

Next continued page @ 6:00 PM MONDAY

AGENDA

DATE: MONDAY, OCTOBER 17, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M. - 9:00

THERE ARE NO PUBLIC HEARINGS TONIGHT

- check*
1. ROLL CALL
 2. INVOCATION BY COUNCILMAN TOM WEBER
 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
- RD 20 Irene Bernberry porch*
RD 19 MARTIN S. J. F.

ORDINANCE NO. 112 – 2005

BY: POLICE AND FIRE COMMITTEE

500P 8-0 P.O.D. 8-0

AN ORDINANCE AMENDING chapter 1501 "OHIO FIRE CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1501.01(a) "ADOPTION", Section 1501.04(a) "ENFORCEMENT", Section 1501.04(d) "ENFORCEMENT", Section 1501.12(a) "CONFLICT", Section 1501.12(b) "CONFLICT" and delete Section 1501.01(b) "ADOPTION" and enacting a new Section 1501.01(a) "ADOPTION", Section 1501.04(a) "ENFORCEMENT", Section 1501.04(d) "ENFORCEMENT" and Section 1501.12 "CONFLICT" and declaring an emergency.

ORDINANCE NO. 113 – 2005

BY: PUBLIC UTILITIES COMMITTEE

500P 8-0 P.O.D. 8-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Madden Brothers Landscape Products and Services for the disposal of leaves, and declaring an emergency.

ORDINANCE NO. 114 – 2005

BY: FINANCE COMMITTEE

500P 8-0 P.O.D. 8-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the Solid Waste Capital Improvement Fund, Capital Improvement Fund, Parks & Recreation Capital Fund, Capital Improvement Fund and the General Fund, for the year ending December 31, 2005, and declaring an emergency.

ORDINANCE NO. 115 – 2005

BY: FINANCE COMMITTEE

500P 8-0 P.O.D. 8-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Canton Truck Sales & Service, Inc for the purchase of two (2) dump trucks with snow plows, and declaring an emergency.

ORDINANCE NO. 116 – 2005

BY: FINANCE COMMITTEE

500P 8-0 P.O.D. 8-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell to the highest bidder, according to law, various vehicles and/or equipment, which is no longer for any municipal purpose, and declaring an emergency.

RESOLUTION NO. 21 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

E **A RESOLUTION** authorizing the Mayor and the Director of Public Service and Safety to enter into a settlement agreement settling the pending litigation between the City of Massillon and the Massillon and Perry Township School Districts concerning payroll tax revenue sharing between the City and School Districts.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR TAP STATIONS INVESTMENTS LLC DBA AP 708 LINCOLN WAY W MASSILLON, OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 2005

B). TREASURER SUBMITS MONTHLY REPORT FOR SEPTEMBER 2005

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

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

E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR SEPTEMBER 2005

F). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2005

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 19 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*G-2
P
Kathy
&
P* **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

*Tashed
for
one
way* **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.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 105 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

205 **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (no zoning) to R-1 Single Family Residential.

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: OCTOBER 17, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 112 - 2005

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1501 "OHIO FIRE CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1501.01(a) "ADOPTION", Section 1501.04(a) "ENFORCEMENT", Section 1501.04(d) "ENFORCEMENT", Section 1501.12(a) "CONFLICT", Section 1501.12(b) "CONFLICT" and delete Section 1501.01(b) "ADOPTION" and enacting a new Section 1501.01(a) "ADOPTION", Section 1501.04(a) "ENFORCEMENT", Section 1501.04(d) "ENFORCEMENT" and Section 1501.12 "CONFLICT" and declaring an emergency.

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

Section 1:

The existing Section 1501.01(a) "ADOPTION", Section 1501.04(a) "ENFORCEMENT", Section 1501.04(d) "ENFORCEMENT", Section 1501.12(a) "CONFLICT" and 1501.12(b) "CONFLICT" of CHAPTER 1501 "OHIO FIRE CODE" of the Codified Ordinances of the City of Massillon be and hereby is repealed.

Section 2:

That there be and hereby is enacted a new Section 1501.01(a) "ADOPTION", Section 1501.04(a) "ENFORCEMENT", Section 1501.04(d) "ENFORCEMENT", and Section 1501.12 "CONFLICT" of CHAPTER 1501 "OHIO FIRE CODE" of the Codified Ordinances of the City of Massillon be and hereby is enacted and shall read as follows:

1501.01 ADOPTION

(a) There is hereby adopted by the Municipality, the current addition of the Ohio Fire Code (OFC), as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, and as published by in Division 1301:7 of the Ohio Administrative Code (OAC).

