

## AGENDA

DATE: MONDAY, NOVEMBER 1, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN KATHY CATAZARO-PERRY
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. 164 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*12E P.H. 12-6 @ 7:20PM*

*12E* 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.

### ORDINANCE NO. 165 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*12E P.H. 12-6 @ 7:00PM*

*12E* AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from O-1 Office to RM-1 Multiple Family Residential.

### ORDINANCE NO. 166 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Sur 9-0 PPD 9-0* AN ORDINANCE accepting the Final Plat and dedication of various streets for Wittenberg Commons in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

### ORDINANCE NO. 167 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Sur 9-0 PPD 9-0* AN ORDINANCE accepting the Final Plat and dedication of various streets for Woodland Creek Condominiums, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

### ORDINANCE NO. 168 - 2004

BY: PARKS & RECREATION COMMITTEE

*Sur 9-0 PPD 9-0* AN ORDINANCE authorizing the Mayor to enter into an offer to purchase and interim lease agreement between the City of Massillon and the State of Ohio for the lease and purchase of surplus property located at the Heartland Behavioral Health Center, upon the approval of the Board of Control, and declaring an emergency.

### ORDINANCE NO. 169 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*Sur 9-0 PPD 9-0* AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets, and declaring an emergency



ORDINANCE NO. 170 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

15T  
AN ORDINANCE repealing Ordinance No. 72 – 2003, and declaring an emergency

ORDINANCE NO. 171 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

500P  
9-0  
Pass  
9-0  
AN ORDINANCE accepting the dedication of a 10.03 foot additional right-of-way along the west side of Valerie Avenue NE, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 172 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

15T  
AN ORDINANCE vacating a portion of 1<sup>st</sup> Street NW, and declaring an emergency.

ORDINANCE NO. 173 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

15T  
AN ORDINANCE vacating a portion of Tommy Henrich Drive NW, and declaring an emergency.

ORDINANCE NO. 174 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

15T  
AN ORDINANCE vacating various streets in the City of Massillon, Ohio, and ~~accepting~~ <sup>vacating</sup> a 60 right-of-way for Oberlin Road SW and a 50 foot right-of-way for 6<sup>th</sup> Street SW, and declaring an emergency.

ORDINANCE NO. 175 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

500P  
9-0  
Pass  
8-0  
KATY ABSTON  
TYPED  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to grant an easement to the Boys & Girls of Massillon, and declaring an emergency.

ORDINANCE NO. 176 – 2004

BY: FINANCE COMMITTEE

500P  
9-0  
Pass  
9-0  
AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Bond Retirement Fund, Lincoln Center Phase III Fund, General Fund, and the Economic Development Fund, for the year ending December 31, 2004, and declaring an emergency.

ORDINANCE NO. 177 – 2004

BY: FINANCE COMMITTEE

500P  
9-0  
Pass  
9-0  
AN ORDINANCE reducing the appropriation in the street M & R Fund, State Highway M & R Fund and the Summer Concert Fund of the City of Massillon, for the year ending December 31, 2004, and declaring an emergency.

ORDINANCE NO. 178 – 2004

BY: FINANCE COMMITTEE

500P  
9-0  
Pass  
9-0  
AN ORDINANCE authorizing the Director of Public Service and Safety to accept the Wal-Mart Foundation Grant and the First United Methodist Church Good Samaritan Grant for the Fire Prevention and Investigation education for the Massillon City Schools, and declaring an emergency.



