

AGENDA

DATE: MONDAY, DECEMBER 1, 2003

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT ORDINANCE NO. 166 - 2003 AT 7:00PM REZONING

1. ROLL CALL
2. INVOCATION BY COUNCILMAN CLAUDETTE ISTNICK
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. 182 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

P. 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety to vacate and re-dedicate a portion of a sanitary sewer easement located on the north side of Finebrock Boulevard SW between 8th Street SW and 9th Street SW, on land owned by Massland Development LLC, and declaring an emergency.

ORDINANCE NO. 183 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

P. 11. 1-5-04 6:30
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential & B-1 Local Business to B-3 General Business , and declaring an emergency.

ORDINANCE NO. 184 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1st
AN ORDINANCE vacating a portion of a certain public alley, and declaring an emergency.

ORDINANCE NO. 185 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1st
AN ORDINANCE vacating a portion of 11th Street NE, and declaring an emergency.

ORDINANCE NO. 186 - 2003

BY: FINANCE COMMITTEE

P. 9-0
AN ORDINANCE making certain transfers in the 2003 appropriation from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 187 - 2003

BY: FINANCE COMMITTEE

9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell various vehicles and equipment by sealed bids, which are no longer needed for any municipal purpose to the highest acceptable bidder, and declaring an emergency.

ORDINANCE NO. 188 - 2003

BY: FINANCE COMMITTEE

9-0
P
8-1
Woodward
AN ORDINANCE reducing appropriations in the Parks & Rec. Capital Improvement Fund, and the Waste Management Grant Fund, for the year ending December 31, 2003, and declaring an emergency.

ORDINANCE NO. 189 - 2003

BY: FINANCE COMMITTEE

charges
AN ORDINANCE approving the various fees and changes for the Massillon Recreational Center and The Legends of Massillon Golf Course for the year 2004, and declaring an emergency.

ORDINANCE NO. 190 - 2003

BY: FINANCE COMMITTEE

P
9-0
ADD
AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, FEMA Grant Fund, Massillon Museum Fund, and the TIF Service Payment Fund, for the year ending December 31, 2003, and declaring an emergency.

12-2003 - RESUBMIT Canceled by the Mayor (Amend G-5 B, P, M, I, S, A, R, C, K) - 1st Ready P# 1-5 @ 7:00pm
RESOLUTION NO. 23 - 2003

BY: COMMITTEE OF THE WHOLE

P
9-0
A RESOLUTION opposing the Free Trade Area of Americas and authorizing the Mayor to communicate the City's position to the U.S. Trade Representative, State Legislative and Congressional committees with trade jurisdiction, and declaring an emergency.

RESOLUTION NO. 24 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

15-
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on November 13, 2003 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code on a request for a commercial advertisement sign on a vacant lot known as Part of Out Lot 498 in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 25 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

15-
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on November 13, 2003 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a 15' variance for an accessory building located at 755 Rotch Avenue NE, in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 26 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

15-
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on November 13, 2003 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code for a 15' variance to construct a new single family dwelling with a 10' front yard setback on the Robert Avenue NW side of the lot. Lot know as Lot No. 16805 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 NOVEMBER 2003
- B). AUDITOR SUBMITS MONTHLY REPORT FOR NOVEMBER 2003

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

ORDINANCE NO. 166 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

*6-13
F.I.
BY
ION*
Amended
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.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 176 - 2003

BY: FINANCE COMMITTEE

2-17-03
AN ORDINANCE making certain transfers in the 2003 appropriation from within the Wastewater Treatment Fund and the Capital Improvement Fund, of the City of Massillon, Ohio, and declaring an emergency

ORDINANCE NO. 180 - 2003

BY: FINANCE COMMITTEE

*P
9-0*
AN ORDINANCE authorizing a scheduled payment plan for the payment back to the General Fund of funds previously advanced to the Legends Golf Fund by the General Fund and the Parks and Recreation Operating Fund for the year ending December 31, 2003 and December 31, 2002, 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: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 182 - 2003

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to vacate and re-dedicate a portion of a sanitary sewer easement located on the north side of Finefrock Boulevard SW between 8th Street SW and 9th Street SW, on land owned by Massland Development LLC, and declaring an emergency.

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

Section 1:

This Council hereby determines that it is necessary for the Director of Public Service and Safety to vacate and re-dedicate a portion of a sanitary sewer easement located on the north side of Finefrock Boulevard SW between 8th Street SW and 9th Street SW, on land owned by Massland Development LLC in order to change the location of a portion of the easement.

Section 2:

The Director of Public Service and Safety is hereby authorized to vacate and re-dedicate a portion of a sanitary sewer easement located on the north side of Finefrock Boulevard SW between 8th Street SW and 9th Street SW, on land owned by Massland Development LLC.