1501.04 ENFORCEMENT

(a) No person shall serve as a Fire Safety Inspector in the City of Massillon unless he or she has received a certificate issued by the Ohio Department of Public Safety under the Ohio Revised Code (ORC) Section 3737.34.

1501.04 ENFORCEMENT

(d) Upon request of a Fire Safety Inspector in the City of Massillon, the Law Director shall institute and prosecute any necessary action or proceeding to enforce this chapter, the Ohio Fire Code, or other referenced codes and regulations.

1501.12 CONFLICT

(a) Where there is a conflict between the Ohio Fire Code and the rules and regulations of City of Massillon Codified Ordinances, the requirements which provide the greatest safety shall be applied. (OAC) 1301:7-1-02(G).

(b) In addition the Massillon Law Department shall check the remaining Sections of the Fire Prevention Code to update items as needed.

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 these revision be made to the codified ordinances 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.

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: OCTOBER 17, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 113 - 2005

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Madden Brothers Landscape Products and Services for the disposal of leaves, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an agreement with Madden Brothers Landscape Products and Services for the disposal of leaves, collected by the city from residents.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with Madden Brothers Landscape Products and Services for the disposal of leaves. The cost for the disposal of the leaves will be Four Hundred Seventy-Three Dollars (\$473.00) per truck load.

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 the agreement is signed so the disposal of the leaves can begin in a timely manner. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: OCTOBER 17, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 114 - 2005

BY: FINANCE COMMITTEE

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

\$136,000.00 to an account entitled "New Equipment" 1413.605.2530

Section 2:

*136,000
24,000
160,000 - + APP. \$*

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

\$24,000.00 to an account entitled "Solid Waste Equipment" 1401.605.2530

Section 3:

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

\$75,000.00 to an account entitled "Capital Improvements" 1433.505.2510

\$26,274.69 to an account entitled "Capital Equipment" 1433.505.2530

Section 4:

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

\$30,014.00 to an account entitled "Street Department Equipment" 1401.435.2530

*Previously 130,000
+ 30,014
160,014 -*

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:

\$5,000.00 to an account entitled "City Hall Services/Contracts" 1100.410.2392

\$1,000.00 to an account entitled "Supplies/Materials/Postage" 1100.325.2410

Section 6:

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: OCTOBER 17, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 115 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Canton Truck Sales & Service, Inc for the purchase of two (2) dump trucks with snow plows, 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 Canton Truck Sales & Services, Inc for the purchase of two (2) dump trucks with snow plows.

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 Canton Truck Sales & Services, Inc for the purchase of two (2) dump trucks with snow plows. The total cost of the two (2) dump trucks with snow plow will be One Hundred Sixty Thousand Fourteen Dollars (\$160,014.00).

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 that the dump trucks with snow plows can be purchase before the winter season begins. 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: OCTOBER 17, 2005

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 116 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio to sell to the highest bidder, according to law, various vehicles and/or equipment, which is no longer 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 sell to the highest bidder, according to law, various vehicles and/or equipment, which is no longer needed for any municipal purpose.

Section 2:

Director of Public Service and Safety is hereby authorized to sell to the highest bidder, according to law, various vehicles and/or equipment, which is no longer needed for any municipal purpose.

Section 3:

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 the various vehicles and/or equipment, which is no longer needed for any municipal purpose for the best price obtainable. Provided it receives the affirmative vote of two-thirds of the elected members and 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.

DATED: OCTOBER 17, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 21 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION authorizing the Mayor and the Director of Public Service and Safety to enter into a settlement agreement settling the pending litigation between the City of Massillon and the Massillon and Perry Township School Districts concerning payroll tax revenue sharing between the City and School Districts.

WHEREAS, the City and the School Districts have been engaged in litigation in Case No. 2001 CV 03552 in the Court of Common Pleas of Stark County, Ohio; and

WHEREAS, such litigation has been prosecuted to the Supreme Court of Ohio which ultimately rendered a decision remanding the case to the trial court for further proceedings; and

WHEREAS, pursuant to the order of the trial court the City and the School Districts have engaged in extensive mediation sessions in an effort to resolve the pending lawsuit by agreement; and

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 necessary and in the best interest of the City to enter into a settlement agreement with Massillon and Perry Township Schools concerning the above referenced litigation.

