

AGENDA

DATE: MONDAY, MARCH 19, 2007

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TONY TOWNSEND
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. 36 – 2007

BY: PARKS AND RECREATION COMMITTEE

Passed.
9/10 **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 highest and best bidder for the operation of the concession stands at the Genshaft and Community Parks, and an emergency.

ORDINANCE NO. 37 – 2007

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Passed
9/1 **AN ORDINANCE** accepting the replatting of Lots 3420 and 3422, located on the west side of 16th Street SE, just south of Walnut Road, and in addition, the plat includes a small amount of right-of-way dedication for 16th Street SE along both lots 3420 and 3422, 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. 38 – 2007

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Passed
9/10 **AN ORDINANCE** accepting the replatting of Parts of Out Lots 12, 13, 14; Lots 400 thru 406, 9249, 10888, 10889 and 10956; located on the west side of Tommy Henrich Drive NW, north of Lincoln Way West, and includes property to be dedicated for the right-of-way existing Tommy Henrich Drive NW, as well as needed utility easements, 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. 39 – 2007

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

Passed
7/10 **AN ORDINANCE** authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, with the lowest and best bidder for the Grosvenor/Lincoln Way West Signalization Project, and declaring an emergency.

ORDINANCE NO. 40 – 2007

BY: FINANCE COMMITTEE

Passed
7/10 **AN ORDINANCE** making certain appropriations from the unappropriated balance of the 1409 Municipal Road Fund, Wastewater Treatment Fund and the 1206 Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2007, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE TO WET-ONE INC DBA WEST END TAVERN 1407 TREMONT AVE SW 1ST FL & BSMT MASSILLON OHIO 44647

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2007
- B). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2007
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2007.
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2007
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2007
- F). MAYOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2007
- G). CANTON – STARK COUNTY CRIME LABORATORY ANNUAL REPORT FOR 2006

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. 29 – 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

2nd reading

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement for the sale of the Armory property located at 1974 Harsh Avenue SE, to the Massillon City Board of Education, and declaring an emergency.

ORDINANCE NO. 30 – 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

2nd

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Massillon City Board of Education, and declaring an emergency.

ORDINANCE NO. 31 – 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

Passed

9/0

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

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: March 19, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 36 - 2007

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and to enter into a contract, upon award and approval of the Board of Control, with the highest and best bidder for the operation of the concession stands at the Genshaft and Community Parks, 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, receive sealed bids according to law and to enter into a contract, upon award and approval of the Board of Control, with the highest and best bidder for the operation of the concession stands at the Genshaft and Community Parks.

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, receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the highest and best bidder the operation of the concession stands at the Genshaft and Community Parks.

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 for the more efficient operation of concession stands at the Genshaft and Community Parks. 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.

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DATE: MARCH 19, 2007 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 37- 2007

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the replatting of Lots 3420 and 3422, located on the west side of 16th Street SE, just south of Walnut Road, and in addition, the plat includes a small amount of right-of-way dedication for 16th Street SE along both Lots 3420 and 3422, 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 Lots 3420 and 3422, located on the west side of 16th Street SE, just south of Walnut Road, and in addition, the plat includes a small amount of right-of-way dedication for 16th Street SE along both Lots 3420 and 3422, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, is hereby accepted and confirmed. This replatting and dedication was approved by the Planning Commission at the meeting held January 10, 2007. The property being replatted is described as follows:

Being known as Lots 3420 and 3422, located on the west side of 16th Street SE, just south of Walnut Road. The plat splits Lot 3420 in half to form (2) new lots. In addition, the plat includes a small amount of right-of-way dedication for 16th Street SE along both lots 3420 and 3422. The applicant is Massillon Homes LLC.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said replatting is needed for the development for Massillon Homes LLC. The replatting must be approved 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.

