

AGENDA

DATE: April 7, 2003
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS 1 PUBLIC HEARING TONIGHT ORDINANCE NO. 40 - 2003

1. ROLL CALL
2. INVOCATION BY COUNCILMAN JAMES D. FILHOUR
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL *ADD ORD 48, Brny Res 12 TO Agenda*
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

RICHARD REGULA, JUDGE REINBOLD AND RICK CAMPBELL REPRESENTING THE COUNTY SALES TAX ISSUE.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 59 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

*5000
9-0
pro*
AN ORDINANCE accepting the Final Plat and dedication of various streets for Kenyon Creek Estates Phase 1 in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 60 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

125
AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidation Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

ORDINANCE NO. 61 - 2003

BY: POLICE AND FIRE COMMITTEE

725
AN ORDINANCE authorizing the Mayor, the Safety Service Director and the Police Chief to implement a new contract concerning housing of prisoners from other political subdivisions in the Massillon City Jail, and declaring an emergency.

ORDINANCE NO. 62 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

155
AN ORDINANCE accepting the Dedication Plat for Hills & Dales and Wales, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

APRIL 7, 2003

ORDINANCE NO. 63 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*5030
7-0
PMS
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract with URS Corporation to provide a Scope of Services to modify the interchange study that was performed by the same company in May of 1999, and declaring an emergency.

ORDINANCE NO. 64 - 2003

BY: FINANCE COMMITTEE

*5000
9-0
PMS
9-0*
AN ORDINANCE authorizing the Mayor to accept a Domestic Violence Prosecutor Grant that will allow the City of Massillon to have a prosecutor specifically for domestic violence cases, and declaring an emergency.

ORDINANCE NO. 65 - 2003

BY: FINANCE COMMITTEE

*5000
9-0
PMS
9-0*
AN ORDINANCE making certain appropriations from the unappropriated balance of the 16th Street Project Fund, General Fund, Wastewater Treatment Upgrade Fund, Vehicle License Plate Tax Fund, Muni Motor Vehicle License Fund and the Wastewater Treatment Plant Fund for the year ending December 31, 2003, and declaring an emergency.

ORDINANCE NO. 66 - 2003

BY: FINANCE COMMITTEE

*5000
9-0
PMS
9-0*
AN ORDINANCE making a transfer in the 2003 appropriation from 16th Street Project Fund to General Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 67 - 2003

BY: FINANCE COMMITTEE

*5000
9-0
PMS
9-0*
AN ORDINANCE making a transfer in the 2003 appropriation from Wastewater Treatment Plant Upgrade Fund to Wastewater Treatment Fund of the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 11 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

151
AN RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on March 13, 2003 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code on an existing deck which did not meet the minimum size setback of twelve (12) feet located at 1306 Meadowbrook SW., Massillon, Ohio, known as Lot No. (?) In the City of Massillon, Ohio, and declaring an emergency

APRIL 7, 2003

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 MARCH 2003

B). MAYOR SUBMITS MONTHLY REPORT FOR MARCH 2003 *AUDITOR*

C). CLERK OF COURTS ANNUAL REPORT FOR 2002

D). ACCEPT MAYOR'S APPOINTMENT OF NANCY A. JOHNSON *TO SARTA RD.*

E). MAYOR TO PRESENT CAPITAL IMPROVEMENTS FOR 2003

11. REPORTS OF COMMITTEES *4-14-03 @ 5:30 PM*

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS *OR 12-2003*

13. CALL OF THE CALENDAR *move off table - 9-0
Pass 9-0*

ORDINANCE NO. 40 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

Pass 9-0
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.

1. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 47 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

PH 4-21-03
Tooled
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 of the City of Massillon, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE 51 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

5:55 PM 9-0
Pass 9-0
AN ORDINANCE authorizing the Mayor to enter into an agreement with Kendal Welding Y Fabrications, providing for the adoption of a project which will establish a new facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE 55 - 2003 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

5:55 PM 9-0
Pass 9-0
AN ORDINANCE AMENDING Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT , and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
8. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: APRIL 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

*5000 9-0
pro 9-0*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 59 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Kenyon Creek Estates Phase 1 in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The Final Plat for Kenyon Creek Estates Phase 1 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 Kenyon Creek Avenue N.W., Silver Creek Circle N.W., Wood Creek Circle N.W., and Lake Creek Circle N.W., and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held March 12, 2003. The description of Kenyon Creek Estates Phase 1 is as follows:

Being Known as Part of Out Lot 872, a total 18.0444 acre parcel located on the east side of Kenyon Avenue N.W. south of Wooster Street N.W. This plat creates a total of 51 lots zoned R-1 One Family Residential, as well as the dedication of Kenyon Creek Avenue N.W., Silver Creek Circle N.W., Wood Creek Circle N.W. and Lake Creek Circle 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
KENYON CREEK ESTATES - PHASE I
FINAL PLAT
18.0444 ACRES