Section 3:

This Ordinance is hereby declared to be an emergency measure for the reason that the City of Massillon, desires to provide the sanitay storm sewer to the property described above, and is immediately necessary for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2003

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

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

DATE: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Public Hearing 1/5/04
LEGISLATIVE DEPARTMENT
2nd Reading 1/15

ORDINANCE NO. 183 - 2003

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential & B-1 Local Business to B-3 General Business, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-1 Single Family Residential & B-1 Local Business to B-3 General Business. Said rezoning was denied by the Planning Commission of the City of Massillon, Ohio, on November 12th 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 of 1985, be and is hereby amended to show the following described area as B-3 General Business.

Being known as Out Lot 245, a 1.76 acre parcel of land located on the south side of Lincoln Way NW, between 26th Street NW and 27th Street NW in Massillon, Ohio. This request has been submitted by Louie & Keti Gorgievski, the property and business owner who wishes to construct a miniature golf course and indoor batting cages on the rear portion of this property behind the existing Twistee Treat Restaurant.

Section 3:

.Provided it receives the affirmative vote of a majority of the elected members to Council, 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: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT
passed 12/15

ORDINANCE NO. 184 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of a certain public alley, and declaring an emergency.

WHEREAS, there has been filed with this Council by the owners of all of the lots and lands bounding and abutting upon the alley hereinafter described, a petition requesting that a portion thereafter described be vacated, and

WHEREAS, upon hearing, the Council hereby find that there is good cause for such vacation and that it will not be detrimental to the general interest of this community and that such vacation should be made.

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

Section 1:

A request to vacate an unnamed 17 foot wide alley lying between 1st and 2nd Streets S.E. and running in a north/south direction between Dwight Avenue SE and Ideal Court SE. The request is to vacate that portion of the alley from the north property lines of Lots No. 2376 and 2378 southerly a distance of 150 feet to the south property lines of Lots No. 2376 and 2378. This vacate was approved by the City Planning Commission on November 12, 2003. The said vacation is hereby approved, adopted and confirmed.

Section 2:

That this Ordinance is 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 alley is not needed for a municipal purpose. 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: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 185 - 2003

passed 12/15

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of 11TH Street NE, and declaring an emergency.

WHEREAS, there has been filed with this Council by the owners of all of the lots and lands bounding and abutting upon the street hereinafter described, a petition requesting that a portion thereinafter described be vacated, and

WHEREAS, upon hearing, this Council hereby finds that there is good cause for such vacation and that it will not be detrimental to the general interest of this community and that such vacation should be made.

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

Section 1:

There has been a request to vacate a portion of 11TH Street NE, lying between Windsor Road NE and Bradford Road NE and running in a north/south direction between Beverly Road NE and Burd Avenue NE. The request is to vacate that portion from the north right-of-way line of Beverly Road NE northerly to the south property line of Out Lot 391. This vacation plat is filed in the City Engineer's Office. Approval of the vacation was recommended by the City Planning Commission on November 12th, 2003. Said vacation is hereby approved, adopted and confirmed.

Section 2:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and for the continued efficient operation of the City of Massillon, Ohio, the portion of the street to be vacated has never been used for municipal purposes and is no longer needed for municipal purposes and the vacation will benefit the development of the area. 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: DECEMBERER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 186 - 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:	Accumulated Sick - Miscellaneous	1100.905.2150	42,900.00
	Workers Compensation	1100.905.2270	27,630.00
	Hosp/Eye/Dental - Police	1100.305.2210	23,475.00
	Services - Civil Service	1100.150.2392	9,400.00
	School Refund - Income Tax	1100.210.2721	6,000.00
	St City Labor Management	1100.905.2380	5,000.00
	PERS	1100.150.2230	4,500.00
	Law Director	1100.115.2110	3,000.00
	Service & Contracts - Law Director	1100.115.2392	3,000.00
	Supplies - Law Director	1100.115.2410	2,500.00
	PERS - Domestic Violence	1100.116.2230	1,900.00
	Property Tax	1100.905.2391	1,213.00
	WC Defense	1100.905.2399	500.00
TO	Salary - Health	1100.705.2110	26,900.00
	Salary - Building	1100.415.2110	24,500.00
	Salary - Streets	1100.435.2110	22,740.00
	Gas Oil - Police	1100.305.2430	11,000.00
	Services - Garage	1100.440.2392	7,000.00
	Supplies - Garage	1100.440.2410	6,300.00
	Supplies - Comm Sanc	1100.126.2410	5,792.00
	Services - Health	1100.705.2392	5,000.00
	Salary - EEO	1100.175.2112	3,600.00
	PERS - Health	1100.705.2230	3,150.00
	Travel - Comm Sanc	1100.126.2389	2,000.00

