

## AGENDA

DATE: MONDAY, JUNE 7, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TIM BRYAN
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. 96 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*135 P.H. July 6 @ 6:30 PM*  
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-2 One Family Residential to R-T Two Family Residential.

### ORDINANCE NO. 97 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*505P 9-0 P.H. 9-0*  
AN ORDINANCE accepting the Final Plat and dedication of various streets for Westbrook Estates West Phase 2 in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

### ORDINANCE NO. 98 - 2004

BY: HEALTH, WELFARE & BLDG COMMITTEE

*505P 9-0 P.H. 9-0*  
AN ORDINANCE regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one, two and three family dwellings, their appurtenances and accessory structures in the jurisdiction of Massillon, Ohio; and providing for the issuances of permits therefore providing penalties for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith, and declaring an emergency.

### ORDINANCE NO. 99 - 2004

BY: PARKS AND RECREATION COMMITTEE

*505P 9-0 P.H. 9-0*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids for the Reservoir Sediment Control and Sippo Creek Stream Bank Restoration Project, and declaring an emergency.

### ORDINANCE NO. 100 - 2004

BY: RULES, COURTS & CIVIL SERVICE

*Amended to show 25 H.C. - 9-0*  
*505P 9-0 P.H. 9-0*  
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - POLICE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - POLICE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - POLICE DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.



**ORDINANCE NO. 101 - 2004**

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

*503P  
9-0  
PDR  
9-0*  
**AN ORDINANCE** accepting the Final Plat and dedication of various streets for Nova East Industrial Park, in the City of Massillon, Stark County, Ohio, presently on file in the City Engineer, and declaring an emergency.

**ORDINANCE NO. 102 - 2004**

**BY: FINANCE COMMITTEE**

*503P  
9-0  
PDR  
9-0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Parks and Recreation Community Park Project Fund, Parks and Recreation Reservoir Project Fund, Parks and Recreation Fund, Capital Improvement Fund, Special Fund, Massillon Police Jail Repair and Improvement Fund, Legends Golf Course Fund, Street Lighting Fund, BR Special Assessment 23<sup>rd</sup>/Springhill Fund and the BR Special Assessment Shaw/Castlewest Fund, for the year ending December 31, 2004, and declaring an emergency.

**RESOLUTION NO. 14 - 2004**

**BY: POLICE AND FIRE COMMITTEE**

*503P  
9-0  
PDR  
9-0*  
*"police"*  
The Council of the City of Massillon, Stark County, Ohio met at a duly called and authorized meeting of the Council on the date set forth below, such meeting being duly called pursuant to a notice stating the time, place and purpose of the meeting received by all Council Members, and the following resolutions were made, seconded, and adopted by those present at the meeting.

**RESOLUTION NO. 15 - 2004**

**BY: POLICE AND FIRE COMMITTEE**

*503P  
9-0  
PDR  
9-0*  
*"Fire"*  
The Council of the City of Massillon, Stark County, Ohio met at a duly called and authorized meeting of the Council on the date set forth below, such meeting being duly called pursuant to a notice stating the time, place and purpose of the meeting received by all Council Members, and the following resolutions were made, seconded, and adopted by those present at the meeting.

**RESOLUTION NO. 16 - 2004**

**BY: FINANCE COMMITTEE**

*503P  
9-0  
PDR  
9-0*  
**A RESOLUTION** to update the Fiscal Audit Team and Report Review Committee for the City of Massillon.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

*Mayor Addressed Council concerning  
CDBG - Budget  
Citizen Complaint - Maria Perkins*  
(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM MARK A MILLS DBA KYLES TAVERN 1234 SIXTH ST SW, MASSILLON, OHIO 44646 TO THOMAS N BERBARI JR DBA TOMMY BS DIAMOND NITE CLUB 1234 SIXTH ST SW, MASSILLON, OHIO 44646



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

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MAY 2004  
B). AUDITOR SUBMITS MONTHLY REPORT FOR MAY 2004

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

**ORDINANCE NO. 87 - 2004**

**BY: PUBLIC UTILITIES COMMITTEE**

*3rd P. 120*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an extension of a no-drilling oil and gas lease agreement for a 1.24 acre parcel of land owned by the City, and declaring an emergency.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 89 - 2004**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Approved 9-0*  
**AN ORDINANCE** accepting the dedication of a 20 foot right-of-way on the north side of Indian River Road SW, and a 50 foot right-of-way with cul-de-sac, known as Treatment Drive, in the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 90 - 2004**

**BY: ENVIRONMENTAL COMMITTEE**

*5000 9-0 P. 120 9-0*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the dedication of a 20 foot wide sanitary sewer easement located on the Out Lots 899 and 901, and declaring an emergency.

