: July 15, 2002

CLERK: SHARON HOWELL

Lambert excus - B-O
S 7-8-0
P -8-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 128 - 2002

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat for Park View Estates and dedication of an extension of Bethann Avenue S.W. 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 Park View Estates in the City of Massillon, Stark County, Ohio, presently on file in the Office of the City Engineer, is hereby approved and accepted and that the dedication of an extension of Bethann Avenue S.W., and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held June 12th, 2001. The description of Park View Estates is as follows:

Being Known as Part of Out Lot 498, a total of 4.47 acre located south of Margilee Drive S.W. This plat creates a total of 7 lots zoned R-3 Family Residential, as well as the dedication of an extension of Bethann Avenue S.W.

Section 2:

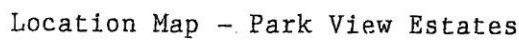
This Ordinance is declared to be an emergency measure for the reason that said plat is urgently needed for the development of this area and for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Provided it receives the 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 _____ 2002

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

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

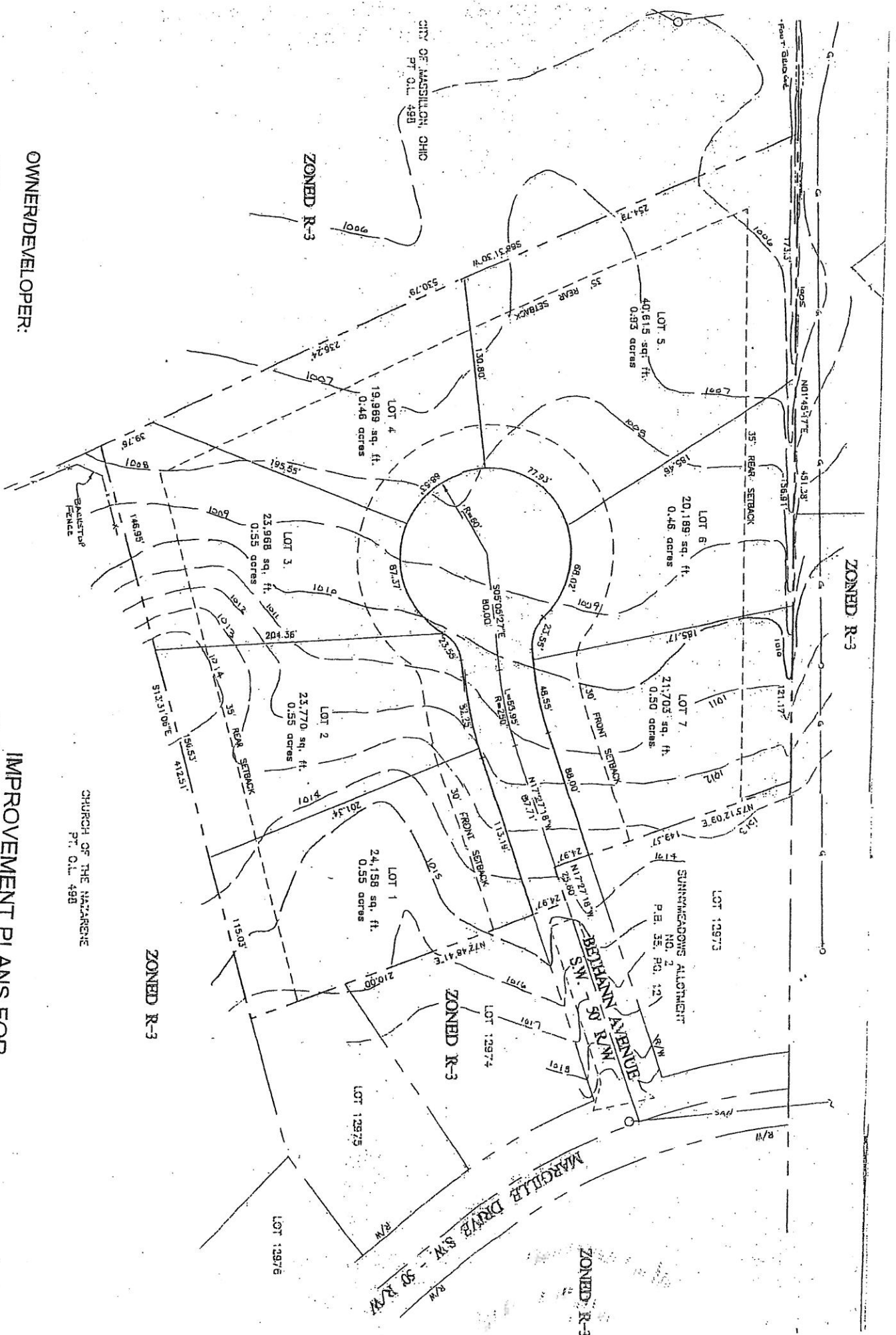
MASSILLON MAP 50A



OWNER/DEVELOPER:

