

## AGENDA

DATE: MONDAY, NOVEMBER 3, 2003

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN JIM FILHOUR
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. 166 - 2003**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*125 P.B. Dec 1*  
**AN ORDINANCE** amending Section 1151.02 of the Massillon Code rezoning a 3.45 acre tract of land and establishing zoning for a certain tract of land from Tuscarawas Township to Massillon Zoning, and declaring an emergency.

**ORDINANCE NO. 167 - 2003**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*passed*  
**AN ORDINANCE** accepting an application for annexation for territory to the City of Massillon, Ohio and declaring an emergency.

**ORDINANCE NO. 168 - 2003**

**BY: FINANCE COMMITTEE**

*passed*  
**AN ORDINANCE** making certain transfers in the 2003 appropriations from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 169 - 2003**

**BY: FINANCE COMMITTEE**

*passed*  
**AN ORDINANCE** making certain transfers in the 2003 appropriation from within the General Fund to the Street Lights Fund of the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 170 - 2003**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Home Health Fund for the year ending December 31, 2003, 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 UNITED PETROLEUM MARKETING LLC DBA UPM 100 804 WALES RD., MASSILLON, OHIO 44646 TO HARBS MARATHON LLC 804 WALES RD., MASSILLON, OHIO 44646.

**9. BILLS, ACCOUNTS AND CLAIMS**  
**10. REPORTS FROM CITY OFFICIALS**

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR OCTOBER 2003
- B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2003

**11. REPORTS OF COMMITTEES**  
**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER**  
**13. CALL OF THE CALENDAR**  
**14. THIRD READING ORDINANCES AND RESOLUTIONS**  
**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 162 - 2003**

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

**AN ORDINANCE** designating Tommy Henrich Drive NW the name for a certain street located in the City of Massillon, Ohio, and described as a street between Lincoln Way West and First Street NW., formerly known as Third Street NW and Agathon Avenue NW., and declaring an emergency.

**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: NOVEMBER 3, 2003

CLERK: <sup>1793</sup>MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 166 - 2003

*1st Reading*  
LEGISLATIVE DEPARTMENT

*2nd Reading 11/17/03*  
*passed*

BY: COMMUNITY DEVELOPMENT COMMITTEE:

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a 3.45 acre tract of land and establishing zoning for a certain tract of land recently annexed from Tuscarawas Township to Massillon City, and declaring an emergency.

*Woodland Creek*

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

Section 1:

It is hereby determined to be in best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-2 One Family Residential (3.45 acres) and Tuscarawas Township - No Zoning (21.17 acres) to R-1 One Family Residential (3.45 acres), R-2 One Family Residential (16.98 acres) and R-T Two Family Residential (4.19 acres). Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 8<sup>th</sup>, 2003 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code, be and is hereby amended as shown on Exhibit "A" attached hereto to show the following described area as R-1 One Family Residential (3.45 acres), R-2 One Family Residential (16.98 acres) and R-T Two Family Residential (4.19 acres):

Being known as Out Lots No. 614, 916, 917, 918, 919, 920 and 921, a 24.62 acre parcel of land located on the west side of 32<sup>nd</sup> Street N.W., north of Bonnie Brae Drive. A portion of this site was recently annexed to the City from Tuscarawas Township. The residential allotment will be known as Woodland Creek.



