

AGENDA

DATE: March 3, 2003

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN GLORIA AUTREY
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. 45 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

Passed
9/10

AN ORDINANCE accepting the Final Plat and dedication of various streets for University Village No. 8 in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 46 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

Passed
9/10

AN ORDINANCE accepting the Final Plat and dedication of various streets for Westbrook Estates Phase 2 in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency

ORDINANCE NO. 47 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

1st. read.

AN ORDINANCE adding a new CHAPTER 1156 "R-CRD CONDOMINIUM RESIDENTIAL DISTRICT" to PART ELEVEN - PLANNING AND ZONING CODE under TITLE SEVEN - zoning regulations of the codified ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 48 - 2003 BY: ENVIRONMENTAL COMMITTEE

Passed
9/10

AN ORDINANCE authorizing the Director of Public Service and Safety of the city of Massillon, 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 the purchase of two waste packer trucks for the City of Massillon Solid Waste Department, and declaring an emergency.

ORDINANCE NO. 49 - 2003 BY: ENVIRONMENTAL COMMITTEE

Passed
9/10

AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, and declaring an emergency.

ORDINANCE NO. 50 - 2003 BY: FINANCE COMMITTEE

Passed
9/10

AN ORDINANCE making certain appropriations from the unappropriated balance of the Solid Waste Fund, Waste Management Grant Fund and ADR Fund for the year ending December 31, 2003, and declaring an emergency.

RESOLUTION NO. 8 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

defeated
9/10

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on February 12, 2003 wherein the Zoning Board of Appeals approved a variance from the existing Zoning Code to erect a 14' x 18' storage barn located at 1026 24th Street S.W., Massillon, Ohio, known as Lot No. 12212 in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 9 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

defeated
11/8

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on February 12, 2003 wherein the Zoning Board of Appeals approved a variance from the existing Zoning Code to erect a single family dwelling located on Woodland Avenue S.E., Massillon, Ohio, and known as Lot No. 11418 in the City of Massillon, Ohio, 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 FEB. 2003
- B). MAYOR SUBMITS MONTHLY REPORT FOR JAN. 2003
- C). AUDITOR SUBMITS MONTHLY REPORT FOR FEB. 2003
- D). FIRE CHIEF SUBMITS YEARLY REPORT FOR 2002
- E). MASSILLON MAIN STREET SUBMITS YEARLY REPORT FOR 2002

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

Passed
9/10 - *Ord. # 2*

ORDINANCE NO. 3 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

Passed
9/10

AN ORDINANCE amending CHAPTER 1155 "R-T TWO FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1155.03(c) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

MARCH 3, 2003

ORDINANCE NO. 4 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

*Passed
9/6*

AN ORDINANCE amending CHAPTER 1157 "RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1157.04(f)&(g) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 5 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

P

AN ORDINANCE amending CHAPTER 1163 "B-1 LOCAL BUSINESS DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1163.04(d)&(e) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 6 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

P

AN ORDINANCE amending CHAPTER 1165 "B-2 CENTRAL BUSINESS DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1165.04(h)&(i) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

1. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 39 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

Passed

Amended.

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement to retain the services of Chapman Holdings LTD as consultants in areas of industrial redevelopment of underutilized and or closed down steel industrial plants and sites, and declaring an emergency.

ORDINANCE NO. 40 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

*2nd
read.*

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from P-1 Parking to R-1 One Family Residential, 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 - CLERK OF COUNCIL

DATE: MARCH 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 45 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for University Village No. 8 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 University Village No. 8 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 to public use of portions of Mt. Union Avenue S.E., Heidelberg Avenue S.E. and Bowling Green Drive S.E. be, and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held February 12th, 2003. The description of University Village No. 8 is as follows:

Being Known as Part of Out Lot 557, 12.231 acres located on the west side of Richville Drive S.E., north of Nave Street S.E. This plat creates a total of 37 lots, with 14 lots zoned R-1 One Family Residential and 23 lots zoned R-2 One Family Residential, as well as the dedication of portions of Mt. Union Avenue S.E., Heidelberg Avenue S.E. and Bowling Green Drive S.E.

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.

