

## **AGENDA**

**DATE: MONDAY, JANUARY 5, 2004**

**PLACE: COUNCIL CHAMBERS**

**TIME: 7:30 P.M.**

### **I. ROLL CALL**

#### **A. APPOINTMENT OF COUNCIL CLERK**

##### **RESOLUTION NO. 1 - 2004**

**BY: COMMITTEE OF THE WHOLE**

**A RESOLUTION** appointing Mary Beth Bailey as Clerk of Massillon City Council and establishing salary for said position.

#### **B. NOMINATION AND ELECTION OF PRESIDENT PRO-TEM OF COUNCIL**

#### **C. ADOPTION OF COUNCIL COMMITTEE ASSIGNMENTS**

### **2. INVOCATION BY COUNCILWOMAN GLORIA AUTREY**

### **3. PLEDGE OF ALLEGIANCE**

### **4. READING OF THE JOURNAL**

### **5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**

### **6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

##### **ORDINANCE NO. 1 - 2004**

**BY: PARKS AND RECREATION COMMITTEE**

**AN ORDINANCE** authorizing the Mayor to enter into contract agreements with Variety Attractions, Inc. and L & B Entertainment Inc., for various engagement contracts for the 2004 summer concert series, and declaring an emergency.

##### **ORDINANCE NO. 2 - 2004**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Mayor to accept the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant for use by the Massillon Fire Department, and declaring an emergency.

##### **RESOLUTION NO. 2 - 2004**

**BY: COMMITTEE OF THE WHOLE**

**A RESOLUTION** commending Bill Aman as a City Councilman for the City of Massillon, Ohio

##### **RESOLUTION NO. 3 - 2004**

**BY: COMMITTEE OF THE WHOLE**

**A RESOLUTION** commending Claudette O. Istnick as a City Councilwoman for the City of Massillon, Ohio

##### **RESOLUTION NO. 4 - 2004**

**BY: COMMITTEE OF THE WHOLE**

**A RESOLUTION** commending James D. Filhour as a City Councilman for the City of Massillon, Ohio

**RESOLUTION NO. 5 - 2004**

**BY: COMMITTEE OF THE WHOLE**

**A RESOLUTION** commending Paul F. Lambert as a City Councilman for the City of Massillon, Ohio

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM FRANK L. EMMERT DBA EMMERTS MARKET 1107 ERIE ST S, MASSILLON, OHIO 44646 TO PATRICK EMMERT & CHERYL LEONARD DBA EMMERTS MARKET #1 1107 ERIE ST S., MASSILLON, OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR DECEMBER 2003
- B). AUDITOR SUBMITS MONTHLY REPORT FOR DECEMBER 2003
- C). MAYOR GIVES STATE OF THE CITY ADDRESS TO COUNCIL

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 183 - 2003**

*defeated*  
**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**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. 191 - 2003**

*tabled indef. 2/2*  
**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**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.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 193 - 2003**

*2nd Reading PH 1/28 @ 7.00*  
**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from RM-1 Multiple Family Residential to P-1 Vehicular Parking and B-2 Central Business District.

**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**

**THERE ARE TWO PUBLIC HEARINGS TONIGHT  
ORDINANCE NO. 183 - 2003 AT 6:30 PM REZONING  
ORDINANCE NO. 191 - 2003 AT 7:00PM REZONING**

DATE: JANUARY 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 1 - 2004

BY: PARKS AND RECREATION COMMITTEE:

TITLE: AN ORDINANCE authorizing the Mayor to enter into contract agreements with Variety Attractions, Inc. and L & B Entertainment Inc., for various engagement contracts for the 2004 summer concert series, 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 of the City of Massillon, Ohio, is hereby authorized to enter into contract agreements with Variety Attraction, Inc., and L & B Entertainment Inc., for various engagement contracts for 2004 summer concert series. The cost of said contracts shall not exceed Ninety-Five Thousand Dollars (\$95,000.00).

Section 2:

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 the contracts must be entered into immediately in order to guarantee the availability of various artists for the 2004 concert series and to provide summer concert entertainment for the citizens 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 5<sup>th</sup> DAY OF January 2004

APPROVED:

Mary Beth Bailey  
MARY BETH BAILEY, CLERK OF COUNCIL

Dennis D. Harwig  
DENNIS D. HARWIG, PRESIDENT

APPROVED

January 6, 2004

Francis H. Cicchinelli, Jr.  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: JANUARY 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 2 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to accept the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant for use by the Massillon Fire Department, and declaring an emergency.