Section 2:

As full and final Settlement of the above referenced litigation the Council of the City of Massillon, Ohio authorizes the Mayor and the Director of Public Service and Safety to enter into a settlement agreement with Massillon and Perry Township School Districts which essentially provides for the payment of approximately \$414,851.00 to the school districts over a two and one half year period.

Section 3:

In exchange for these payments being made both the City and the School Districts will dismiss all claims with prejudice in the above referenced case.

Section 4:

This Resolution is declared to be an emergency measure so that a decision can be made with regard to the proposed settlement on or before November 22, 2005 as the mediation agreement requires approval by both the City Council and the Massillon and Perry Boards of Education on or before such date. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2005.

ATTEST: _____

MARY BETH BAILEY,
CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

AGENDA

DATE: MONDAY, NOVEMBER 7, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT ORDINANCE NO. 105 – 2005 – REZONING AT 7:15PM

1. ROLL CALL
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. 117 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P.H. 12/5/05 6:45

105 **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to RM-1 Multiple Family Residential and R-CRD Condominium Residential District.

ORDINANCE NO. 118 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P.H. 12/5/05 7:00

105 **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 O-1 Office.

ORDINANCE NO. 119 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P.H. 12/5/05 7:15

105 **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 RM-1 Multiple Family Residential.

ORDINANCE NO. 120 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P **AN ORDINANCE** accepting the Final Plat and dedication of various streets for Sippo Reserves Allotment Phase II, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 121 – 2005

BY: ENVIRONMENTAL COMMITTEE

P **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Jack Doheny Supply for the lease purchase of a 2006 Series 2100 Combination Unit for use in the Waste Water Treatment Plant of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 122 – 2005

BY: POLICE AND FIRE COMMITTEE

155
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch for the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 123 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the Mayor and the Chief of Police of the City of Massillon, Ohio, to accept the 2005 Federal Bulletproof Vest Partnership Grant for the Massillon Police Department, and declaring an emergency.

ORDINANCE NO. 124 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE making certain transfers in the 2005 appropriations from within the General Fund for the year ending December 31, 2005, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 125 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE establishing a fund entitled "Veterans Park and Duncan Plaza Repair and Improvement Fund" within said fund, and declaring an emergency.

ORDINANCE NO. 126 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Wheeled Coach Industries, Inc., for the purchase of a 2005 Ford E450 XL Wheeled Coach Type III Ambulance for the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 127 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE making certain appropriations from the unappropriated balance of the P & R Operating Fund, Community Development Block Grant Fund, Solid Waste Fund, Waste Management Grant Fund, Capital Improvement Fund, Federal Grant Fund and the General Fund, for the year ending December 31, 2005, and declaring an emergency.

ORDINANCE NO. 128 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the issuance of not to exceed \$2,993,000 of notes in anticipation of the issuance of bonds for the purpose of providing funds for acquiring land and interests in land and demolition relating thereto, for the purpose of urban redevelopment in connection with the Lincoln Center Phase III Project, and retiring notes previously issued for such purpose, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR ELUM MUSIC CO DBA ELUM MUSIC CO 280 FEDERAL AVE NW MASSILLON, OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR OCTOBER 2005

B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2005

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

RESOLUTION NO. 20 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

Defeat **A RESOLUTION** reserving 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 11987.08 (a), concerning the extension of a fence, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 105 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (no zoning) to R-1 Single Family Residential.

15. SECOND READING ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 21 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

2nd **A RESOLUTION** authorizing the Mayor and the Director of Public Service and Safety to enter into a settlement agreement settling the pending litigation between the City of Massillon and the Massillon and Perry Township School Districts concerning payroll tax revenue sharing between the City and School Districts.

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: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 117 - 2005

1st reading
LEGISLATIVE DEPARTMENT

BY: COMMUNITY DEVELOPMENT COMMITTEE

2nd reading 11/21
Passed 12/5

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to RM-1 Multiple Family Residential and 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 I-1 Light Industrial to RM-1 Multiple Family Residential and R-CRD Condominium Residential District. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 12, 2005 and that notice and public hearing has been given according to law.