UNIVERSITY VILLAGE
PHASE 4
P.B. 67
PAGES 1 - 2

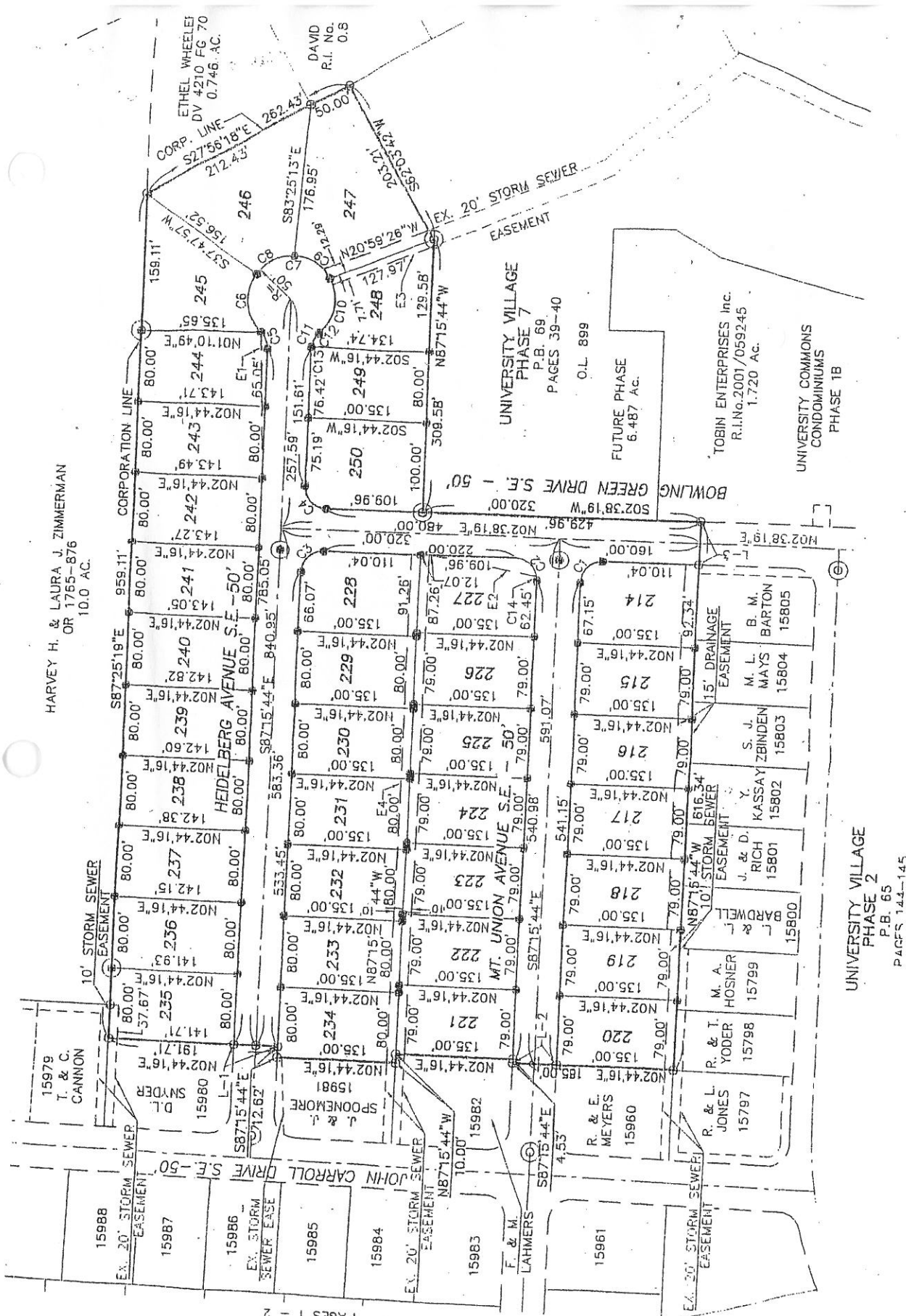
RECORD PLAT

UNIVERSITY VILLAGE PHASE 8

LOCATED IN PART OF O.L. 557 IN THE CITY OF MASSILLON
STARK COUNTY, OHIO

OWNER/DEVELOPER -
P.R.M.D.C. LTD., A LIMITED PARTNERSHIP
C/O FRED TOBIN
7694 STRAUSSER ST. N.W.
NORTH CANTON, OHIO 44720
PHONE 330-497-9744

AREA IN ROADWAY	2.276 AC.
AREA IN LOTS	9.955 AC.
TOTAL AREA	12.231 AC.
TOTAL NUMBER OF LOTS	= 37



DATE: MARCH 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 46 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Westbrook Estates Phase 2 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 Westbrook Estates Phase 2 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 to public use of Woodstone Avenue N.W., Woodforest Street N.W. and Brightleaf Avenue N.W, and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held February 12, 2003. The description of Westbrook Estates Phase 2 is as follows:

Being Known as Part of Out Lot 636, a total 20.4332 acre parcel located on the north side of Lincoln Way N.W. between Manchester and Kenyon Avenues. This plat creates a total of 47 lots zoned R-2 One Family Residential, as well as the dedication of Woodstone Avenue N.W., Woodforest Street N.W. and Brightleaf N.W.

Section 2:

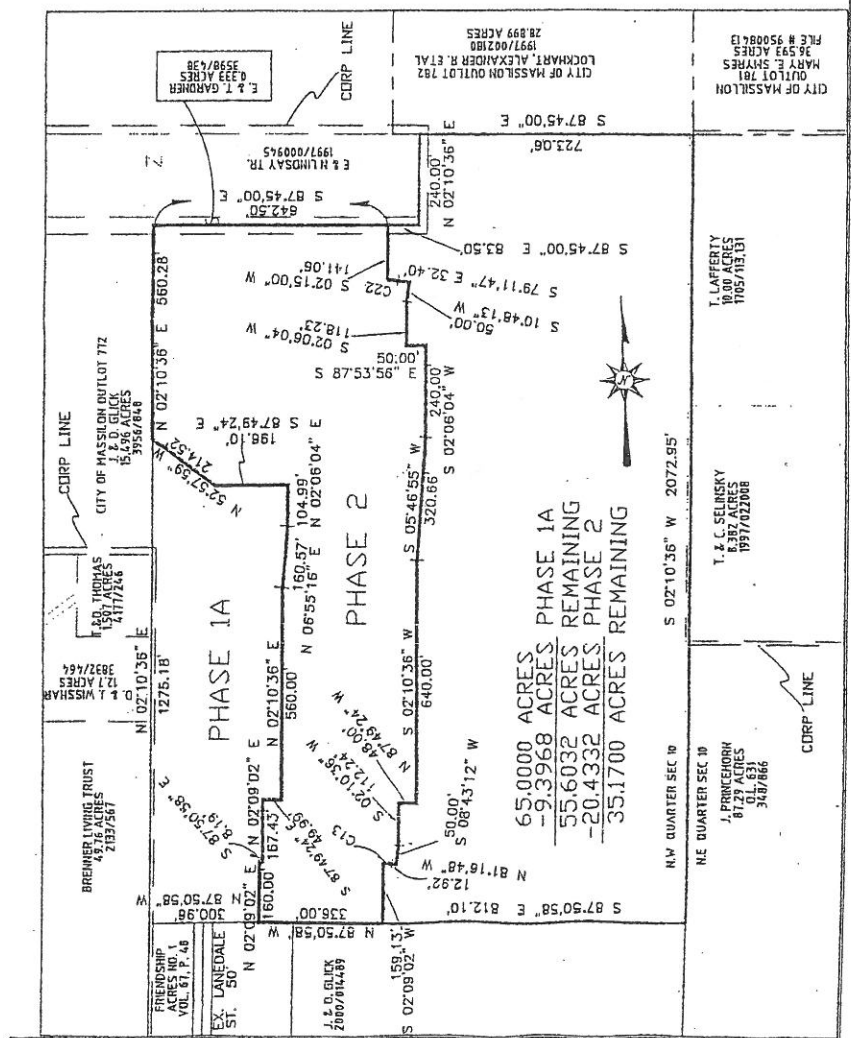
This Ordinance is declared to be an emergency measure for the reason that said plat is urgently needed for the development of this area and for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Provided it receives the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