**ORDINANCE NO. 91 - 2004**

**BY: PUBLIC UTILITIES COMMITTEE**

*240*  
**AN ORDINANCE** to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the term of three and a half (3 1/2) years beginning on July 1, 2004, and declaring an emergency.

**ORDINANCE NO. 92 - 2004**

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

*5000*  
**AN ORDINANCE** vacating a portion of a certain public alley.

**ORDINANCE NO. 93 - 2004**

**BY: FINANCE COMMITTEE**

*740*  
**AN ORDINANCE** imposing an additional municipal motor vehicle license fee pursuant to Section 4504.171 of the Ohio Revised Code.

**RESOLUTION NO. 11 – 2004**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*5-28-04  
P.D.  
0-9*  
**A RESOLUTION** adopting the decision of the Tax Incentive review Committee made on March 24, 2004 wherein they recommended that the Enterprise Zone Agreement with HydroThrift Corporation be terminated and the tax exemption rescinded in the City of Massillon, Ohio.

**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: JUNE 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1<sup>st</sup> P.M. July 4 @ 4:30 PM*

ORDINANCE NO. 96 - 2004

*1<sup>st</sup> Reading*  
LEGISLATIVE DEPARTMENT

*2<sup>nd</sup> Reading 6/21*

*Repealed 7/6/04*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-2 One Family Residential to R-T Two Family Residential.

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-2 One Family Residential to R-T Two Family Residential. The Planning Commission of the City of Massillon, Ohio, on May 12th, 2004 recommended denial of the rezoning request 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 R-T Two Family Residential.

Lot No. 5097, a 50 foot x 186 foot lot located at the northwest corner of 19<sup>th</sup> Street NW and Howard Avenue NW. Said property is owned by Linda Kirby. The property would be converted into a separate living area within the existing home for the intended purpose of being a rental unit.

