

AGENDA

DATE: MONDAY, MAY 2, 2005
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT ORDINANCE NO. 38 – 2005 AT 6:30PM

1. ROLL CALL
2. INVOCATION BY COUNCILMAN CHUCK MAIER
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. 47 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

135 P.H. June 6 @ 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 R-CRD Condominium Residential District.

ORDINANCE NO. 48 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

135 P.H. June 6 @ 6:30pm

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to O-1 Office.

ORDINANCE NO. 49 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

135 P.H. June 6 @ 6:35pm

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to R-T Two Family Residential.

ORDINANCE NO. 50 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

Sup 9-0
P.H. 9-0
AN ORDINANCE authorizing the Mayor to enter into an agreement with Cloverleaf Cold Storage providing for the expansion of its existing facility located at 950 Cloverleaf Street SE. This expansion will improve their facility and result in the creation of 10 new jobs within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 51 – 2005

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

135
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – WASTEWATER TREATMENT DEPARTMENT of Ordinance No. 127 – 1997 by amending Section 2(D) OCCUPATION LIST OF LCASS TITLES – WASTEWATER TREATMENT DEPARTMENT and establishing three (3) new classifications under Section 2(D) OCCUPATION LIST OF CLASS TITLES – WASTEWATER TREATMENT DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 52 - 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE designating Big Indian Drive SW as the name for a certain right-of-way located in the City of Massillon, Ohio, and described as a 50 foot right-of-way with 60 foot cul-de-sac, and declaring an emergency.

ORDINANCE NO. 53 - 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to grant an easement for handicap access within a public right-of-way on the west side of First Street SW., and south of Lincoln Way West, and declaring an emergency.

ORDINANCE NO. 54 - 2005

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Lincoln Center Infrastructure Improvement Fund and the P & R Community Park Project Fund, for the year ending December 31, 2005, and declaring an emergency.

ORDINANCE NO. 55 - 2005

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Unizan Bank and accept financing for the purchase of a new fire engine for the Massillon Fire Department, and declaring an emergency.

RESOLUTION NO. 6 - 2005

BY: POLICE AND FIRE COMMITTEE

A RESOLUTION urging the Assistance to Firefighters Grant Program to approve the grant request from the Massillon City Fire Department for the purchase of a rescue/pumper vehicle.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM RICH S HASSEL DBA CAPTAIN DICKS DRIVE THRU N/S ONLY 1005 1ST STREET NE MASSILLON, OHIO 44646 TO SERVISHARP INC DBA CAPTAIN DICKS DRIVE THRU #2 1005 1ST STREET NE MASSILLON, OHIO 44646.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR APRIL 2005

B). AUDITOR SUBMITS MONTHLY REPORT FOR APRIL 2005

11. ~~REPORTS OF COMMITTEES~~
12. ~~RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER~~
13. ~~CALL OF THE CALENDAR~~ — May 9 @ 5:30 pm
14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 38 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

Excuse Mrs. Avery 8-0

Pod 6-2 Perry Maier
AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan, authorizing the execution and filing of the application and related assurances and certifications.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 44 – 2005

BY: POLICE AND FIRE COMMITTEE

Boc. Excuse Mrs. Ferrero (8-0)

Sum 8-0-8 Pod 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with All-American Fire Equipment, Inc., for the purchase of a 2006 Emergency One Fire Pumper Truck for the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 46 – 2005

BY: FINANCE COMMITTEE

Sum 8-0 Excuse Mrs. Ferrero 8-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2005, and declaring an emergency.

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: MAY 2, 2005

CLERK: MARY BETH BAILEY

1st - 5/2/05
PH. June 6, 2005
COUNCIL CHAMBERS

CITY OF MASSILLON, OHIO

ORDINANCE NO. 47 - 2005

1st reading
LEGISLATIVE DEPARTMENT

2nd reading 5/16
passed 6/6

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 Single Family Residential to R-CRD Condominium Residential District.

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 R-CRD Condominium Residential District. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on April 13, 2005 and that notice and public hearing has been given according to law.

