

## AGENDA

DATE: TUESDAY, FEBRUARY 22, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL — *Kathy & Ron Abbott*
2. INVOCATION BY COUNCILWOMAN GLORIA AUTREY
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

### ORDINANCE NO. 27 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*P*  
*7-0*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, according to law, for the sale of a certain tract of land approximately 20296 acres of land in front of the Wastewater Treatment Plant, 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.

### ORDINANCE NO. 28 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*50*  
*P.H. 3-05*  
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from O-1 Office to I-1 Light Industrial.

### ORDINANCE NO. 29 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*P*  
*7-0*  
AN ORDINANCE repealing Ordinance No. 18 – 2001, and rescinding the Enterprise Zone Agreement with Ecodyne MRM, and declaring an emergency.

### ORDINANCE NO. 30 – 2005

BY: PARKS AND RECREATION COMMITTEE

*P*  
*7-0*  
*Boe*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Moderalli Excavating for the Sippo Reservoir Sediment Removal and Forebay Installation Project in the City of Massillon, Ohio, and declaring an emergency.

### ORDINANCE NO. 31 – 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*P*  
*7-0*  
*Boe*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Wenger Excavating for the Lincoln Way West Rehab Project, and declaring an emergency.

**ORDINANCE NO. 32 – 2005**

**BY: FINANCE COMMITTEE**

*P 7-0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Parks and Recreation Reservoir Project Fund, Federal Grant Fund, General Fund, Local Law Enforcement Block Grant Fund, ADR Fund and the Waste Management Grant Fund, for the year ending December 31, 2005, and declaring an emergency.

**RESOLUTION NO. 2 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*P 5-0*  
**A RESOLUTION** extending support from the City of Massillon to the proposed New Massillon Homes I.

**RESOLUTION NO. 3 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*P 7-0*  
**A RESOLUTION** extending support from the City of Massillon to proposed New Massillon Homes II.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM WILLIAM M LUDWIG JR DBA MAGGIORES DRIVE THRU 1630 KEUPER BLVD NE., MASSILLON, OHIO 44646 TO LUCKYS RETAIL MANAGEMENT LLC DBA LUCKYS RETAIL MANAGEMENT LLC 1630 KEUPER BLVD NE., MASSILLON, OHIO 44646.

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JANUARY 2005

B). TREASURER SUBMITS MONTHLY REPORT FOR JANUARY 2005

C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JANUARY 2005.

D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR JANUARY 2005

E). MAYOR SUBMITS MONTHLY REPORT FOR JANUARY 2005

F). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR JANUARY 2005

G). MASSILLON MAIN STREET ANNUAL REPORT FOR 2004

*MAYOR APPOINT MARY PRIBICK to Head the BD to Replace James H.*

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**ORDINANCE NO. 115 – 2004**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*TAD 3-7-05*  
**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. 10 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*2ND* *Shalmon Land* *P.H. 3-7-05 @ 6:45*  
**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to R-1 One Family Residential.

ORDINANCE NO. 11 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*2ND* *Deanne Land* *P.H. 3-7-05 @ 7:00*  
**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 RM-1 Multiple Family Residential.

ORDINANCE NO. 16 – 2005

BY: RULES, COURTS AND CIVIL SERVICE

*P 7:00*  
**AN ORDINANCE** amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT of Ordinance No. 127 – 1997 repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES – INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES – INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency. *Amud Rate to \$15<sup>00</sup>/hr.*

ORDINANCE NO. 18 – 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

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

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

*7:00pm Public Hearing for Highway Projects. 2-28-05*

DATE: FEBRUARY 22, 2005 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 27 - 2005

BY: COMMUNITY DEVELOPMENT 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, according to law, for the sale of a certain tract of land approximately 2.296 acres of land in front of the Wastewater Treatment Plant, 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 advertise for and receive sealed bids, according to law, for the sale of a certain tract of land approximately 2.296 acres of land in front of the Wastewater Treatment Plant, 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 being Part Out Lot 540, a 2.296 acre parcel of property located in front of the Wastewater Treatment Plant, in the City of Massillon, Ohio, County of Stark and State of Ohio.

Section 3:

The Director of Public Safety and Service be and is hereby authorized to advertise for and receive sealed bids, according to law, for the sale of a certain tract of land approximately 2.296 acres of land located in front of the Wastewater Treatment Plant, 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 that it is necessary to dispose of real estate no longer needed for any municipal purpose for the best price obtainable. In addition the emergency passage of this Ordinance will enable the City to sell the land faster and potentially generate revenue. 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 \_\_\_\_\_ 2005

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

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



DATE: FEBRUARY 22, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 28 - 2005

*1st reading*  
LEGISLATIVE DEPARTMENT

*2nd reading 3/7*

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 I-1 Light Industrial.

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 I-1 Light Industrial. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on February 9, 2005 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 I-1 Light Industrial.

Being known as Out Lot 564, a 3.61 acre parcel located at 2323 Nave Road SE. The applicant is MSS Investments (Seifert Engineering, Inc.). MSD Investments propose to construct a new building behind the existing company office for the use as an assembly floor for automation machinery and equipment.

Section 3:

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE: FEBRUARY 22, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 29 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 18 - 2001, and rescinding the Enterprise Zone Agreement with Ecodyne MRM, and declaring an emergency.

