

## AGENDA

DATE: MONDAY, SEPTEMBER 19, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M. 8:30 PM

### THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL *- Absent Cat - Perry - Woot*
2. INVOCATION BY COUNCILMAN RON MANG
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. 99 – 2005

#### BY: PARKS AND RECREATION COMMITTEE

*5:50 P 7:0*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Great Lakes Energy Partners to allow temporary access and clearing of certain land owned by the city, and declaring an emergency.

#### ORDINANCE NO. 100 – 2005

#### BY: POLICE AND FIRE COMMITTEE

*5:50 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, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the lease/purchase of two police cruisers for the Massillon City Police Department, and declaring an emergency.

#### ORDINANCE NO. 101 – 2005

#### BY: FINANCE COMMITTEE

*5:50 P 7:0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund, General Fund, Solid Waste Fund, Community Development Block Grant Program Fund, Muni Motor Vehicle License Fund and the Federal Grant Fund, for the year ending December 31, 2005, and declaring an emergency.

#### ORDINANCE NO. 102 – 2005

#### BY: FINANCE COMMITTEE

*5:50 P 7:0*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon, and declaring an emergency.

#### *Re* SOLUTION NO. 19 – 2005

#### BY: COMMUNITY DEVELOPMENT COMMITTEE

*5:50 P 7:0*  
**A RESOLUTION** reversing the decision of the Massillon Zoning Board of Appeals made on September 1, 2005 wherein the Zoning Board of Appeals approved variances from the Massillon Zoning Code for proposed construction of two 30' x 84' accessory buildings at 35 Warwick Avenue NW, on Lot Nos. 3540 and 3541, in the City of Massillon, Ohio, and declaring an emergency.

**RESOLUTION NO. 20 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

10<sup>5</sup> A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on August 11, 2005 wherein the Zoning Board of Appeals denied a request for variance from the Massillon Zoning Code, Massillon Codified Ordinance Section 1187.08 (a), concerning the extension of a fence, and declaring an emergency.

- 7. UNFINISHED BUSINESS
- 8. PETITIONS AND GENERAL COMMUNICATIONS
- 9. BILLS, ACCOUNTS AND CLAIMS
- 10. REPORTS FROM CITY OFFICIALS

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

- 11. REPORTS OF COMMITTEES
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
- 13. CALL OF THE CALENDAR
- 14. THIRD READING ORDINANCES AND RESOLUTIONS
- 15. SECOND READING ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. 90 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

2<sup>ND</sup> AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-2 Single Family Residential to RM-1 Multiple Family Residential.

**ORDINANCE NO. 91 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

2<sup>ND</sup> AN ORDINANCE accepting the Final Plat and dedication of various streets for Amherst Village, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

**ORDINANCE NO. 93 – 2005**

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

2<sup>ND</sup> 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



DATE: SEPTEMBER 19, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 99 - 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 an agreement with Great Lakes Energy Partners to allow temporary access and clearing of certain land owned by the city, 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 authorize the Director of Public Service and Safety to enter into an agreement with Great Lakes Energy Partners to allow temporary access and clearing of certain land owned by the city.

Section 2:

The Director of Public Safety and Service of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with Great Lakes Energy Partners, the terms of which are attached hereto.

(SEE ATTACHED EXHIBIT "A")

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 grant Great Lakes Energy Partners this temporary access so that it may timely complete and drill an adjacent oil and gas well. 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.

## Non-Surface Development Oil and Gas Lease Amendment

THIS AGREEMENT, entered into this \_\_\_\_\_ day of August \_\_\_\_\_, 2005, by and between The City of Massillon, Ohio (hereinafter "The City") and Great Lakes Energy Partners, L.L.C. (hereinafter "Great Lakes").