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

Section 1:

The Mayor is hereby authorized to accept the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant for use by the Massillon Fire Department.

Section 2:

The said amount of the federal grant shall be One Hundred Two Thousand One Hundred Fifty-Six Dollars (\$102,156.00).

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community, it is necessary to accept this grant immediately so that equipment may be purchased and that the grant is necessary to fund the Massillon Fire Department for fire operations and fire safety. 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 5<sup>th</sup> DAY OF January 2004

APPROVED Mary Beth Bailey  
MARY BETH BAILEY, CLERK OF COUNCIL

Ennis D. Harwig  
ENNIS D. HARWIG, PRESIDENT

APPROVED: January 6, 2004  
FRANCIS H. CICCHINELLI, JR, MAYOR



DATE: JANUARY 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 1 - 2004

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION appointing Mary Beth Bailey as Clerk of Massillon City Council and establishing salary for said job.

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

Section 1:

Mary Beth Bailey be appointed Clerk of City Council of Massillon, Ohio, to serve for the term 2004 and 2005.

Section 2:

That the annual salary for the Clerk of Council shall be classified as a 12S UN Classified position.

Section 3:

This Resolution being one for the internal management of Council shall be immediately effective and Section 2 shall have retroactive effect as of January 1, 2004.

PASSED IN COUNCIL THIS 5<sup>th</sup> DAY OF January 2004

APPROVED: Mary Beth Bailey Dennis D. Harwig Jr.  
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: January 6, 2004 Francis H. Cicchinelli Jr.  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: JANUARY 5, 2004 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 2 - 2004

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending Bill Aman as a City Councilman for the City of Massillon, Ohio.

WHEREAS, on December 31, 2003 Bill Aman completed six (6) years as a member of the Council of the City of Massillon, Ohio, and

WHEREAS, Bill Aman, has fully cooperated with all members of City Council regardless of political affiliation and has devoted himself to his responsibilities and duties as a member of Massillon City Council, and

WHEREAS, Mr. Aman, during his terms of office as a member of City Council has given outstanding service to the Citizens for the betterment of Massillon, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to Mr. Bill Aman for the excellent service he has rendered to the people and the City of Massillon during his terms of office.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the Council commends Bill Aman for the efficient, energetic and capable manner in which he has discharged his duties and for the lasting contribution he has made to our City during his terms of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS 5<sup>th</sup> DAY OF January 2004

APPROVED: Mary Beth Bailey Dennis D. Harwig  
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: January 6, 2004 Francis H. Cicchinelli, Jr.  
FRANCIS H. CICCHINELLI, JR., MAYOR

I hereby certify that the foregoing Resolution  
is a true copy of the original, as passed by  
the Council of the City of Massillon, Ohio,  
and approved as noted thereon:

Mary Beth Bailey  
Clerk of Council

Date 1/5/03



DATE: JANUARY 5, 2004 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 3 - 2004

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending Claudette O. Istnick as a City Councilwoman for the City of Massillon, Ohio.

WHEREAS, on December 31, 2003 Claudette O. Istnick completed four (4) years as a member of the Council of the City of Massillon, Ohio, and

WHEREAS, Claudette O. Istnick, has fully cooperated with all members of City Council regardless of political affiliation and has devoted herself to her responsibilities and duties as a member of Massillon City Council, and

WHEREAS, Mrs. Istnick, during her terms of office as a member of City Council has given outstanding service to the Citizens for the betterment of Massillon, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to Mrs. Claudette O. Istnick for the excellent service she has rendered to the people and the City of Massillon during her terms of office.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the Council commends Claudette O. Istnick for the efficient, energetic and capable manner in which she has discharged her duties and for the lasting contribution she has made to our City during her terms of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS 5<sup>th</sup> DAY OF January 2004

APPROVED: Mary Beth Bailey Dennis D. Harwig  
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: January 6, 2004 Francis H. Cicchinelli, Jr.  
FRANCIS H. CICCHINELLI, JR., MAYOR

*Resolution*  
I hereby certify that the foregoing ordinance  
is a true copy of the original, as passed by  
the Council of the City of Massillon, Ohio,  
and approved as noted thereon:

Mary Beth Bailey  
Clerk of Council

Date 1/5/04

DATE: JANUARY 5, 2004 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 4 - 2004

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending James D. Filhour as a City Councilman for the City of Massillon, Ohio.

