

## AGENDA

DATE: MONDAY, SEPTEMBER 18, 2006

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

### THERE ARE THREE PUBLIC HEARINGS TONIGHT

ORDINANCE NO. 119 – 2006 REZONING – TABLE TO 10/16/06

ORDINANCE NO. 120 – 2006 REZONING ←

ORDINANCE NO. 121 – 2006 AMEND CHAPT 1179

1. ROLL CALL
2. INVOCATION BY COUNCILMAN PAUL MANSON
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. 140 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS - 9-0

**AN ORDINANCE** authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Block Grant Programs which the City has provided through the CDBG Program funding, and declaring an emergency.

#### ORDINANCE NO. 141 – 2006

BY: ENVIRONMENTAL COMMITTEE

PASS - 9-0

**AN ORDINANCE** authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with CTI Environmental, Inc, to perform a Preliminary Odor Control Study for the City of Massillon Regional Wastewater Treatment Facility, and declaring an emergency.

#### ORDINANCE NO. 142 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS - 9-0

**AN ORDINANCE** accepting the replatting of a 40 foot right-of-way extension at the south end of 15<sup>th</sup> Street NW, which runs in a southerly direction from Cherry Road NW and parts of Out Lot 90, located on the east side of 15<sup>th</sup> Street NW, south of Cherry Road in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

#### ORDINANCE NO. 143 – 2006

BY: FINANCE COMMITTEE

PASS - 9-0

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Solid Waste Fund and the Wastewater Treatment Fund, for the year ending December 31, 2006, and declaring an emergency.

**ORDINANCE NO. 144 – 2006**

**BY: FINANCE COMMITTEE**

*PASS - 9-0*  
**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.

**ORDINANCE NO. 145 – 2006**

**BY: FINANCE COMMITTEE**

*PASS - 9-0*  
**AN ORDINANCE** making certain transfers in the 2006 appropriations from within the General Fund for the year ending December 31, 2006, of the City of Massillon, Ohio, 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 2006
  - B). TREASURER SUBMITS MONTHLY REPORT FOR AUGUST 2006
  - C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR AUGUST 2006.
  - D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR AUGUST 2006
  - E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR AUGUST 2006
  - F). MAYOR SUBMITS MONTHLY REPORT FOR AUGUST 2006
11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. 119 – 2006**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS - 9-0*  
**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Perry Township Zoning to B-3 General Business.

**ORDINANCE NO. 120 – 2006**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*TABLED TO 10/16/06*  
**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-2 General Industrial to B-3 General Business.

**ORDINANCE NO. 121 – 2006**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS - 9-0*  
**AN ORDINANCE** amending CHAPTER 1179 "NONCONFORMING USES; LOTS; AND STRUCTURES" of the Codified Ordinances of the City of Massillon, by amending existing Sub-Section 1179.04(b) "Nonconforming Structures" of CHAPTER 1179 "NONCONFORMING USES; LOTS; AND STRUCTURES", and enacting a new Sub-Section 1179.04(b).

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 136 – 2006**

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

*2ND READING*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract, upon the award and approval of the Board of Control, with the ME Company Inc., for engineering services needed for a signalization design at the Lincoln Way West and Grosvenor intersection, in the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 137 – 2006**

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

*2ND READING*

**AN ORDINANCE** accepting the replatting of Part of Out Lot 766, located on the southwest corner of Richville Drive SE and Ohio State Drive SE, and including the dedication of right-of-way for Richville Drive SE and the dedication of a sanitary sewer easement for Buckeye Crossing Condominiums, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

**RESOLUTION NO. 16 – 2006**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*PASS 9-0*

**A RESOLUTION** adopting the decision of the Tax Incentive Review Committee made on August 8, 2006 wherein they recommended that the Enterprise Zone Agreement with HydroThrift Corporation be terminated and the tax exemption rescinded in the City of Massillon, Ohio, and declaring an emergency.

**16. NEW AND MISCELLANEOUS BUSINESS**

**17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

**18. ADJOURNMENT - *8:15***

**MARY BETH BAILEY - CLERK OF COUNCIL**

DATE: SEPTEMBER 18, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 140 - 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Block Grant Programs which the City has provided through the CDBG Program funding, 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 enter into a contract agreement with various programs through the Community Development Block Grant Programs which the City has provided through the CDBG Program funding.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into separate contract agreements with the programs listed below for the amounts specified through the Community Development Block Grant Programs which the City has provided through the CDBG Program funding.

Massillon Main Street	\$50,000.00
St. James AME Zion Church Day – Care Center	\$20,000.00
Westark Family Services, Inc. - Elderly Homemaker Program	\$10,000.00
Western Stark Medical Clinic	\$10,000.00
Community Services of Stark County – Family Living Center	\$ 8,000.00
Domestic Violence Project	\$ 8,000.00
Lighthouse Visions, Inc. – Life Skills Education Program	\$ 8,000.00
Greater Stark County Urban League – Housing Counseling	\$ 5,000.00
Massillon YWCA - Child Care Center Program	\$ 3,000.00
Massillon Commission to Advance Literacy - Adult Literacy Program	\$ 3,000.00
Faith in Action of Western Stark County	\$ 3,000.00
Tuscarawas Elks Lodge #632 – Entrance Ramp	\$ 2,000.00

Section 3:

Upon delivery of the aforesaid agreements, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for each agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

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 further reason that these services are needed to benefit the community as a whole and to meet the goals and objectives of the City's Community Development Block Grant Program. 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 \_\_\_\_\_ 2006

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

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

DATE: SEPTEMBER 18, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 141 - 2006

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with CTI Environmental, Inc. to perform a Preliminary Odor Control Study for the City of Massillon Regional Wastewater Treatment Facility, 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, is hereby authorized and directed to enter into a agreement with CTI Environmental, Inc. to perform a Preliminary Odor Control Study for the City of Massillon Regional Wastewater Treatment Facility.