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DATE: MARCH 19, 2007 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 38- 2007

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the replatting of Parts of Out Lots 12, 13, 14; Lots 400 thru 406, 9249, 10888, 10889 and 10956; located on the west side of Tommy Henrich Drive NW, north of Lincoln Way West, and includes property to be dedicated for the right-of-way of existing Tommy Henrich Drive NW, as well as needed utility easements, 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 Parts of Out Lots 12, 13, 14; Lots 400 thru 406, 9249, 10888, 10889 and 10956; located on the west side of Tommy Henrich Drive NW, north of Lincoln Way West, and includes property to be dedicated for the right-of-way of existing Tommy Henrich Drive NW, as well as needed utility easements, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, is hereby accepted and confirmed. This replatting and dedication was approved by the Planning Commission at the meeting held February 21, 2007. The property being replatted is described as follows:

Being known as Parts of Out Lots 12, 13, 14; Lots 400 thru 406, 9249, 10888, 10889 and 10956; located on the west side of Tommy Henrich Drive NW, north of Lincoln Way West. The request is to combine the existing lots together to form (1) new lot approximately 3.347 acres. This plat includes property to be dedicated for the right-of-way of existing Tommy Henrich Drive NW, as well as needed utility easements. The applicant is the City of Massillon.

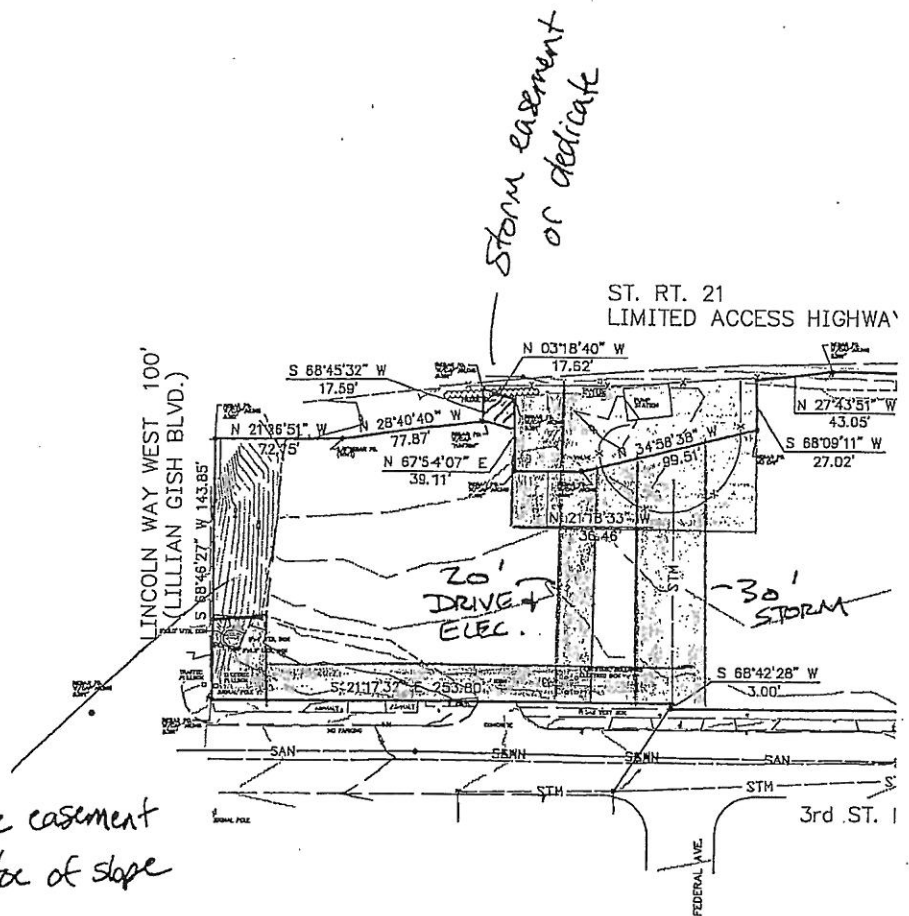
Section 2:

This Ordinance is declared to be an emergency measure for the reason that said replatting is needed for the development for Tommy Henrich Drive NW. The replatting must be approved 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.