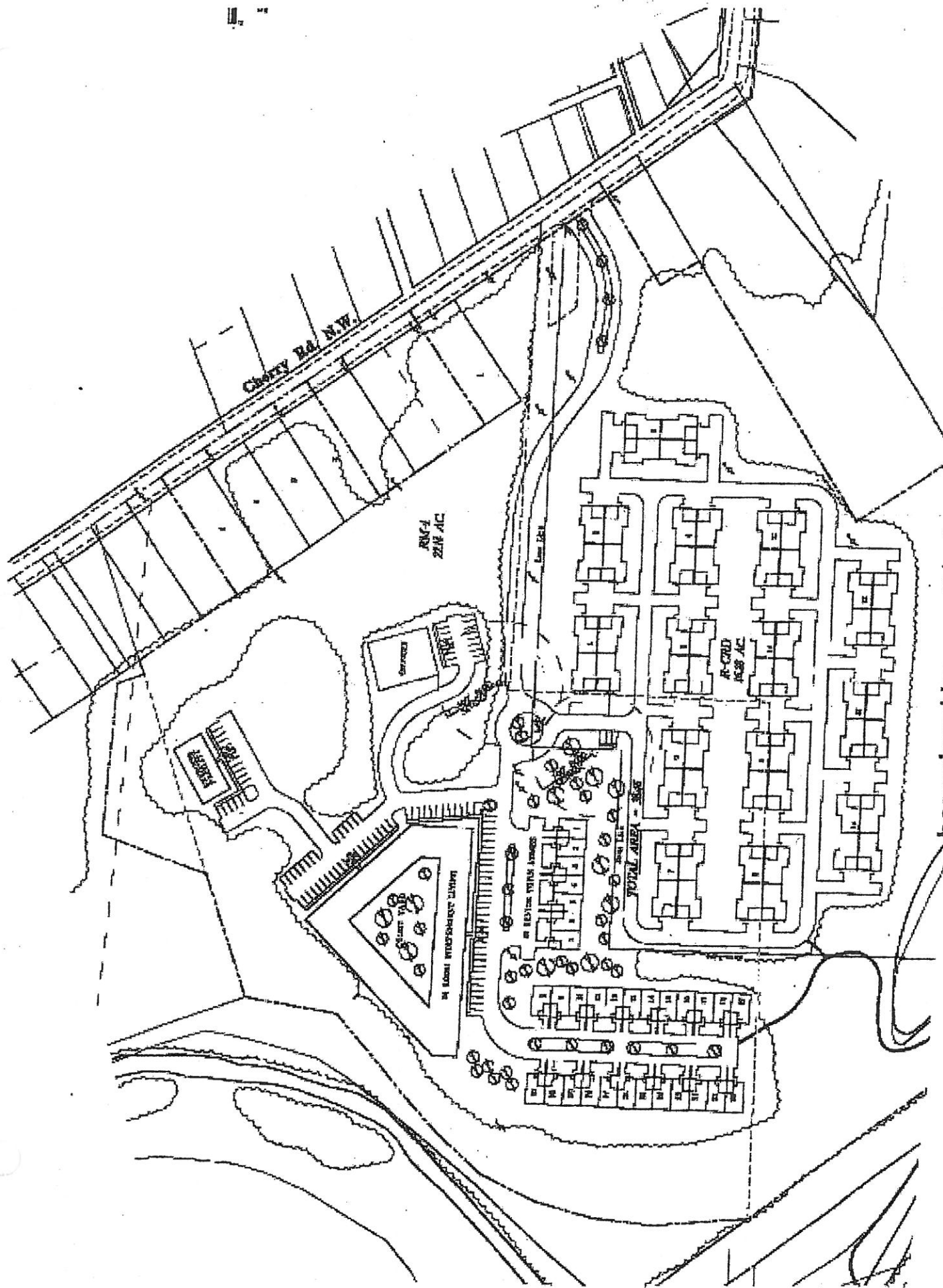
Section 2:

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 and R-CRD Condominium Residential District.

Being known as a 39.93 acre vacant tract of land located on the south side of Cherry Road NW, between 5th Street NW and 17th Street NW, and consisting of Out Lots 93, 94 and Part of Out Lot 91. The applicant wants to construct 14 4-unit condominium buildings, 31 attached town house senior apartments, and a 96 room independent living facility. The applicant is Ben Grisez Homes, Inc.

Section 3:

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



bengrizezHomes site plan