Services - Fire	1100.325.2392	2,000.00
State Exam - Misc	1100.905.2395	1,604.00
Gas & Oil - Fire	1100.325.2430	1,500.00
Supplies - Fire	1100.325.2410	1,320.00
Salary - Mayor Clerk	1100.110.2111	1,030.00
PERS - Engineer	1100.405.2230	1,004.00
Services - Mayor Clerk	1100.110.2392	1,000.00
Insurance - Misc	1100.905.2311	1,000.00
Hosp/Eye/Dental - City Hall	1100.410.2210	750.00
Supplies - Police	1100.305.2410	700.00
Travel - Fire	1100.325.2389	425.00
Medicare - Health	1100.705.2231	300.00
County Fees - Misc	1100.905.2393	300.00
PERS - EEO	1100.175.2230	60.00
Medicare - Engineer	1100.405.2231	43.00

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 and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2003. 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: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 187 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell various vehicles and equipment by sealed bids, which are no longer needed for any municipal purpose to the highest acceptable bidder, 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 sell various vehicles and equipment, which are no longer needed for any municipal purpose to the highest acceptable bidder.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to sell various vehicles and equipment by sealed bids, which are no longer needed for any municipal purpose to the highest acceptable bidder.

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 that the City obtain the highest price it can for the sale of the various vehicles and equipment which are no longer needed by the City. Provided it received 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: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 188 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing appropriations in the Park & Rec. Capital Improvement Fund, and the Waste Management Grant 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 a reduced appropriation in the Park & Rec. Capital Improvement Fund for the year ending December 31, 2003, the following:

\$62,382.00 from an account entitled "Capital Improvement Project " 1433.505.2510

Section 2:

There be and hereby is a reduced appropriation in the Waste Management Grant Fund for the year ending December 31, 2003, the following:

\$3,378.00 from an account entitled "Salaries" 1222.605.2110

\$1,783.00 from an account entitled "Services & Contracts" 1222.605.2392

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 _____ 2001

ATTEST: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 189 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE approving the various fees and changes for the Massillon Recreational Center and The Legends of Massillon Golf Course for the year 2004, 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 that it is necessary to approve the various fees and changes for the Massillon Recreational Center and The Legends of Massillon Golf Course for the year 2004.

Section 2:

It is hereby determined that the following various fees and changes for Massillon Recreation Center and The Legends of Massillon Golf Course for the year 2004 is hereby approved and accepted by this Council.

(SEE ATTACHED FEE SCHEDULE INCORPORATED AS IF FULLY REWRITTEN HEREIN).

Section 4:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the further reason that said various fees and changes are necessary for the efficient operation of the Park and Recreation Department and need to be in effect prior to the start of the 2004 calendar year. 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: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 190 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, FEMA Grant Fund, Massillon Museum Fund, and the TIF Service Payment 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 General Fund for the year ending December 31, 2003, the following:

\$55,500.00 to an account entitled "Salary Fire Department" 1100.325.2110

\$30,000.00 to an account entitled "Services & Contracts" (For Black McCuskey) 1100.115.2392

Section 2:

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

\$10,326.00 to an account entitled "FEMA Grant" 1407.905.2510

Section 3:

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

\$6,500.00 to an account entitled "Service Payment to Schools" 3110.905.2379

Section 4:

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

\$789.00 to an account entitled "Service Payment to Schools" 3109.905.2379

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, to insure that department accounts are adequately funded to pay necessary bills which are due and payable and need paid by the end of the 2003 year 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: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 191 - 2003

1st reading
LEGISLATIVE DEPARTMENT

2nd reading 12/05
passed 3/1/04

BY: COMMUNITY DEVELOPMENT COMMITTEE:

TITLE: AN ORDINANCE amending Chapter 1151.02 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.

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-3 Single Family Residential to R-CRD Condominium Residential District. Said rezoning is scheduled to be heard by the Planning Commission of the City of Massillon, Ohio, on December 10th, 2003 and that notice and public hearing will be given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Chapter 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as R-CRD Condominium Residential District.

Part of Out Lot No. 933, an approximate 18 acre parcel located at the northwest corner of Hankins Road and Valerie Avenue NE. The property will be used for the purpose of constructing a condominium community consisting of 84 units plus a community clubhouse with a swimming pool.

Section 3:

This Ordinance 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: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 23 - 2003

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION opposing the Free Trade Area of Americas and authorizing the Mayor to communicate the City's position to the U.S. Trade Representative, State Legislative and Congressional committees with trade jurisdiction; and declaring an emergency.

