

## AGENDA

DATE: MONDAY, OCTOBER 2, 2006

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DAVE MCCUNE ~~ABSENT~~
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. 146 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1ST READING*

AN ORDINANCE authorizing the Community Development Director to submit an amended budget to HUD which will include additional provisions concerning the hiring of an additional code enforcement officer through the Community Development Block Grant Program, and declaring an emergency.

ORDINANCE NO. 147 – 2006

BY: ENVIRONMENTAL COMMITTEE

*PASS B-O*

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with A J Diana Sons for the disposal of leaves, and declaring an emergency.

ORDINANCE NO. 148 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*PASS B-O*

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Jack Doheny Supplies to lease/purchase one Elgin sweeper, without competitive bidding, through pricing based on State Purchasing #776235C and approved by the Board of Control, and declaring an emergency.

ORDINANCE NO. 149 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*PASS B-O*

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 with the lowest and best bidder, upon the approval of the Board of Control for street improvements to Veterans Boulevard, Augusta Drive and Cyprus Drive, and declaring an emergency.

**ORDINANCE NO. 150 – 2006**

**BY: FINANCE COMMITTEE**

PASS 8-0

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Street Fund, TIF Service Payment Fund, Community Development Block Grant Program Fund, Summer Concert Fund and the General Fund, for the year ending December 31, 2006, and declaring an emergency.

**ORDINANCE NO. 151 – 2006**

**BY: FINANCE COMMITTEE**

PASS 8-0

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2006, and declaring an emergency.

**ORDINANCE NO. 152 – 2006**

**BY: FINANCE COMMITTEE**

PASS 8-0

**AN ORDINANCE** reducing the appropriation in the Legends Golf Fund of the City of Massillon, for the year ending December 31, 2006, and declaring an emergency.

**ORDINANCE NO. 153 – 2006**

**BY: FINANCE COMMITTEE**

1ST READING

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Street Fund, for the year ending December 31, 2006, and declaring an emergency.

**RESOLUTION NO. 20 – 2006**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

PASS 7-1 (TOWNSEND NO)

**A RESOLUTION** reversing the decision of the Massillon Zoning Board of Appeals made on September 14, 2006 wherein the Zoning Board of Appeals approved a home occupation in an RM-1 zoned district of the Massillon Zoning Code for proposed home occupation of a styling salon out of the residents at 2407 Lincoln Way NE, in 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). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR SEPTEMBER 2006

B). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2006

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 136 – 2006**

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

PASS 8-0

**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**

PASS 8-0

**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.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**16. NEW AND MISCELLANEOUS BUSINESS**

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

**18. ADJOURNMENT**

**MARY BETH BAILEY - CLERK OF COUNCIL**



DATE: OCTOBER 2, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 146 - 2006

*passed 10/16*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Community Development Director to submit an amended budget to HUD which will include additional provisions concerning the hiring of an additional code enforcement officer through the Community Development Block Grant Program, and declaring an emergency.

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

Section 1:

The Community Development Director is hereby authorized to submit an amended budget to HUD, said budget to include the additional sum of \$30,000.00 to enable the hiring of an additional code enforcement officer for the remaining 9 months of the CDBG Program year.

Section 2:

The following provision is hereby inserted into the amended CDBG Budget for the 2006 CDBG Program year, as further shown on the attached Exhibit "A".

<u>CITY CDBG ACTIVITIES</u>	<u>DESCRIPTION</u>	<u>AMOUNT ALLOCATED</u>
Housing Code Enforcement	Coded Enforcement in lower income Neighborhoods	\$75,000.00

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said amendment is necessary for the amended budget to be submitted to HUD and the funds be applied towards hiring an additional code enforcement officer through the CDBG Program Funding. 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.

*2<sup>nd</sup> page is the signature page*

FY 2006 CDBG PROGRAM - LIST OF PROPOSED PROJECTS

Project Name	Description	Amount Allocated 2006 *As amended
<b>CITY CDBG ACTIVITIES</b>		
City Housing Program	Housing Rehabilitation/Emergency Home Repair Program	\$215,000
* Housing Code Enforcement	Code Enforcement in lower income Neighborhoods	\$75,000
Demolition Program	Demolition of vacant, dilapidated structures	\$45,000
Target Area Street Program	Repaving of streets within designated low income residential neighborhoods	\$100,000
Planning, Administration, Fair Housing	CD Dept. Staff costs	\$125,000
Park & Recreation Dept. Summer Youth Program	Outreach Summer Youth Playground Program	\$10,000
<b>CITY PROJECTS TOTAL</b>		<b>\$570,000</b>
<b>LOCAL AGENCY PROJECTS</b>		
Massillon Main Street	Downtown Exterior Façade/Rehabilitation Program	\$50,000
St. James AME Zion Church	Installation of Outdoor Playground equipment for proposed Day Care Center	\$20,000
Westark Family Services	Homemaker services for elderly and/or handicapped residents	\$10,000
Western Stark Medical Clinic	Free medical clinic serving low income uninsured persons	\$10,000
Domestic Violence Project	Massillon Shelter Services for domestic violence victims	\$8,000
Community Services of Stark County	Family Living Center Homeless Shelter services	\$8,000
Lighthouse Visions Inc.	Basic life skills education for youth, including foster children	\$8,000
Greater Stark County Urban League	Housing Counseling Program/Rental, Mortgage Default Counseling	\$5,000
Massillon Commission to Advance Literacy	Adult Literacy Training Program	\$3,000
YWCA of Western Stark County	Child care services for low income families	\$3,000
Faith in Action of Western Stark County	In-home caregiver services for the ill, frail elderly and/or handicapped	\$3,000
Tuscarawas Elks Lodge #632	Installation of Handicap Accessible Ramp for building entrance	\$2,000
<b>LOCAL AGENCY PROJECTS</b>		<b>\$130,000</b>
<b>CDBG PROGRAM TOTALS (City Projects + Local Agency Projects)</b>		<b>\$700,000</b>
* Proposed Budget Change		
<b>CDBG PROGRAM FUNDING RESOURCES</b>		
CDBG Entitlement Grant from U.S. Dept. of HUD		\$749,597
Amount Reserved for Required Section 108 Loan Payment		-\$211,115
Estimated Program Income to be Received during Program Year		\$32,840
* Re-allocated CDBG Funding		\$128,678
<b>TOTAL FUNDING AVAILABLE</b>		<b>\$700,000</b>