RECORD PLAT OF WEST BROOK ESTATES - PHASE II

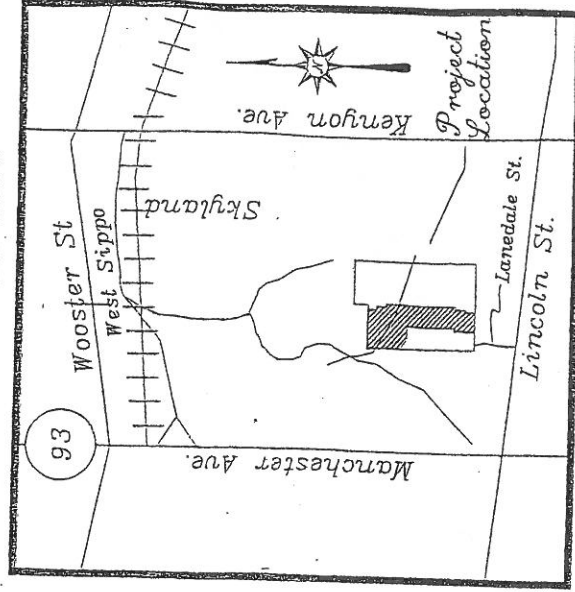
FINAL PLAT
20.4332 ACRES

PART OF THE NW 1/4 SECTION 10
TOWNSHIP 12, RANGE 10
FORMERLY TUSCARAWAS TWP.,
BEING PART OF OUTLOT 536 OF
CITY OF MASSILLON

ACREAGE IN LOTS (47): 14.0729 AC.
ACREAGE IN BLOCK A: 0.2895 AC.
ACREAGE IN BLOCK B: 3.2106 AC.
ACREAGE IN NEW R/W: 2.8602 AC.
TOTAL ACREAGE: 20.4332 AC.

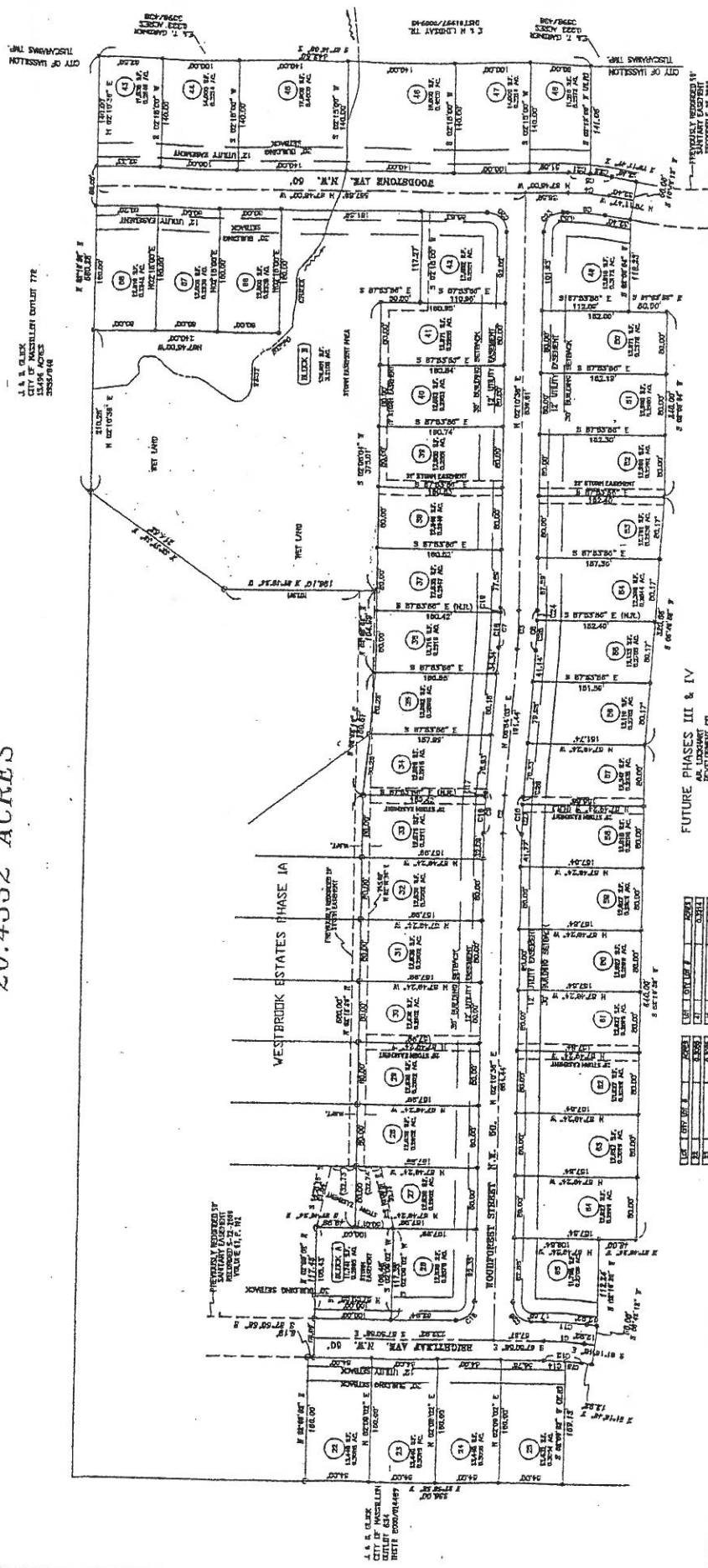


NOVEMBER 2002



LOCATION MAP
Not to scale

WEST BROOK ESTATES - PHASE II
RECORD PLAT OF
FINAL PLAT
20.4332 ACRES



NOTES

LEGEND

- 10 INCH SET. CAPED
- "ALL LOCUMIT DEVELOPMENT"
FROM PER POLICE CAPED
- ➔ "ALL LOCUMIT DEVELOPMENT"
MORUMENT SET
- ☞ REFER TO CURVE TABLE
- ◻ RETAINED AREA
- (R.) = NOT RAIL