**RESOLUTION NO. 24 – 2004**

**BY: FINANCE COMMITTEE**

*Scrub 9-0  
Pg 9-0*  
**A RESOLUTION** accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR TAMARKIN COMPANY DBA GIANT EAGLE LINCOLN WAY & 20<sup>TH</sup> STREET MASSILLON, OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

*Kathy Carter*  
**A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR OCTOBER 2004**

*Accept Auditor Report*  
**B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2004**

*Leaf*  
**11. REPORTS OF COMMITTEES**

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

*Schedule*  
**13. CALL OF THE CALENDAR**

*Special Council meeting 5:00pm  
Childrens Res Facility - Visitor. (Lan)  
Electrical Co - Manly  
Rally Notes - for LCIII  
Change the split 100% (\$140,000)*

**ORDINANCE NO. 115 – 2004**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Added to 2nd meeting in Jan 2005.  
9-0*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement amending the promissory note previously entered into between the City of Massillon and DOWNTOWN MASSILLON HOTEL, LTD.

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 161 – 2004**

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

*Scrub 9-0  
Pg 9-0*  
**AN ORDINANCE** vacating a portion of a certain public alley.

*Warwick*

**16. NEW AND MISCELLANEOUS BUSINESS**

**17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

**18. ADJOURNMENT**

*Special meeting @ 5:00pm*  
**MARY BETH BAILEY - CLERK OF COUNCIL**

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

125 11/01/04  
PH 12-6-04 @ 7:00 PM

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 165 - 2004

1st reading  
LEGISLATIVE DEPARTMENT  
2nd reading 11/15  
Defeated 12/10

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from O-1 Office 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 O-1 Office to RM-1 Multiple Family Residential. Said rezoning was denied 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 14742, located on the northwest corner of 3<sup>rd</sup> Street SE and South Avenue SE. The applicant is John Keister of Growing Minds Inc. The applicant proposes to operate a children's residential center.

Section 3:

Provided it receives the affirmative vote of a 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

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

*Supp. 7-0  
p. 9-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 166 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Wittenberg Commons, 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 Wittenberg Commons, 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 the streets indicated thereon is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held October 13<sup>th</sup> 2004. The bond and mortgage given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Wittenberg Commons is as follows:

Being known as Part of Out Lot 766, located west of Richville Drive SE and north of Nave Road. This plat creates a total of 15 lots zoned RM-1 Multiple Family Residential on a 7.96 acre tract of land.

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 \_\_\_\_\_ 2004

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

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

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

*Susp 9-2*  
*Pass 9-2*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 167 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Woodland Creek Condominiums, 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 Woodland Creek Condominiums, 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 Highlander Street NW, approximately 34 feet by 515 feet; is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held October 13<sup>th</sup> 2004. The description of Woodland Creek Condominiums is as follows:

Being known as Out Lots 916 through 921, located on the east side of Highlander Street NW and north of Bonnie Brae. This creates a total of 6 lots and combining the remaining 17 acres into one lot. The property is zoned R-2 One Family Residential and R-T Two 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

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 168 - 2004

BY: PARKS AND RECREATION COMMITTEE

5-3P 9-0  
PSS 9-0

TITLE: AN ORDINANCE authorizing the Mayor to enter into an offer to purchase and interim lease agreement between the City of Massillon and the State of Ohio for the lease and purchase of surplus property located at the Heartland Behavioral Health Center, upon the approval of the Board of Control, 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 finds that it is necessary to enter into an offer to purchase and interim lease agreement between the City of Massillon and the State of Ohio for the lease and purchase of surplus property located at the Heartland Behavioral Health Center, upon the approval of the Board of Control.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into an offer to purchase and interim lease agreement between the City of Massillon and the State of Ohio for the lease and purchase of surplus property located at the Heartland Behavioral Health Center, upon the approval of the Board of Control.

Section 3:

The cost of said property shall be Five Hundred Seventy-Nine Thousand Dollars (\$579,000.00). The Municipal Court is contributing Fifty Thousand Dollars (\$50,000) toward the purchase and the balance shall be paid from Parks and Recreation Department Funds in accordance with the terms of the lease and purchase agreement.

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 additional reason that it is necessary that the contract agreement be entered into for the purchase of surplus property currently owned by the State of Ohio. The property will be utilized for various departmental use for the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



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

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

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

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 169 - 2004

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets, 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 enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on city streets.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase salt for ice control on city streets.