DATE: OCTOBER 2, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 147 - 2006

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with A J Diana Sons 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 A J Diana Sons 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 A J Diana Sons for the disposal of leaves. The cost for the disposal of the leaves is not to exceed Twelve Thousand Dollars (\$12,000.00).

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 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.

*2<sup>nd</sup> Page is the signature page*

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason the City of Massillon enter into a contract with Jack Doheny Supplies, so that a Elgin sweeper may be lease/purchased for use by the Street 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 \_\_\_\_\_ 2006

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

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

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

DATE: OCTOBER 2, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 148 - 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Jack Doheny Supplies to lease/purchase one Elgin sweeper, without competitive bidding, through pricing based on State Purchasing #776235C and approved by the Board of Control, 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 with Jack Doheny Supplies to lease/purchase one Elgin sweeper, without competitive bidding, through pricing based on State Purchasing #776235C and approved by the Board of Control. The cost of said contract shall not exceed Ninety Thousand Dollars (\$90,000.00)

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract Jack Doheny Supplies to lease/purchase one Elgin sweeper, without competitive bidding, through pricing based on State Purchasing #776235C and approved by the Board of Control.

Section 3:

Upon delivery of the aforesaid agreement, 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 said agreement and the City Auditor is authorized and directed to honor and pay said vouchers.



DATE: OCTOBER 2, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 149 - 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFTY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into contract with the lowest and best bidder, upon the approval of the Board of Control for street improvements to Veterans Boulevard, Augusta Drive and Cyprus Drive, and declaring an emergency..

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into contract with the lowest and best bidder, upon the approval of the Board of Control for street improvements to Veterans Boulevard, Augusta Drive and Cyprus Drive.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, with the lowest and best bidder and enter into contract with the lowest and best bidder, upon the approval of the Board of Control for street improvements to Veterans Boulevard, Augusta Drive and Cyprus Drive.

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 bids be received so that work may be timely commenced on street improvements to Veterans Boulevard, Augusta Drive and Cyprus Drive. 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.

*2<sup>nd</sup> page is the signature page*

DATE: OCTOBER 2, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 150 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Street Fund, TIF Service Payment Fund, Community Development Block Grant Program Fund, Summer Concert Fund and the General 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 Street Fund, for the year ending December 31, 2006, the following:

\$100,000.00 to an account entitled "Street Salary" 1201.435.2110

Section 2:

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

\$53,102.80 to an account entitled "School District TIF Payments" 3109.905.2379

Section 3:

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:

\$45,000.00 to an account entitled "Demolition" 1203.845.2801

Section 4:

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

\$4,550.00 to an account entitled "Summer Concert Series" 1212.505.2392

Section 5:

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

\$2,100.00 to an account entitled "Fire Salaries" 1100.325.2110

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 \_\_\_\_\_ 2006

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

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

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

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

DATE: OCTOBER 2, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 151 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement 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 Capital Improvement Fund for the year ending December 31, 2006, the following:

\$19,780.00 to an account entitled "Street Sweeper Lease" 1401.435.2530

Section 2:

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: OCTOBER 2, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 152 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the Legends Golf Fund of the City of Massillon, 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:

The appropriations are hereby reduced in the Legends Golf Fund, for the year ending December 31, 2006, as follows:

\$10,000.00 from an account entitled "Salaries" 2104.920.2110

\$ 5,000.00 from an account entitled "Services/Contracts" 2104.920.2392

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 and for the additional reason that the appropriation needs to be reduced because of an audit procedure. 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: OCTOBER 2, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 153 - 2006

*2nd reading 10/16*  
*passed 11/6/06*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Street 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 Street Fund for the year ending December 31, 2006, the following:

\$100,000.00 to an account entitled AStreet Salary@ 1201.435.2110

Section 2:

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: OCTOBER 2, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 20 - 2006

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on September 14, 2006 wherein the Zoning Board of Appeals approved a home occupation in an RM-1 zoned district of the Massillon Zoning Code for proposed home occupation of a styling salon out of the residents at 2407 Lincoln Way NE, in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on September 14, 2006 approved the home occupancy from the Massillon Zoning Code in Case No. 1212; and

WHEREAS, on September 20, 2006 and September 21, 2006, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Dolores Paulick and Carl Oser, appealing the decision in Case No. 1212 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 14, 2006 and hereby determines that the request for the home occupation 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 home occupation, 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.

*2<sup>nd</sup> page is the signature page*