CHAPTER 10

(1977)
1977 - 1978

[illegible]

DATE: MARCH 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 47 - 2003

2nd reading 3/17/03
Tabled 4/7/03
PH 4/21/03
passed 4/21/03

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE adding a new CHAPTER 1156 "R-CRD CONDOMINIUM RESIDENTIAL DISTRICT" to PART ELEVEN - PLANNING AND ZONING CODE under TITLE SEVEN - Zoning Regulations of the Codified Ordinances of 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:

That there be and hereby is enacted a new CHAPTER 1156 "R-CRD CONDOMINIUM RESIDENTIAL DISTRICT" to PART ELEVEN - PLANNING AND ZONING CODE under TITLE SEVEN - Zoning Regulations of the Codified Ordinances of the City of Massillon. Said new CHAPTER 1156 shall read as follows:

(See attachment "A")

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the efficient operation of the Zoning Code of the City of Massillon, 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.

Condominium Regulations – Massillon Zoning Code Amendments

CHAPTER 1156

R-CRD Condominium Residential District

1156.01 Intent	1156.05 District Requirements
1156.02 Definitions	1156.06 Application and Review Process
1156.03 Principal Uses Permitted	1156.07 Amendments to Site Plan,
1156.04 Accessory Uses	Construction Progress

1156.01 INTENT

The R-CRD Condominium Residential District is designed exclusively for owner occupied condominium projects. The purpose of this district is to provide for alternative single-family housing options within the community. Condominium projects require special additional regulations because of the issues resulting from the divided ownership of individual buildings, and the purpose of this Chapter is to provide reasonable standards for the location, design, and development of condominium projects by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations.

1156.02 DEFINITIONS

“Condominium” means a residential building containing one to four dwelling units which shall be separately owned in fee, and shall be owner occupied. Condominiums are further distinguished from other dwelling types by having joint ownership and/or responsibility for the maintenance of building, grounds and other areas owned in common.

1156.03 PRINCIPAL USES PERMITTED

In a Condominium Residential District, no building or land shall be used and no building shall be erected except for one or more of the following uses unless otherwise provided in the Zoning Ordinance.

- (a) Condominium residential units. The number of residential units permitted in a condominium building located within the R-CRD District shall not exceed four residential units per building.
- (b) Accessory buildings and uses customarily incident to a condominium development, such as clubhouses, swimming pools, parks, playgrounds, and recreational facilities.

1156.04 ACCESSORY USES

All garages for the purpose of storing private vehicles shall be attached to the primary residential unit, and accessible therefrom. Free standing garages, carports and storage buildings of any type are not an allowable accessory use within the R-CRD District.

1156.05 DISTRICT REQUIREMENTS

Condominium development within the R-CRD District shall be constructed according to a formally approved Site Plan subject to the following District requirements:

Condominium Regulations – Massillon Zoning Code Amendments

- (a) A Condominium Residential Development shall contain a minimum of five contiguous acres.
- (b) Water and sewer facilities shall be approved by the City Engineer prior to start of construction.
- (c) Housing density shall not exceed the following: seven residential dwelling units per acre.
- (d) The following setbacks shall be applied to condominium lots: the front yard setback shall be twenty-five (25) feet; the side yard setback shall be fifteen (15) feet; and the rear yard setback shall be thirty (30) feet. The minimum distance between condominium buildings shall be no less than thirty feet. The maximum height of condominium buildings shall not exceed two stories or twenty-five (25) feet.
- (e) Each development shall be required to provide a minimum of open space equaling 20% of the total land area exclusive of driveways, parking and loading areas. The site plan shall designate land suitable for use as open space.
- (f) Off-street parking shall be provided at a ratio of two spaces per residential unit. Such spaces shall be enclosed within a private garage attached to the dwelling.
- (g) All streets and parking areas shall be constructed and paved according to City standards, unless otherwise provided below:
 - (1) All private streets shall be paved to a minimum width of twenty-four (24) feet. They shall be laid out so that their use by through traffic will be discouraged and shall be subject to review and approval by the Planning Commission.
 - (2) Dead-end private streets shall be no longer than two hundred (200) feet and shall terminate with a paved turn-around having an outside paved diameter of at least ninety (90) feet.

1156.06 APPLICATION AND REVIEW PROCESS

Application for a R-CRD Condominium Residential Development shall be made in the following manner:

- (a) An "Application for Zoning Change" shall be completed by the prospective applicant and filed with the Director of Community Development for review by the Planning Commission.
- (b) A Site Plan shall be submitted along with the Application for Zone Change, subject to review and approval by the Planning Commission and including the following details shown to scale:
 - (1) The location, elevation, gross floor area, and proposed uses of each existing structure to remain and for each proposed structure; a typical floor plan shall also be provided;
 - (2) The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, and curb cuts;
 - (3) The location, elevation, and type of materials for walls or fences;

Condominium Regulations – Massillon Zoning Code Amendments

- (4) The location of all landscaped areas, the type of landscaping, and a statement specifying the method by which the landscaping areas shall be maintained;
- (5) The location of all recreational facilities and a statement specifying the method of the maintenance thereof; and
- (6) The location of the parking facilities to be used in conjunction with each condominium unit;
- (c) Three (3) copies of the plans and elevations of all structures, showing the architectural features and the types and materials of construction; and
- (d) Three (3) copies of the covenants, conditions, and restrictions or, if there are no covenants, conditions, or restrictions, any other agreements between any person who has an ownership interest in the project and who has the right to reside in such project which will apply to the condominium project, which covenants, conditions, and restrictions or agreements shall include, but not be limited to, the following provisions:
 - (1) Provisions satisfactory to the City for the maintenance of the common areas of any such project by the City in the event of default in the maintenance of such common areas by individual owners of the units and for reimbursement to the City for any costs incurred thereby;
 - (2) In residential condominium projects the covenants, conditions, and restrictions or agreements shall include:
 - (i) Provisions restricting the use of each residential unit to use as a single-family residence; and
 - (ii) Provisions establishing each individual unit owner's exclusive right to the use of not less than two (2) specifically designated covered parking spaces for each unit; and
 - (3) A provision that any provision required to be included in the covenants, conditions, and restrictions or agreements by this Section or by the conditions of approval imposed on the project shall not be deleted or amended without the written consent of the City.
- (e) Planning Commission recommendation for approval of the site plan shall be contingent upon a finding by the Commission that:
 - (1) The project is an integrated plan designed for the primary purpose of owner-occupied residential use; and
 - (2) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways and parking area to encourage pedestrian and vehicular traffic safety; and
 - (3) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.