WHEREAS, on December 31, 2003 James D. Filhour completed four (4) years as a member of the Council of the City of Massillon, Ohio, and

WHEREAS, James D. Filhour, has fully cooperated with all members of City Council regardless of political affiliation and has devoted himself to his responsibilities and duties as a member of Massillon City Council, and

WHEREAS, Mr. Filhour, during his terms of office as a member of City Council has given outstanding service to the Citizens for the betterment of Massillon, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to Mr. James D. Filhour for the excellent service he has rendered to the people and the City of Massillon during his terms of office.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the Council commends James D. Filhour for the efficient, energetic and capable manner in which he has discharged his duties and for the lasting contribution he has made to our City during his terms of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS 5<sup>th</sup> DAY OF January 2004

APPROVED: Mary Beth Bailey Dennis D. Harwig  
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: January 6, 2004 Francis H. Cicchinelli, Jr.  
FRANCIS H. CICCHINELLI, JR., MAYOR

*Resolution*  
I hereby certify that the foregoing ordinance  
is a true copy of the original, as passed by  
the Council of the City of Massillon, Ohio,  
and approved as noted thereon:

Mary Beth Bailey  
Clerk of Council

Date 1/5/04

DATE: JANUARY 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 5 - 2004

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending Paul F. Lambert as a City Councilman for the City of Massillon, Ohio.

WHEREAS, on December 31, 2003 Paul F. Lambert completed eight (8) years as a member of the Council of the City of Massillon, Ohio, and

WHEREAS, Paul F. Lambert, has fully cooperated with all members of City Council regardless of political affiliation and has devoted himself to his responsibilities and duties as a member of Massillon City Council, and

WHEREAS, Mr. Lambert, during his terms of office as a member of City Council has given outstanding service to the Citizens for the betterment of Massillon, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to Mr. Paul F. Lambert for the excellent service he has rendered to the people and the City of Massillon during his terms of office.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the Council commends Paul F. Lambert for the efficient, energetic and capable manner in which he has discharged his duties and for the lasting contribution he has made to our City during his terms of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS 5<sup>th</sup> DAY OF January 2004

APPROVED: Mary Beth Bailey Dennis D. Harwig  
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: January 6, 2004 Francis H. Cicchinelli, Jr.  
FRANCIS H. CICCHINELLI, JR., MAYOR

*Resolution*  
I hereby certify that the foregoing ordinance  
is a true copy of the original, as passed by  
the Council of the City of Massillon, Ohio,  
and approved as noted thereon:

Mary Beth Bailey  
Clerk of Council

Date 1/5/04



DATE: JANUARY 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 6 - 2004

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending Dolores Loomis as Auditor for the City of Massillon, Ohio.

WHEREAS, on December 31, 2003 Dolores Loomis completed fourteen (14) years as the Auditor of the City of Massillon, Ohio, and

WHEREAS, Dolores Loomis, has fully cooperated with all members of City Council regardless of political affiliation and has devoted herself to her responsibilities and duties as Auditor for the City of Massillon, and

WHEREAS, Mrs. Loomis, during her terms of office as City Auditor has given outstanding service to the Citizens for the betterment of Massillon, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to Mrs. Dolores Loomis for the excellent service she has rendered to the people and the City of Massillon during her terms of office.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the Council commends Dolores Loomis for the efficient, energetic and capable manner in which she has discharged her duties and for the lasting contribution she has made to our City during her terms of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS 5<sup>th</sup> DAY OF January 2004

APPROVED: Mary Beth Bailey Dennis D. Harwig  
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: January 6, 2004 Francis H. Cicchinelli, Jr.  
FRANCIS H. CICCHINELLI, JR., MAYOR

*Resolution*  
I hereby certify that the foregoing ordinance  
is a true copy of the original, as passed by  
the Council of the City of Massillon, Ohio,  
and approved as noted thereon:

Mary Beth Bailey  
Clerk of Council

Date 1/5/04