

*Council
Comm. Thurs
6:30
Finance
Budget*

AGENDA

DATE: MONDAY, OCTOBER 18, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

8:10

**THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 148 – 2004 7:15P.M.**

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. 158 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

Passed

AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Grant Programs which the City has provided through the CDBG Program funding, and declaring an emergency.

ORDINANCE NO. 159 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

Passed

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for, and receive sealed bids, according to law, for the sale of certain tracts of land known as and being Lot Nos. 5216, 5217, 8305, 14807 and 14813 located at 1428 Walnut Road S.E. in the City of Massillon, Stark County, Ohio and owned by said City, which not needed for any municipal purpose, and declaring an emergency.

ORDINANCE NO. 160 – 2004

BY: ENVIRONMENTAL COMMITTEE

Passed

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare specifications and to advertise and for receive sealed bids for the construction of the West Warmington Sanitary Sewer Project according to agreement with Greif, Ind., and declaring an emergency.

ORDINANCE NO. 161 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1st

AN ORDINANCE vacating a portion of a certain public alley.

ORDINANCE NO. 162 – 2004

BY: FINANCE COMMITTEE

Passed

AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Fire Damage Structure Fund and the Law Enforcement Trust Fund, for the year ending December 31, 2004, and declaring an emergency.

ORDINANCE NO. 163 – 2004

BY: FINANCE COMMITTEE

PA550
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio to enter into the renewal contract with Hometown Hospital Health Plan for health insurance coverage for City employees, 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 FOR TOWNE PLAZA PIZZA PUB INC 248 FEDERAL AVE NW MASSILLON, OHIO 44647 TO EL RODEO MEXICAN RESTAURANT LLC 2484 LINCOLN WAY E MASSILLON, OHIO 44646.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 2004

B). TREASURER SUBMITS MONTHLY REPORT FOR SEPTEMBER 2004

C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 2004.

D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR SEPTEMBER 2004

E). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2004

F). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR SEPTEMBER 2004

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 148– 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

PA550
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 One Family Residential to I-1 Light Industrial.

15. SECOND READING ORDINANCES AND RESOLUTIONS

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: OCTOBER 18, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 158 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Grant Programs which the City has provided through the CDBG Program funding, and declaring an emergency.

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

Section I:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement with various programs through the Community Development Grant Programs which the City has provided through the CDBG Program funding.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into separate contract agreements with the programs listed below for the amounts specified through the Community Development Grant Programs which the City has provided through the CDBG Program funding.

Massillon Main Street	\$75,000.00
Habitat for Humanity of Massillon – Housing Program	\$20,000.00
Westark Family Services, Inc. - Elderly Homemaker Program	\$15,000.00
Western Stark Medical Clinic	\$12,000.00
Community Services of Stark County - Family Living Center Program	\$10,000.00
Massillon Urban League	\$10,000.00
Domestic Violence Project	\$10,000.00
Make-A-Way, Inc.	\$ 9,000.00
Massillon Community Health Foundation	\$ 4,790.00
YWCA of Western Stark County - YWCA Child Development Center	\$ 4,000.00
Massillon Commission to Advance Literacy - Adult Literacy Program	\$ 4,000.00
Massillon Urban League - Teen Pregnancy Prevention Program	\$ 3,000.00
Lighthouse Visions, Inc.	\$ 2,000.00
Faith in Action of Western Stark County	\$ 2,000.00

Section 3:

Upon delivery of the aforesaid agreements, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for each agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

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 further reason that these services are needed to benefit the community as a whole and to meet the goals and objectives of the City's Community Development Block Grant Program. 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

DATE: OCTOBER 18, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 159 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of certain tracts of land known as and being Lot Nos. 5216, 5217, 8305, 14807 and 14813 located at 1428 Walnut Road S.E. in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, 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 prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of a certain tracts of land known as and being Lot Nos. 5216, 5217, 8305, 14807 and 14813 located at 1428 Walnut Road S.E. in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 2:

The following described real estate belonging to the City of Massillon, Ohio, is not needed for any municipal purpose, to-wit:

Known as and being tracts of land known as Lot Nos. 5216, 5217, 8305, 14807 and 14813 located at 1428 Walnut Road S.E. in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 3:

The Director of Public Safety and Service be and is hereby authorized to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of a certain tracts of land known as and being Lot Nos. 5216, 5217, 8305, 14807 and 14813 located at 1428 Walnut Road S.E. in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose

Section 4:

The advertisement for the bidding of said real estate shall contain the following instructions:

- 1). Each bidder shall be prepared to review with the administration of the City of Massillon and City Council their intended use for the real estate.
- 2). The successful bidder shall be responsible to pay all fees and costs associated with the sale and transfer of said property.
- 3). The City reserves the right to reject any and all bids.

Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason of such emergency arising out of the necessity to dispose of real estate no longer needed for any municipal purpose for the best price obtainable. And 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

DATE: OCTOBER 18, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 160 - 2004

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare specifications and to advertise for and receive sealed bids for the construction of the West Warmington Sanitary Sewer Project according to the agreement with Greif Inc., 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 for the construction of the West Warmington Sanitary Sewer Project according to the agreement with Greif Inc.

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 according to law, for the construction of the West Warmington Sanitary Sewer Project according to the agreement with Greif Inc., This project will paid for by public and private funds. The current estimated cost of the project is Six Hundred Seventy-Five Thousand Dollars (\$675,000.00).

Section 3:

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 further reason that the West Warmington Sanitary Sewer Project is needed. 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.

DATE: OCTOBER 18, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 161 - 2004

Passed 11/1/04

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of a certain public alley.

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 thereinafter 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 a 15foot wide public alley lying between Goose Avenue NW and Warwick Avenue NW, and running in a north/south direction. The request is to vacate that portion of this alley running south from Goose Avenue NW approximately 130 feet. This vacation plat is on file in the City Engineer's Office and was approved by the City Planning Commission on September 8th, 2004. The said vacation is hereby approved, adopted and confirmed.

Section 2:

This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the health, safety, and welfare and for the continued efficient operation of the City of Massillon, Ohio, the portion of the street to be vacated is no longer needed for municipal purposes. 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.

DATE: OCTOBER 18, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 162 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Fire Damage Structure Fund and the Law Enforcement Trust 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 Community Development Block Grant Program Fund for the year ending December 31, 2004, the following:

^75,000.00 to an account entitled "Main Street Revitalization" 1203.845.2828
v20,000.00 to an account entitled "Habitat for Humanity" 1203.845.2849
\$15,000.00 to an account entitled "Elderly Homemaker Program" 1203.845.2803
\$12,000.00 to an account entitled "Western Stark Medical Clinic" 1203.845.2857
\$10,000.00 to an account entitled "Family Living Center" 1203.845.2841
\$10,000.00 to an account entitled "Housing Counseling Program" 1203.845.2802
\$10,000.00 to an account entitled "Domestic Violence Shelter" 1203.845.2858
\$ 9,000.00 to an account entitled "Make-A-Way Center" 1203.845.2813
\$ 4,790.00 to an account entitled "Neighborhood Partnership Program" 1203.845.2862
\$ 4,000.00 to an account entitled "Massillon Literacy Commission" 1203.845.2819
\$ 4,000.00 to an account entitled "YWCA Tots Day Care" 1203.845.2854
\$ 3,000.00 to an account entitled "Teen Pregnancy Prevention" 1203.845.2815
\$ 2,000.00 to an account entitled "Interfaith Caregivers Program" 1203.845.2859
\$ 2,000.00 to an account entitled "Lighthouse Visions Program"

Section 2:

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

0,000.00 to an account entitled "Fire Damage Structures" 3107.905.2390

Section 3:

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

\$ 7,500.00 to an account entitled "Services & Contracts" 1215.305.2392

\$ 2,000.00 to an account entitled "Supplies & Materials" 1215.305.2410

\$ 1,262.00 to an account entitled "2004 LLEBG" 1216.305.2516

Section 4:

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 _____ 2004

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: OCTOBER 18, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 163 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio to enter into the renewal contract with Hometown Hospital Health Plan for health insurance coverage for City employees, 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 and in the public health, safety and welfare to renew the contract with Hometown Hospital Health Plan for health insurance coverage for City employees. If the contract is renewed now, the cost will remain the same as the 2004 contract.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into the renewal contract with Hometown Hospital Health Plan for health insurance coverage for City employees for the 2005 calendar year.

Section 3:

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 it is necessary to enter into the renewal contract with Hometown Hospital Health Plan for health insurance coverage for City employees in order to avoid any premium increase in the cost. 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.

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

135 - 11/1/04

PH 12-6-04 @ 7:00pm

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 164 - 2004

2nd Reading 11/15
passed 12/6

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-3 One Family Residential to RM-1 Multiple 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-3 One Family Residential to RM-1 Multiple Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 13th, 2004 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 RM-1 Multiple Family Residential.

Being known as Lot 14898, located at 3534 17th Street SW. The applicant is Donald Hendricks. The applicant proposes to convert the existing dwelling into a triplex.

Section 3:

Provided it receives the affirmative vote of majority of the elected members of Council. This ordinance 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