Condominium Regulations – Massillon Zoning Code Amendments

- (f) Upon determination by the Planning Commission that both the Application for Zone Change and the Site Plan meet all requirements incorporated herein, the Commission will transmit its recommendation to Council. If and when Council determines that the requirements have been met, Council shall establish the R-CRD District in accordance with the procedures of Chapter 1137.

1156.07 AMENDMENTS TO SITE PLAN, CONSTRUCTION PROGRESS

- (a) Minor changes in an approved R-CRD Site Plan concerning the location, siting, or character of buildings and structures may be authorized by the Site Plan Review Committee, if required by the City or other circumstances not foreseen at the time of Site Plan approval. No change authorized by the Site Plan Review Committee under this section may increase the size of a building or structure by more than ten percent (10%), nor change the location of any building or structure by more than ten feet in any direction; provided, notwithstanding anything in the foregoing, the Site Plan Review Committee may not permit changes beyond the minimum or maximum requirements set forth in this chapter; all other changes in the R-CRD District including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of an R-CRD District.
- (b) A time period of one year beginning with the official approval of the R-CRD Site Plan shall be granted for commencement of construction. Failure to begin substantial construction within this one year period shall void the Plan as approved. If for any reason the Plan is abandoned, or if construction is terminated at any stage, Council may rescind its approval of the R-CRD District upon recommendation of the Planning Commission, and the entire tract shall revert to a District (or Zone) consistent with the Comprehensive or Land Use Plan. Application for extension of time shall be made to the Planning Commission and shall be accompanied by such evidence as is necessary to show substantial need and shall be presented prior to the one year expiration date. Where the Commission finds an extension is warranted and so recommends to Council, Council may, by resolution, grant the extension.

DATE: MARCH 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 48 - 2003

BY: ENVIRONMENTAL 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 the purchase of two waste packer trucks for the City of Massillon Solid Waste 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 in the public health, safety and welfare to advertise and to receive sealed bids according to law and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the purchase of two waste packer trucks for the City of Massillon Solid Waste Department.

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 to 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 purchase of two waste packer trucks for the City of Massillon Solid Waste Department.

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 Solid Waste Department 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.

DATE: MARCH 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 49 - 2003

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and Director of Public Service and Safety to enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, 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 the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District.

Section 2:

The Mayor and Director of Public Service and Safety of the City of Massillon, Ohio, are hereby authorized and directed to enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District.

Section 3:

A copy of said grant agreement is attached hereto and made part of this Ordinance.

Section 4:

The amount of the grant agreement shall be Twenty-Three Thousand Dollars (\$23,000.00).

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that the grant agreement be entered into for the efficient operation of the recycling program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2003

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

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

**2003 RECYCLING PROGRAM GRANT AGREEMENT
STARK-TUSCARAWAS-WAYNE
JOINT SOLID WASTE MANAGEMENT DISTRICT**

THIS AGREEMENT is made and entered into this _____ day of _____, 2003 by and between the Stark-Tuscarawas-Wayne Joint Solid Waste Management District (the District), acting by and through its Board of Directors (the Board), and the City of Massillon (the Grantee), under the circumstances summarized in the following recitals:

WHEREAS, the Grantee has submitted an application in the form attached as Exhibit A (the Application) to the District for a grant (the Grant) to provide funding for the recycling program described therein (the Program); and

WHEREAS, the Board has determined, based upon its review of the Application, that the Grant should be awarded in the amount of \$23,000.00 to provide funding for portions of the Program, and that fees levied under Division (B) of Section 3734.57 of the Revised Code and appropriated by the Board for the purpose of funding recycling programs in connection with implementation of the District's Solid Waste Management Plan, should be expended to fund the Grant in the amount of \$23,000.00; and

WHEREAS, the Board has authorized its Chairman and Secretary to execute and deliver this Agreement with the Grantee relating to the administration of the Grant; and

WHEREAS, the Grantee has been authorized by its governing body to enter into this Agreement;

NOW THEREFORE, in consideration of the premises and mutual covenants hereinafter contained, the District and the Grantee agree as follows:

Section 1. Grant Award Disbursements to the Grantee, and Use of Disbursements

- 1.01 The District hereby awards to the Grantee the Grant in an amount not exceeding \$23,000.00 for the purpose of providing financial assistance for the Program Activities specified (as Items I, II and III, the Approved Activities), that are in accordance with its form attached as Exhibit B (Fundable Expenses) in the Program Budget included in the Application. The District agrees to disburse Grant funds to the Grantee for Approved Activities in an amount not exceeding the amount set forth above. The Grantee hereby acknowledges and agrees that the amounts payable to the Grantee under this Agreement are and shall be payable solely from any moneys on deposit from time to time in the fund into which fees levied by the District under Division (B) of Section 3734.57 of the Revised Code are required to be deposited; and that amount payable to the Grantee under this Agreement are not payable from any other moneys of the District, the Board or the Solid Waste Management Policy Committee of the District (the Policy Committee) or from any moneys of Stark County, Tuscarawas County or Wayne County (the Counties). This Agreement does not and shall not constitute a general obligation of the District, the Board, the Policy Committee or any of the Counties.

- 1.02 Disbursements to the Grantee. Grantee shall prepare and submit quarterly invoices, the form attached hereto Exhibit C (the Quarterly Invoice), for the expenses incurred for Approved Activities of the Program to the Board on each of the following dates:

- 1) April 30, 2003
- 2) July 31, 2003
- 3) October 31, 2003 (and)
- 4) January 31, 2004.