PBR DEVELOPMENT
2456 KENYON AVENUE NW
MASSILLON, OHIO 44647
330-837-2364

IMPROVEMENT PLANS FOR
PARK VIEW ESTATES
(BETHANN AVENUE EXTENSION)
CITY OF MASSILLON, STARK COUNTY, OHIO



DATE: July 15, 2002

CLERK: SHARON HOWELL

Susp. 810
7-20 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 129 - 2002

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of a certain tract of land known as and being Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, 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 prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of a certain tract of land known as and being Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 2:

The following described real estate belonging to the City of Massillon, Ohio, is not needed for any municipal purpose, to-wit:

Known as and being Out Lot No. 739, a 4.861 acre located at the northwest corner of Nave Road, S.E. and University Drive S.E., in the City of Massillon, Ohio, County of Stark and State of Ohio.

Section 3:

The Director of Public Safety and Service be and is hereby authorized to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of a certain tract of land known as and being Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 4:

The advertisement for the bidding of said real estate shall contain the following instructions:

- 1). Each bidder shall be prepared to review with the administration of the City of Massillon and City Council their intended use for the real estate.
- 2). The successful bidder shall be responsible to pay all fees and costs associated with the sale and transfer of said property.
- 3). The City reserves the right to reject any and all bids.

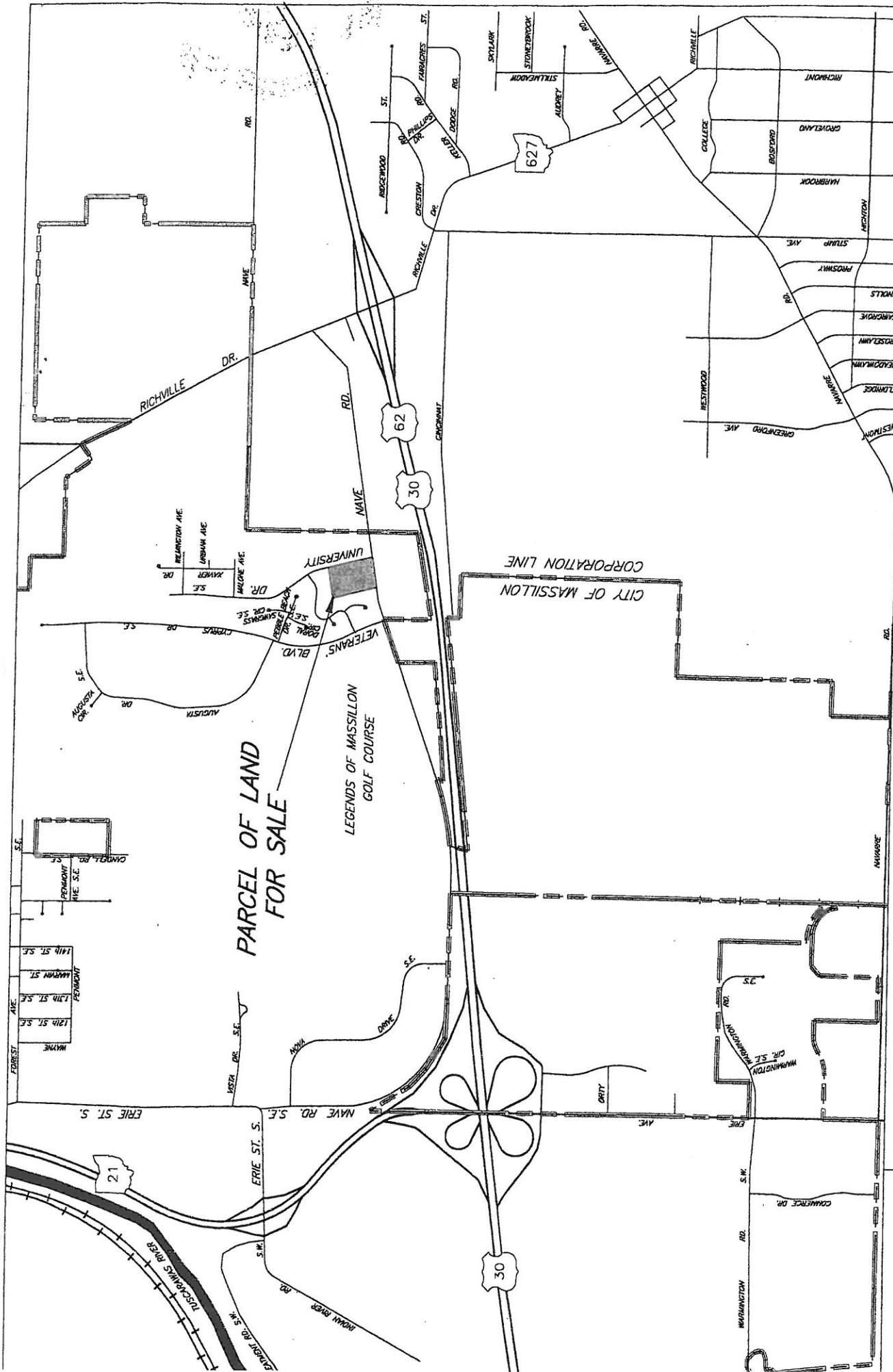
Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason of such emergency arising out of the necessity to dispose of real estate no longer needed for any municipal purpose for the best price obtainable. 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 _____ 2002