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BASIS OF BEARING

S 21°17'32" E, THE NORTH R/W L OF D.L. #1020 AS RECORDED IN 1 STARK COUNTY PLAT RECORDS, A CITY G.I.S. SYSTEM.



slope easement
to toe of slope

trail easement
across front of lot?
no in R/W

CITY OF MASSILLON ZONING

B-3 ZONING

BUILDING SETBACK	50' FRONT (FOR R/W POST 1/1/1985) 100' FRONT (FOR R/W PRE 1/1/1985) 25' REAR 90' REAR (ADJACENT TO R-DISTRICT) 25' SIDE 90' SIDE (ADJACENT TO R-DISTRICT)
FLOOR SPACE AREA	N/A
LOT REQUIREMENTS	MIN. LOT AREA - 30,000 S.F. (0.689 AC.) MIN. LOT WIDTH AT BUILDING LINE 150 FEET
USES	
MAXIMUM BUILDING HEIGHT	SIX (6) STORIES OR EIGHTY (80) FEET
PARKING	ONE (1) SPACE PER 250 SQUARE FEET FLOOR AREA BUSINESS (LARGE DEVELOPMENT) SEE SECTION 1167.05 (b)
STORAGE	OUTDOOR DISPLAY OR OUTDOOR STORAGE SHALL NOT EXCEED TWENTY PERCENT (20%) OF THE GROUND FLOOR AREA OF THE PRINCIPLE BUILDING. (SEE SECTION 1167.07)

LEGAL DESCRIPTION

3RD ST. N.W. FROM THE REPLAT
100K PAGE OF THE
REFERENCED TO THE MASSILLON



VICINITY MAP
NOT TO SCALE

FLOOD ZONE DESIGNATION

DATA USED

CITY OF MASSILLON TAX MAPS
ALTA/ACSM LAND TITLE SURVEY BY ROBERT L. AKINS,
DATED OCTOBER 18, 2005.
REPLAT OF OULOT #1020, PLAT BOOK
PAGE OF THE STARK COUNTY PLAT RECORDS.
TITLE INSURANCE COMPANY,
TITLE COMMITMENT NO. CLE665
FOR LOT NO. 4, DATED AUGUST 19, 2005
DEEDS