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 \_\_\_\_\_ 2004

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

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



**Rezoning Request - 471  
19th Street NW**

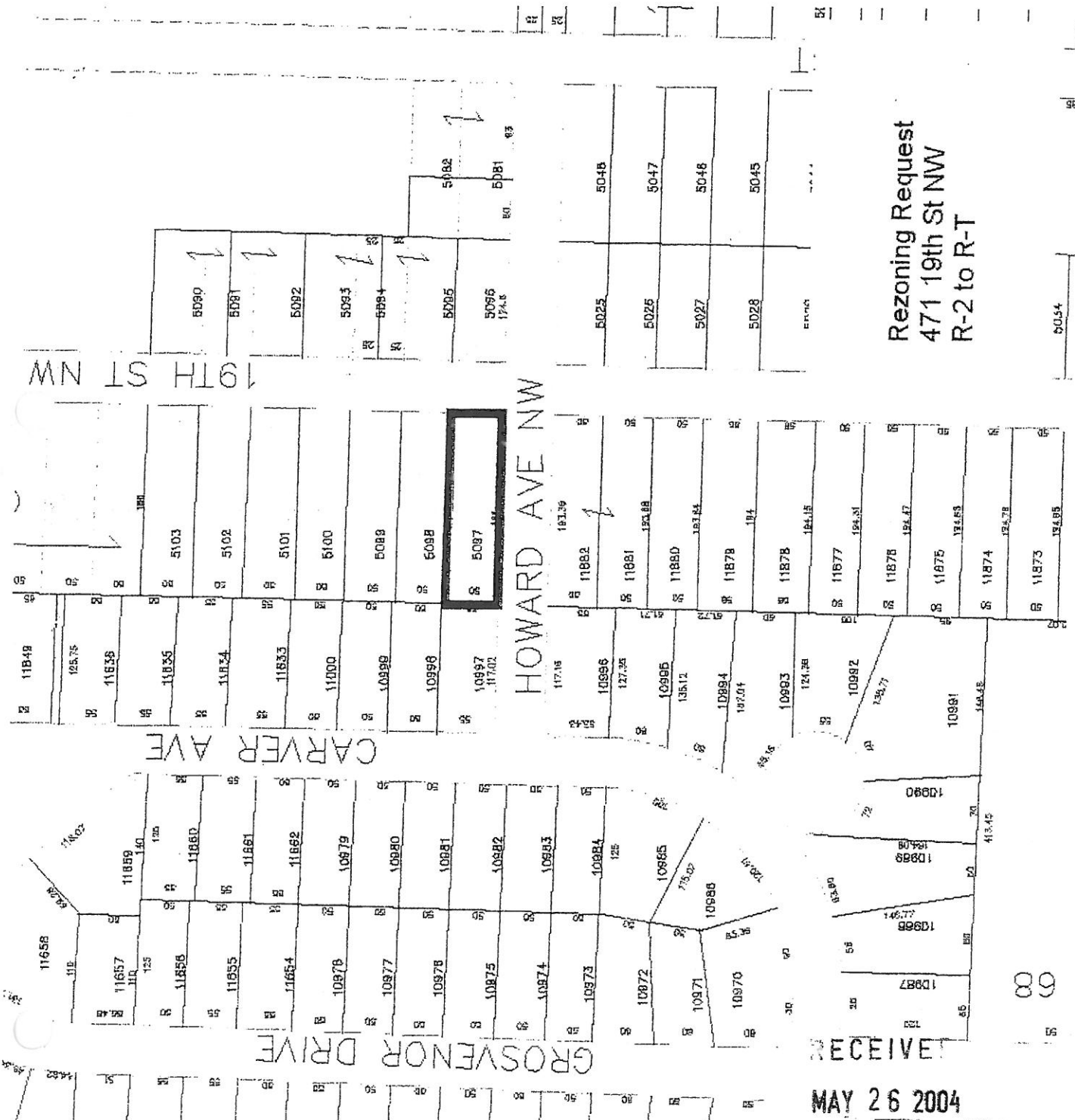
**Location:**  
Lot No. 5097, a 50 ft. x 186 ft. lot located at the northwest corner of 19th Street NW and Howard Avenue NW.

**Zone Change From:**  
R-2 One Family Residential

**Zone Change To:**  
R-T Two Family Residential

**Applicant:**  
Linda Kirby

**Proposed Use:**  
The owner proposes to convert a separate living area within the existing home into a rental unit.



**Rezoning Request  
471 19th St NW  
R-2 to R-T**

DATE: JUNE 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 97 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Westbrook Estates West Phase 2 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 Westbrook Estates West Phase 2 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 Utopia Circle NW and Woodstone Avenue NW, be and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held May 12<sup>th</sup> 2004. The description of Westbrook Estates West Phase 2 is as follows:

Being Known as Part of Out Lot 772, an 8.5 acre parcel located on Woodstone Avenue NW, east of Manchester Road. This plat creates a total of 15 lots zoned R-2 One Family Residential.

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 to enable the lots to be marketed and construction to commence 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.



PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

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

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

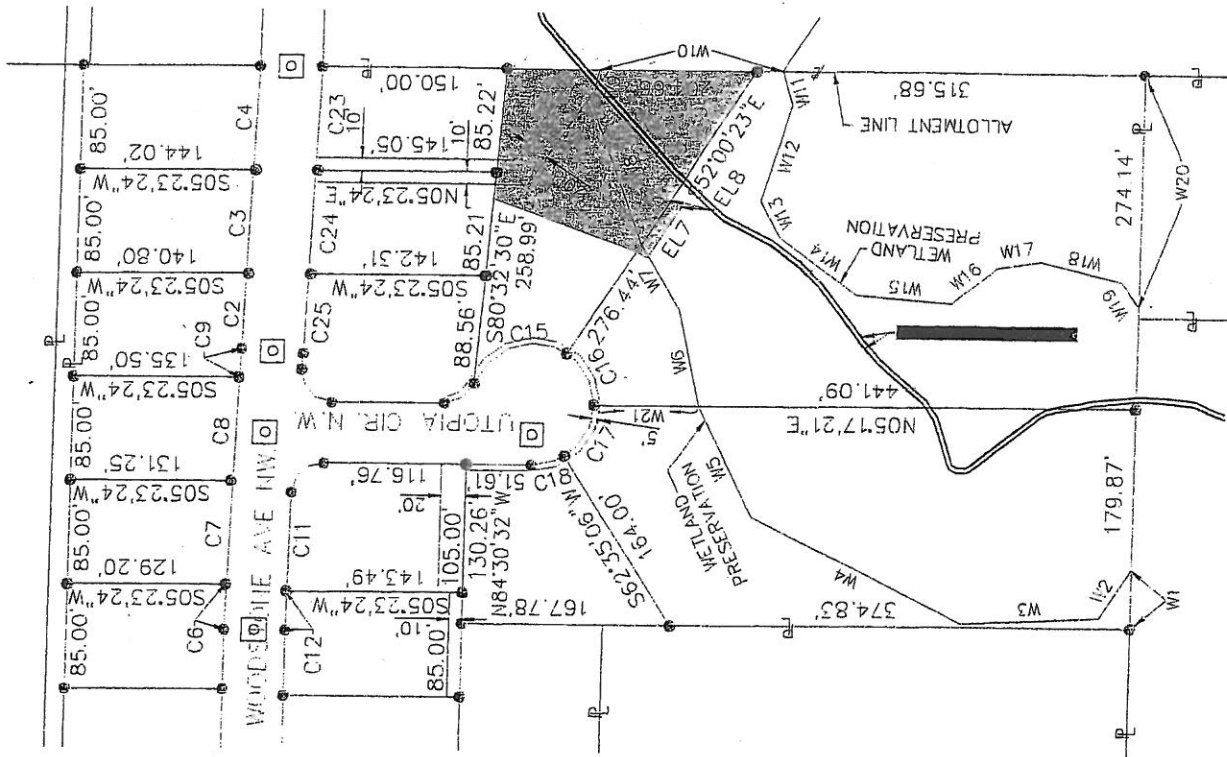
**Final Plat – West Brook  
Estates, West, Phase 2**

**Location:** Part of Out Lot  
772, an 8.5 acre tract  
located on Woodstone  
Avenue NW, East of  
Manchester Road.

The request is to replat  
this lot into 15 residential  
lots with frontage on  
Woodstone Avenue and  
Utopia Circle NW.

This property is zoned R-2  
Single Family Residential

**Applicant:** Jacob and  
Dorothy Glick



RECEIVED  
MAY 26 2004



DATE: JUNE 7, 2004

CLERK: MARY BETH BAILEY

*500990*  
*100 9-0*  
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 98 - 2004

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one, two and three family dwellings, their appurtenances and accessory structures in the jurisdiction of Massillon, Ohio; and providing for the issuance of permits therefore providing penalties for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith, and declaring an emergency.

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

Section 1:

That the following BOCA checklists will be used by the City of Massillon Building Department for the inspection of one, two, and three family dwellings erected in the City:

- A. Framing checklist
- B. Footing checklist
- C. Foundation checklist
- D. Final checklist

Section 2:

This Ordinance is hereby 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 that the Massillon Building Department is required to adopt these changes immediately in order to protect our current ISO insurance rating. 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 \_\_\_\_\_, 2004

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

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

DATE: JUNE 7, 2004

CLERK: MARY BETH BAILEY

*Susp 90*

*Pen 90*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 99 - 2004

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids for the Reservoir Sediment Control and Sippo Creek Stream Bank Restoration Project, 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 Reservoir Sediment Control and Sippo Creek Stream Bank Restoration Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids for the Reservoir Sediment Control and Sippo Creek Stream Bank Restoration Project.