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

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



**PARCEL OF LAND
FOR SALE**

LEGENDS OF MASSILLON
GOLF COURSE

UNIVERSITY

CITY OF MASSILLON
CORPORATION LINE

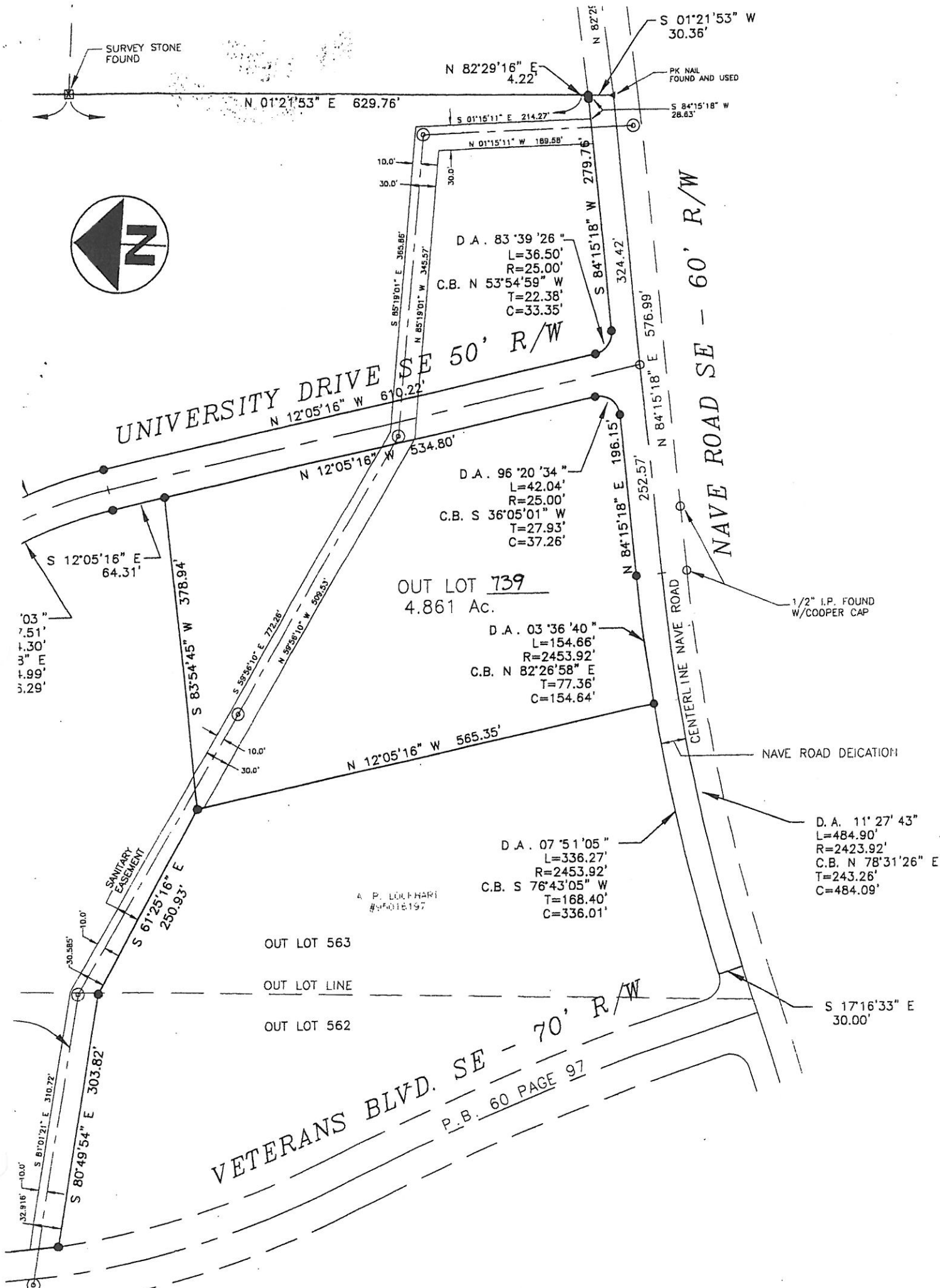
LOCATION MAP

4.861 ACRE PARCEL OF LAND - OUT LOT 739

CITY OF MASSILLON
Francis H. Cicchinelli, Jr.
Mayor

THE CITY OF MASSILLON, OHIO
RECEIVED OF THE CITY CLERK
AT THE REGISTRATION
OFFICE OF THE CITY CLERK
ON THE 11th DAY OF JULY 1981





DATE: July 15, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 130 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve a change order No.2 for additional work on the Wetmore Sanitary Sewer Project, in the contract with Wenger Excavating, without competitive bidding, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary for the Director of Public Service and Safety of the City of Massillon, Ohio, to approve a change order No. 2, for additional work on the Wetmore Sanitary Sewer Project, in the contract with Wenger Excavating, without competitive bidding.

Section 2:

The Director of Public Service and Safety be and is hereby authorized to approve a change order No. 2, for additional work on the Wetmore Sanitary Sewer Project, in the contract with Wenger Excavating, without competitive bidding. The cost of said change order No. 2 shall not exceed Nineteen Thousand Nine Hundred Twenty-Six Dollars and FiftyCents (\$19,926.50).

Section 3:

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

Section 4:

This ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the further reason that said services are necessary for the upgrade of the sanitary sewer for the Wetmore Sanitary Sewer 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 _____ 2002

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

