

## AGENDA

DATE: MONDAY, MARCH 21, 2005  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

*Chuck & Cathy Absent  
School  
Just Got  
Back from FL*

THERE IS ONE PUBLIC HEARING TONIGHT  
ORDINANCE NO. 28 – 2005 AT 7:15PM

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. 34 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*PH April 18, 2005 6:45pm*  
**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 Single Family Residential to RM-1 Multiple Family Residential.

### ORDINANCE NO. 35 – 2005

BY: ENVIRONMENTAL COMMITTEE

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a 50 foot sanitary sewer easement for the proposed Sippo Reserve Allotment, and declaring an emergency.

### ORDINANCE NO. 36 – 2005

BY: PARKS AND RECREATION COMMITTEE

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into contract, upon approval of the Board of Control for the HVAC Improvement Project at the new park maintenance buildings, and declaring an emergency.

### ORDINANCE NO. 37 – 2005

BY: FINANCE COMMITTEE

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund Solid Waste Fund, Massillon Police Jail Repair and Improvement Fund and the Parks and Recreation Operating Fund, for the year ending December 31, 2005, and declaring an emergency.

### RESOLUTION NO. 4 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

**A RESOLUTION** supporting the Community Development Block Grant Program and urging Congress to restore its funding.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS

*April 1, 2005  
@ 9:00am  
Swear  
Ch. of willow*

**10. REPORTS FROM CITY OFFICIALS**

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2005
- B). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2005
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2005.
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2005
- E). MAYOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2005
- F). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2005

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 28 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Press  
NO  
Public  
Comment*  
**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.

**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: MARCH 21, 2005

CLERK: MARY BETH BAILEY

*1st Reading*

*P.H. April 18, 2005*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 34 - 2005

*Filed Incl 4/18*

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 Single 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 Single Family Residential to RM-1 Multiple Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on March 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 RM-1 Multiple Family Residential.

Being known as Part of Out Lots 855 and 933, a 10.065 acre vacant parcel of land located on the east side of Wales Road NE, north of Hankins Road NE. The applicant is Providence Development Corp. and Massillon Museum Foundation, Inc. The applicant proposes to build approximately 50 units of condominium housing. Said parcel is further described by the legal description and map attached hereto as exhibits "A" and "B".

Section 3:

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

Exhibit "A"

# Hoover & Associates, Inc.

Professional Surveying Services

5782 HUCKLEBERRY ST. N.W.  
NORTH CANTON, OHIO 44720  
Phone: 494-6744

## DESCRIPTION 10.065 ACRES AREA TO BE REZONED

Known as, and being part of the property deeded to Providence Development Company, Ltd. as recorded in Instrument No. 200409070063922 of the Stark County Records and being part of Out Lot 933 in the City of Massillon and part of the property deeded to the Massillon Museum Foundation, Inc. as recorded in Instrument No. 200001280004941 of said Stark County Records and being part of Out Lot 855 in said City of Massillon, County of Stark, State of Ohio and further bounded and described as follows:

Beginning at, and being the TRUE PLACE OF BEGINNING for the tract of land herein to be described, a point at the southwest corner of said Out Lot 855;

thence N 02°32'26" E and with the west line of said Out Lot 855 and the centerline of Wales Road N.E. a distance of 250.00 feet to a point;

thence S 87°08'52" E and parallel with the south line of said Out Lot 855 a distance of 490.00 feet to a point;

thence S 02°32'26" W and parallel with said west line of Out Lot 855 and said centerline of Wales Road N.E. a distance of 48.78 feet to a 5/8" iron bar set at the northwest corner of said Out Lot 933;

thence S 87°08'52" E and with said south line of Out Lot 855 and the north line of said Out Lot 933 a distance of 900.00 feet to a point;

thence S 02°32'26" W and parallel with said west line of Out Lot 855 and said centerline of Wales Road N.E. a distance of 351.05 feet to a point on the north line of Out Lot 857 in said City of Massillon;

thence N 87°08'52" W and with said north line of Out Lot 857 a distance of 900.00 feet to a 5/8" iron bar set at the northwest corner of said Out Lot 857;

thence N 02°32'26" E and with the west line of said Out Lot 933 and the east line of Out Lot 854 in said City of Massillon a distance of 149.82 feet to a 5/8" iron bar set at the northeast corner of said Out Lot 854;

thence N 87°08'52" W and with the north line of said Out Lot 854 and said south line of Out Lot 855 a distance of 490.00 feet to said place of beginning and containing 10.065 acres of land, more or less, of which 7.253 acres is in said Out Lot 933 and 2.812 acres is in said Out Lot 855, as surveyed by Robert P. Hoover, Ohio Registration No. 6155, in February of 2005.