WHEREAS, on the 17th day of September, 2002, The City, as Lessors, executed and delivered unto Great Lakes, as Lessee, an Non-Surface Development Oil and Gas Lease covering 54.35 acres, more or less, (the "Leased Premises") situated in Section 8 and 9 of Perry Township, Stark County, Ohio, being recorded as Instrument #20040914065843 of the records of Stark County, Ohio (the "Lease"); and

WHEREAS, the Lease states: "*Lessee shall drill no well on Lessor's property, nor shall Lessee enter upon or install any installation of any nature whatsoever on the leased property.*"; and

WHEREAS, Great Lakes has permitted the Bendure Unit No. 1 well, API #3415125428 (the "Well"), on property adjacent to the Leased Premises which is contained in the Well's drilling unit; and

WHEREAS, Great Lakes desires to enter onto the Leased Premises to clear that portion necessary for the drilling and completion of the Well.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained and the mutual benefits to be derived herefrom, the parties hereto covenant and agree to the following:

1. The City hereby grants Great Lakes the right to enter upon the Leased Premises to disturb and clear an area of approximately .25 acres, more or less, that will allow for the drilling and completion of the Well (see Exhibit "A"). Great Lakes hereby agrees no permanent structures will be placed on the Leased Premises and all equipment will be removed upon the completion of operations. Great Lakes will reclaim the disturbed area pursuant to the guidelines established by the Ohio Department of Natural Resources, Division of Mineral Resources Management.

The parties hereto ratify and confirm the Lease, as herein amended, as being in full force and effect. It is understood and agreed that the successors, heirs and assigns of the parties hereto shall be bound by all the terms, conditions and clauses of the Non Surface Development Oil and Gas Lease and this Amendment.

IN WITNESS WHEREOF, the parties hereto intending to be legally bound hereby, have hereunto set their hands and seals to this Non Surface Development Oil and Gas Amendment the day and year first above written.

The City of Massillon, Ohio

By: \_\_\_\_\_

Title: \_\_\_\_\_

Great Lakes Energy Partners, L.L.C.

\_\_\_\_\_  
Mark A. Acree  
Vice President – Land

ACKNOWLEDGEMENT

STATE OF OHIO )  
 ) SS:  
COUNTY OF STARK )

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person and official whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of said \_\_\_\_\_, and that he executed the same as the act of said \_\_\_\_\_ for the purpose and consideration therein expressed, and in the capacity therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

CORPORATION ACKNOWLEDGMENT

STATE OF OHIO )  
 ) SS:  
COUNTY OF PORTAGE )

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Mark A. Acree, Vice President - Land, of Great Lakes Energy Partners, L.L.C., a Delaware limited liability company, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of said Great Lakes Energy Partners, L.L.C., a Delaware limited liability company, and that he executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Hartville, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

Prepared By:  
Great Lakes Energy Partners, L.L.C.  
125 State Route 43, P.O. Box 550  
Hartville, Ohio 44632-0550

STATE OF OHIO  
DEPARTMENT OF NATURAL  
RESOURCES

DIVISION OF MINERAL  
RESOURCES MANAGEMENT  
WELL PERMIT

API WELL NUMBER

34-151-2-5428-00-00

FORM 51 REVISED 3/01

OWNER NAME, ADDRESS

GREAT LAKES ENERGY PTNSHP LLC (Owner #: 8674)  
125 ST. RT. 43 P.O. BOX 550  
HARTVILLE OH 44632

DATE ISSUED

4/19/2005

PERMIT EXPIRES

4/19/2006

TELEPHONE NUMBER

(330) 877-6747

IS HEREBY GRANTED PERMISSION TO: Drill New Well

AND ABANDON NEW WELL

IF UNPRODUCTIVE

PURPOSE OF WELL: Oil & Gas

SUBSTANCE TO BE STORED OR COMPLETION DATE IF PERMIT TO PLUG:

Cmpltd Dt

DESIGNATION AND LOCATION:

LEASE NAME BENDURE UNIT  
WELL NUMBER 1  
COUNTY STARK  
CIVIL TOWNSHIP PERRY  
TRACT OR ALLOTMENT  
FOOTAGE LOCATION 1015'NL & 925'EL OF SE QTR., SEC. 8

SECTION

8

LOT

FRACTION

QUARTER TOWNSHIP

X:

2274645

Y:

413040

TYPE OF TOOLS: Air Rotary/Fluid Rotary

PROPOSED TOTAL DEPTH

5000 FEET

GROUND LEVEL ELEVATION

1055 FEET

GEOLOGICAL FORMATION(S):

CLINTON

SPECIAL PERMIT CONDITIONS:

CONDITIONALLY APPROVED CASING PROGRAM (SUBJECT TO APPROVAL OF THE OIL AND GAS WELL INSPECTOR):

CONDUCTOR MINIMUM OF 60' (IF AIR)