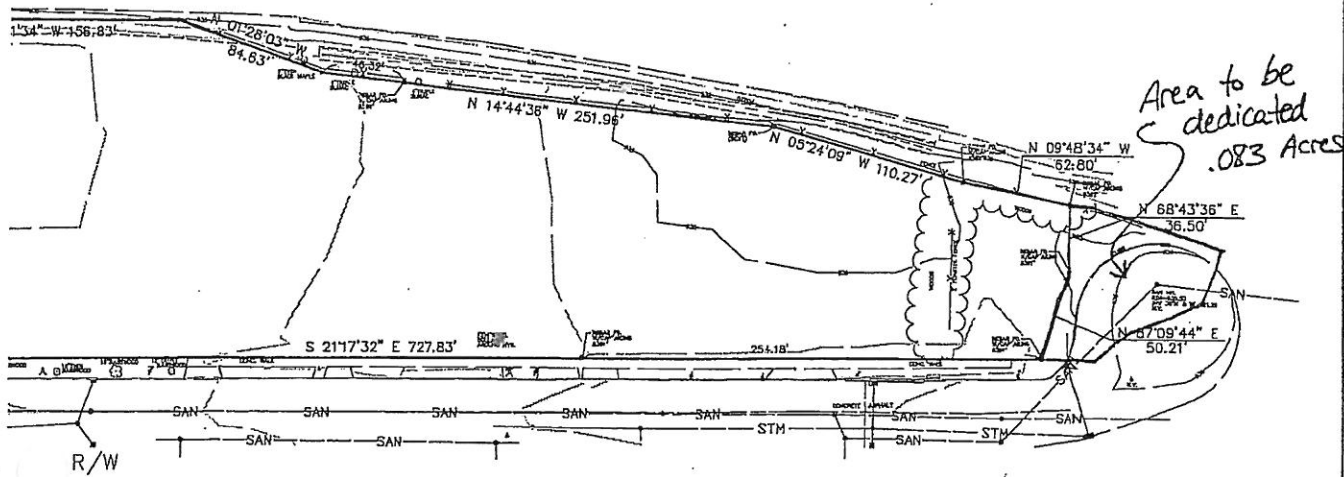
100
50
0
25
HORIZONTAL
SCALE IN FEET

DESIGNED DATE	DATE
2-8-07	2-8-07
CHECKED DATE	DATE
2-8-07	2-8-07
DESIGNED	DATE
2-8-07	2-8-07

ALTA/ACSM LAND TITLE SURVEY
MASSILLON REATAIL CAMPUS
CITY OF MASSILLON, OHIO
OULOT #1020 (3-3-7 AC)
STARK COUNTY, OHIO

SURVEY FOR
DEVILLE PROPERTIES
ALTA SURVEY

McCOY ASSOCIATES, INC.
CONSULTING ENGINEERS
388 S. MAIN STREET, SUITE 401
MASSILLON, OHIO 44861
(330) 364-9100



To RLP PARTNERS MACEDONIA, LLC; FIFTH THIRD BANK, NATIONAL CITY BANK,
RETAIL LEASE PROPERTIES, US TITLE AGENCY INC., CHICAGO TITLE INSURANCE
COMPANY:

This is to certify that this map or plat and survey on which it is based were made
in accordance with the "Minimum Standards Detail Requirements for ALTA/ACSM
Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005,
and includes Items 1, 2, 8, 10, and 13 of Table A thereof. Pursuant to the
Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of
this certification, undersigned further certifies that in my professional opinion, as a
land surveyor registered in the State of Ohio, the Relative Positional Accuracy of
this survey does not exceed that which is specified therein.

Date: _____

Signed: _____
Leland B. Dillworth, P.S. No. 7481

MONUMENT LEGEND

- (R.) RECORDED DISTANCE, BEARING, OR ANGLE
- (O.) OBSERVED DISTANCE, BEARING, OR ANGLE
- MONUMENT BOX FOUND
- IRON PINS TO BE SET IN CONCRETE
ARE 5/8" BY 30" REINFORCING RODS
WITH A CAP STAMPED
"LELAND B. DILLWORTH, P.S. 7481"
- UTILITY POLE
- LIGHT POLE

ALTA/ACSM LAND TITLE SURVEY

STARK COUNTY, OHIO
PT. O.L. 1020
CITY OF MASSILLON

DATE: MARCH 19, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 39 - 2007

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, with the lowest and best bidder for the Grosvenor/Lincoln Way West Signalization Project, 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, with the lowest and best bidder for the Grosvenor/Lincoln Way West Signalization Project.

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 for the Grosvenor/Lincoln Way West Signalization Project.

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 reason that it is necessary that bids be received so that work may be completed on the Grosvenor/Lincoln Way West Signalization Project. 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.

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DATE: MARCH 19, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 40 - 2007

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1409 Municipal Road Fund, Wastewater Treatment Fund and the 1206 Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2007, 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 1409 Municipal Road Fund, for the year ending December 31, 2007, the following:

\$100,000.00 to an account entitled "Lincoln Way West Project" 1409.435.2399

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund, for the year ending December 31, 2007, the following:

\$24,450.00 to an account entitled "Services/Contracts" 2101.610.2392

Section 3:

There be and hereby is appropriated from the unappropriated balance of the 1206 Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2007, the following:

\$16,000.00 to an account entitled "Storm Sewer Repair" 1206.425.2510

\$ 2,000.00 to an account entitled "Storm Sewer Repair" 1206.425.2510

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