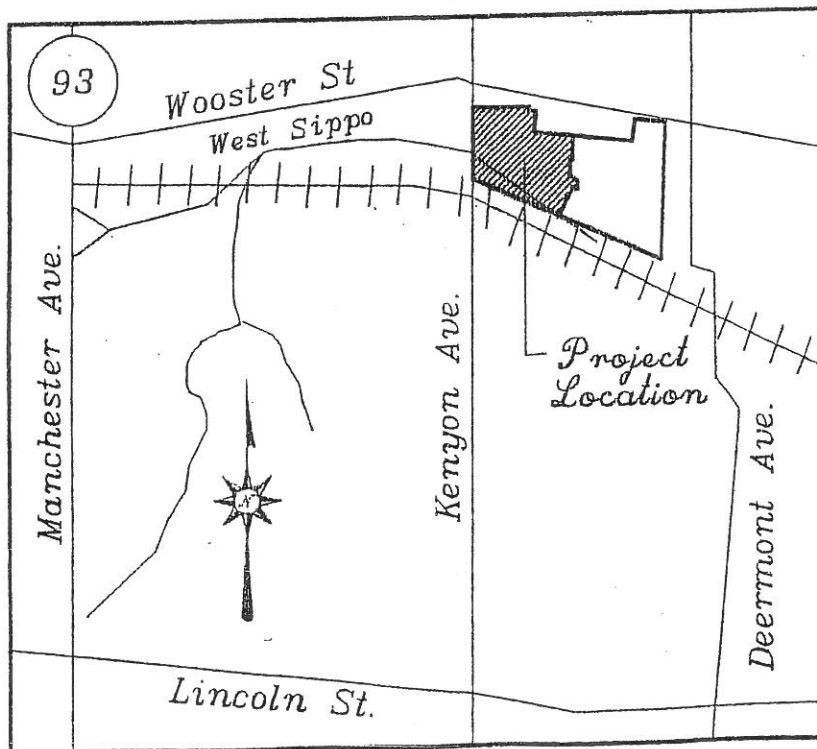
PART OF THE SW 1/4 SECTION 2
TOWNSHIP 12, RANGE 10
FORMERLY TUSCARAWAS TWP.,
BEING PART OF OUTLOT 872 OF
CITY OF MASSILLON

ACREAGE IN LOTS (51):	12.1992 AC.
ACREAGE IN OUTLOTS (3):	2.5972 AC.
ACREAGE IN R/W:	3.2480 AC.
TOTAL ACREAGE:	18.0444 AC.

OWNER/ DEVELOPER

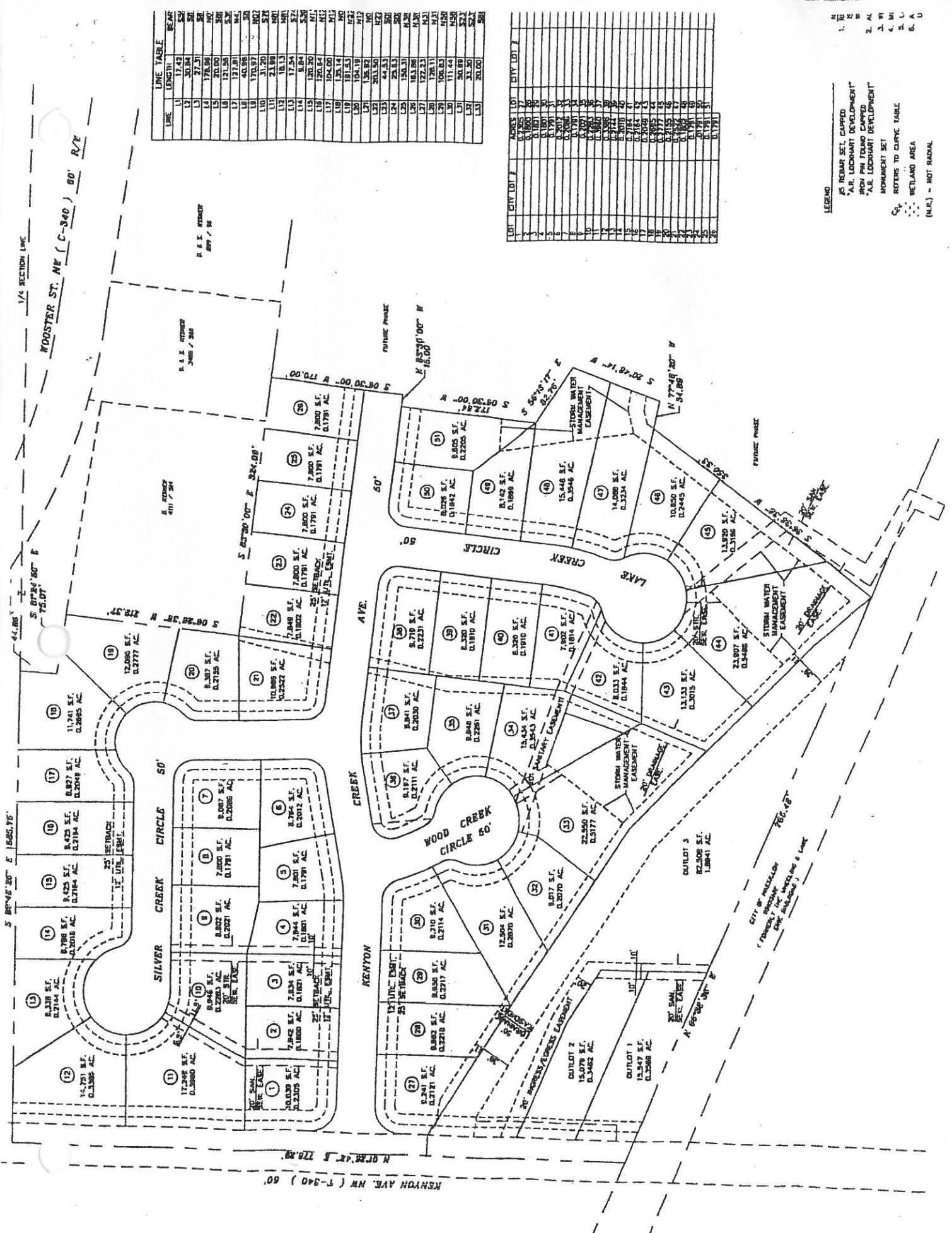
A.R. LOCKHART DEVELOPMENT CO.
800 WEST WATERLOO ROAD
AKRON, OHIO 44319
PH: (330) 745-6520
FAX (330) 745-0716