8 5/8" 50' BELOW BIG INJUN, APPROX 400' WITH CEMENT CIRCULATED TO SURFACE

OR

8 5/8" APPROX. 775' THRU BEREA WITH CEMENT CIRCULATED TO SURFACE

4-1/2" PRODUCTION CASING CEMENTED IF PRODUCTIVE

This permit is NOT TRANSFERABLE and expires 365 days after issuance, unless drilling has commenced prior thereto. This permit, or an exact copy thereof, must be displayed in a conspicuous and easily accessible place at the well site before permitted activity commences and remain until the well is completed. Ample notification to inspector is necessary. All mudding, cementing, placing and removing casing, and plugging operations must be done under the supervision of:

OIL AND GAS WELL INSPECTOR:

CLAUS DAVID  
421 30TH ST. NW,  
CANTON, OH 44709  
Inspector's #: (330) 284-5863  
District #: (330) 896-0816

JAY CHESLOCK - Supervisor  
(330) 343-2374

FIRE AND EMERGENCY NUMBERS

FIRE: (330) 833-1051

MEDICAL SERVICE (330) 833-1051

DEPUTY MINE INSPECTOR: MUST BE NOTIFIED IF WELL IN A COAL-  
BEARING TOWNSHIP IS TO BE PLUGGED AND ABANDONED.

Michael L. Sponsler

CHIEF, DIVISION OF MINERAL RESOURCES  
MANAGEMENT

**INCOME PROJECTIONS FOR LANDOWNERS**  
**GIVEN AN EUR AND ASSUMING A CONSTANT NET GAS**  
**PRICE TO THE LANDOWNER**  
**AND ASSUMING THE UNIT IS 40.00 ACRES**

**EUR (MCFE) GAS PRICE PER MCF**  
**269,000 6.00**

| <b>Landowner Acres</b> | <b>Projected Income Life of Well</b> | <b>Projected Income First 3 years</b> |
|------------------------|--------------------------------------|---------------------------------------|
| 1                      | \$5,043.75                           | \$2,521.88                            |
| 2                      | \$10,087.50                          | \$5,043.75                            |
| 3                      | \$15,131.25                          | \$7,565.63                            |
| 4                      | \$20,175.00                          | \$10,087.50                           |
| 5                      | \$25,218.75                          | \$12,609.38                           |
| 6                      | \$30,262.50                          | \$15,131.25                           |
| 7                      | \$35,306.25                          | \$17,653.13                           |
| 8                      | \$40,350.00                          | \$20,175.00                           |
| 9                      | \$45,393.75                          | \$22,696.88                           |
| 10                     | \$50,437.50                          | \$25,218.75                           |
| 11                     | \$55,481.25                          | \$27,740.63                           |
| 12                     | \$60,525.00                          | \$30,262.50                           |
| 13                     | \$65,568.75                          | \$32,784.38                           |
| 14                     | \$70,612.50                          | \$35,306.25                           |
| 15                     | \$75,656.25                          | \$37,828.13                           |
| 16                     | \$80,700.00                          | \$40,350.00                           |
| 17                     | \$85,743.75                          | \$42,871.88                           |
| 18                     | \$90,787.50                          | \$45,393.75                           |
| 19                     | \$95,831.25                          | \$47,915.63                           |
| 20                     | \$100,875.00                         | \$50,437.50                           |
| 21                     | \$105,918.75                         | \$52,959.38                           |
| 22                     | \$70,125.00                          | \$35,062.50                           |
| 23                     | \$116,006.25                         | \$58,003.13                           |
| 24                     | \$121,050.00                         | \$60,525.00                           |
| 25                     | \$126,093.75                         | \$63,046.88                           |
| 26                     | \$131,137.50                         | \$65,568.75                           |
| 27                     | \$136,181.25                         | \$68,090.63                           |
| 28                     | <b>* \$141,225.00</b>                | <b>\$70,612.50</b>                    |
| 29                     | \$146,268.75                         | \$73,134.38                           |
| 30                     | \$151,312.50                         | \$75,656.25                           |
| 31                     | \$156,356.25                         | \$78,178.13                           |
| 32                     | \$161,400.00                         | \$80,700.00                           |
| 33                     | \$166,443.75                         | \$83,221.88                           |
| 34                     | \$171,487.50                         | \$85,743.75                           |
| 35                     | \$176,531.25                         | \$88,265.63                           |
| 36                     | \$181,575.00                         | \$90,787.50                           |
| 37                     | \$186,618.75                         | \$93,309.38                           |
| 38                     | \$191,662.50                         | \$95,831.25                           |
| 39                     | \$196,706.25                         | \$98,353.13                           |
| 40                     | \$201,750.00                         | \$100,875.00                          |