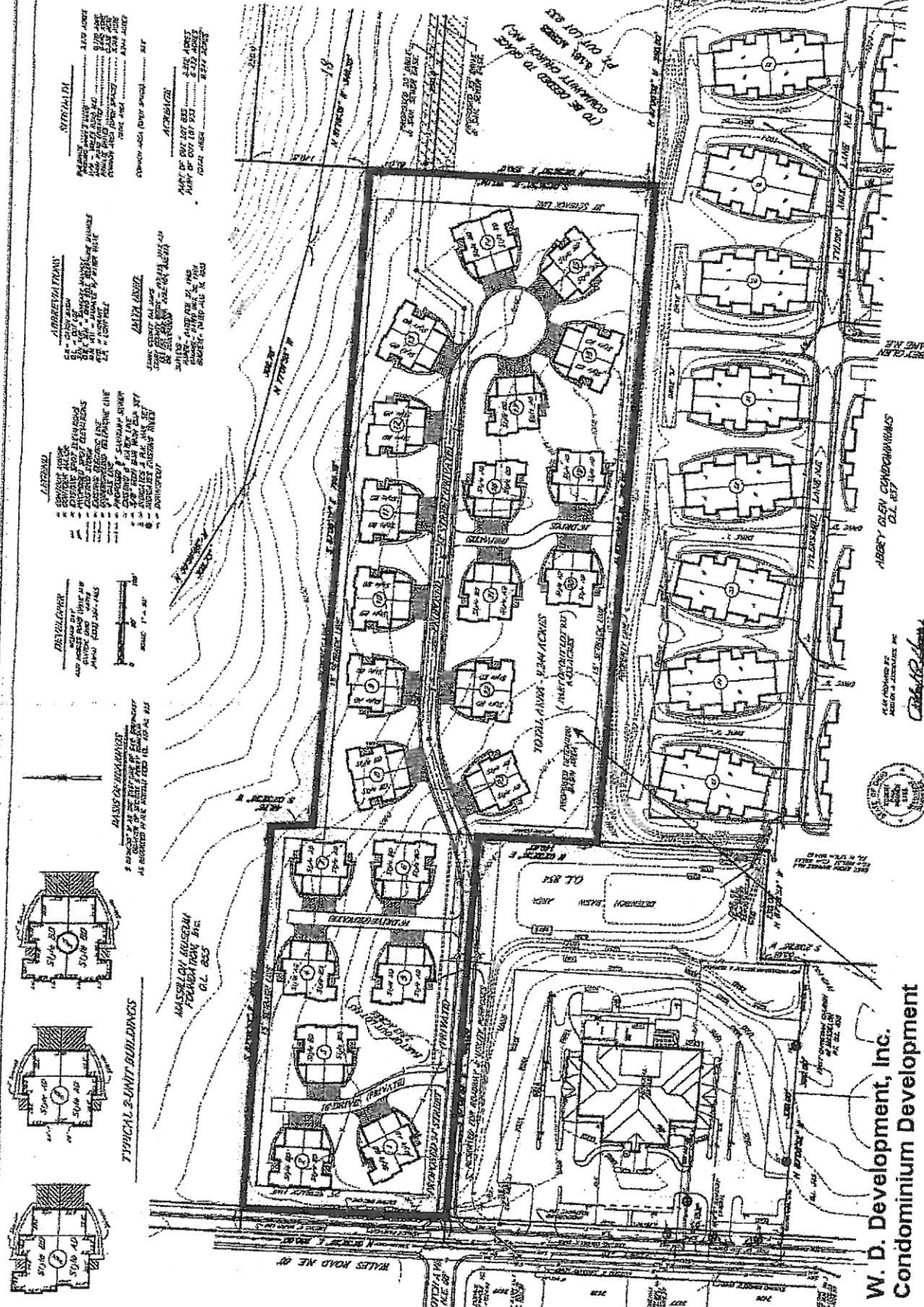
Section 2:

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 R-CRD Condominium Residential District.

Being known as Part of Out Lots 855 and 933, a 9.244 acre vacant parcel of land located on the east side of Wales Road NE, north of Hankins Road NE. The applicant is W. D. Development, Inc. The applicant proposes to build approximately 23 condominium buildings containing 48 dwelling units. Said parcel is further described by the legal description and map attached hereto as exhibits "A" and "B".

Section 3:

Provided it receives the affirmative vote of majority of the elected members of Council, this ordinance shall take effect and be in force from and after the earliest period allowed by law.



W. D. Development, Inc.
Condominium Development

DATE: MAY 2, 2005

CLERK: MARY BETH BAILEY

*105 5/2/05
PH June 6, 2005*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 48 - 2005

1st reading
LEGISLATIVE DEPARTMENT

*2nd reading 5/6
Repeated 6/6*

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-1 Single Family Residential to O-1 Office.

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-1 Single Family Residential to O-1 Office. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on April 13th, 2005 and that notice and public hearing has been given according to law.