FEBRUARY 2003



LOCATION MAP

Not to scale



- LEGEND**
- AS REMAINS SET, CLAMPED
 - "A.R. LOCUMENT DEVELOPMENT"
 - FROM PM FOUND CLAMPED
 - "A.R. LOCUMENT DEVELOPMENT"
 - MONUMENT SET
 - REFERS TO CURVE TABLE
 - WETLAND AREA
 - (N.R.) = NOT RADIAL

DATE: April 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 60 - 2003

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974 (which title is hereunder referred to as the "Act") and the regulations promulgated thereunder (24 CFR Parts 58 and 570, hereunder referred to as the "Regulations") is authorized to make block grants to units of general local government to help finance housing and community development programs (which grants are hereinafter to as "CDBG" grants); and

WHEREAS, the City of Massillon proposes to apply for such a grant for Fiscal Year 2003 and has, in that connection and as required by and pursuant to the Act and Regulations, prepared a Consolidated Plan for community development, including a strategic plan for meeting its housing and community development needs, and an annual action plan describing the activities that the City proposes to undertake with CDBG funds; and

WHEREAS, the City of Massillon has developed and implemented a citizen participation plan to make information available to citizens, public agencies, and others on the various elements of CDBG program; to encourage participation of citizens and organizations representing citizens, particularly low and moderate income citizens, in the development of the Consolidated Plan; to hold public meetings on the Plan and proposed CDBG Budget and to provide timely and adequate notice of such meetings; and to provide technical assistance to citizens and citizen groups requesting assistance to adequately participate in the planning, implementation, and evaluation of the Consolidated Plan and CDBG Program; and

WHEREAS, the Council has duly reviewed and considered the Consolidated Plan and Annual Action Plan, along with the views and proposals of citizens, and the comments and recommendations of the City's administrative and planning officials.

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

1st. reading.
2nd. reading 4/21
3rd. reading 5/5

Section 1:

This Council hereby finds and determines that the Consolidated Plan and Annual Action Plan properly and adequately identifies the City's housing and community development needs and objectives; and that the programs and activities to be undertaken by the City with CDBG funds as provided for under the Act for the 2000 Program Year have been designed so as to give maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, so as to achieve the national objectives of the CDBG program which are to develop viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities, principally for low and moderate income persons; and for these reasons, this Council approves said Plan.

Section 2:

That the Mayor, being the chief executive officer of the City of Massillon, is hereby designated as the authorized representative of the City, to act in connection with the City's application for CDBG funds, and to provide such additional information, as well as to execute and file such additional documentation or certifications as may be required by the Secretary or by other responsible agencies in connection with the application.

Section 3:

That this Council hereby finds and determines that the City in preparing its application for CDBG funds, has complied with the applicable requirements of the Act and Regulations, and that this Council hereby approves the Annual Action Plan and authorizes the Mayor to execute and file the application, together with all related documentation, with the Secretary.

Section 4:

That this Council hereby directs that the City of Massillon is carrying out its CDBG funded activities, continue to comply with applicable requirements of the Act and Regulations and with other applicable laws including civil rights, equal opportunity and fair housing, citizens participation, real property acquisition and relocation, environmental protection, fair labor standards, and the requirement of giving maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, and this Council authorizes the Mayor to execute and file with the Secretary certifications in such form as the Secretary may prescribe, which will provide assurances concerning these foregoing matters, and concerning other matters as may be required by the Secretary in connection with carrying out the City's CDBG program.

Section 5:

That this Council hereby authorizes the Mayor to consent to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provision of such act applies to the Secretary's responsibilities for environmental review, decision making, and action to be assumed and carried out by the Mayor, and authorizes the Mayor to consent, on behalf of the City, to accept the jurisdiction of the Federal Courts for the purposes of carrying out the CDBG program; and furthermore, that this Council hereby authorizes the Mayor to execute and file such other documents and take such other actions in connection with the environmental review process as may be required by the Act and Regulations.

Section 6:

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the further reason that the immediate approval and filing of the application is necessary to enable the City to qualify for its CDBG Grant for the FY 2003 Program Year and thus enable it to carry out its Community Development Program. Provided it receives the affirmative vote of two-thirds of the elected members of 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: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

PROPOSED BUDGET- FY 2003 CDBG PROGRAM ACTION PLAN		Proposed FY 2003 CDBG Budget	FY 2002 Funding
PROJECT NAME	PROJECT DESCRIPTION		
Housing Activities			
City Housing Rehabilitation Program	Homeowner Rehabilitation/Emergency Home Repairs	220,000	220,000
Neighborhood Housing Services	New Housing Construction	20,000	50,000
Habitat for Humanity	New Housing Construction	20,000	25,000
Family Living Center Improvements/ Community Services of Stark County	Bathroom/Plumbing Renovation	5,000	5,000
Neighborhood Facilities & Improvements			
Target Area Street Resurfacing	Street Resurfacing in low income neighborhoods	70,000	100,000
Youth Center / Sparma Building	Kitchen/Gymnasium Improvements	27,000	
Walnut Hills Improvements	Picnic/Playground Project	10,000	15,000
CHARM District Improvements	Street Lights, Sidewalk Improvements	10,000	10,000
Make-A-Way Center	Roof Renovation	9,000	
Central Business District			
Massillon Main Street Program	Rehab of Downtown Buildings	75,000	75,000
Clearance Activities			
Demolition Program	Demolition of vacant, dilapidated structures	25,000	45,000
Public Service Activities			
Youth Center Program	Operation of City Youth Center	54,600	56,000
Elderly Homemaker Program	Homemaker services to elderly & handicapped	19,160	20,000
Westark Family Services			
Housing Counseling Program	Rental referrals, tenant & homeowner counseling	14,370	15,000
Massillon Urban League			
Western Stark Medical Clinic	Free medical services for uninsured low income person	11,496	12,000
Family Living Center Homeless Shelter	Operation of Homeless Shelter	9,580	10,000
Community Services of Stark County			
Domestic Violence Shelter	Operation of Domestic Violence Shelter	8,622	9,000
Adult Literacy Training Program	Adult Literacy Training, Education & Outreach	4,790	5,000
Massillon Commission to Advance			
Neighborhood Partnership Program	Leadership/Training Program	4,790	5,000
Community Health Foundation			
YWCA Child Development Centers	Preschool/child care centers	4,790	5,000
Teen Pregnancy Prevention	Education Program for Middle School Students	3,832	4,000
Massillon Urban League			
Mayor's Drug Task Force	Education & Outreach	3,832	4,000
Community Awareness Program			
Community Hospice Services	Hospice Care Giver Program	958	1,000
Section 108 Loan Program			
Canal View Center 108 Payment	Annual Section 108 Loan Payment to HUD	212,000	210,000
CDBG Administration Activities			
Fair Housing Program	Fair housing services, education, outreach	32,000	34,000
Planning & Administration	Planning & Administration of CDBG Program	154,180	160,000