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

DATE: July 15, 2002

CLERK: SHARON HOWELL

1ST - 7-15-02

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed AS
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 131 - 2002

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinance of the City of Massillon, by deleting Section 505.10 "ANIMAL BITES, REPORTS, AND QUARANTINE", and enacting a new Section 505.10 "ANIMAL BITES, REPORTS, QUARANTINE AND MANDATORY RABIES VACCINATION" of CHAPTER 505 "ANIMALS AND FOWL", declaring an emergency.

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

Section 1:

Existing Section 505.10 "ANIMAL BITES, REPORTS, AND QUARANTINES" of CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon is hereby deleted.

Section 2:

That a new Section 505.10 "ANIMAL BITES, REPORTS, QUARANTINES AND MANDATORY RABIES VACCINATION" of CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon shall read as follows:

505.10 ANIMAL BITES, REPORTS, QUARANTINE AND MANDATORY RABIES
VACCINATION

- (a). Whenever any person is bitten by a dog or other animal, report of such bits shall be made to the Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under the order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel.

In all cases, such quarantine shall be under the supervision of the health Commissioner and shall be at the expense of the owner or harbinger. Quarantine shall continue until the health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The owner or harbinger shall report to

the health Commissioner within twenty-four hours the conclusions reached by the veterinarian as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harborer. No dog or cat shall be released from the required quarantine unless and until he has been properly vaccinated against rabies.