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 to help in preventing any further erosion to the Reservoir Sediment Control and Sippo Creek Stream Bank Restoration Project. 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 \_\_\_\_\_, 2000

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

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

DATE: JUNE 7, 2004

CLERK: MARY BETH BAILEY

*Amend to Air Rate 9-0*  
*9-0*  
*SP 9-0*  
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 100 - 2004

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – POLICE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – POLICE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – POLICE DEPARTMENT, in 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:

Section 2(D) OCCUPATION LIST OF CLASS TITLES – POLICE DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – POLICE DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT 'A' PAGE 1; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community the recently enacted revised parking ordinance requires a Hearing Officer to hear appeals and for the additional reason that the establishment of the new MS Hearing Office position is necessary in order to hear parking violation appeals. 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 \_\_\_\_\_ 2004

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

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



<b>CLASS GRADE</b>	<b>SCHEDULE</b>	<b>DEPARTMENT &amp; TITLE DESCRIPTION</b>	
		<b><u>POLICE DEPARTMENT</u></b>	<b>305</b>
E	P	Police Chief	
D	P	Police Captain	
C	P	Police Lieutenant	
B	P	Police Sergeant	
A	P	Police Officer	
15S	UN	Animal Control Officer	
9S	UN	Police Secretary - Bookkeeper	
6S	UN	Police Stenographer - Secretary	
5S	UN	Clerk Typist I	
3S	UN	Parking Enforcement Officer	
		<b><u>PART TIME/TEMPORARY/SEASONAL</u></b>	
	MS	Regular School Patrol	
	MS	Extra School Patrol	
	MS	Clerk	
	MS	Clerk Typist	
	MS	Parking Enforcement Officer	
	MS <i>25/142</i>	** Hearing Officer	
		<b><u>FIRE DEPARTMENT</u></b>	<b>325</b>
	F	Chief	
	F	Assistant Chief	
	F	Superintendent Buildings	
	F	Captain/Medic	
	F	Fire Captain/Mechanic/EMS Coordinator	
	F	Firefighter - Paramedic	
	F	Firefighter	
	F	Cadet I	
	F	Cadet II	
		<b><u>PART TIME/TEMPORARY/SEASONAL</u></b>	
	MS	Clerk	
		<b><u>ENGINEERING DEPT</u></b>	<b>405</b>
29S	SU UN	City Engineering/Planning Director	
24S	CL	Assistant City Engineer	
22S	CL	Civil Engineer IV	
20S	CL	Civil Engineer III	
19S	CL	Civil Engineer II	
18S	CL	Civil Engineer I	
18S	CL	Engineering Technical II	
16S	CL	Engineering Technician I	
15S	CL	Contract Manager	
14S	CL	Construction Inspector III	
14S	CL	Engineering Aide III	

DATE: JUNE 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

*Susp 9-0*  
*1-9-0*  
COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 101 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Nova East Industrial Park, 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 Nova East Industrial Park, 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 Business Place and Venture Circle SE, be, and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held May 12<sup>th</sup> 2004. The undertaking given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Nova East Industrial Park is as follows:

Being Known as Out Lot 767, consisting of 120 acres located on the east side of Richville Drive SE. This plat creates a total of 15 industrial lots which are presently zoned I-1 Light Industrial and O-1 Office as well as the dedication of Business Place and Venture Circle SE.

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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2001