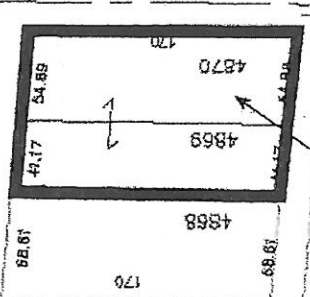
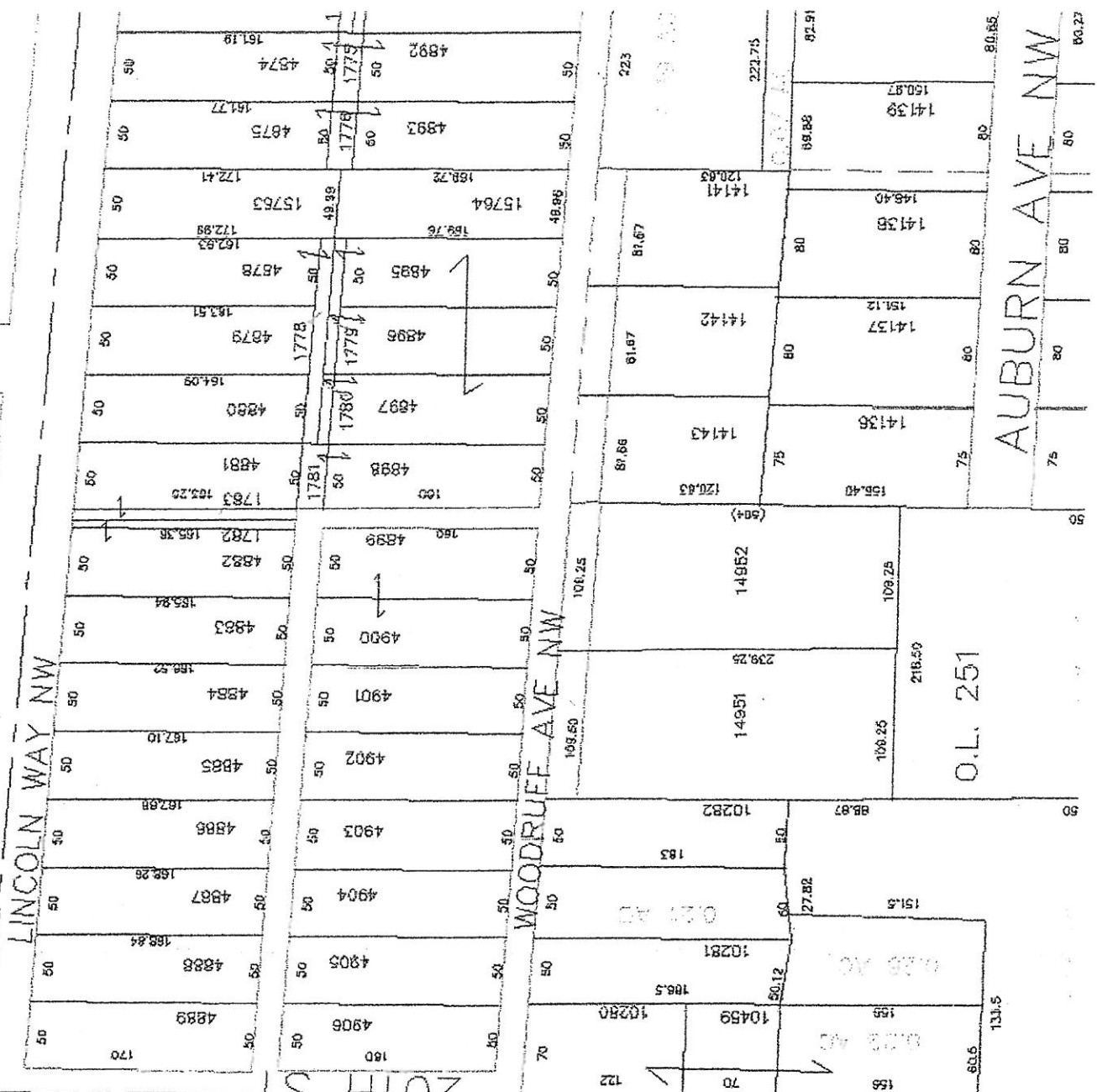
Section 2:

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 O-1 Office.

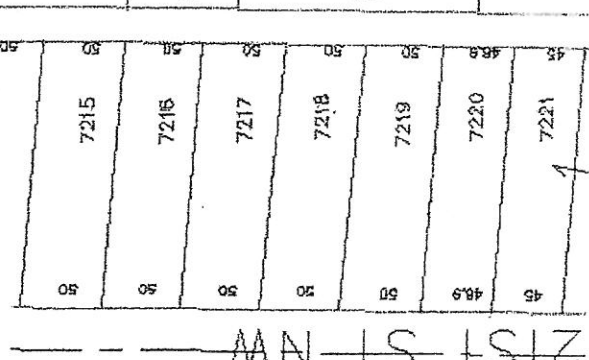
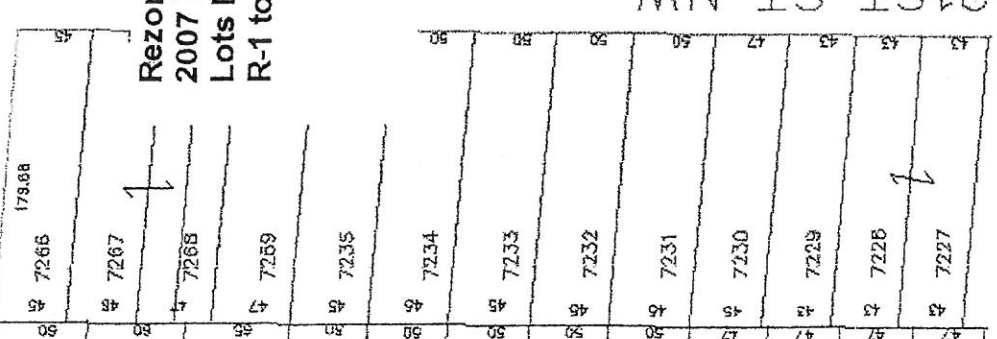
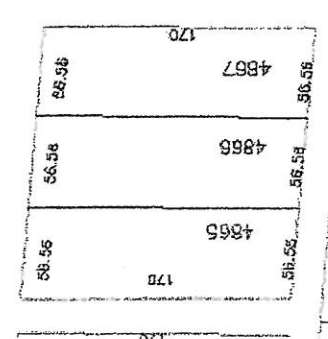
Being known as Lot Nos. 4869 and 4870, located at the southwest corner of Lincoln Way West and 20th Street NW. The applicant is Robert Wykoff. The applicant proposes to utilize the existing dwelling as offices for a counseling program and a driving school.