WHEREAS, the Free Trade Area of the Americas (FTAA) would be essentially an extension of the North American Free Trade Agreement (NAFTA) to the entire western hemisphere; and

WHEREAS, the negotiations surrounding the FTAA have been held secretly, without allowing for any effective public evaluation or input; and

WHEREAS, NAFTA's Chapter 11 provision for Investor to State Lawsuits, which will be included and strengthened in the FTAA, directly threatens the sovereignty of local and state governments; and

WHEREAS, this sort of corporate power would diminish the efficiency of local environmental laws and regulations, and make government bodies at every level reluctant to risk enacting desirable legislation for fear of such suits; and

WHEREAS, the FTAA agreement may lead to the privatization of public resources, including water, throughout the hemisphere without public discussion of the desirability of this; and

WHEREAS, the FTAA agreement will undermine the social services that are essential for a thriving community; and

WHEREAS, the strict intellectual property laws within the FTAA will have devastating impacts on the people living in the global south; and

WHEREAS, the FTAA agreements provides no protections for the rights of labor to organize for collective bargaining; and

WHEREAS, local businesses and workers would be harmed by the increasing powers granted to large corporations; and

WHEREAS, local resolutions like this one have been instrumental in defeating other destructive trade agreements such as the Multilateral Agreement on Investment (MAI), NOW, THEREFORE,

Be it resolved by the Council of the City of Massillon:

Section 1:

Is in direct opposition to the proposed Free Trade Area of the Americas.

Section 2:

Petitions the federal government to refuse to sign any new trade and investment agreements, such as the proposed Free Trade Area of the Americas, that include investor-state provisions similar to the ones included in NAFTA.

Section 3:

Urges the U.S. Trade Representatives to withdraw from any further negotiation on the FTAA.

Section 4:

Requests the U.S. Trade Representatives to release their proposals for the agreement, their written submissions to the nine negotiating groups of the FTAA, and a comprehensive list of the representatives to the FTAA negotiating groups from all 34 countries involved.

Section 5:

Urges the U.S. Congress to adopt stronger sovereignty safeguards in implementing legislation for the FTAA and other trade agreements, now and in the future.

Section 6:

The Mayor of the City of Massillon will forward this resolution to the President of the United States, the U.S. Trade Representative, to members of the House of Representatives representing the City of Massillon, to the U.S. Senators from Ohio, and to the Congressional committees with trade jurisdiction, and be made known to the people of Massillon.

Section 7:

That this resolution hereby is declared to be an emergency and shall be in force and effect from and after its adoption. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that time is of the essence in making this request to our federal legislators and the President of the United States.

DATE: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 24 - 2003

Repealed 12/15

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on November 13, 2003 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code on a request for a commercial advertisement sign on a vacant lot known as Part of Out Lot 498 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on November 13, 2003 denied a variance from the Massillon Zoning Code in Case No. 1123;

WHEREAS, on November 20, 2003, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Mrs. Iva King, appealing the decision in Case No. 1123 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 3:

The Council of the City of Massillon, Ohio, deems it is in the best interest for proper community growth to reverse and amend the decision of the Massillon Zoning Board of Appeals made on November 13th, 2003 in Case No. 1123, by approving the variance for the commercial sign located on a vacant lot known as Lot No. Pt. OL. 498 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

DATE: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 25 - 2003

Defeated 12/15

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on November 13, 2003 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a 15' variance for an accessory building located at 755 Rotch Avenue NE, in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on November 13, 2003 denied a variance from the Massillon Zoning Code in Case No. 1127;

WHEREAS, on November 20, 2003, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Mr. Gene Thornberry, appealing the decision in Case No. 1127 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 and amend the decision of the Massillon Zoning Board of Appeals made on November 13th, 2003 in Case No. 11278, by denying the request to permit a variance from the 3' foot property line setback requirement for an accessory building located at 755 Rotch Avenue NE, known as Lot No. 3966, 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

DATE: DECEMBER 1, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 26 - 2003

Repeated 12/15

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on November 13, 2003 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code for a 15' variance to construct a new single family dwelling with a 10' front yard setback on the Robert Avenue NW side of the lot. Lot known as Lot No. 16805 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on November 13, 2003 denied a variance from the Massillon Zoning Code in Case No. 1128;

WHEREAS, on November 21, 2003, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Mr. Kevin Glick, appealing the decision in Case No. 1128 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 and amend the decision of the Massillon Zoning Board of Appeals made on November 13th, 2003 in Case No. 1128, by allowing the construction of the single family dwelling to be built on Lot No. 16805 in the City of Massillon, Ohio, with a 10' front yard setback from Robert Avenue NW.

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