Prepared by,  
HOOVER AND ASSOCIATES, INC.



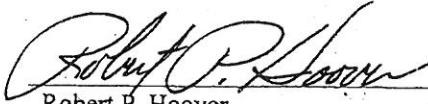
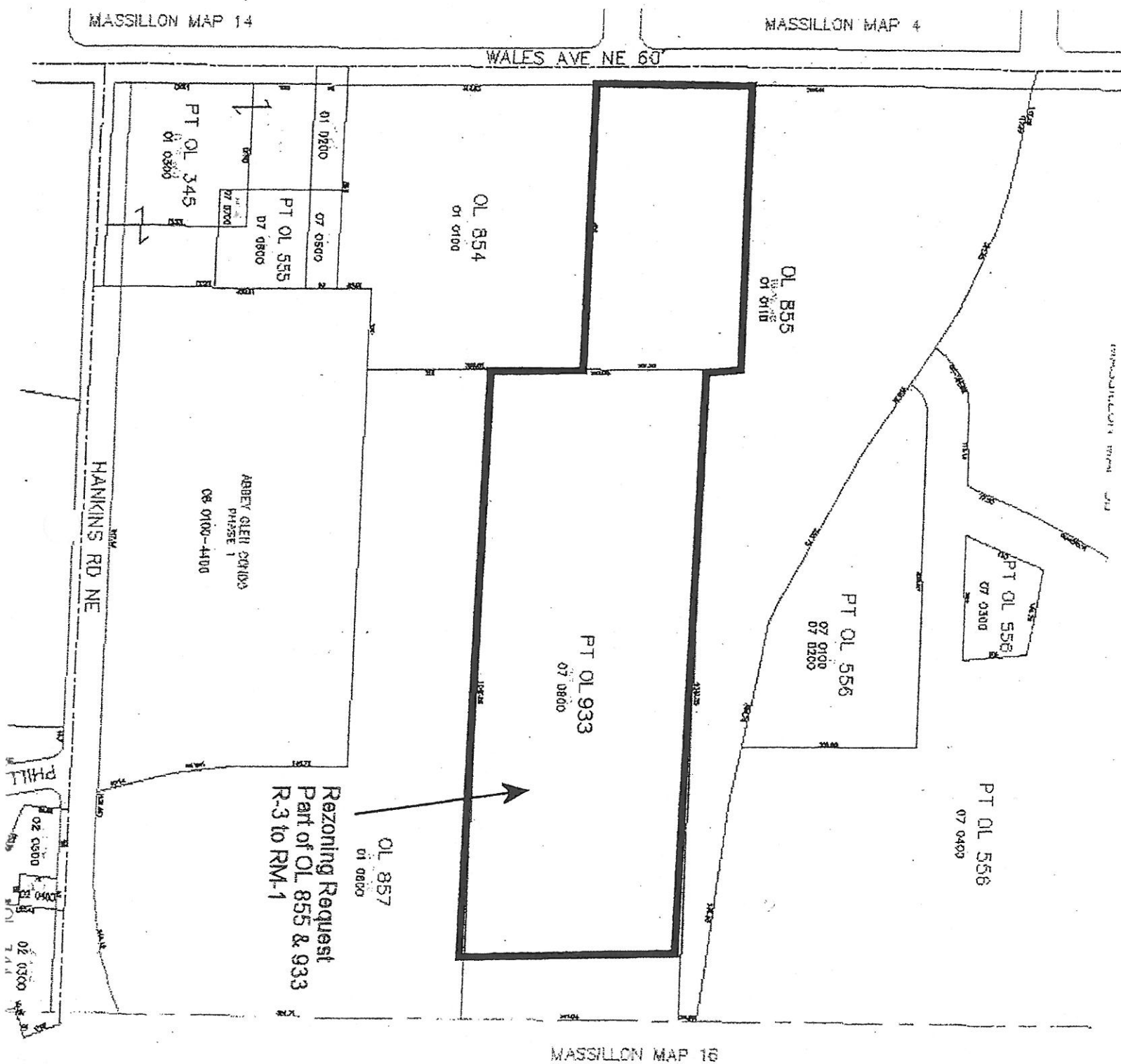
  