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.



Rezoning Request
2007 Lincoln Way West
Lots No. 4869-4870
R-1 to B-1



DATE: MAY 2, 2005

CLERK: MARY BETH BAILEY

1st 5/02/05
Pit - 50me 6, 2005
COUNCIL CHAMBERS

CITY OF MASSILLON, OHIO

ORDINANCE NO. 49 - 2005

1st reading
LEGISLATIVE DEPARTMENT

2nd reading 5/16
Defeated 6/6

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-1 Single Family Residential to R-T Two Family Residential.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-1 Single Family Residential to R-T Two Family Residential.

Said rezoning was denied by the Planning Commission of the City of Massillon, Ohio, on April 13th, 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 R-T Two Family Residential:

Being known as Lot No. 1563, located on the east side of 5th Street SE and north of Wellman Avenue SE. The applicant is Irene Filliez. The applicant proposes to utilize the existing building as a duplex.

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.

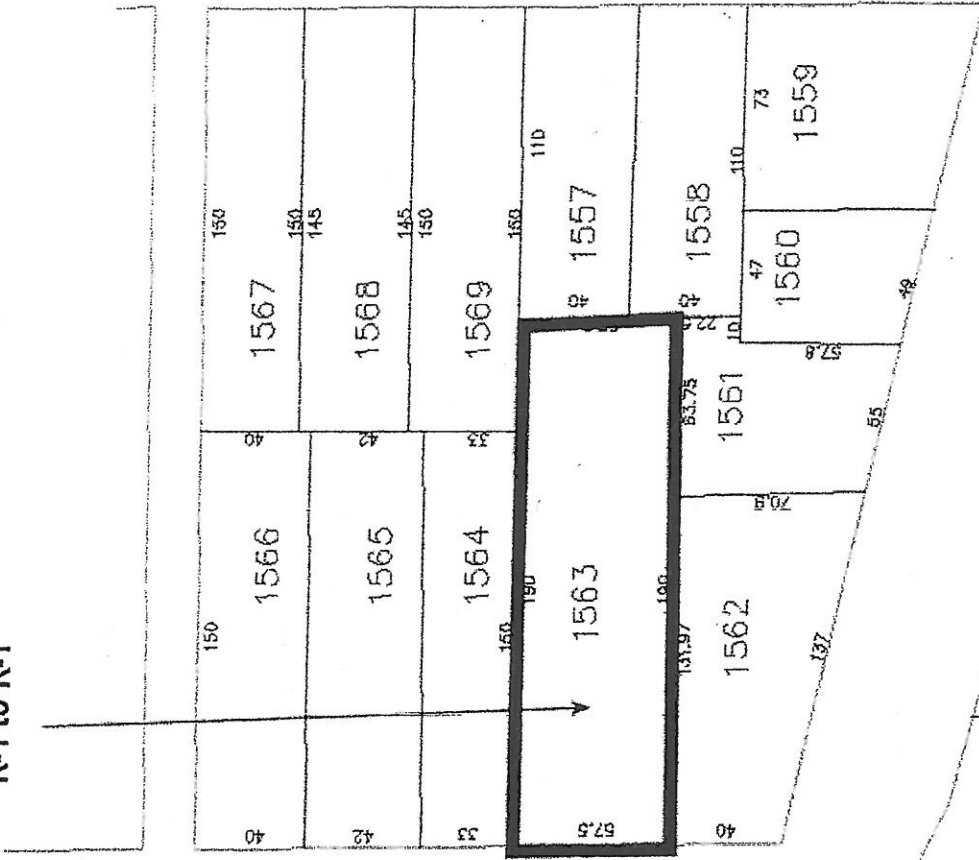
Rezoning Request
52 5th Street SE
R-1 to R-T

5TH ST SE

WALLACE AVE

WELLMAN AVE. SE

4TH ST



ON MAP 34

ON MAP 34

9459

9184

9183

9182

2183

2184

2185

2186

2187

DATE: MAY 2, 2005

CLERK: MARY BETH BAILEY

503P 9-0
1000 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 50 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with Cloverleaf Cold Storage, providing for the expansion of its existing facility located at 950 Cloverleaf Street SE. This expansion will improve their facility and result in the creation of 10 new jobs within the City of Massillon Enterprise Zone, and declaring an emergency.

WHEREAS, the City of Massillon has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, Cloverleaf Cold Storage is proposing to expand its facility at 950 Cloverleaf Street SE, within the Massillon Enterprise Zone, through the expansion of the existing facility at a total investment of \$2.1 Million Dollars, (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of Massillon, Ohio, (hereinafter "Council") by Ordinance has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective September 12, 1994, and as amended on March 13, 1998, and as amended on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163 - 1994 contains the characteristics set forth in 5709.61(A) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

WHEREAS, the City of Massillon, having the appropriate authority for the stated type of project is desirous of providing Cloverleaf Cold Storage with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Cloverleaf Cold Storage has submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by Cloverleaf Cold Storage and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

WHEREAS, the project site is located in the Perry School District and the Perry Board of Education has been notified in accordance with Section 5709.83 and have been given a copy of the application.