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, participating in the cooperative purchase program saves the city money in its salt purchases and for the additional reason for the more efficient operation of the Street Department in the City of Massillon during the winter months. 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: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

125 11-1-04

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading  
LEGISLATIVE DEPARTMENT  
passed 11/8/04

ORDINANCE NO. 170 - 2004

BY: STREETS, HIGHWAY, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 72 - 2003, and declaring an emergency.

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

Section 1:

Ordinance No. 72 - 2003 be and is hereby repealed.

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 it is necessary to repeal said ordinance for the relocation of Tommy Henrich Drive NW for the pending future development of that 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 \_\_\_\_\_ 2004

APPROVED \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

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

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

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

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

*Susp 9-0  
Pass 9-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 171 - 2004

BY: STREETS, HIGHWAY, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the dedication of a 10.03 foot additional right-of-way along the west side of Valerie Avenue NE, 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 additional right-of-way and that it will be beneficial to the general interest of this community and that the additional 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 10.03 foot additional right-of-way along the west side of Valerie Avenue NE. The additional right-of-way is described by the 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 additional right-of-way be immediately accepted 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

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

*125 - 11-1-04*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 172 - 2004

*passed 11/8/04*

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of 1<sup>st</sup> Street NW, 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 of First Street NW 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:

That First St NW, approximately 50 foot wide, from Cherry Road NW, south 606 feet to the north side of Tommy Henrich Drive NW is hereby vacated. The applicant is the City of Massillon. Approval of the vacation was recommended by the Planning Commission on October 13th, 2004. 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, and that the portion of the street to be vacated is necessary to permit immediate commencement of infrastructure work required for 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 \_\_\_\_\_ 2004

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

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



DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

125 11-1-04

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 172 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of 1<sup>st</sup> Street NW, 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 of First Street NW 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:

That First St NW, approximately 50 foot wide, from Cherry Road NW, south 606 feet to the north side of Tommy Henrich Drive NW is hereby vacated. The applicant is the City of Massillon. Approval of the vacation was recommended by the Planning Commission on October 13th, 2004. 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, and that the portion of the street to be vacated is necessary to permit immediate commencement of infrastructure work required for 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 \_\_\_\_\_ 2004

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

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

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

*1st 11-1-04*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st Reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 173 - 2004

*passed 11/8/04*

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of Tommy Henrich Drive NW, 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 of Tommy Henrich Drive NW 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 Tommy Henrich Drive NW measuring approximately 60 foot wide and being a public street north of Lincoln Way West and east of State Route 21. The request is to vacate the portion from Weirich Road, west approximately 319 feet. The applicant is the City of Massillon. Approval of the vacation was recommended by the Planning Commission on October 13th, 2004. 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 reason that this property is being sold to Anne Ragains Enterprises LLC authorized by Ordinance No. 149 – 2004. 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: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

*157*  
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 174 - 2003

*1st Reading*  
LEGISLATIVE DEPARTMENT  
*2nd Reading 11/15*  
*passed 12/6*

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE <sup>*vacating*</sup>vacating various streets in the City of Massillon, Ohio, ~~and accepting a 60~~ foot right-of-way for Oberlin Road SW and a 50 foot right-of-way for 6<sup>th</sup> Street SW. 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 various streets hereinafter described, a petition requesting that these various streets thereafter described be vacated, and

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

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

Section 1:

The request to vacate that part of Oberlin Road from a point 20 feet east of the northwest corner of Out Lot 582, easterly approximately 1460 feet to the southwest corner of Lot 10367; and to vacate that part of 6<sup>th</sup> Street SW from SR 241/Finefrock Road southerly approximately 288 feet to Oberlin Road SW is hereby approved.

Section 2:

Council hereby accepts the dedication of right-of-way for Oberlin Road SW and 6<sup>th</sup> Street SW, as further described in the map submitted with the request for vacation.