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

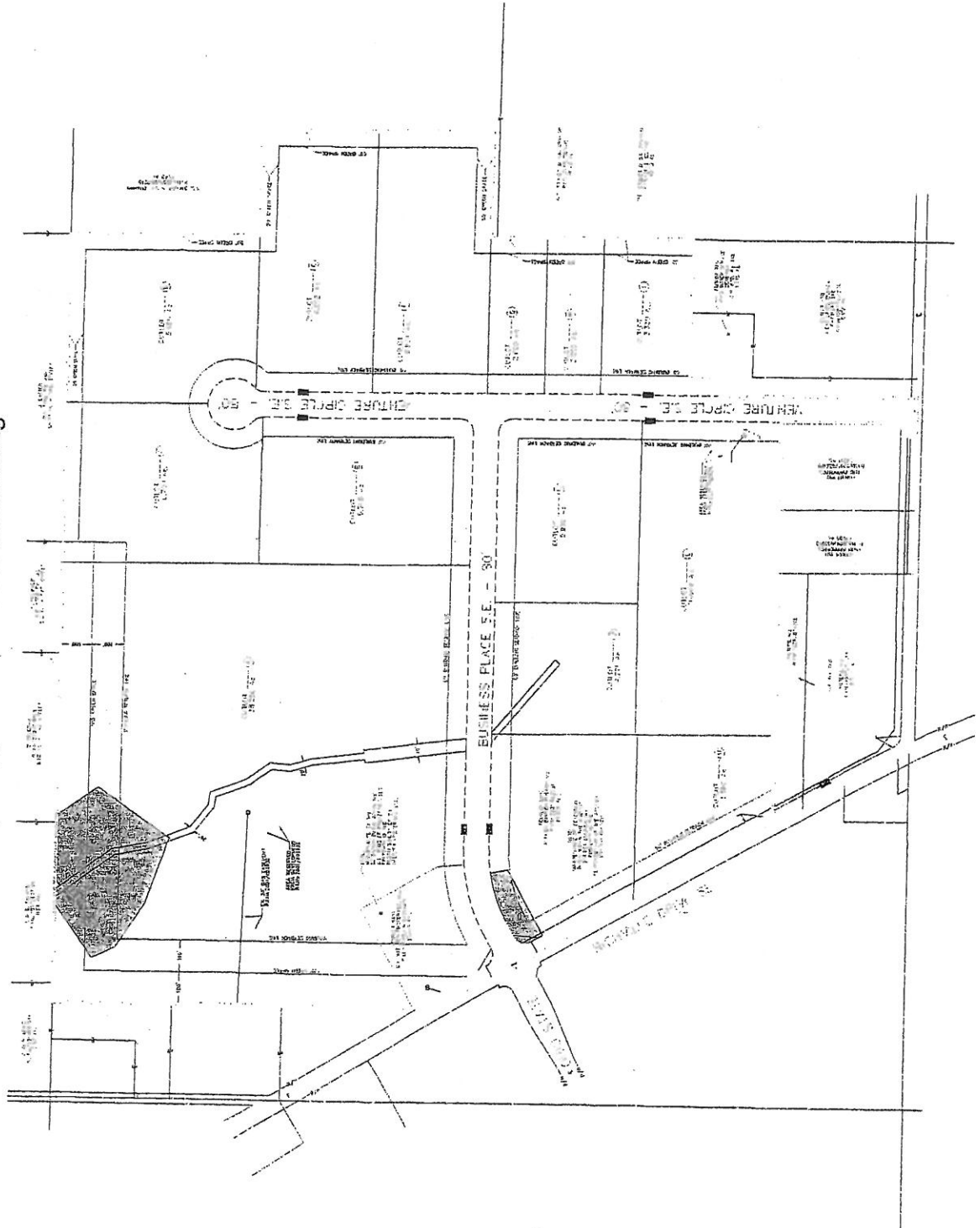
APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR



**Final Plat – Nova East Industrial Park**

**Location:** Out Lot 767, a 120 acre tract located on the East side of Richville Drive SE and the North side of Nave Road SE. The request is to replat this large lot into 15 industrial lots, and dedicate two public streets, Business Place SE and Venture Circle SE. This property is zoned I-1 Light Industrial and O-1 Office.

**Applicant:** Beaver Excavating



RECEIVED

MAY 26 2004

DATE: JUNE 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

*503P 9-0*  
*Pass 9-0*  
ORDINANCE NO. 102 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks and Recreation Community Park Project Fund, Parks and Recreation Reservoir Project Fund, Parks and Recreation Fund, Capital Improvement Fund, Special Fund, Massillon Police Jail Repair and Improvement Fund, Legends Golf Course Fund, Street Lighting Fund, BR Special Assessment 23<sup>rd</sup>/Springhill Fund and the BR Special Assessment Shaw/Castlewest Fund, for the year ending December 31, 2004, 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 Parks and Recreation Community Parks Project Fund, for the year ending December 31, 2004, the following:

\$87,174.00 to an account entitled "Community Park Project" 1434.505.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Parks and Recreation Reservoir Project Fund, for the year ending December 31, 2004, the following:

\$62,493.60 to an account entitled "Reservoir Project" 1436.505.2510

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Parks and Recreation Fund, for the year ending December 31, 2004, the following:

\$20,000.00 to an account entitled "Supplies" 1234.515.2410

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2004, the following:

\$15,000.00 to an account entitled "Catch Basin Repairs" 1401.435.2392

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Special Fund, for the year ending December 31, 2004, the following:

\$15,000.00 to an account entitled "Services and Contracts" 1214.915.2392

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Massillon Police Jail Repair and Improvement Fund, for the year ending December 31, 2004, the following:

\$10,000.00 to an account entitled "Jail Equipment" 1205.125.2530

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Legends Golf Course Fund, for the year ending December 31, 2004, the following:

\$6,000.00 to an account entitled "Supplies" 2104.904.2410

Section 8:

There be and hereby is appropriated from the unappropriated balance of the Street Lighting Fund, for the year ending December 31, 2004, the following:

\$5,054.23 to an account entitled "Ornamental Street Lighting" 1416.905.2392

Section 9:

There be and hereby is appropriated from the unappropriated balance of the BR Special Assessment 23<sup>rd</sup>/Springhill Fund, for the year ending December 31, 2004, the following:

\$400.00 to an account entitled "County Collection Fees" 1350.935.2382

Section 10:

There be and hereby is appropriated from the unappropriated balance of the BR Special Assessment Shaw/Castlewest Fund, for the year ending December 31, 2004, the following:

\$400.00 to an account entitled "County Collection Fees" 1351.935.2382



Section 11:

This Ordinance is hereby declared to be an emergency measure, for the efficient peration 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 \_\_\_\_\_ 2004

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

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

DATE: JUNE 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

*503P 9-0*  
*Pass 9-0*  
RESOLUTION NO. 14 - 2004

BY: POLICE AND FIRE COMMITTEE

TITLE: The Council of the City of Massillon, Stark County, Ohio met at a duly called and authorized meeting of the Council on the date set forth below, such meeting being duly called pursuant to a notice stating the time, place and purpose of the meeting received by all Council Members, and the following resolutions were made, seconded, and adopted by those present at the meeting.

WHEREAS, the eligible employees of the Police Departments participate in the Ohio Police and Fire Pension Fund (OP&F);

WHEREAS, the Massillon Council has previously adopted a pick-up of the ten percent (10%) mandatory contributions required under by Section 742.31 of the Ohio Revised Code for participating employees of the Police Departments who are members of the OP&F;

WHEREAS, OP&F has adopted new procedures for reporting picked up contributions in order to properly prepare 1099-R forms for its members;

WHEREAS, the Massillon Council wishes reaffirm and amend and restates its prior resolution in order to continue the pick-up under the new procedures;

NOW, THEREFORE, BE IT RESOLVED, that effective as of June 7<sup>th</sup> 2004 the Massillon City Council has determined to continue to pick-up all of the ten percent (10%) mandatory contributions by the employees who are members of the Ohio Police and Fire Pension Fund through a payroll reduction..

BE IT FURTHER RESOLVED, that said picked up contributions paid through a payroll reduction even though designated as employee contribution for state law purposes, are being paid by the Massillon Council in lieu of said contributions by the employee;

BE IT FURTHER RESOLVED, that said picked up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Ohio Police and Fire Pension Fund;

BE IT FURTHER RESOLVED, that said picked up contributions will be included in the gross income of the employees, for employment tax purposes, as the contributions are made to the Ohio Police and Fire Pension Fund; and

BE IT FURTHER RESOLVED, that said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the city of Massillon to the Ohio Police and Fire Pension Fund.

This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of Massillon. Provided it receives the affirmative vote of two thirds of all the members duly elected 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 \_\_\_\_\_, 2004

ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
DENNIS D. HARWIG, PRESIDENT

APPROVED: \_\_\_\_\_

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



DATE: JUNE 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

~~Amended as shown~~  
COUNCIL CHAMBERS

~~passed~~  
LEGISLATIVE DEPARTMENT

5050 go  
Pss go  
TYP -  
RESOLUTION NO. 15 - 2004

BY: POLICE AND FIRE COMMITTEE

TITLE: The Council of the City of Massillon, Stark County, Ohio met at a duly called and authorized meeting of the Council on the date set forth below, such meeting being duly called pursuant to a notice stating the time, place and purpose of the meeting received by all Council Members, and the following resolutions were made, seconded, and adopted by those present at the meeting.