Grant funds shall be disbursed quarterly by the District, for actual expenses incurred, to the Grantee or a payee designated by the Grantee for Approved Activities within 30 days after receipt by the District of said invoice provided by the Grantee evidencing that the Grantee has paid expenses of Approved Activities in the amount requested to be disbursed or that the amount requested to be disbursed is due and payable for expenses incurred, each such invoice to be prepared, completed and signed in a form and a manner satisfactory to the Executive Director/Treasurer.

- 1.03 Grantee agrees that Grant funds shall be used solely to reimburse it for the payment of expenses of Approved Activities or to pay those expenses. Expenses incurred by the Grantee for items that are not a part of the Approved Activities or costs incurred for items in the Approved Activities that are in excess of the amount of the Grant shall not be reimbursed without the prior written approval of the District.

Section 2. Progress Reports

- 2.01 Grantee shall prepare and submit progress reports, the form attached here to as Exhibit D (the Quarterly Report), on the Status of the Program to the Board on each of the following dates, each such report to be prepared, completed, and signed in form and a manner satisfactory to the Executive Director/Treasurer.

- (1) April 30, 2003;
- (2) July 31, 2003
- (3) October 31, 2003 (and)
- (4) January 31, 2004.

- 2.02 Each progress report shall set forth the purpose for which Grant funds have been expended and the extent to which Program objectives have been achieved.

Section 3. Compliance with Federal and State Law

- 3.01 The Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex or any disability.

- 3.02 Neither the Grantee nor its employees are employees of the District. Grantee accepts full responsibility for payment of all unemployment compensation insurance premiums, worker's compensation premiums, all income tax deductions, pension deductions, and any and all other taxes or payroll deductions required for the Grantee and all employees engaged by the Grantee.
- 3.03 The Grantee shall carry out the aforementioned Program and administer the Grant in accordance with all applicable federal, state and local laws and all terms of this Agreement.
- 3.04 The Board shall at any reasonable time have the right of access to and right to audit any and all books and records, financial or otherwise, pertinent to the administration of this Grant. Those books and records shall be kept in a common file to facilitate audits and inspections.

Section 4. Indemnification

Grantee agrees, to the extent permitted by law, to protect, defend, indemnify and hold the District, the Board, the Policy Committee, any committee or subcommittee thereof and their officers, employees and agents, free and harmless from and against any and all losses, penalties, damages, settlements, costs or liabilities of every kind and character arising out of or in connection with any acts or omissions of the Grantee, negligent or otherwise, and its employees, officers, agents or independent contractors. Grantee agrees, to the extent permitted by law, to pay all damages, costs and expenses of the District, the Board, the Policy Committee, any committee or subcommittee thereof and their officers, employees and agents, in defending any action arising out of the aforementioned acts or omissions.

Section 5. Miscellaneous

- 5.01 Notices: All notices, certificates, requests or other communications hereunder shall be in writing and shall be deemed to be given when mailed, postage prepaid, addressed as follows:

if to the District: Board of Directors
Stark-Tuscarawas-Wayne Joint Solid Waste Mngmnt District
9918 Wilkshire Blvd NE
Bolivar, OH 44612
Attn: Mr. Phillip F. Palumbo
Executive Director/Treasurer

if to the Grantee:

Either may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

- 5.02 **Extent of Covenants; No Personal Liability.** All covenants, stipulations, obligations and agreements of the District contained in this Agreement are and shall be deemed to be covenants, stipulations, obligations and agreements to the full extent authorized by law and permitted by the Constitution of the State. No covenant, stipulation, obligation or agreement of the District contained in this Agreement shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future member, officer, agent or employee of the District, the Board, the Policy Committee or any committee or subcommittee thereof, in other than that person's official capacity.
- 5.03 **Binding Effect.** This agreement shall inure to the benefit of and shall be binding upon the District and Grantee and their respective successors and assigns, provided that this Agreement shall not be assigned by either party without the consent of the other party.
- 5.04 **Amendments, Changes and Modifications.** This Agreement may not be effectively amended, changed, modified or added to except by an instrument executed in the same manner as this Agreement approved by the Board and the governing body of the Grantee.
- 5.05 **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.
- 5.06 **Severability.** In case any section or provision of this Agreement, or any covenant, stipulation, obligation, agreement, act, or action, or part thereof made, assumed, entered into, or taken thereunder or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other section or provision thereof or any other covenant, stipulation, obligation, agreement, act, action or part thereof, made, assumed, entered into, or taken thereunder (except to the extent that such remainder, section, provision or other covenant, stipulation, obligation, agreement, act, action or part thereof is wholly dependent for its operation on the provision determined to be invalid), which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity of any application thereof affect any legal and valid application thereof, and each such section, provision, covenant, stipulation, obligation, agreement, act, action, or part thereof shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.
- 5.07 **Construction.** The terms used in this Agreement shall be construed so as to be consistent with, and to give effect to, any applicable state or federal laws or regulations issued thereunder, but otherwise so as to confer the fullest possible authority upon the District and the Grantee to accomplish the purposes of this Agreement.
- 5.08 **Captions and Headings.** The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.
- 5.09 **Laws of State Govern.** This Agreement shall be deemed to be an agreement made under the laws of the State of Ohio and for all purposes shall be governed by and construed in accordance with those laws.

5.10 Termination of Agreement. This Agreement shall terminate on January 15, 2004, or at such earlier date as may be elected by the District if the Board hereafter determines in its sole discretion that the conduct of the Program by the Grantee is not specified in the Application, or the Grantee has not complied in any respect with the terms of this Agreement. In the event of such termination, the Grantee shall be paid only for any non cancelable obligation properly incurred by the Grantee prior to termination.

IN WITNESS WHEREOF, the District, acting by and through the Board, and the Grantee, have caused this Agreement to be executed and to be effective on the date set forth above.