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 CTI Environmental, Inc. to perform a Preliminary Odor Control Study for the City of Massillon Regional Wastewater Treatment Facility. The cost of the study is not to exceed Twenty-Four Thousand Nine Hundred Dollars (\$24,900.00).

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary to have this study performed to determine the exact problem at the Massillon Wastewater Treatment Plant and then to resolve it. 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 \_\_\_\_\_ 2006

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

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



DATE: SEPTEMBER 18, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 142 - 2006

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the replatting of a 40 foot right-of-way extension at the south end of 15<sup>th</sup> Street NW, which runs in a southerly direction from Cherry Road NW and parts of Out Lot 90, located on the east side of 15<sup>th</sup> Street NW, south of Cherry Road in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The replatting of a 40 foot right-of-way extension at the south end of 15<sup>th</sup> Street NW, which runs in a southerly direction from Cherry Road NW and parts of Out Lot 90, located on the east side of 15<sup>th</sup> Streets NW, south of Cherry Road in the City of Massillon, presently on file in the office of the City Engineer, be and the same is hereby accepted and confirmed. This replatting was approved by the Planning Commission at the meeting held August 9, 2006.

Located on the south end of 15<sup>th</sup> Street, NW, which runs in a southerly direction from Cherry Road NW. Parts of Out Lot 90, located on the east side of 15<sup>th</sup> Street NW, south of Cherry Road in the City of Massillon, County of Stark and State of Ohio, to be replatted the two parcels at the end of 15<sup>th</sup> Street NW to create a third residential building lot. The applicants are Jack Jenkins and Paul Rowlands.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said dedication is urgently needed for proper community growth and hence immediately necessary for the preservation of the 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 \_\_\_\_\_ 2006

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

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

[illegible]

DATE: SEPTEMBER 18, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 143 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Solid Waste Fund and the Wastewater Treatment Fund, for the year ending December 31, 2006, 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 Community Development Block Grant Program Fund for the year ending December 31, 2006, the following:

\$50,000.00 to an account entitled "Main Street Revitalization" 1203.845.2828  
\$20,000.00 to an account entitled "St. James Day Care Center" 1203.845.2865  
\$10,000.00 to an account entitled "Elderly Homemaker Program" 1203.845.2803  
\$10,000.00 to an account entitled "Western Stark Medical Clinic" 1203.845.2857  
\$ 8,000.00 to an account entitled "Family Living Center" 1203.845.2841  
\$ 8,000.00 to an account entitled "Domestic Violence Shelter" 1203.845.2858  
\$ 8,000.00 to an account entitled "Lighthouse Visions Program" 1203.845.2863  
\$ 5,000.00 to an account entitled "Housing Counseling Program" 1203.845.2802  
\$ 3,000.00 to an account entitled "Massillon Literacy Commission" 1203.845.2819  
\$ 3,000.00 to an account entitled "YWCA Tots Day Care" 1203.845.2854  
\$ 3,000.00 to an account entitled "Faith in Action Caregiver Program" 1203.845.2859  
\$ 2,000.00 to an account entitled "Entrance Ramp – Tusc. Elks Lodge" 1203.845.2866

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Fund for the year ending December 31, 2006, the following:

\$27,000.00 to an account entitled "Salary" 2102.605.2110  
\$13,000.00 to an account entitled "Gas & Oil" 2102.605.2430  
\$ 8,200.00 to an account entitled "PERS" 2102.605.2230  
\$ 500.00 to an account entitled "Solid Waste OVT" 2102.605.2119

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund for the year ending December 31, 2006, the following:

\$24,900.00 to an account entitled "Services & Contracts" 2101.610.2392

Section 4:

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 \_\_\_\_\_ 2006

ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

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

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

DATE: SEPTEMBER 18, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 144 - 2006

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, 2006. 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006

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

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

DATE: SEPTEMBER 18, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 145 - 2006

*passed*  
LEGISLATIVE DEPARTMENT

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2006 appropriations from within the General Fund for the year ending December 31, 2006, 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:

There be and hereby is transferred from the 2006 appropriation from within the General Fund, of the City of Massillon, Ohio, the following:

FROM:	Accumulated Sick Leave	1100.905.2150	\$75,970.56
TO	Disability & Pension Transfer	1100.305.2710	\$32,544.50
TO	Disability & Pension Transfer	1100.325.2710	\$25,006.06
TO	Law Director Staff	1100.115.2111	\$18,420.00

Section 2

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2006. 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 \_\_\_\_\_ 2006

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

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

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