- (b) No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the health Commissioner any symptoms or behavior suggestive of rabies.
- (c) No person shall own, keep, or harbor any dog, cat, or ferret over three months old without a current rabies vaccination. Such vaccination must be administered by a licensed veterinarian.
- (d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is needed to amend the City's ordinances concerning animal bites; reports, quarantine and mandatory rabies vaccination, 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 _____ 2002

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

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

DATE: July 15, 2002

CLERK: SHARON HOWELL

Excuse Mr. Lambert 8-00
Susp 8-0
Pd 8-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 132 - 2002

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to grant the installation of a sanitary and storm sewer easement through Community Park to service Park View Estates Development, 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, hereby finds that it is necessary to grant the installation of a sanitary and storm sewer easement through Community Park to service Park View Estates Development.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to grant the installation of a sanitary and storm sewer easement through Community Park to service Park View Estates Development.

Section 3:

That this Resolution is hereby declared to be an emergency measure for the reason that this easement is to grant the installation of a sanitary and storm sewer easement through Community Park to service Park View Estates Development which is needed for the extension of the sanitary sewer. 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 _____ 2002

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: July 15, 2002

CLERK: SHARON HOWELL

SUSAN 9-0

Peter 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 133 - 2002

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve a change order No. 18, with Schumacher Construction, without competitive bidding, to provide additional door security hardware at the Massillon Recreation Center, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary for the Director of Public Service and Safety of the City of Massillon, Ohio, to approve a change order No. 18, with Schumacher Construction, without competitive bidding, to provide additional door security hardware at the Massillon Recreation Center.

Section 2:

The Director of Public Service and Safety be and is hereby authorized to approve Change order No. 18, with Schumacher Construction, without competitive bidding, to provide additional door security hardware at the Massillon Recreation Center. This change order No. 18 shall not exceed Five Thousand Five Hundred Forty-Nine Dollars and Twenty Cents (\$5,549.20).

Section 3:

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

Section 4:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the further reason that said services are necessary with, Schumacher Construction, without competitive bidding, to provide additional door security hardware at the Massillon Recreation Center. 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 _____ 2002

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

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

DATE: July 15, 2002

CLERK: SHARON HOWELL

Susp 9-0

Pass 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 134 - 2002

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into an agreement, without competitive bidding, with Dansizen Architects for architectural services needed for a new Park maintenance facility, 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 enter into an agreement, without competitive bidding, with Dansizen Architects for architectural services needed for a new Park maintenance facility.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with without competitive bidding with Dansizen Architects for architectural services needed for a new Park maintenance facility. The cost of said contract shall not exceed Twenty Three Thousand Dollars (\$23,000.00).

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 execute the contract so that the construction of a maintenance facility can be built for the Park Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: July 15, 2002

CLERK: SHARON HOWELL

Susp 9-6
P000
9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 135 - 2002

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract with Vom Kaiserkofe Kennels in Lawrence, Kansas to purchase a trained drug detection dog to be handled by the Massillon Police 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 finds that it is necessary to enter into a contract with Vom Kaiserkofe Kennels in Lawrence, Kansas to purchase a trained drug detection dog to be handled by the Massillon Police Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into a contract with Vom Kaiserkofe Kennels in Lawrence, Kansas to purchase a trained drug detection dog to be handled by the Massillon Police Department. The total cost of said drug detecting dog shall not exceed Five Thousand Five (\$5,000.00).

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 the City of Massillon enter into a contract with Vom Kaiserkofe Kennels in Lawrence, Kansas to purchase a trained drug detection dog to be handled the Massillon Police Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

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

ATTEST _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: July 15, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

SUSP 9-0

PASS 9-0

ORDINANCE NO. 136 - 2002

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract with Smith & Nejedlik, Inc. to review appraisals for the 16th Street 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 finds that it is necessary to enter into a contract with Smith & Nejedlik, Inc. to review appraisals for the 16th Street Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract with Smith & Nejedlik, Inc. to review appraisals for the 16th Street Project. The cost of said contract shall not exceed Ten Thousand Dollars (\$10,000.00).

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 reason that it is necessary to begin work on the 16th Street Improvements 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 _____ 2002

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: July 15, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 137 - 2002

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, receive sealed bids and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for salt for ice control on city streets, 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, receive sealed bids for and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for salt for ice control on city streets.

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, receive sealed bids according to law, and to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the purchase of salt for ice control on city streets.