Total Proposed Projects 1,030,000

FY 2003 Entitlement 904,000

Estimated Income 31,000

Transfer in from prior FY Years 95,000

Total Available CDBG Funding 1,030,000

OTHER CDBG PROPOSALS RECEIVED

Project Name	Description	Amount Requested
YMCA Systems Update	Window Replacement	70,056
Massillon American Legion	Roof Replacement	27,913
Spring Hill Historic Home	Roof repairs	17,369
Tusc. Elks Lodge Renovation	Roof repairs	6,300
Faith in Action of Western Stark County	Services to frail elderly and handicapped	15,000

Note concerning public service activities

Due to the decrease in CDBG funding from FY 2002 (\$949,000) to FY 2003 (\$904,000), the City must allocate fewer dollars for public service activities. In order to accomplish this, all FY 2002 public service activities were reduced proportionately. All public service activities other than the City Youth Center were reduced 4.2%. The Youth Center budget was reduced 3% because of prior year reductions. The maximum allowable total public service activities under the FY 2003 CDBG Budget is \$140,850. The amount being budgeted is \$140,820.

Note concerning Neighborhood Housing Services and Habitat for Humanity housing construction programs

Both of these agencies have \$50,000 in unspent CDBG funding from prior years. Allocating both agencies an additional \$20,000 would provide them with \$70,000 total funding to assist their housing construction efforts in the upcoming year.

DATE: APRIL 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 61 - 2003

105 - 4/7/03
2nd - 4/21/03
LEGISLATIVE DEPARTMENT
Held 7/5 to 4/2
passed 4/2

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor, the Safety Service Director and the Police Chief to implement a new contract concerning housing of prisoners from other political subdivisions in the Massillon City Jail, and declaring an emergency.

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

Section 1:

The Mayor, the Safety Service Director and the Police Chief of the City of Massillon, Ohio, to implement a new contract concerning housing of prisoners from other political subdivisions in the Massillon City Jail.

Section 2:

A copy of said contract agreement is attached hereto and made part of this ordinance.

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 for the efficient operation of the Massillon Police Department and the booking, boarding of prisoners. 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.

MASSILLON CITY JAIL CONTRACT

AGREEMENT

THIS AGREEMENT ENTERED INTO THIS _____ DAY OF _____, 2004
BY AND BETWEEN _____ TOWNSHIP/VILLAGE/A POLITICAL
SUBDIVISION, HEREINAFTER REFERRED TO AS "SUBDIVISION", AND THE CITY OF
MASSILLON, OHIO, A MUNICIPAL CORPORATION, HEREINAFTER REFERRED TO AS
"MASSILLON";

A. "MASSILLON" HEREBY AGREES TO BOOK, RECEIVE, BOARD, AND ROOM CERTAIN PRISONERS BROUGHT TO THE MASSILLON CITY JAIL ON CHARGES ORIGINATING IN THE SUBDIVISION. THE SUBDIVISION AGREES TO PAY "MASSILLON" ~~AN EIGHTY DOLLAR (\$80.00)~~ FIFTY DOLLAR (\$50.00) PER DAY FEE FOR EACH PRISONER ACCEPTED UNDER THIS AGREEMENT. SUCH FEE SHALL BE CHARGED EACH DAY OR PARTIAL DAY THE PRISONER IS BOOKED INTO OR RESIDES IN THE CUSTODY OF THE MASSILLON CITY JAIL. THIS FEE SHALL APPLY TO ALL PRISONERS REGARDLESS OF STATUS. THAT IS, PRISONERS SENTENCED TO SERVE TIME IN THE MASSILLON CITY JAIL SHALL BE SUBJECT TO THIS FEE, THE SAME AS PRE-SENTENCED PRISONERS. SUCH FEE SHALL BE PAID BY THE "SUBDIVISION" REGARDLESS OF WHICH LAW ENFORCEMENT AGENCY ACTUALLY MAKES THE ARREST OR DELIVERS THE PRISONER TO THE MASSILLON CITY JAIL, OR HOW MANY TIMES THE PRISONER HAS PREVIOUSLY BEEN ARRESTED ON THE SAME CASE. BILLINGS AND PAYMENTS SHALL BE DONE ON A QUARTERLY BASIS.