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 does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Cloverleaf Cold Storage providing for the adoption of a project which will improve their facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by Cloverleaf Cold Storage within the City of Massillon, Ohio. 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 GLENN E. GAMBER, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

APPLICATION TO THE CITY OF MASSILLON
FOR A PROJECT AGREEMENT UNDER THE
OHIO URBAN JOBS AND ENTERPRISE ZONE ACT

NARRATIVE STATEMENT

I. PROJECT DESCRIPTION:

Briefly summarize the project proposed to be undertaken, including a description of the investments to be made by the applicant enterprises. Describe the project site, including the lot number, address, and area (in square feet or acres).

Note: If the project involves the relocation of all or part of the enterprise's operations from another county or municipal corporation in the State of Ohio, the Enterprise shall attach a statement detailing the reasons for the proposed relocation.

The proposed expansion involves the addition of 63,000± SF to CCS' existing Massillon, Ohio facility. In 2001 CCS invested \$11 million in a new 140,000± SF cold storage facility on 22-acres of land (Phase I). Phase II was built in 2003 with an investment of \$2,250,000. The current project is the third phase of CCS projected growth at this site. At the time of the prior projects and Enterprise Zone requests for those projects, CCS projected that Phase III expansion would be needed. The current building addition is estimated to cost \$2.1 million and will require \$750,000 in machinery and equipment. The M&E costs are limited to refrigeration equipment and racking for the new warehouse space. The project is estimated to create 10 new full-time jobs within 3 ars.

In 2001 CCS purchased 22-acres of land located along Southway Avenue. This initial land purchase included sufficient land to accommodate the initial 140,000 SF facility plus two future 50,000± expansions. The first expansion was built in 2003. The project is located at the CCS facility located at 950 Cloverleaf Street SE, Massillon, Ohio 44646. The Parcel ID Number, according to the Stark County Auditor, is 0701293.

The current project is a necessary component of CCS initial long-term plans for its site selection of Massillon. This expansion will allow CCS to serve growing local and regional needs. More importantly, it enables the Massillon facility to further establish Massillon as a competitive location for Ohio companies currently storing their refrigerated product out of state to move their storage back into Ohio and closer to the point of production.

As this facility continues to grow, becoming a major public cold storage warehouse for the region, it will attract the attention of food product manufacturers and others needing access to such a critical infrastructure component for this industry. These growing companies will place preference on siting in areas with close proximity to adequate public cold storage capacity.

The 2001 and 2003 projects also had a positive impact on CCS overall Ohio operations including increased overall Ohio employment. The proposed project should have additional positive impacts on CCS Ohio operations.

II. PROJECT BUDGET

- A. **NEW BUILDINGS** (Provide a brief description of size, type, etc.)

Proposed Cost

- B. **ADDITIONS** (Provide a brief description of size, type, etc.)

Proposed Cost

63,000 Sq. Ft. Cold Storage
Warehouse Addition

\$2,100,000

- C. **IMPROVEMENTS TO EXISTING BUILDINGS**
(Provide an itemized description)

Proposed Cost

D. MACHINERY AND EQUIPMENT

Proposed Cost

1. Provide an itemized list of machinery, equipment, furniture, and fixtures to be purchased and installed at the project site and that will be subject to tax exemption under this Agreement.

2. Provide an itemized list of machinery, equipment, furniture, and fixtures used by the enterprise at another location in the State that will be relocated to the project site and that will not be exempted from taxation under this Agreement.

- | | |
|---|-----------|
| 1. Machinery & Equipment | \$775,000 |
| a. Evaporative Coolers | |
| b. Ammonia piping and Valve banks | |
| c. Refrigeration computer controls | |
| d. Structural steel racking for 6,000 pallets | |

E. INVENTORY

Proposed Cost

List the value of inventory at the project site, including an itemization of the value of inventory held at another location in this state prior to the Agreement and to be relocated from that location to the project site; and the value of inventory held at the project site prior to the execution of the Agreement that will be not be exempted from taxation.

The inventory which is eligible for exemption is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return for the tax year in which the Agreement is entered into.

All inventory consists of goods/products which are the property of the individual companies who are customers of the facility. CCS understands none of this is eligible for exemption. Based on 6,000 new pallet positions with an average value of \$1,000 per pallet, the AVERAGE estimated inventory would be \$6.0 million, but the value will differ greatly depending on the product actually in storage.

III. EMPLOYMENT

Describe the current workforce of the company, including annual payroll. Describe the impact that the project will have on the company's workforce, specifically, at the project site. List the total number of jobs to be created/and or retained as a result of the project, itemized as to the number of full-time, part-time, and temporary positions, and including a schedule of hiring, itemized by each type of position listed above (the suggested maximum job creation is 36 months). Provide estimates of the dollar amount of additional payroll attributable to each type of position to be created (i.e., full-time, part-time, and temporary).

CCS currently employs 132 persons at Massillon and two other Ohio sites. The proposed project is an expansion of an existing facility and will not negatively impact other Ohio employment or investment.