Robert P. Hoover  
Ohio Reg. No. 6155

Exhibit "B"



DATE: MARCH 21, 2005

CLERK: MARY BETH BAILEY

*POD - 3/21/05*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 35 - 2005

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a 50 foot sanitary sewer easement for the proposed Sippo Reserve Allotment, 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 accept a 50 foot sanitary sewer easement for the proposed Sippo Reserve Allotment.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to accept a 50 foot sanitary sewer easement for the proposed Sippo Reserve Allotment.

Section 3:

That this Ordinance is hereby declared to be an emergency measure for the reason that this 50 foot easement is needed for the development of the Sippo Reverse Allotment. 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.

# PLAT OF SANITARY SEWER EASEMENT

A.R. LOCKHART DEVELOPMENT CO.  
LOCATED IN OUT LOT 782

CITY OF MASSILLON  
STARK COUNTY, OHIO

SCALE 1" = 100'



MARCH 7, 2005



Civil Design Associates, Inc.

Consulting Engineers & Surveyors  
1750 BRIGHTWOOD RD. S.E.  
NEW PHILADELPHIA, OHIO 44663  
(330) 335-4242

*Robert D. Allison* 3/7/2005

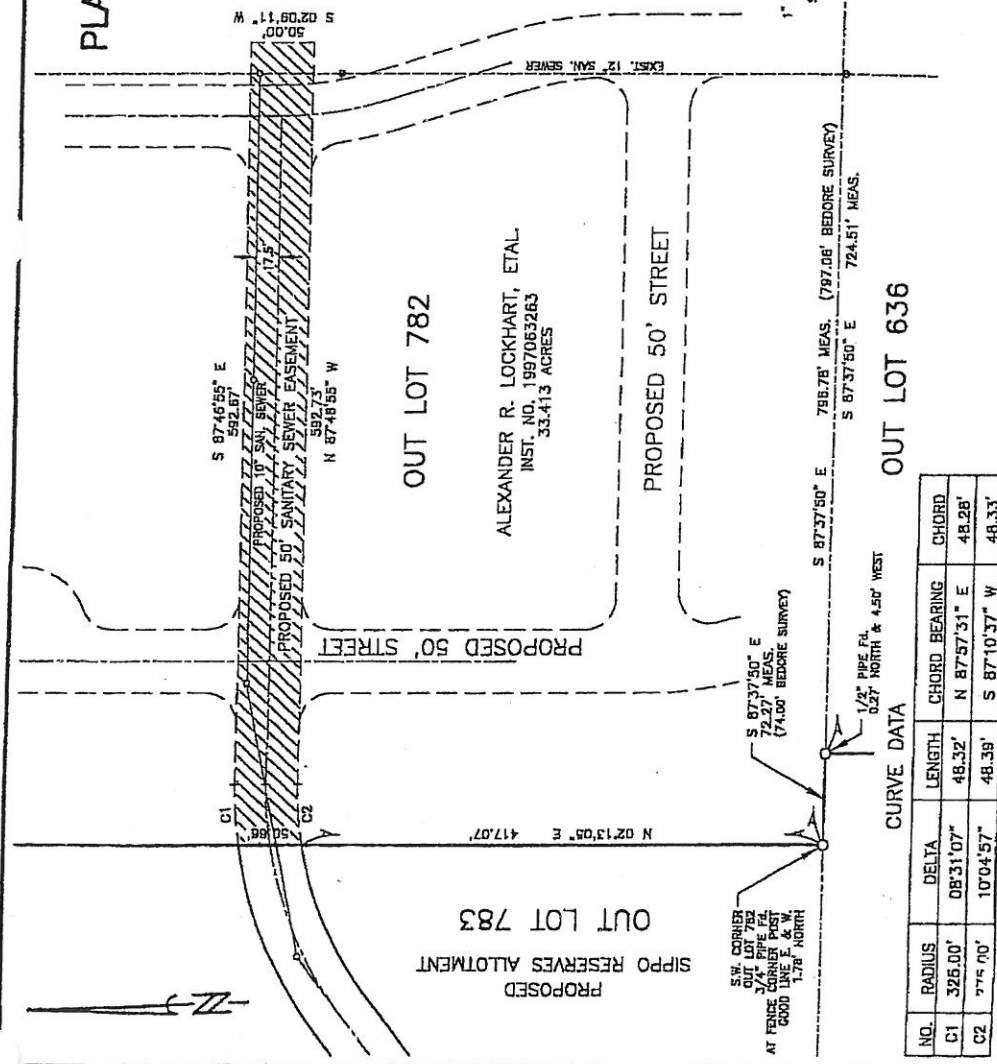
ROBERT D. ALLISON, REG. SURVEYOR, 6589



## NOTES:

1. ● INDICATES IRON PIN FOUND.
2. ○ INDICATES 5/8" SOLID IRON PIN SET WITH CAP "CIVIL DESIGN".
3. BEARINGS ARE REFERENCED TO STARK COUNTY GIS DATUM.

200089, EASE1R



## CURVE DATA

NO.	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	325.00'	08°31'07"	48.32'	N 87°57'31" E	48.28'
C2	275.00'	10°04'57"	48.39'	S 87°10'37" W	48.33'

STARK COUNTY, OHIO  
RECORDED  
2005 MAR 10 PM 4:00



DATE: MARCH 21, 2005

CLERK: MARY BETH BAILEY

*Pass 3/21/05*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 36 - 2005

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 and enter into contract, upon approval of the Board of Control for the HVAC Improvement Project at the new park maintenance buildings, 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 and enter into contract, upon approval of the Board of Control for the HVAC Improvement Project at the new park maintenance buildings.

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 and enter into contract upon approval of the Board of Control for the HVAC Improvement Project at the new park maintenance buildings located at 1600 Nave Road SE.

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 receive bids and enter into contract for the improvements made to the new park maintenance buildings 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: MARCH 21, 2005

CLERK: MARY BETH BAILEY

*Post 3/21/05*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 37 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Solid Waste Fund, Massillon Police Jail Repair and Improvement Fund and the Parks and Recreation Operating 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 Capital Improvement Fund, for the year ending December 31, 2005, the following:

\$50,125.00 to an account entitled "Leases" 1401.905.2530

Section 2:

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

\$25,000.00 to an account entitled "Solid Waste Services & Contracts" 2102.605.2392

Section 3:

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, 2005, the following:

\$20,000.00 to an account entitled "Jail Equipment" 1205.125.2530

Section 4:

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

\$6,500.00 to an account entitled "Unemployment Compensation" 1234.505.2290

\$5,000.00 to an account entitled "Concert Expenses" 1234.505.2378

\$2,200.00 to an account entitled "Workers Compensation" 1234.505.2270

DATE: MARCH 21, 2005

CLERK: MARY BETH BAILEY

*POB 3/21/05*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 4 - 2005

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION supporting the Community Development Block Grant Program and urging Congress to restore its funding.

WHEREAS, the Community Development Block Grant (CDBG) program, administered by the U.S. Department of Housing and Urban Development, has as its primary objective "...the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income." and

WHEREAS, the CDBG program has considerable flexibility to allow communities to carry out activities that are tailored to their unique affordable housing and neighborhood revitalization needs; and

WHEREAS, since 1985, the City of Massillon, Ohio, has used CDBG funds in the amount of \$15,995,000 to provide housing assistance, including rehabilitation services and homebuyer assistance, to low income households; to provide public improvements and facilities serving low income neighborhoods; to fund needed public service activities benefiting low income families, including youth, the elderly, and homeless persons; and to provide funding for economic development projects that provide employment opportunities for Massillon residents; and

WHEREAS, the Administrator's FY 2006 budget proposes to completely eliminate the CDBG program; and

WHEREAS, should such a proposal be enacted, it would have a devastating effect on Massillon's housing and community development program by reducing housing rehabilitation programs for low income homeowners, reducing or eliminating funding for public improvements and facilities serving low income neighborhoods, reducing public service dollars serving the elderly, the homeless, low income youth, and other needy segments of the population, and decreasing economic development opportunities for our citizens, and.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Massillon, Ohio respectfully requests Congress to preserve the Community Development Block Grant (CDBG) Program within the Department of Housing and Urban Development and provide a FY 2006 funding of at least \$4.7 billion overall, with no less than \$4.35 billion in formula funding, which will maintain CDBG funding to the City of Massillon at current levels.