Section 3:

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 these various streets are no longer 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 \_\_\_\_\_ 2004

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

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



DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

*SUB R 8-0  
P. 100 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 175 - 2004

*"BY PO"*

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to grant an easement to the Boys & Girls of Massillon, and declaring an emergency.

*C/C/B*

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 authorize the Director of Public Service and Safety to grant an easement to the Boys & Girls of Massillon, to enable construction and renovation of the Boys and Girls Club facility.

*C/C/B*

Section 2:

The Director of Public Safety and Service of the City of Massillon, Ohio, is hereby authorized to execute the easement grant to the Boys & Girls of Massillon.

*C/C/B*

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 it is necessary to execute the easement to enable construction of the improvements to continue in a timely manner. 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: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

*Susp - ~~11/1/04~~ 9-0*  
*pass 9-0*

ORDINANCE NO. 176 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Bond Retirement Fund, Lincoln Center Phase III Fund, General Fund and the Economic Development 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 Wastewater Treatment Bond Retirement Fund, for the year ending December 31, 2004, the following:

\$937,570.00 to an account entitled "Principle - Upgrade" 1305.940.2613  
\$267,750.00 to an account entitled "Interest - Upgrade" 1305.940.2623  
\$ 995.00 to an account entitled "Fees" 1305.940.2393  
\$ 690.00 to an account entitled "Principle - Design" 1305.940.2611

Section 2:

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

\$25,000.00 to an account entitled "Services/Contracts" 1425.905.2392

Section 3:

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

\$780.00 to an account entitled "Travel/Seminar/Schooling" 1100.325.2389  
280.00 to an account entitled "Supplies/Materials/Postage" 1100.325.2410



Section 4:

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

\$857.55 to an account entitled "Services & Contracts" 1237.845.2392

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 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: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

5089-0  
0289-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 177 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriation in the Street M & R Fund, State Highway M & R Fund and the Summer Concert Fund of the City of Massillon, 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:

The appropriations are hereby reduced in the Street M & R Fund, for the year ending December 31, 2004, as follows:

\$70,000.00 from an account entitled "Street Salary" 1201.435.2110  
\$30,000.00 from an account entitled "Street Dept Hosp/Eye/Dental" 1201.435.2210  
\$17,000.00 from an account entitled "Street Dept PERS" 1201.435.2230  
\$ 7,000.00 from an account entitled "Safety Dept PERS" 1201.420.2230

Section 2:

The appropriations are hereby reduced in the State Highway M & R Fund, for the year ending December 31, 2004, as follows:

\$10,000.00 from an account entitled "Safety Dept Salary" 1202.420.2110

Section 3:

The appropriations are hereby reduced in the Summer Concert Fund, for the year ending December 31, 2004, as follows:

\$8,100.00 from an account entitled "Services/Contracts" 1212.505.2392

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 and for the additional reason that the appropriation needs to be reduced because of an audit procedure. 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: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

*50390  
p290*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 178 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to accept the Wal-Mart Foundation Grant and the First United Methodist Church Good Samaritan Grant for the Fire Prevention and Investigation education for the Massillon City Schools, 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 accept the Wal-Mart Foundation Grant and the First United Methodist Church Good Samaritan Grant for the Fire Prevention and Investigation education to be used in the Massillon City Schools in the total amount of One Thousand and Sixty Dollars (\$1,060.00). These funds will be used for the purchase of DVD players to be used in the in the Massillon City Schools.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to accept the Wal-Mart Foundation Grant and the First United Methodist Church Good Samaritan Grant to be used for the purchase of DVD players for the Massillon City Schools to assist in the Fire Prevention and Investigation education.

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 reason that the grant is necessary for the purchase of DVD players for the Fire Prevention and Investigation education in the Massillon City Schools. 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: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

*S/P 9-0*  
*2290*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 24 - 2004

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor.

(SEE ATTACHED PAGES)

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

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

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

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

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