B. "MASSILLON" HEREBY AGREES TO PROVIDE THE FOLLOWING:

1. ROUTINE MEDICAL ATTENTION THAT MAY BE REQUIRED AND CAN BE PROVIDED AT THE MASSILLON CITY JAIL; AND
2. TRANSPORTATION TO A HOSPITAL EMERGENCY ROOM OR OTHER LOCAL CLINIC IN CASES WHERE OTHER THAN ROUTINE MEDICAL ATTENTION IS REQUIRED, AND SUCH TRANSPORTATION CAN BE SAFELY AND PROPERLY PROVIDED IN A POLICE DEPARTMENT VEHICLE.
3. A GUARD FOR THE PRISONER FOR A PERIOD NOT TO EXCEED THREE (3) HOURS, PROVIDED NO OVERTIME COSTS ARE INCURRED TO SUPPLY THE GUARD.
4. TRANSPORTATION TO AND/OR FROM THE STARK COUNTY JAIL FOR COMMITMENTS OR SUBSEQUENT COURT APPEARANCES, NOT TO EXCEED TWO TRIPS A DAY. ANY TRANSPORT OF "SUBDIVISION" PRISONERS REQUIRED OUTSIDE OF THE TWO TRIPS SHALL BE THE RESPONSIBILITY OF THE "SUBDIVISION".

C. IN CONSIDERATION OF THE FOREGOING, THE "SUBDIVISION" COVENANTS AND AGREES TO PAY TO "MASSILLON" THE FOLLOWING:

1. THE TOTAL COST OF USING A "MASSILLON" POLICE OFFICER TO SERVE AS A GUARD WHILE THE "SUBDIVISION" PRISONER IS CONFINED IN A HOSPITAL, EXCEPT AS PROVIDED IN SECTION (B)(2) ABOVE. A MINIMUM OF TWO (2) HOURS WILL BE CHARGED IN THE EVENT A GUARD IS REQUIRED. SUCH COSTS SHALL INCLUDE ANY OVERTIME COSTS OR OTHER PAYROLL COSTS ASSOCIATED WITH SUPPLYING A GUARD OFFICER. "SUBDIVISION" SHALL BE GIVEN NOTICE AND AN OPPORTUNITY TO SUPPLY PERSONNEL OF ITS OWN LAW ENFORCEMENT AGENCY TO SERVE AS GUARD WHILE PRISONER IS CONFINED IN A HOSPITAL; "MASSILLON" POLICE OFFICER SHALL ONLY SERVE AS GUARD AFTER "SUBDIVISION" HAS BEEN GIVEN NOTICE AND FAILED TO SUPPLY A GUARD PURSUANT TO THIS SECTION.

2. IT IS UNDERSTOOD THAT INDIVIDUAL PRISONERS ARE PRIMARILY RESPONSIBLE FOR ALL COSTS OF MEDICAL TREATMENT OR SPECIAL MEDICINES REQUIRED IN THEIR TREATMENT. "SUBDIVISION" AGREES TO ASSUME RESPONSIBILITY FOR ANY MEDICAL COSTS FOR WHICH A "SUBDIVISION" PRISONER CANNOT BE HELD RESPONSIBLE. IN THE EVENT THAT "MASSILLON" IS ADJUDICATED LIABLE FOR COSTS INCURRED BY "PARTICIPATING SUBDIVISION" PRISONER, THEN "SUBDIVISION" SHALL REIMBURSE "MASSILLON" FOR SAID AMOUNT. HOWEVER, THE "SUBDIVISION" SHALL NOT BE RESPONSIBLE FOR PAYMENT OF THE ABOVE COSTS OF SPECIAL MEDICINES, MEDICAL ATTENTION, OR BURIAL COSTS WHERE THE CAUSE OF DEATH OR THE CAUSE OF ILLNESS OR INJURY REQUIRING MEDICAL ATTENTION, OR THE ADMINISTRATION OF SPECIAL MEDICINES WAS THE RESULT OF ANY MALFEASANCE, NONFEASANCE, NEGLIGENCE OF DUTY, OR OTHER ACTION OF AN EMPLOYEE AND/OR POLICE OFFICER OF "MASSILLON".
 3. IN THE EVENT TRANSPORTATION OUT OF STARK COUNTY IS REQUIRED FOR A "SUBDIVISION" PRISONER, THE "SUBDIVISION" SHALL PROVIDE SAID TRANSPORTATION; IF THE "SUBDIVISION" IS UNABLE TO PROVIDE SAID TRANSPORTATION AND "MASSILLON" DOES PROVIDE THE REQUIRED TRANSPORTATION, THEN THE "SUBDIVISION" SHALL BE BILLED FOR SAME AT FORTY-FIVE CENTS (\$.45) PER MILE AND ANY PAYROLL COSTS INCURRED BY "MASSILLON" FOR TRANSPORTING THE PRISONER, SO LONG AS SAID PRISONER IS SUBJECT TO THE JURISDICTION OF THE MASSILLON MUNICIPAL COURT. THIS SECTION DOES NOT REQUIRE "MASSILLON" TO PROVIDE SUCH TRANSPORT.
- D. IT IS MUTUALLY UNDERSTOOD AND AGREED THAT "MASSILLON" SHALL RECEIVE FOR CONFINEMENT AT THE MASSILLON CITY JAIL, CERTAIN PRISONERS BROUGHT THERE ON CHARGES ORIGINATING IN THE "SUBDIVISION" WITH THE EXCEPTION OF THOSE PRISONERS SUFFERING FROM A CONTAGIOUS AND/OR INFECTIOUS DISEASE, THOSE WITH A NEED TO BE MEDICALLY SCREENED PRIOR TO ADMISSION, THOSE WHO EXHIBIT A MENTAL OR PHYSICAL CONDITION WHICH THE MASSILLON CITY JAIL IS NOT EQUIPPED TO HANDLE, AND THOSE OVER WHICH THE MASSILLON MUNICIPAL COURT HAS NO JURISDICTION. "MASSILLON" MAY REFUSE TO ACCEPT "SUBDIVISION" PRISONERS WHEN THE JAIL POPULATION IS AT OR NEAR CAPACITY.
- E. "MASSILLON" WILL INVOICE THE "SUBDIVISION" WITH AN ITEMIZED STATEMENT OF ALL CHARGES DUE UNDER THIS AGREEMENT IN THE MONTHS OF JANUARY, APRIL, JULY AND OCTOBER. "SUBDIVISION" AGREES TO PAY SUCH CHARGES WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THE INVOICE.
- F. THIS AGREEMENT SHALL TAKE EFFECT ON JANUARY 1ST, 1999, AND REMAIN IN EFFECT UNTIL SUPERSEDED OR RESCINDED. EITHER PARTY MAY TERMINATE THIS AGREEMENT UPON THIRTY (30) DAYS NOTICE TO THE OTHER PARTY.
- G. THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN "MASSILLON" AND THE "SUBDIVISION". ALL OTHER AGREEMENTS CONCERNING THE BOOKING AND HANDLING OF PRISONERS, WHETHER WRITTEN OR VERBAL, ARE HEREBY RESCINDED. NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO PROVIDE ANY AGREEMENT, BENEFIT OR CAUSE OF ACTION TO ANY THIRD PARTY.

