

## AGENDA

DATE: MONDAY, AUGUST 18, 2003  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

### THERE IS ONE PUBLIC HEARING TONIGHT ORDINANCE NO. 100 - 2003 AT 6:30 P.M.

1. ROLL CALL
2. INVOCATION BY COUNCILMAN GLENN GAMBER, GUEST KEN WEAVER - PASTOR, FIRST ASSEMBLY OF GOD.
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. 123 - 2003

#### BY: COMMUNITY DEVELOPMENT COMMITTEE

*PMS 9-0* **AN ORDINANCE** authorizing and directing the Mayor of the City of Massillon to enter into an agreement with C L Webster Properties LLC, 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 NO. 124 - 2003

#### BY: POLICE AND FIRE COMMITTEE

*PMS 9-0* **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon to advertise for and receive sealed bids, according to law for the lease/purchase of six (6) Police Cruisers for the use in the Police Department of the City of Massillon for the minimum of three years, and declaring an emergency.

#### ORDINANCE NO. 125 - 2003

#### BY: POLICE AND FIRE COMMITTEE

*PMS 9-0* **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon to advertise for and receive sealed bids, according to law for the purchase of two (2) Police Cruisers for the use in the Police Department of the City of Massillon for the minimum of three years, and declaring an emergency.

#### ORDINANCE NO. 126 - 2003

#### BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*PMS 9-0* **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract upon award and approval of the Board of Control, with the apparent low bidder Superior Paving & Materials Inc, for street improvements in the City of Massillon, and declaring an emergency.

AUGUST 18, 2003

**ORDINANCE NO. 127 - 2003**

**BY: FINANCE COMMITTEE**

*Pass 9-0*  
**AN ORDINANCE** making certain appropriations from the appropriated balance of the Capital Improvement Fund and the Summer Concert Fund for the year ending December 31, 2003, and declaring an emergency.

**ORDINANCE NO. 128 - 2003**

**BY: FINANCE COMMITTEE**

*Pass 9-0*  
**AN ORDINANCE** making a certain transfer in the 2003 appropriations from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM 155 LTD, 155 LINCOLN WAY WEST, MASSILLON, OHIO 44647 TO 155 LINCOLN WAY INC, DBA ROCKNES, 155 LINCOLN WAY WEST, MASSILLON, OHIO 44647

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JULY 2003
- B). TREASURER SUBMITS MONTHLY REPORT FOR JULY 2003
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JULY 2003.
- D). INCOME TAX DEPARTMENT MONTHLY REPORT JULY 2003
- E). MAYOR'S SUBMITS MONTHLY REPORT FOR JULY 2003

**11. REPORTS OF COMMITTEES**

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

**13. CALL OF THE CALENDAR**

**ORDINANCE NO. 100 - 2003**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Pass 6-0*  
**AN ORDINANCE** amending Chapter 1156 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 Single Family Residential to R-CRD Condominium Residential District, and declaring an emergency

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 108 - 2003**

**BY: HEALTH, WELFARE AND BLDG REGULATIONS**

*Thru ed*  
**AN ORDINANCE** amending Chapter 1181 "ACCESSORY BUILDINGS" of the codified Ordinance of the City of Massillon, by repealing existing Section 1181.01 'REGULATIONS' and enacting a new Section 1181.01 "Regulations." and declaring an emergency.



15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 118 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

*2nd* AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Rohr Storage Area Annexation, upon annexation, and declaring an emergency.

ORDINANCE NO. 121 - 2003

BY: ENVIRONMENTAL COMMITTEE

*Prop* AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve Change Order No. 2 to the contract with Advanced Dewatering for additional work on the Wastewater Treatment Plant and the increased costs of the belt press rental, without competitive bidding, and declaring an emergency. *1) NEED TO PASS TO BY Already done*  
*2) Council OK over 10%*

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: AUGUST 18, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 123 - 2003

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor of the City of Massillon to enter into an agreement with C L Webster Properties, LLC, 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.

WHEREAS, the City of Massillon has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, C L Webster Properties, LLC, is hereby proposing to start up business operations located at 2650 Richville Drive S.E. within the Massillon Enterprise Zone, and is proposing to establish a facility that will house a new Field Service Center for the United States Department of Agriculture at a total cost of Nine Hundred Thousand Dollars (\$900,000.00), (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of Massillon, Ohio, (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, and as amended by Ordinance No. 57-1998, adopted March 2, 1998 and as amended by Ordinance No. 43 - 1999, adopted March 1, 1999, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective September 12, 1994, and as amended on March 13, 1998, and as amended on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163 - 1994 contains the characteristics set forth in 5709.61(A) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

WHEREAS, the City of Massillon, having the appropriate authority for the stated type of project is desirous of providing C L Webster Properties, LLC, with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code;

d

WHEREAS, C L Webster Properties, LLC, have submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by the C L Webster Properties, LLC, and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

WHEREAS, the project site is located in the Perry Local School District and the Perry Local Board of Education has been notified and has been given a copy of the application.

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 does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with C L Webster Properties, LLC, providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by the C L Webster Properties, LLC, within the City of Massillon, Ohio. 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: AUGUST 18, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 124 - 2003

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to advertise for and receive sealed bids, according to law for the lease/purchase of six (6) Police Cruisers for the use in the Police Department of the City of Massillon for the minimum of three years, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids, according to law for the lease/purchase of six (6) Police Cruisers for the use in the Police Department of the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized and directed to prepare plans and specifications to advertise for and receive sealed bids according to law, for the lease/purchase of six (6) Police Cruisers for use in the Police Department of the City of Massillon.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason the City of Massillon for the more efficient operation of the Police 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.

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: AUGUST 18, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 125 - 2003

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to advertise for and receive sealed bids, according to law for the purchase of two (2) Police Cruisers for the use in the Police Department of the City of Massillon for the minimum of three years, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids, according to law for the purchase of two (2) Police Cruisers for the use in the Police Department of the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized and directed to prepare plans and specifications to advertise for and receive sealed bids according to law, for the purchase of (2) Police Cruisers for use in the Police Department of the City of Massillon.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason the City of Massillon for the more efficient operation of the Police 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, 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: AUGUST 18, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st reading 8/18*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 126 - 2003

*2nd reading 9/2*  
*passed 9/15*

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract, upon award and approval of the Board of Control, with the apparent low bidder Superior Paving & Materials Inc. for street improvements in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a contract, upon award and approval of the Board of Control, with the apparent low bidder Superior Paving and Materials Inc. for street improvements in the City of Massillon.

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 the approval by the Board of Control, with the apparent low bidder Superior Paving & Materials Inc, for street improvement in the City of Massillon. The cost of said project is not to exceed Two Hundred and Six Thousand Dollars (\$206,000.00).

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 further reason that said services are necessary for the street improvements 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 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 D. HARWIG, PRESIDENT

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

DATE: AUGUST 18, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 127 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund and the Summer Concert 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 Capital Improvement Fund for the year ending December 31, 2003, the following:

3,952.00 to an account entitled "Fire Station Repair" 1401.325.2511.

Section 2:

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

\$3,697.16 to an account entitled "Services/Contracts" 1212.505.2392.

Section 3:

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 D. HARWIG, PRESIDENT

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

DATE: AUGUST 18, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 128 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making a certain transfer in the 2003 appropriation from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

There be and hereby is transferred from the 2003 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

7000.00 FROM: "Deputy Clerks of Court Salary" 1100.130.2111  
\$ TO: "Garage Department Supplies & Materials" 1100.440.2410

Section 2:

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003

ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL    DENNIS D. HARWIG, PRESIDENT

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