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 for the more efficient operation of the Street Department in the City of Massillon during the winter months. 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 _____, 2002

ATTEST: _____

SHARON HOWELL, CLERK OF COUNCIL

_____ DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

_____ FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: July 15, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Susp. 9-0

passed
LEGISLATIVE DEPARTMENT

Pass
B-4
F. 11/2002
ORDINANCE NO. 138 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Parks and Recreation Capital Improvement Fund, Wastewater Treatment Fund, Parks and Recreation Fund, Law Enforcement Fund, Economic Development Fund, Parking Enforcement Fund, Debt Retirement TIF 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 Community Development Block Grant Fund for the year ending December 31, 2002, the following:

\$ 64,863.96 to an account entitled "Section 108 Loan Program" 1203.845.2811

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Parks and Recreation Capital Improvement Fund for the year ending December 31, 2002, the following:

\$ 25,000.00 to an account entitled "Services & Contracts" 1433.505.2392

\$ 13,000.00 to an account entitled "Refunds" 1433.505.2720

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund for the year ending December 31, 2002, the following:

\$ 19,926.50 to an account entitled "Wetmore Sanitary Sewer Ext." 2101.610.2510

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Parks and Recreation Fund for the year ending December 31, 2002, the following:

\$ 8,000.00 to an account entitled "Refunds" 1234.505.2720

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Law Enforcement Trust Fund for the year ending December 31, 2002, the following:

\$ 2,680.00 to an account entitled "Travel/Schooling & Seminars" 1215.305.2398

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Economic Development Fund for the year ending December 31, 2002, the following:

\$ 2,000.00 to an account entitled "Services & Contracts" 1237.845.2392

\$ 1,000.00 to an account entitled "Services/Contracts" 1237.845.2392

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Parking Enforcement Fund for the year ending December 31, 2002, the following:

\$ 1,000.00 to an account entitled "Supplies & Materials" 1208.445.2410

Section 8:

There be and hereby is appropriated from the unappropriated balance of the Debt Retirement TIF Fund for the year ending December 31, 2002, the following:

\$ 146.28 to an account entitled "Services & Contracts" 1340.905.2392

Section 9:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of 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 _____ 2002

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: July 15, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

5 0 9-0
pass 9-0
COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 139 - 2002

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Service and Safety of the City of Massillon to apply for the DARE Law Enforcement Grant for funding and to implement the DARE Program within 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 determines it to be necessary in the public health, safety and welfare to authorize the Director of Service and Safety of the City of Massillon to apply for the DARE Law Enforcement Grant for funding and to implement the DARE Program within the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to apply for the DARE Law Enforcement Grant for funding and to implement the DARE Program within the City of Massillon.

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 application must be submitted by August 6th, 2002 for it to be considered. 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 _____ 2002

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: July 15, 2002

CLERK: SHARON HOWELL

1ST - 7-15-02

H Aug 19 @ 7:15 PM

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
2nd Reading 8/5
LEGISLATIVE DEPARTMENT
passed 8/19/02

ORDINANCE NO. 140 - 2002

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from RM-1 Multiple Family Residential to R-1 Single 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 RM-1 Multiple Family Residential to R-1 Single Family Residential. Said rezoning request was approved by the Planning Commission of the City of Massillon, Ohio, on July 10, 2002 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 be and is hereby amended to show the following described area as R-1 Single Family Residential.

Lot No. 689 located at 411 4th Street N.E. Presently zoned RM-1 Multiple Family Residential to R-1 Single Family Residential. The applicant Heather Ley plans to continue using this residence as a single family residence.

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-1 Single 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 _____ 2002

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

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

DATE: July 15, 2002

CLERK: SHARON HOWELL

*Susp B-1
Mong
pass B-1 name*
COUNCIL CHAMBERS

CITY OF MASSILLON, OHIO

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 13 - 2002

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on June 13th, 2002, wherein the Zoning Board of Appeals did not approve a certain variance as it relates to property owned by The Massillon Museum and known as Lot No. 385, located at 121 Lincoln Way East, Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on June 13th, 2002 decided to deny a variance requested for additional signage on the north facade of the Massillon Museum at 121 Lincoln Way East., and known as Lot No. 385 and which property is owned by The Massillon Museum.

WHEREAS, on June 20th, 2002, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code has been filed with the Clerk of Council by Mr. Jim Walker, Vice-Chairman of the Board of Trustees of the Massillon Museum, the owner of the property located at 121 Lincoln Way East, and known as Lot No. 385, in the City of Massillon, Ohio, appealing a decision in Case No. 1050 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 the decision of the Massillon Zoning Board of Appeals made on June 13th, 2002, in Case No. 1050, in regards to a variance requested for property owned by the Massillon Museum, located at 121 Lincoln Way East, and known as Lot No. 385.

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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

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

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