The average hourly wage is estimated to be \$9.65 plus a little more than \$3.00 per hour in benefits. Hourly wages are increasing an average of \$.25 per year in accordance with a collective bargaining agreement with the "RWDSU" (A sister union to the UFCW).

The project is estimated to create 6 new jobs in the first year which will increase to 10 jobs by the end of the 3rd year. New, full-time payroll in year one is projected to be \$121,500 increasing to \$230,000 in the third year not including benefits.

IV. REQUEST FOR TAX EXEMPTION

Describe the type, amount, and term of tax exemption being requested for this project as follows:

- (1) An exemption for a specified number of years, not to exceed ten, of a specified portion, up to seventy-five per cent, of tangible personal property first used in business at the project site as a result of this Agreement. ("First used in business" means that the property referred to has not been used in business in this State by the enterprise that owns it, or by an enterprise that is an affiliate or subsidiary of such an enterprise, other than as inventory, prior to being used in business at the project site as a result of an Agreement.)
- (2) An exemption for a specified number of years, not to exceed ten, of a specified portion, up to seventy-five per cent, of real property constituting the project site.

In addition, provide a detailed explanation of the reasons why the proposed tax exemptions are necessary for the project. Provide any supporting financial information that would document the need for such tax exemptions. Using the attached forms, provide an analysis of the total taxes that would result from the project, both with and without the proposed tax exemptions. Summarize the benefits to the community as a result of the project.

The company is requesting an Ohio Enterprise Zone exemption of 75% of Real and Personal property taxes for a term of 10 years. The company proposes to expand an existing facility by approximately 63,000 SF. The projected cost of the proposed expansion is \$2,100,000. An additional \$750,000 investment in refrigeration and racking, machinery and equipment, is also proposed. The project fiscal impact is detailed in the attached application forms.

The proposed project was identified in the company's 2001 and 2003 applications for Enterprise Zone incentives as Phase III. The 2001 and 2003 abatement requests were approved by the City of Massillon. The impact of such approvals contributed to the multi-state competitiveness of this project as predicted by the company with its prior applications for such incentives.

Although the prior projects are successful, the purpose of the abatement request was to equalize regional and multi-state tax advantages that significantly impact the viability of the location in Massillon. Not only does the long-term success of this project depend on the equalizing effect of the Enterprise Zone incentives, but the currently proposed expansions are contingent upon this impact.

CCS Realty acknowledged, but did not include the current, Phase III, expansion in its initial request due to uncertainties with the declining US economy at that time as well as uncertainties regarding unknown potential costs regarding establishing a new location in Massillon, Ohio. The US economy is still very uncertain, especially with the current war overseas. In light of this the company views the current abatement requests as vital to the continued competitiveness and viability of the proposed expansion. The completion of the expansion will also have a positive effect on the overall strength of the entire Massillon operations of the company.

The introduction of substantial "Public Cold Storage" facilities in the Massillon region will lead to additional economic development within the region through local companies and the site selection of new 10 enterprises.

DATE: MAY 2, 2005

CLERK: MARY BETH BAILEY

125 5-2-05

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 51 - 2005

2nd reading 5/16
passed 8/6

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - WASTEWATER TREATMENT DEPARTMENT of Ordinance No. 127 - 1997 by amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - WASTEWATER TREATMENT DEPARTMENT, and establishing three (3) new classifications under Section 2(D) OCCUPATION LIST OF CLASS TITLES - WASTEWATER TREATMENT DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - WASTEWATER TREATMENT DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby amended to reflect the establishment of three (3) new classifications in the Wastewater Treatment Department.

Section 2:

That an amended Section 2(D) OCCUPATION LIST OF CLASS TITLES - WASTEWATER TREATMENT DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby adopted and enacted and shall read as follows:

(SEE ATTACHMENT "A" PAGE 7; AND INSERT IN THE SALARY ORDINANCE NO. 127 - 1997)

Section 3:

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary to create these positions within the Wastewater Treatment Department. 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.

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION
		<u>CON'T WASTEWATER TREATMENT</u>
22S	CL	*Collection System Superintendent
20S	CL	Industrial Pretreatment Coordinator
20S	SU CL	Maintenance Supervisor
20S	SU CL	Construction Superintendent
20S	UN	Design Superintendent
20S	CL	Laboratory Technician II
18S	CL	Industrial Pretreatment Inspector
20S	CL	Instrument Electrician III - added Ord. 51 - 2005
18S	CL	Instrument Electrician II
18S	CL	Chief Main. Mechanic/Coll Sys. Inspector
20S	UN	Collection System Technician II
20S	SU UN	Collections Supervisor/Tax Administrator (Split 1/3) - added Ord. 16 - 2005
16S	CL	Instrument Electrician I
16S	UN	Collection System Technician I
12S	CL	Laboratory Technician I
12S	UN	Administrative Assistant
14S	CL	*Engineer Aide III - added Ord. 51 - 2005
12S	CL	Engineer Aide II - added Ord. 7 - 2004
11S	UN	Investigator/Administrative Assistant
9S	UN	Janitor - added Ord. 51 - 2005
9S	CL	Account Clerk
9S	UN	Asst to Manager/Superintendent/Adm Asst
9S	UN	Account Clerk II Typist
8S	UN	Account Clerk II Typist
8S	UN	Laboratory Asst/Admin.. Aide
7S	UN	Account Clerk II Typist
6S	UN	Secretary
3S	UN	Clerk Typist I
16W	WW	Chief Operator
16W	WW	Collection System Crew Chief
16W	WW	Chief Maintenance Mechanic
15W	WW	Operator III
15W	WW	Maintenance Mechanic III (w/class III license)
14W	WW	Maintenance Mechanic II (w/class II license)
14W	WW	Vactor Operator
14W	WW	Operator II (w/class II license)
14W	WW	Sewer Inspector
13W	WW	Operator I (w/class I license)
13W	WW	Maintenance Mechanic I
13W	WW	Light Equipment Operator
12W	WW	Operator (w/o license)
11W	WW	Laborer II
9W	WW	Laborer I
1W	WW	Temporary Labor