IN WITNESS WHEREOF, THE PARTIES HAVE AFFIXED THEIR SIGNATURES BELOW:

CITY OF MASSILLON

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE

ALAN W. CLIMER, SAFETY-SERVICE DIRECTOR

DATE

MARK D. WELDON, CHIEF OF POLICE

DATE

SUBDIVISION

DATE

DATE

DATE

DATE: APRIL 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

135 - 4/10/03
2nd - 4/21/03
passed 5/5
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 62 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY:

TITLE: AN ORDINANCE accepting the Dedication Plat for Hills & Dales and Wales, in the City of Massillon, County of Stark, State of 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:

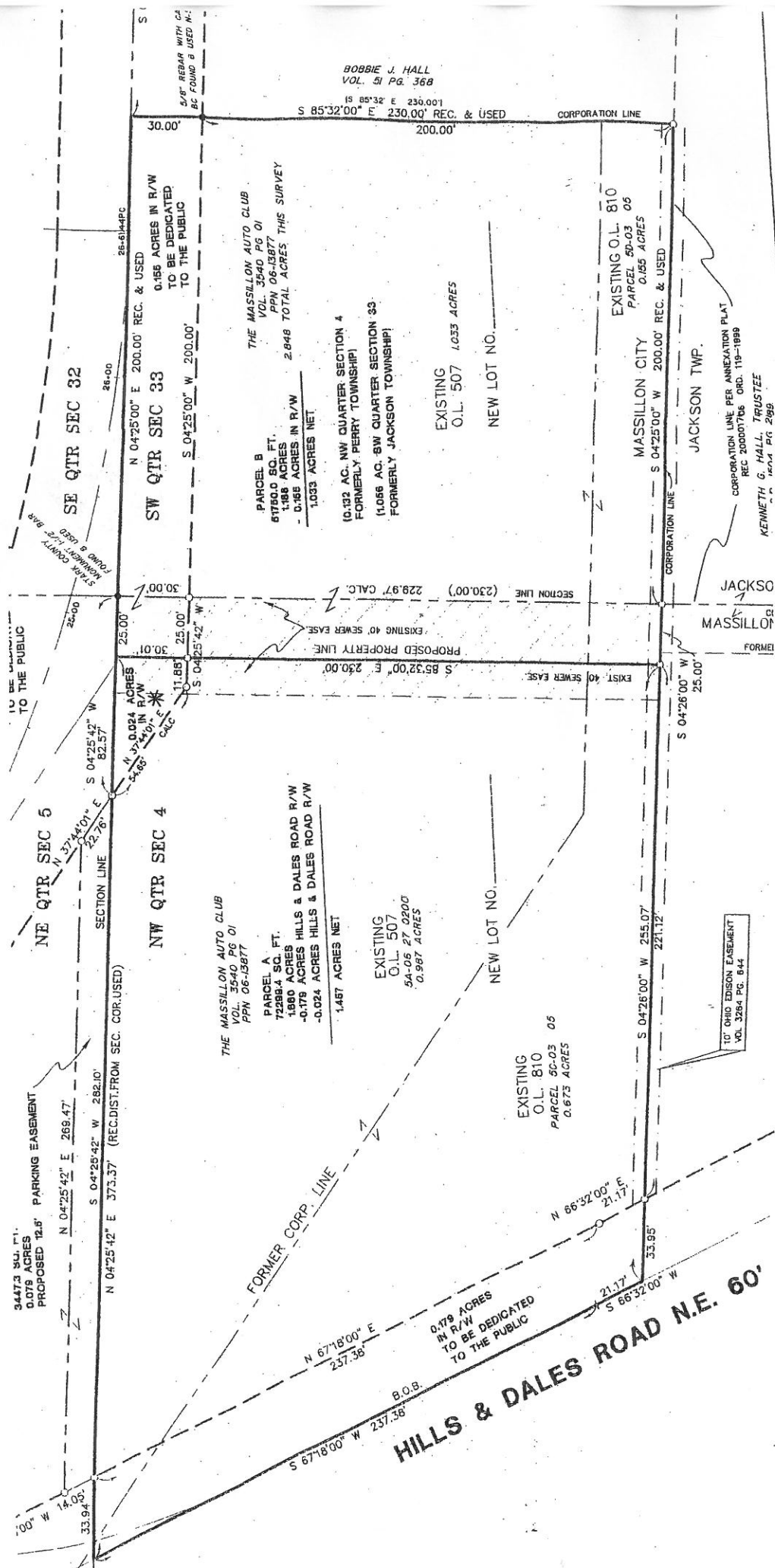
Section 1:

The Dedication Plat for Hills & Dales and Wales, in the City of Massillon, County of Stark and State of Ohio, presently on file in the office of the City Engineer. The dedication plat for Hills & Dales and Wales, was approved by the Planning Commission at the meeting held March 12, 2003. That the City Engineer has requested that this City owned roadway be formally accepted as a dedicated plat for a public right-of-way by the City and now on file with the City Engineer and the Council hereby approves the dedication as heretofore described:

Dedication of 0.179 acres of right-of-way to Hills & Dales and 0.179 acres of right-of-way to Wales Road which is owned by The Massillon Auto Club, in the City of Massillon, County of Stark and State of Ohio.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said dedication plat is urgently needed for proper community growth and the need for residential development 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.



DATE: APRIL 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

*SUP
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P100
P100*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 63 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract with URS Corporation to provide a Scope of Services to modify the interchange study that was performed by the same company in May of 1999, 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 URS Corporation to provide a Scope of Services to modify the interchange study that was performed by the same company in May of 1999.

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 URS Corporation to provide a Scope of Services to modify the interchange study that was performed by the same company in May of 1999.

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 URS Corporation. 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: APRIL 7, 2003

CLERK: MARY BETH BAILEY

*5050
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P100
9-2*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 64 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to accept a Domestic Violence Prosecutor Grant that will allow the City of Massillon to have a prosecutor specifically for domestic violence cases, 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 to the public health, safety and welfare of the community to accept a Domestic Violence Prosecutor Grant that will allow the City of Massillon to have a prosecutor specifically designated to prosecute for domestic violence cases.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to accept a Domestic Violence Prosecutor Grant that will allow the City of Massillon to hire a prosecutor specifically designated to prosecute for domestic violence cases.

Section 3:

The said amount of the Domestic Violence Prosecutor Grant shall be Thirty-Seven Thousand Seventy-Two Dollars (\$37,072.00). The city will be responsible for the remaining cost of Twelve Thousand Two Hundred Fifty-Eight Dollars (\$12,258.00).

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 reason that the grant is necessary to provide the Law Department with and allow the City of Massillon to have a prosecutor handle cases specifically for domestic violence. This will be in accordance with Violence Against Women Act (VAWA). 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: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: APRIL 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 65 - 2003

Susp 9-0

PRO 9-0

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 16th Street Project Fund, General Fund, Wastewater Treatment Upgrade Fund, Vehicle License Plate Tax Fund, Muni Motor Vehicle License Fund and the Wastewater Treatment Plant 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 16th Street Project Fund for the year ending December 31, 2003, the following:

\$205,000.00 to an account entitled "Advance To" 1410.435.2750
\$ 60,000.00 to an account entitled "16th Street Project" 1410.435.2510

Section 2:

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

\$30,500.00 to an account entitled "Salary - Domestic Violence" 1100.116.2111
\$ 8,830.00 to an account entitled "Supplies" 1100.116.2410
\$ 5,400.00 to an account entitled "Hospital/Eye/Dental" 1100.116.2210
\$ 4,150.00 to an account entitled "PERS" 1100.116.2230
\$ 450.00 to an account entitled "Medicare" 1100.116.2231

\$30,000.00 to an account entitled "Supplies/Materials/Postage" 1100.440.2410
\$ 5,000.00 to an account entitled "Services/Contracts" 1100.150.2392

Section 3:

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

\$23,677.50 to an account entitled "Advance Return" 1421.610.2750

Section 4:

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

\$18,000.00 to an account entitled "Erie Street Bridge Interchange Modification Study" 1206.435.2520

\$13,000.00 to an account entitled "Supplies/Materials" 1206.435.2410

Section 5:

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

\$3,000.00 to an account entitled "Lincoln Way West Pump Station" 2101.610.2514

Section 6:

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: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: APRIL 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

*52000 9-0
PMD 1-0*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 66 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making a transfer in the 2003 appropriation from 16th Street Project Fund to 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 hereby is a transfer from the 2003 appropriation of the 16th Street Project Fund General Fund of the City of Massillon, Ohio, the following:

\$205,000.00 FROM: "Advance To" 1410.435.2750
TO: "Return On Advance" 1100 905.1865

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary to reimburse an advance made earlier from the General Fund to the 16th Street Project Fund. 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: _____

MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: APRIL 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

sup 9-0
pro 9-0

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 67 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making a transfer in the 2003 appropriation from Wastewater Treatment Plant Upgrade Fund to Wastewater Treatment 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 a transfer from the 2003 appropriation of the Wastewater Treatment Plant Upgrade Fund to Wastewater Treatment Fund of the City of Massillon, Ohio, the following:

\$23,677.50 FROM: "Advance To" 1421.610.2750
TO: "Return On Advance" 2101.610.1865

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary to reimburse an advance made earlier from the Wastewater Treatment Plant Upgrade to the Wastewater Treatment Plant Fund. 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: _____
MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 68 - 2003

BY: PARKS AND RECREATION COMMITTEE:

TITLE: AN ORDINANCE amending CHAPTER 557 "WEEDS AND TREES" of the Codified Ordinances of the City of Massillon, by repealing existing Section 557.04 "REMOVAL OF TREES," of CHAPTER 557 "WEEDS AND TREES," and declaring an emergency.