WHEREAS, in Ordinance No. 18 – 2001, Council authorized a tax abatement with Ecodyne MRM; and

WHEREAS, pursuant to the passage of this ordinance, the City of Massillon entered into an Enterprise Zone Agreement; and

WHEREAS, the company has ceased operations and is in the process of relating to Houston, Texas; and

WHEREAS, in order for the Stark County Auditor and the State of Ohio to adjust the records, the tax abatement needs to be rescinded.

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

Section 1:

That Ordinance NO. 18 - 2001 be and is hereby repealed.

Section 2:

There the Enterprise Zone Agreement between the City of Massillon and Ecodyne MRM is hereby rescinded.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare the community, and for the additional reason that the ordinance needs to be repealed and the Enterprise Zone Agreement needs to be rescinded so that the government entities may be rightfully adjusted. 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: FEBRUARY 22, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 30 - 2005

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Moderalli Excavating for the Sippo Reservoir Sediment Removal and Forebay Installation Project 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:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a contract with Moderalli Excavating for the Sippo Reservoir Sediment Removal and Forebay Installation Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract with Moderalli Excavating for the Sippo Reservoir Sediment Removal and Forebay Installation Project. The cost of said contract shall not exceed Fifty Nine Thousand Dollars (\$59,000.00).

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 additional reason that it is necessary to execute the contract so that the dredging and necessary work needed for the Sippo Reservoir Project may be commenced. 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: FEBRUARY 22, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 31 - 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Wenger Excavating for the Lincoln Way West Rehab 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 enter into contract with Wenger Excavating, the lowest and best bidder, for the Lincoln Way West Rehab Project. Said contract shall be in the amount of Two Million Five Hundred Eighty-Four Thousand Seventy-Six Dollars and Seventy-Two Cents (\$2,584,076.72).

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into contract with Wenger Excavating for the Lincoln Way West Rehab 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 that contracts are signed so the work may be timely commenced on the Lincoln Way West Rehab 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.

DATE: FEBRUARY 22, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 32 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks and Recreation Reservoir Project Fund, Federal Grant Fund, General Fund, Local Law Enforcement Block Grant Fund, ADR Fund and the Waste Management Grant Fund, for the year ending December 31, 2005, 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 Reservoir Project Fund, for the year ending December 31, 2005, the following:

\$59,000.00 to an account entitled "Reservoir Project" 1436.505.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Federal Grant Fund, for the year ending December 31, 2005, the following:

\$19,700.00 to an account entitled "Federal Grants" 1218.305.2511

Section 3:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2005, the following:

\$11,700.00 to an account entitled "Workers Comp" 1100.905.2270

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Local Law Enforcement Block Grant Fund, for the year ending December 31, 2005, the following:

\$11,362.00 to an account entitled "Local Law Block Grant" 1231.305.2516



Section 5:

There be and hereby is appropriated from the unappropriated balance of the ADR Fund, for the year ending December 31, 2005, the following:

\$970.00 to an account entitled "Workers Comp" 1242.125.2270

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Waste Management Grant Fund, for the year ending December 31, 2005, the following:

\$406.67 to an account entitled "Workers Comp" 1222.605.2270

Section 7:

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 \_\_\_\_\_ 2005

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

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

DATE: FEBRUARY 22, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 2 - 2005

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION extending support from the City of Massillon to the proposed New Massillon Homes I.

WHEREAS, the development will be comprised of up to forty (40) single family homes to be located on scattered sites in the City of Massillon, and

WHEREAS, none of the development's units will be market rate units, and

WHEREAS, all of the units will be leased to households whose annual incomes are 60% or less of the Area Median Gross Income, and

WHEREAS, none of the homes will be set-aside to serve a special needs population, and

WHEREAS, the development will utilize Housing Tax Credits, therefore,

BE IT RESOLVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR 2005 BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO:

Section 1:

That the Massillon City Council extends its full support to New Massillon I, an affordable development of single family homes in the City of Massillon.

Section 2:

That the Clerk of Council be and she is hereby authorized and directed to forward a certified copy of this Resolution to the development owner care of The NRP Group LLC at 5309 Transportation Blvd, Cleveland, Ohio 44125 and that a copy of this Resolution be recorded in the minutes of this meeting.



DATE: FEBRUARY 22, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 3 - 2005

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION extending support from the City of Massillon to the proposed New Massillon Homes II.

WHEREAS, the development will be comprised of up to forty (40) single family homes to be located on scattered sites in the City of Massillon, and

WHEREAS, none of the development's units will be market rate units, and

WHEREAS, all of the units will be leased to households whose annual incomes are 60% or less of the Area Median Gross Income, and

WHEREAS, none of the homes will be set-aside to serve a special needs population, and

WHEREAS, the development will utilize Housing Tax Credits, therefore,

BE IT RESOLVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR 2005 BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO:

Section 1:

That the Massillon City Council extends its full support to New Massillon II, an affordable development of single family homes in the City of Massillon.

Section 2:

That the Clerk of Council be and she is hereby authorized and directed to forward a certified copy of this Resolution to the development owner care of The NRP Group LLC at 5309 Transportation Blvd, Cleveland, Ohio 44125 and that a copy of this Resolution be recorded in the minutes of this meeting.