THE CITY OF MASSILLON

STARK-TUSCARAWAS-WAYNE JOINT
SOLID WASTE MANAGEMENT DISTRICT

By: _____
Title

By: _____
Chairman, Board of Directors

And By: _____
Title

Attest: _____
Secretary, Board of Directors

Year of _____

Grantee: _____

Prepared By: _____

Quarter: _____

Date: _____

INCOME

District Grant

\$ _____

ODNR Grant

Local Money

Sale of Recyclables

Total Income

\$ _____

EXPENSES*

Salaries/Benefits

\$ _____

Membership Dues

Administrative/Office Supplies

Vehicle Fuel, Supplies & Parts

Printed Material & Items

Subscriptions

Supplies (District Approval)

Curbside Recycling Bags

Travel

Seminars

Publicity – radio, newspaper, tv

Vehicle Insurance

Phone

Hauling/Pulling Services

Non Profit Organizations

Other**

Sub-Total

\$ _____

OTHER EXPENSES (Buy Back Centers Only)

Amount Paid Out for Recyclables

\$ _____

TOTAL EXPENSES

\$ _____

* List only those expenses that should be charged to the District according to the approval Grant Application.

** Please attach itemized list and explanation.

QUARTERLY RECYCLING REPORT

Grantee: _____

Quarter: _____

Categories	Tons Recycled	Outlet*	\$ Received
A. Aluminum			
1. Cans	_____	_____	_____
2. Siding	_____	_____	_____
3. Other (Specify)	_____	_____	_____

B. Bimetal Cans	_____	_____	_____
C. Glass			
1. Clear	_____	_____	_____
2. Brown	_____	_____	_____
3. Green	_____	_____	_____
4. Other (Specify)	_____	_____	_____

D. Plastics			
1. PETE (1#, i.e. 2-litter bottles)	_____	_____	_____
2. HDPE (#2, i.e. milk jug)	_____	_____	_____
3. Polystyrene	_____	_____	_____
4. PVC	_____	_____	_____
5. Other (Specify)	_____	_____	_____

E. Paper Products			
1. Newsprint	_____	_____	_____
2. Office	_____	_____	_____
3. Computer	_____	_____	_____
4. Corrugated	_____	_____	_____
5. Magazines	_____	_____	_____
6. Other (Specify)	_____	_____	_____

Sub-Total	_____	_____	_____

	Tons Recycled	Outlet*	\$ Received
F. Wood			
1. Pallets	_____	_____	_____
2. Other (Specify)	_____	_____	_____
G. Tires	_____	_____	_____
H. White Goods (Appliances)	_____	_____	_____
I. Metals			
1. Ferrous	_____	_____	_____
2. Nonferrous	_____	_____	_____
J. Batteries			
1. Lead Acid	_____	_____	_____
2. Dry Cell	_____	_____	_____
3. Other (Specify)	_____	_____	_____
K. Other (Specify)	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
Sub-Total	_____	_____	_____
(first page) Sub-Total	_____	_____	_____
TOTAL	_____	_____	_____

* Please ID the business that accepts or buys your recyclables. If more than one business accepts the same category, please list approximate recycled tonnage for each business. Please attach a copy of all weight slips provided to you by the business or recycling center that accepts your recyclables.

CERTIFICATION

The undersigned hereby certifies in accordance with Section 2.01 of the Agreement made and entered into as of the _____ day of _____, _____ by and between the Grant Recipient and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, that the above report is true and accurate.

_____, _____

DATE: MARCH 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 50 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Solid Waste Fund, Waste Management Grant Fund and ADR Fund, for the year ending December 31, 2003, 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 Solid Waste Capital Improvement Fund for the year ending December 31, 2003, the following:

\$140,000.00 to an account entitled "Equipment" 1413.605.2530

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Waste Management Grant Fund, for the year ending December 31, 2003, the following:

\$14,000.00 to an account entitled "Services/Contracts" 1222.605.2392

Section 3:

There be and hereby is appropriated from the unappropriated balance of the ADR Fund for the year ending December 31, 2003, the following:

\$ 673.13 to an account entitled "Worker's Compensation" 1242.125.2270

Section 5:

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 _____ 2003

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: MARCH 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

defeated
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 8 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on February 13, 2003 wherein the Zoning Board of Appeals approved a variance from the existing Zoning Code to erect a 14' x 18' storage barn located at 1026 24th Street S.W., Massillon, Ohio, known as Lot No. 12212 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on February 13, 2003 approved a variance from the existing Zoning Code to erect a 14' x 18' storage barn located at 1026 24th Street S.W. Massillon, Ohio known as Lot No. 12212 of the City of Massillon, Ohio, and

WHEREAS, on February 18th, 2003 a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Walter Shafrath, appealing the decision in Case No. 1088 of the Massillon Zoning Board of Appeals.