Projected payout







DATE: SEPTEMBER 19, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 100 - 2005

BY: POLICE AND FIRE 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 a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the lease/purchase of two police cruisers for the Massillon City Police 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 in the public health, safety and welfare to advertise for and receive sealed bids, according to law, and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the lease/purchase of two police cruisers for the Massillon City Police Department.

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 to receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the lease/purchase of two police cruisers for the Massillon City Police Department.

Section 3:

That 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 for the more efficient operation of the Massillon City Police 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.

DATE: SEPTEMBER 19, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 101 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, General Fund, Solid Waste Fund, Community Development Block Grant Program Fund, Muni Motor Vehicle License Fund and the Federal 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 Capital Improvement Fund, for the year ending December 31, 2005, the following:

\$130,000.00 to an account entitled "Capital Improvement Projects" 1401.435.2530

Section 2:

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

\$28,048.22 to an account entitled "Law Department Services/Contracts" 1100.115.2392

Section 3:

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

\$20,000.00 to an account entitled "Landfill" 2102.605.2390

Section 4:

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

\$23,000.00 to an account entitled "Grant No. 2005DJBIX0058" 1218.305.2510

\$ 40.00 to an account entitled "Grant No. 2004DDBX1322" 1218.305.2511

Section 5:

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

\$8,200.00 to an account entitled "Garage Services/Contracts" 1100.440.2392

Section 6:

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

\$5,000.00 to an account entitled "Target Area Street Improvements" 1203.845.2812

Section 7:

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

\$3,500.00 to an account entitled "Services/Contracts" 1206.435.2392

Section 8:

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

\$2,400.00 to an account entitled "Services/Contracts" 1100.150.2392

Section 9:

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

GLENN E. GAMBER, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR, MAYOR



DATE: SEPTEMBER 19, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 102 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon, 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 enter into contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary to enter into a contract with Public Entities Pool of Ohio (PEP) as the previous policies are about to expire and the renewal is due in September, 2005. In addition it is necessary to maintain insurance coverage for the City. 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: SEPTEMBER 19, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 19 - 2005

*Ind reading 10/13*  
*passed 10/17*

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on September 1, 2005 wherein the Zoning Board of Appeals approved variances from the Massillon Zoning Code for proposed construction of two 30' x 84' accessory buildings at 35 Warwick Avenue NW, on Lot Nos. 3540 and 3541 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on September 1, 2005 approved a variance from the Massillon Zoning Code in Case No. 1190; and

WHEREAS, on September 2, 2005 and September 7, 2005, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Curtis & Myra Lawery, Asrean Pierce and Allan Castellanos, appealing the decision in Case No. 1190 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest of proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on September 1, 2005 and hereby determines that the request for a variance should be denied, and

Section 2:

This Resolution is declared to be an emergency measure so that a prompt decision can be given to both the applicant and the adjacent property owners on the status of this construction, and that the reversal of the decision of the Massillon Zoning board of Appeals is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.



DATE: SEPTEMBER 19, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 20 - 2005

BY COMMUNITY DEVELOPMENT COMMITTEE

*1st reading*  
*2nd reading 10/13*  
*Filed 10/17-1mtg*  
*Repeat 11/7/05*

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on August 11, 2005 wherein the Zoning Board of Appeals denied a request for variance from the Massillon Zoning Code, Massillon Codified Ordinance Section 1187.08 (a), concerning the extension of a fence, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on August 11, 2005 denied a request for variance from the Massillon Zoning Code; and

WHEREAS, on August 24, 2005, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Gene Thornberry appealing the decision in Case No. 1187 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest of proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on August 11, 2005 and hereby determines that the request for a variance should be approved, and the extension of the fence as proposed by Gene Thornberry is permitted.

Section 2:

This Resolution is declared to be an emergency measure in that the reversal of the decision of the Massillon Zoning Board of Appeals is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.