DATE: MAY 2, 2005

CLERK: MARY BETH BAILEY

*5000 7-0
Pass 7-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 52 - 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 grant an easement for handicap access within a public right-of-way on the west side of First Street SW., and south of Lincoln Way West, 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 grant an easement for handicap access within a public right-of-way on the west side of First Street SW., and south of Lincoln Way West.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to grant an easement for handicap access within a public right-of-way. This easement is approximately 6' wide by 26' long on the west side of First Street SW., and south of Lincoln Way West.

Section 3:

This Ordinance is hereby declared to be an emergency measure for the reason that this easement is needed for handicap accessibility for public usage. 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: MAY 2, 2005

CLERK: MARY BETH BAILEY

5000 9-0
P000 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passel
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 53 - 2005

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE designating Big Indian Drive S.W. as the name for a certain right-of-way located in the City of Massillon, Ohio, and described as a 50 foot right-of-way with 60 foot cul-de-sac, and declaring an emergency.

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

Section 1:

Big Indian Drive S.W. be and is hereby designated as the name for a certain right-of-way located in the City of Massillon, Ohio, and described as a 50 foot right-of-way with 60 foot cul-de-sac.

Section 2:

That the Director of Public Service and Safety is authorized and directed to post appropriate signs on said street giving notice of said name designation. The Safety Service Director shall remove any signs presently existing on said right-of-way which indicate that said right-of-way may have a name other than Big Indian Drive SW.

Section 3:

That the Traffic Control Map is hereby amended to show said name designation.

Section 4:

That any prior ordinance or part of any ordinance that may be in conflict with this ordinance, be and is hereby repealed.

Section 5:

That this ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and it is in the best interest of the citizens that the right-of-way be named 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.

DATE: MAY 2, 2005

CLERK: MARY BETH BAILEY

Sup 9-0

pas 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 54 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Lincoln Center Infrastructure Improvement Fund and the P & R Community Park Project 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 Lincoln Center Infrastructure Improvement Fund, for the year ending December 31, 2005, the following:

\$30,947.63 to an account entitled "Lincoln Center Phase III Project" 1483.425.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the P & R Community Park Project Fund, for the year ending December 31, 2005, the following:

\$25,000.00 to an account entitled "Capital Project" 1434.505.2510

Section 3:

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.

DATE: MAY 2, 2005 CLERK: MARY BETH BAILEY

SUBP 8-0-1

PAS 8-0-1

ECUOL MRB RIVERO

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 55 - 2005

BY: FINANCE COMMITTEE:

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Unizan Bank and accept financing for the purchase of a new fire engine for the Massillon Fire Department, 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 accept the financing proposal from Unizan Bank to finance the purchase of a new fire engine for the Massillon Fire Department.

Section 2:

The financing proposal submitted by Unizan Bank is attached hereto as exhibits "A".

Section 3:

The Council of the City of Massillon, Ohio, hereby determines that it would be in the best interest of the city and its citizens to accept the proposal submitted by Unizan Bank and hereby authorizes the Director of Public Service and Safety of the City of Massillon, Ohio, to execute all documents necessary, upon the terms and conditions attached hereto as exhibit "A", to obtain the term loan from Unizan Bank to finance the purchase of a new fire engine.

Section 4:

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 additional reason for the efficient operation of the Massillon Fire Department. 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.

Exhibit "A"



March 31, 2005

Mayor Francis H. Cicchinelli, Jr.
The City of Massillon
151 Lincoln Way East
Massillon, OH 44646

Dear Mayor Cicchinelli:

On behalf of Joe Gerzina, Jayne Ferrero, and myself, we wanted to thank you for giving Unizan Bank the opportunity to submit a financing proposal for the city's purchase of a new fire engine. As you requested, I have listed below financing terms and information pertaining to your request. This proposal is for discussion purposes only and does not represent a commitment on behalf of Unizan Bank, National Association. This proposal includes, but is not limited to, the following terms and conditions and is subject to final bank approval.