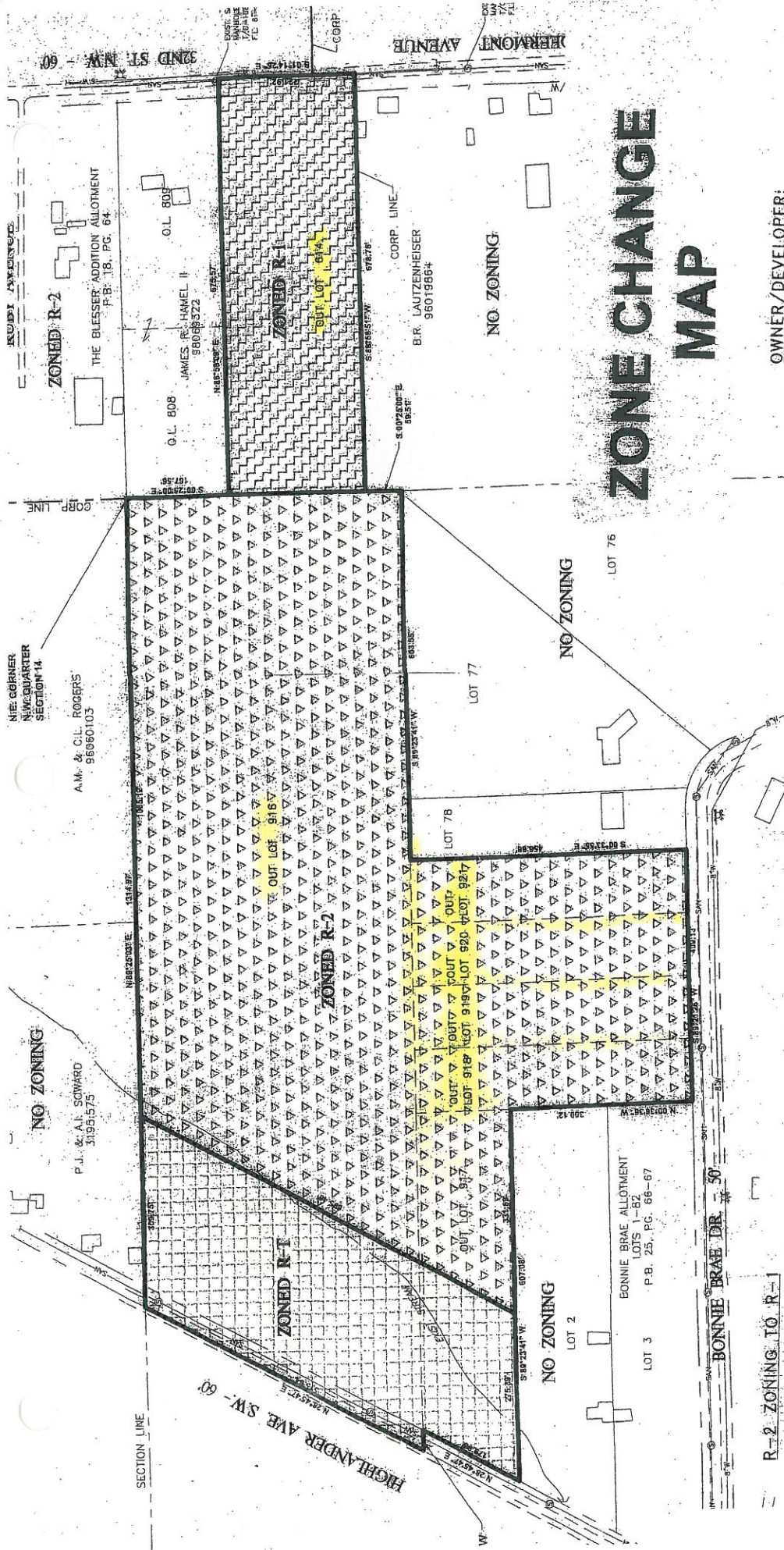
Section 3:

This Ordinance is hereby declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated R-1 One Family Residential, R-2 One Family Residential and R-T Two Family Residential. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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



# ZONE CHANGE MAP

## OWNER/DEVELOPER:

TRIDOC, INC.  
2953 CARIE HILL CIRCLE NW  
MASSILLON, OHIO 44646  
330-850-6607

## ENGINEERING SERVICES:

HETTLER-LARGENT ENGINEERING, LLC  
1225 NORTH MAIN STREET  
NORTH CANTON, OHIO 44720  
330-966-1776

## SURVEYING SERVICES:

BUCKEYE SURVEYING SERVICES, INC.  
2223 FULTON DRIVE NW  
CANTON, OHIO 44718  
330-453-8339

24.62 ACRES TOTAL

O.L. 614	=	3.45 ACRES
O.L. 916	=	14.87 ACRES
O.L. 917	=	2.02 ACRES
O.L. 918	=	1.07 ACRES
O.L. 919	=	1.07 ACRES
O.L. 920	=	1.07 ACRES
O.L. 921	=	1.07 ACRES

R-2 ZONING TO R-1  
O.L. 614 = 3.45 ACRES  
TOTAL AREA TO CHANGE FROM R-2 ZONING TO R-1 = 3.45 ACRES

NO ZONING TO R-2

PT OF O.L. 916	=	11.67 ACRES
PT OF O.L. 917	=	1.03 ACRES
O.L. 918	=	1.07 ACRES
O.L. 919	=	1.07 ACRES
O.L. 920	=	1.07 ACRES
O.L. 921	=	1.07 ACRES

TOTAL AREA TO CHANGE FROM NO ZONING TO R-2 = 16.98 ACRES

NO ZONING TO R-1

PT OF O.L. 916	=	3.20 ACRES
PT OF O.L. 917	=	0.99 ACRES

TOTAL AREA TO CHANGE FROM NO ZONING TO R-1 = 4.19 ACRES

Exhibit "A"



DATE: NOVEMBER 3, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 167 - 2003

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE accepting an application for annexation for the Rohr Storage to the City of Massillon, Ohio and declaring an emergency.

WHEREAS, a petition for the annexation for certain territory in Tuscarawas Township, was duly file by Bob Sanderson, Agent for the petitioners, and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County on September 23, 2003, and

WHEREAS, the Board of County Commissioners on September 23, 2003, approved the annexation of said territory to the City of Massillon as hereinafter described, and

WHEREAS, the Board of County Commissions certified the transcript and pertinent documents of proceedings in connection with said annexation with the map and petition required in connection therewith, to the Auditor of the City of Massillon

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon Ohio, have found, considered and determined that in order to annex said territory to the City of Massillon, this constitutes an emergency, requiring immediate action.

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

SEE EXHIBIT "A" ATTACHED HERETO

Section I:

The application of Bob Sanderson for the petitioners is hereby accepted for the annexation of the following described territory in the County of Stark and adjacent to the City of Massillon, to wit

Section 2:

The City Council Clerk be and is hereby directed to file certified copies of said annexation containing the petition, map accompanying the petition, a transcript of the proceedings of the County Commissioners, and this Ordinance, with the Stark County Recorder and the Secretary of State.