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

Section 1:

The existing Section 557.04 "REMOVAL OF TREES" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

That there hereby is enacted new Section 557.04 "REMOVAL OF TREES" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Parks and Recreation Departments of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

557.04 REMOVAL OF TREES

(a) Any tree on City property on or along any sidewalk or street, which is decayed, mutilated, damaged, or diseased, may be declared by the Safety-Service Director to be a public hazard and nuisance. The Director is hereby authorized and directed to notify the owner of the property abutting such sidewalk or street on which such tree is located of the need for removal. The Director shall also offer the owner of the property the opportunity to sign a letter of authorization allowing the City to remove the tree without monetary cost to the owner of the property. The letter of authorization shall also provide that the owner of the property is required, at the owner's expense, to replant a tree of the City's choosing, if there is adequate space conducive for tree growth.

(b) If the owner of the property signs the letter of authorization, the Director shall cause the removal of such tree. The Director shall also determine whether there is adequate space conducive for tree growth and notify the owner of the property of the species of tree that the owner of the property shall replant in the location. The owner of the property shall replant the chosen tree within ninety (90) days after the removal of the stump.

(c) If the owner of the property fails to sign the letter of authorization within thirty (30) days, the Safety-Service Director shall notify the owner of the property to remove the tree. Such notice shall be made by certified mail. If any person neglects or refuses to comply with the notice within thirty (30) days of receipt of the notice, it shall be the duty of the Director to cause the removal of such tree. The cost of such removal shall be certified to the County Auditor who shall place the same on the owner's tax duplicate for collection in the same manner as other taxes are collected. Such remedy shall be in addition to the penalty provided in subsection (d) hereof.

(d) Whoever violates or fails to comply with this section upon receipt of a notice from the Director as herein provided is guilty of a misdemeanor of the fourth degree.

557.04 REMOVAL OF TREES.

(a) Any tree on City property on or along any sidewalk or street which is decayed, mutilated or damaged may be declared by the Safety-Service Director to be a public hazard and nuisance. The Director is hereby authorized and directed to notify the owner of the property abutting such sidewalk or street on which such tree is located to remove the same forthwith. The notice shall be sent by certified mail. If any person neglects or refuses to comply with the notice within fifteen days of receipt of the notice, it shall be the duty of the Director to cause the removal of such tree. The cost of such removal shall be certified to the County Auditor who shall place the same on the owner's tax duplicate for collection in the same manner as other taxes are collected. Such remedy shall be in addition to the penalty provided in subsection (b) hereof. (Ord. 7-1997. Passed 1-6-97.)

(b) Whoever violates or fails to comply with this section upon receipt of a notice from the Director as herein provided is guilty of a misdemeanor of the fourth degree.

557.05 ADVICE OF SUPERINTENDENT OF PARKS.

The Safety-Service Director, in administering and enforcing the provisions of Sections 557.01 to 557.04, is hereby authorized to solicit and act upon the advice of the Superintendent of Parks. (1968 Code Sec. 97.05)

557.06 POPLAR TREES PROHIBITED.

(a) No person shall plant or cause to be planted any poplar tree in or upon any public place or upon any private property within a distance of fifteen feet from the nearest line of any street in the City. (1968 Code Sec. 97.07)

(b) Whoever violates this section is guilty of a minor misdemeanor.

557.07 REMOVING POPLAR TREES; COST.

If a poplar tree is planted in violation of Section 557.06, it shall be the duty of the Safety-Service Director to order the person planting the same or the owner or his agent, of the property upon or abutting which such tree has been planted, to remove the same forthwith. If such person, owner or agent fails to remove the tree, the Director shall cause such tree to be removed. The cost and expense thereof shall be charged against the person planting the tree and shall be collected by suit according to law. Such remedy shall be in addition to the penalty provided in Section 557.06(b). (1968 Code Sec. 97.08)

557.08 CUTTING AND DESTROYING WEEDS REQUIRED.

(a) Prohibitions. No person, whether as owner, lessee, agent, tenant or any other person having charge or care of land in the City, shall permit noxious weeds or other undesirable vegetation, grasses, etc., to grow thereon to a height in excess of twelve inches, or to mature their seeds thereon, or fail to cut and destroy such weeds and other undesirable vegetation when notified by the Director of Public Safety and Service to do so. This provision shall not apply to premises zoned A-2 General Agricultural when the premises are utilized in pursuit of a reasonable agricultural use. (Ord. 173-1998. Passed 10-5-98.)

(b) Notice to Cut Weeds; Service. When determined through investigation by the Director of Public Service and Safety that weeds and other undesirable vegetation exceeding the height specified in subsection (a) hereof exist upon any land within the City, the Director shall cause written notice to be served upon the owner, and if different, upon the lessee, agent, tenant or other person having charge of such lots or lands, that such noxious weeds and/or weeds and grasses of rank growth must be cut and removed within five days after the completion of service of notice.

DATE: APRIL 7, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

*1st 4-7-03
amend passed
4/21*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 11 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on March 13, 2003 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code on an existing deck which does not meet the minimum side setback of twelve (12) feet, on property located at 1306 Meadowbrook SW., Massillon, Ohio, and known as Lot No. (?) in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on March 13, 2003 denied a variance from the Massillon Zoning Code on an existing deck which does not meet the minimum side setback of twelve (12) feet, on property located at 1306 Meadowbrook SW., Massillon, Ohio, and known as Lot No. (?) in the City of Massillon, Ohio.

WHEREAS, on March 27, 2003 a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Ronald and Karen Biehl, appealing the decision in Case No. 1096 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 March 13th, 2003 in Case No. 1096, regarding a variance from the Massillon Zoning Code on an existing deck which does not meet the minimum side setback of twelve (12) feet, on property located at 1306 Meadowbrook SW., Massillon, Ohio, and known as Lot No. (?) 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2003

APPROVED: _____
MARY BETH BAILEY CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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