<u>Borrower:</u>	City of Massillon, Ohio.
<u>Request:</u>	\$235,705.00 Term Loan.
<u>Purpose:</u>	Purchase new fire engine.
<u>Collateral:</u>	Title to Emergency One, Inc. Model UT34 Pumper with a Hale Q Flo – 1250 GPM Pump System and a 750 gallon tank mounted on a Freightliner Model M2, 4-Door cab and chassis.
<u>Guarantors:</u>	None.
<u>Repayment:</u>	5 annual principal payments of \$47,141.00 plus interest.
<u>Prepayment Restrictions:</u>	None.
<u>Rate/Fee:</u>	Rate: 3.94% Tax Exempt Rate Fee: \$250.00 plus filing fees.



Other Conditions:

- Subject to receipt, review and approval of annual financial statements for the following years: 2002, 2003, 2004.
- Loan documents to be signed by 6-6-05.
- Loan proceeds will be dispersed upon receipt of title.

Again, on behalf of Unizan Bank, we greatly appreciate the opportunity to offer this financing proposal to the City of Massillon. Please feel free to contact me should you have any questions. I will look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Dan M. Friedman".

Dan M. Friedman
Assistant Vice President, Business Banking

DMF:srh

Financing for fire truck

\$235,705

<u>Bank</u>	<u>Interest Rate</u>	<u>Yearly payments</u>	<u>Interest cost</u>	<u>Total cost</u>
National City Bank	4.36%	\$53,614.14 (X 5) Payments starting 2006	\$32,365.70	\$268,070.70
Dublin Capital	5.244%	\$53,043.62 (X 5)	\$29,513.10	\$265,218.10
Unizan Bank	3.94%	\$47,914.90 1 st yr. \$54,673.61 2 nd yr. \$52,790.46 3 rd yr. \$50,917.62 4 th yr. \$49,024.15 5 th yr.	\$19,615.74	\$255,320.74

DATE: MAY 2, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

SUBP 9-0
POS 9-0
COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 6 - 2005

BY: POLICE AND FIRE COMMITTEE

TITLE: A RESOLUTION urging the Assistance to Firefighters Grant Program to approve the grant request from the Massillon City Fire Department for the purchase of a rescue/pumper vehicle.

WHEREAS, the Assistance to Firefighters Grant Program has made available funds to municipal fire departments for the purchase of equipment for such departments; and

WHEREAS, the Massillon City Fire Department has applied for grant assistance under such program; and

WHEREAS, the citizens of Massillon would be well served by the purchase of additional equipment for the fire department with the grant funds and the purchase of a rescue/pumper and additional equipment will protect both the citizens of Massillon and assist surrounding communities which are served by our fire department through mutual aid agreements and the Ohio Fire Chiefs Emergency Response Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Massillon, Ohio respectfully request the Assistance to Firefighters Grant Program to approve the grant application submitted by the Massillon City Fire Department as application number **EMW-2005-FG-08408** as such a grant will enable the Massillon City Fire Department to purchase a rescue/pumper vehicle and other equipment necessary to protect the public which is served by such department.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2005

APPROVED _____
MARY BETH BAILEY CLERK OF COUNCIL GLENN GAMBER, ACTING PRESIDENT

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: MAY 16, 2005

CLERK: MARY BETH BAILEY

May 16, 2005 135

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 56 - 2005

passed 6/6

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE repealing CHAPTER 1305 "ONE, TWO AND THREE FAMILY DWELLING CODE" of the Codified Ordinances of the City of Massillon, Ohio, and enacting a new CHAPTER 1305 "OBOA ONE, TWO AND THREE FAMILY DWELLING CODE" of the Codified Ordinances of 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:

CHAPTER 1305 "ONE, TWO AND THREE FAMILY DWELLING CODE" of the Codified Ordinances of the City of Massillon, Ohio, be and is hereby repealed.

Section 2:

That there be and hereby is enacting a new CHAPTER 1305 "OBOA ONE, TWO AND THREE FAMILY DWELLING CODE" of the Codified Ordinances of the City of Massillon, Ohio. Said new chapter shall read as follows:

(SEE ATTACHED)

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the Massillon Building Department and to bring the Massillon Building Code into conforming with the adopted codes of the Five County Building Officials Association and standardize building codes 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

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL GLENN E. GAMBER, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

CHAPTER 1305
OBOA One, Two and Three-Family Dwelling code

- 1305.01 OBOA One, Two and Three-Family Code adopted
- 1305.02 Copies
- 1305.03 Conflict
- 1305.04 BOCA Checklists

.....

1305.01 OHIO BUILDING OFFICIALS ASSOCIATION ONE, TWO AND THREE-FAMILY DWELLING CODE

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the City, for the purpose of establishing rules and regulations for the construction and alteration, of nonindustrial one, two and three-family dwellings and their appurtenant structures, the Ohio Residential Code, the 2004 edition, as adopted by the Ohio Building Officials Association save and except the Administrative Chapter and such other portions thereof as may be hereinafter amended or deleted.

1305.02 COPIES

Copies of the Code as adopted in this chapter are on file with the Building Department for inspection by the public.

1305.03 CONFLICT

In case of conflict between the OBOA One, Two and Three-Family Dwelling Code and any other municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

1305.04 BOCA CHECKLISTS

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

- (a) Framing checklist.
- (b) Footing checklist.
- (c) Foundation checklist.
- (d) Final checklist