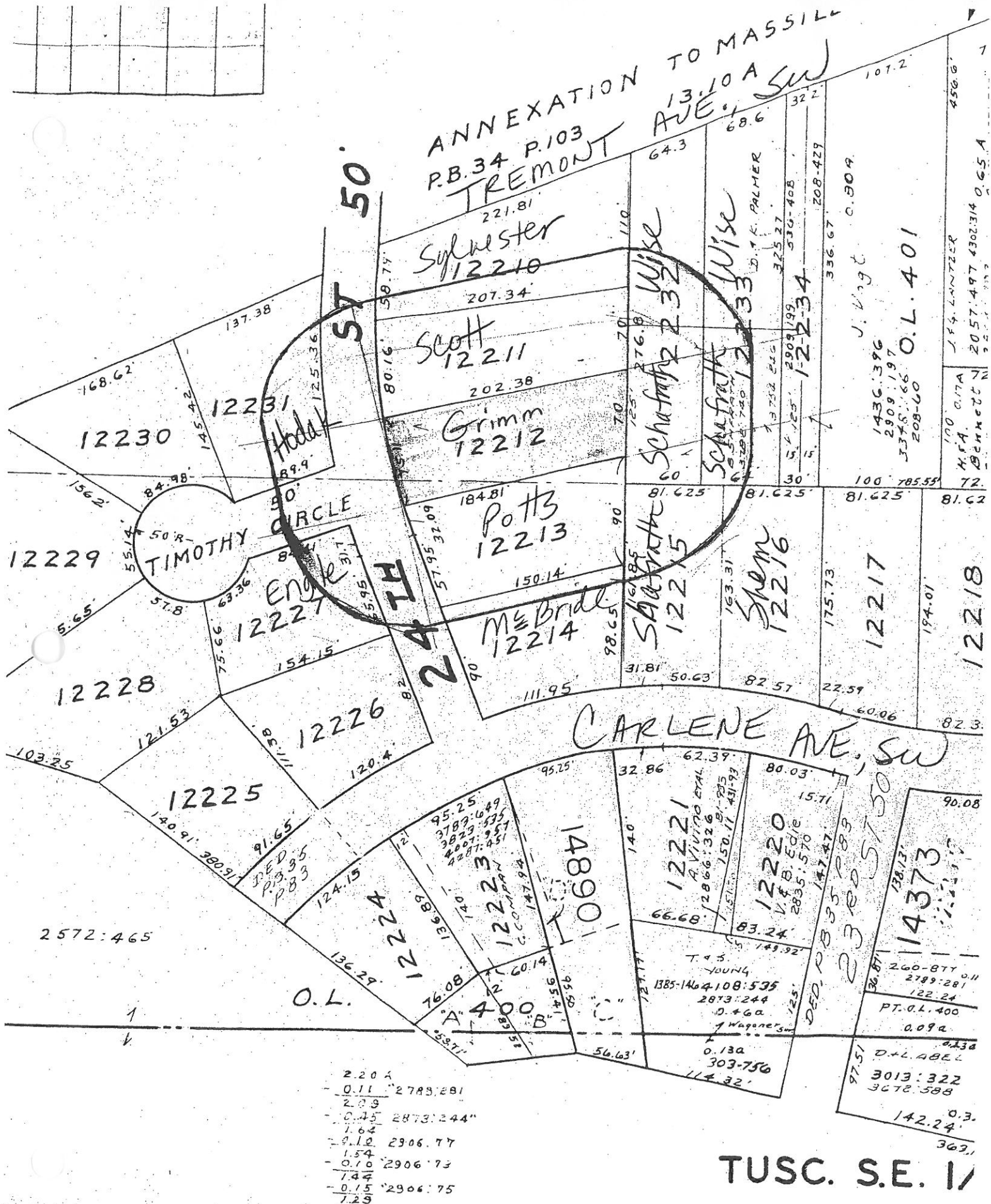
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

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 February 13th, 2003 in Case No. 1088, in regards to the building of a 14' x 18' storage barn located at 1026 24th Street S.W., 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: MARCH 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

defeated
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 9 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on February 13, 2003 wherein the Zoning Board of Appeals approved a variance from the existing Zoning Code to erect a single family dwelling located on Woodland Avenue S.E., Massillon, Ohio, and known as Lot No. 11418 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on February 13, 2003 approved a variance from the existing Zoning Code to erect a single family dwelling located on Woodland Avenue S.E. and known as Lot No. 11418 in the City of Massillon, Ohio, and

WHEREAS, on February 19th, 2003 a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Shahrokh Parhizgar, appealing the decision in Case No. 1089 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 February 13th, 2003 in Case No. 1089, in regards to the building of a single family dwelling located on Woodland Avenue S.E., and known as Lot No. 11418 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.

5368	48.5
5367	48.5
5366	48.5
5365	48.5
5364	48.5

50'

5359	48.5
5360	48.5
5361	48.5
5362	48.5
5363	48.5

331	40'
332	40'
333	40'
5330	40'
5329	40'
5328	40'

5323	48.5
5324	48.5
5325	48.5
5326	48.5
5327	48.5

11731 11732

342-147
ERSON 2072-0- 2565-477-47

W. HELMUTH	39'
6-371 0.165	39'
1-1008	39'
2-1008	39'
7-154 0.17	39'
10	39'

150'	39'
terring	39'
144-15	39'
52-529	39'
54-39	39'
774 350-165	39'
CURTIS	39'

S.E.

ST.

14TH

D. P. B. 32 R. 6

303.5

173.72

Woodland

27.10' (347.10)	173.72
H. FELLER	173.72
350-580	173.72
1924-607	173.72
366-273	173.72
665-580	173.72
1057-351	173.72
1211-162	173.72
7.00 A Total	173.72
- 2.17 Plat	173.72
- 4.83	173.72
- 2.12 Plat	173.72
- 2.71	173.72
- 1.72 Plat	173.72
0.99	173.72
214.10' (344.10)	173.72
J. LUCAS	173.72
1614-414	173.72

L. T. BOIS

O. L. 304

1225-223
2394-172
3220-494
143-921

5001

N 89° 3' W.

7' 8 8'

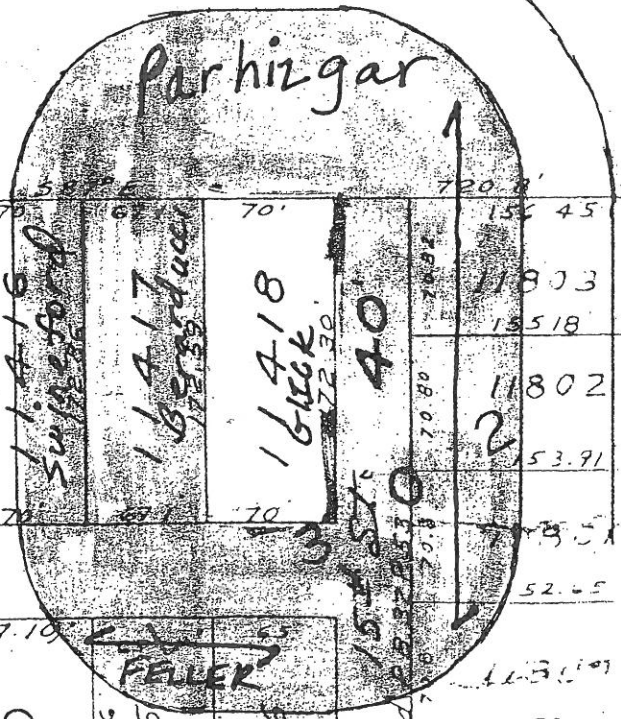
THE DEVILLE LUMBER CO.

1490'

503A

O. L. 303

1444.57
2830-574
682-929



11795	137.26
11796	137.26
11797	137.26
11798	137.26
11799	137.26
151.85 - 136	137.26
(712.4')	137.26