Section 3:

The Clerk of this Council be and is hereby directed to file with the Clerk of the Board of Commissioners of Stark County, as well as the County Board of Elections, notice in writing of the boundary changes of the City of Massillon hereby affected together with a map of the annexed territory.

Section 4:

This Ordinance is declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the City of Massillon, Ohio, and for the additional reason that it is in the best interest of the property owners in the annexed area that their property become a part of 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

Exhibit "A"

We, the undersigned, being a majority of the adult owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Massillon, Massillon Township, Stark County, Ohio.

Beginning at an iron bar known as the Southeast corner of the Southeast Quarter of Section 10, said bar also being on the centerline of Kenyon Avenue (Township Road 340) a 30.00 foot public right of way,

Thence N 81°37'00"W along the centerline of Lincoln Highway a distance of 625.00 feet to a point and the TRUE PLACE OF BEGINNING;

Thence N 82°17'20"W, a distance of 395.77 feet to a point on the grantors west line,

Thence S81°37'00"E along the centerline of Lincoln Highway a distance of 389.41 feet to a point and the TRUE PLACE OF BEGINNING containing 6.00 acres, more or less, but subject to all legal highways, easements or restrictions, if any, of record.

EXCEPTING THEREFROM the following:

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Beginning at a 1" iron bar found at the Southeast corner of said Southeast Quarter; thence N 05°00'00"E along the centerline of Kenyon Avenue, Township Road 340, and the easterly line of said Southeast Quarter, 1228.70 feet; thence N 81°37'00"W along the centerline of Lincoln Street, State Route 172 (a variable public right-of-way), 625.00 feet to the true place of beginning; thence S 05°00'40"W along the westerly line of a tract of land now or formerly owned by D. & R. Patel, 40.07 feet to a point; thence N 81°37'00"W parallel to and offset 40 feet south of the centerline of said Lincoln Street, 389.74 feet to a point; thence N 05°34'30"E along the easterly line of a 25 foot unnamed street, 40.05 feet; thence S 81°37'00"E, along the centerline of said Lincoln Street, 389.35 feet to the true place of beginning.

The above described tract encloses and comprises part of a tract that was conveyed to K. Rohr by a deed recorded in Volume 4295, Page 473 of the Stark County Deed Records and contains 0.358 acres as surveyed by Ronald P. Dohy, P.S. #6175 of Hammontree and Associates, Ltd., Engineers and Surveyors of North Canton, Ohio, in August of 1993.

The basis of bearings is S 81°37'00"E, the centerline of Lincoln Street as recorded in Volume 4295, Page 473, of the Stark County Deed Records.

Total area to be annexed is 5.64 acres.

Robert Sanderson, 13277 Fern Ave. N.W., Hartville, Ohio, is hereby appointed agent for the undersigned petitioners as required RC 709.02 with full power and authority hereby granted to said agent to amend, alter, change, withdraw, refile, substitute, and to take any action necessary for obtaining the granting of this petition. Said amendment, compromise, increase or deletion, or other things for granting this petition shall be made in the petition, description, and/or plat by said agent without further expressed consent of the petitioners.

DATE: NOVEMBER 3, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 168 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers 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:

FROM:	Court Treatment - Services	1100.127.2392	31,114.60
	Accumulated Sick	1100.905.2150	26,237.33
	Salary - Service Coordinator	1100.126.2110	11,462.43
	Insurance - Service Coordinator	1100.126.2210	6,000.00
	Supplies - Service Coordinator	1100.126.2410	5,792.36
	P.E.R.S. - Service Coordinator	1100.126.2230	3,192.00
	Travel - Services Coordinator	1100.126.2389	2,000.00
	Medicare - Service Coordinator	1100.126.2231	204.28
TO	Fire - Hosp/Eye/Dental	1100.325.2210	26,400.00
	Building Salary	1100.415.2110	16,000.00
	Garage - Services	1100.440.2392	15,000.00
	Health - Hosp/Eye/Dental	1100.705.2210	10,400.00
	Health - Services	1100.705.2392	5,200.00
	Salary - Council Clerk	1100.105.2111	4,100.00
	Health - Salary	1100.705.2110	4,000.00
	PEP Insurance	1100.905.2311	3,142.00
	Mayor - Hosp/Eye/Dental	1100.110.2210	761.00
	Engineer - Hosp/Eye/Dental	1100.405.2210	750.00
	EEO - Hosp/Eye/Dental	1100.175.2210	250.00

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary 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

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

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



DATE: NOVEMBER 3, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 169 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers 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:

11,000.00 FROM: "Utilities" 1100.410.2340  
TO "Streets Lights" 1100.905.2392

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the Street Lighting 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

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

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

DATE: NOVEMBER 3, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 170 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Home Health 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 Home Health Fund for the year ending December 31, 2003, the following:

\$1,200.00 to an account entitled "Home Health Services/Contracts" 1235.705.2392.

Section 2:

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