WHEREAS, the eligible employees of the <sup>FIRE</sup> Police Departments participate in the Ohio Police and Fire Pension Fund (OP&F);

WHEREAS, the Massillon Council has previously adopted a pick-up of the ten percent (10%) mandatory contributions required under by Section 742.31 of the Ohio Revised Code for participating employees of the <sup>FIRE</sup> Police Departments who are members of the OP&F;

WHEREAS, OP&F has adopted new procedures for reporting picked up contributions in order properly prepare 1099-R forms for its members;

WHEREAS, the Massillon Council wishes reaffirm and amend and restates its prior resolution in order to continue the pick-up under the new procedures;

NOW, THEREFORE, BE IT RESOLVED, that effective as of June 7<sup>th</sup> 2004 the Massillon City Council has determined to continue to pick-up all of the ten percent (10%) mandatory contributions by the employees who are members of the Ohio Police and Fire Pension Fund through a payroll reduction..

BE IT FURTHER RESOLVED, that said picked up contributions paid through a payroll reduction even through designated as employee contribution for state law purposes, are being paid by the Massillon Council in lieu of said contributions by the employee;

BE IT FURTHER RESOLVED, that said picked up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Ohio Police and Fire Pension Fund;

BE IT FURTHER RESOLVED, that said picked up contributions will be included in the gross income of the employees, for employment tax purposes, as the contributions are made to the Ohio Police and Fire Pension Fund; and

BE IT FURTHER RESOLVED, that said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the city of Massillon to the Ohio Police and Fire Pension Fund.



This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of Massillon. Provided it receives the affirmative vote of two thirds of all the members duly elected 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 \_\_\_\_\_, 2004

ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
DENNIS D. HARWIG, PRESIDENT

APPROVED: \_\_\_\_\_

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

DATE: JUNE 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

505P 9-0  
105 9-0  
COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 16 - 2004

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION to update the Fiscal Audit Team and Report Review Committee for the City of Massillon.

WHEREAS, the Office of the Auditor of the State of Ohio requires that the City of Massillon updates the members of the Fiscal Audit Team and Report Review Committee, and

WHEREAS, the committee serves as a liaison between City management and independent audit; and

WHEREAS, it would be in the best public interest of the citizens of Massillon that this committee be updated

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, hereby finds it in its best interest to update the Fiscal Audit Team and Report Review Committee.

Section 2:

Council hereby appoints the following citizens as members to this Committee: Bill Hamit, Paul Lambert, Tim Bryan and Glenn Gamber.

Section 3:

This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of Massillon and for the additional reason that the Office of the Auditor of the State of Ohio requires the update names of members to this Committee. Provided it receives the affirmative vote of two-thirds of all the members duly elected 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 \_\_\_\_\_ 2004

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

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

DATE: MAY 17, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

*post reading*  
LEGISLATIVE DEPARTMENT

COUNCIL CHAMBERS

*Amendment 9-0*

*15*

**\*AMENDED\***

ORDINANCE NO. 89 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the dedication of a 40 foot right-of-way on the north side of Indian River Road SW, and a 50 foot right-of-way with 60 foot cul-de-sac, known as Treatment Drive, in the City of Massillon, Ohio and declaring an emergency.

WHEREAS, upon hearing, the Council hereby finds that there is good cause to accept the dedication of such a right-of-way and that it will be beneficial to the general interest of this community and that such right-of-way should be accepted.

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

Section 1:

Council hereby accepts the dedication of a 40 foot right-of-way of the north side of Indian River Road SW and a 50 foot right-of-way with 60 foot cul-de-sac, known as Treatment Drive. The dedicated right-of-way is described by the dedication plat attached hereto as Exhibit "A".

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 it is in the best interest of the citizens that the right-of-way be immediately dedicated without further delay. 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 \_\_\_\_\_ 2004

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

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