

## AGENDA

DATE: MONDAY, MAY 7, 2007  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M. - 8:30

### THERE IS ONE PUBLIC HEARING TONIGHT ORDINANCE NO. 42 - 2007 AT 7:00PM REZONING FOR BALLINGER ESTATES

1. ROLL CALL *Mang EXCUSED*
2. INVOCATION BY COUNCILWOMAN JAYNE FERRERO
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. 50 - 2007**

#### **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*1ST READING*

*PUBLIC HEARING: JUNE 4th - 6:30 PM*

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from B-3 General Business and I-1 Light Industrial to B-2 Central Business District.

#### **ORDINANCE NO. 51 - 2007**

#### **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*1ST READING*

*PUBLIC HEARING: JUNE 4th - 6:35 PM*

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from RM-1 Multiple Family Residential to B-2 Central Business District.

#### **ORDINANCE NO. 52 - 2007**

#### **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*1ST READING*

*PUBLIC HEARING: JUNE 4th - 6:50 PM*

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from RM-1 Multiple Family Residential to B-1 Local Business.

#### **ORDINANCE NO. 53 - 2007**

#### **BY: ENVIRONMENTAL COMMITTEE**

*PASS 8-0*

**AN ORDINANCE** accepting the replatting of Lots 17112, 17113, 17114, 17115, 17116 and 17117, located on the north side of Hankins Road NE, west of Valerie Avenue, and including the dedication of a 20 foot drainage easement, 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. 54 - 2007**

#### **BY: ENVIRONMENTAL COMMITTEE**

*PASS 8-0*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to vacate the existing 10 foot wide sanitary sewer easement and dedicate a new 25 foot wide easement located on Parts of Out Lot 378, between 16<sup>th</sup> Street SE and 20<sup>th</sup> Street SE, north of Harsh Avenue, and declaring an emergency.

DATE: MAY 7, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 50 - 2007

LEGISLATIVE DEPARTMENT

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1st reading  
2nd reading 5/21  
passed 6/4/07*

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from B-3 General Business and I-1 Light Industrial to B-2 Central Business 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 B-3 General Business and I-1 Light Industrial to B-2 Central Business District. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on April 11<sup>th</sup>, 2007 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 B-2 Central Business District.

Being known as Part of Out Lot 1020, located on the west side of Tommy Henrich Dr NW. The applicant is the City of Massillon. The applicant intends to convey this property for private commercial development as part of the Lincoln Center Phase III Project. The total project site is 3.347 acres.

Section 3:

This ordinance 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*

MASSILLON MAP 23E

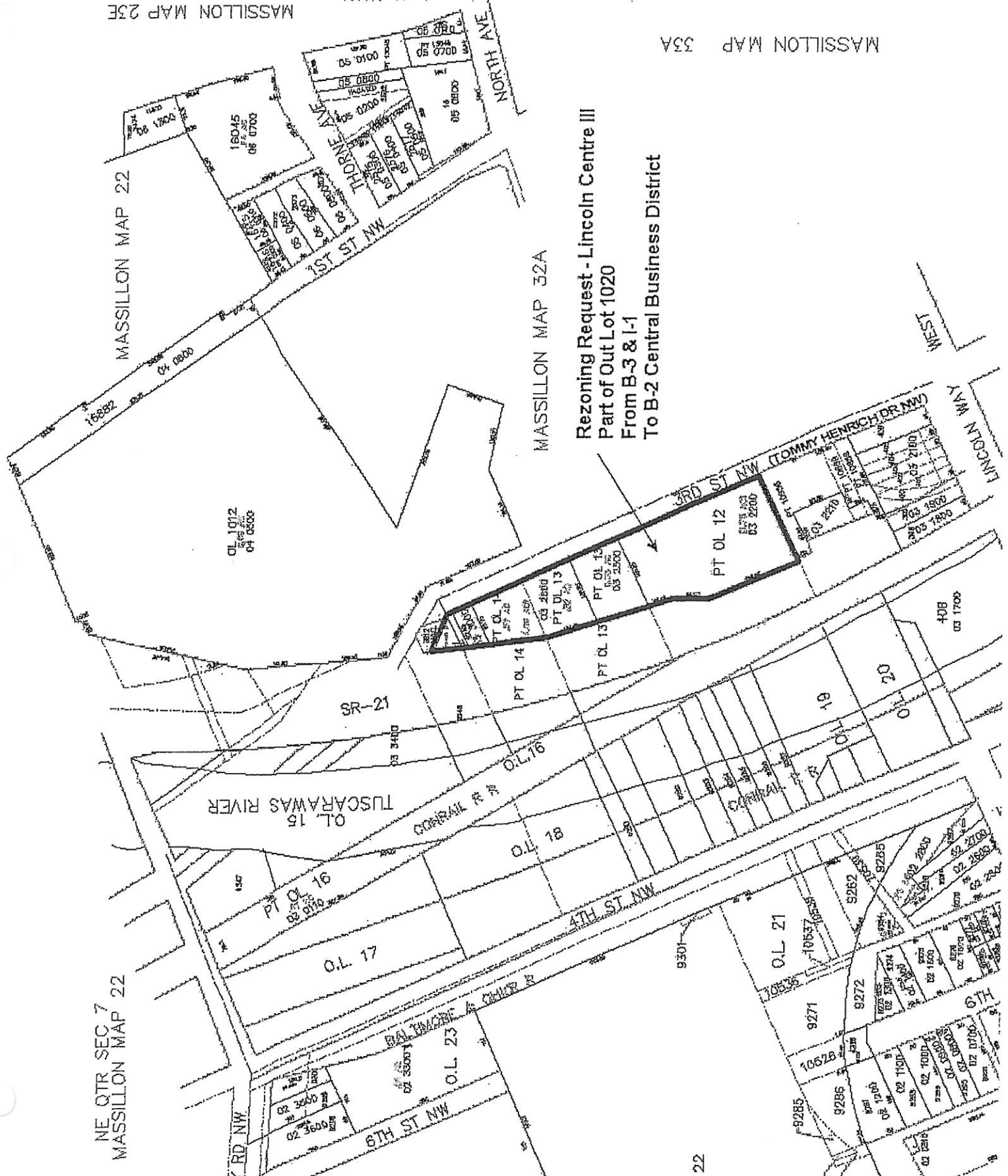
MASSILLON MAP 33A

MASSILLON MAP 22

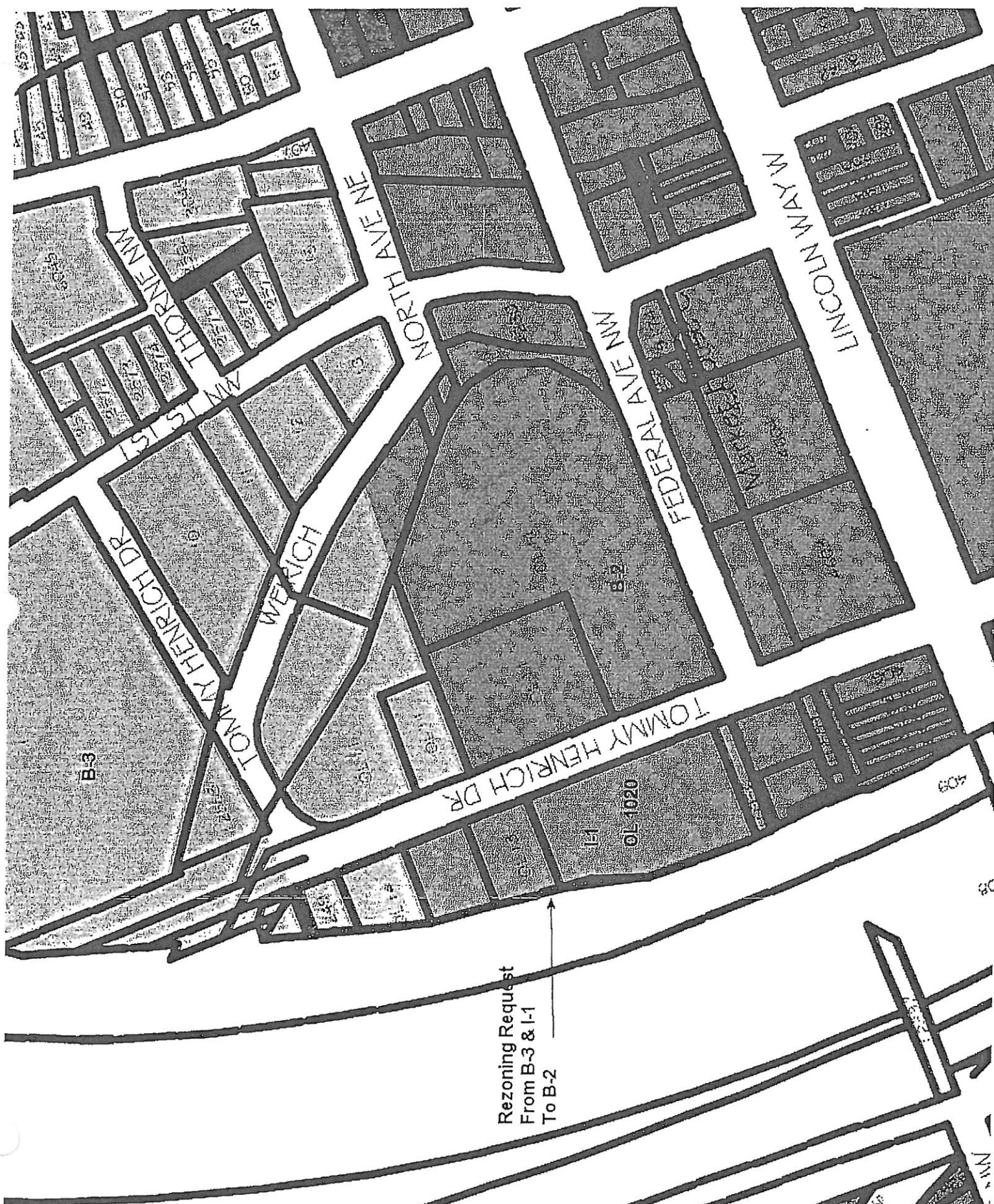
MASSILLON MAP 32A

Rezoning Request - Lincoln Centre III  
Part of Out Lot 1020  
From B-3 & I-1  
To B-2 Central Business District

NE QTR SEC 7  
MASSILLON MAP 22







Rezoning Request  
From B-3 & I-1  
To B-2



DATE: MAY 7, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 51 - 2007

*1st reading*  
LEGISLATIVE DEPARTMENT

*2nd reading 5/7/07*  
*Passed 6/4/07*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from RM-1 Multiple Family Residential to B-2 Central Business 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 RM-1 Multiple Family Residential to B-2 Central Business District. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on April 11<sup>th</sup>, 2007 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 B-2 Central Business District.

Being known as Lots 369, 370, 371, 375 and 376, located on the block bounded by Federal Avenue NE, 3<sup>rd</sup> Street NE, North Avenue NE and 4<sup>th</sup> Street NE. The applicant is Mike Boylan. The applicant proposes a development of 13 residential townhouses with possible mixed business uses. The total project site is 0.46 acres.

Section 3:

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

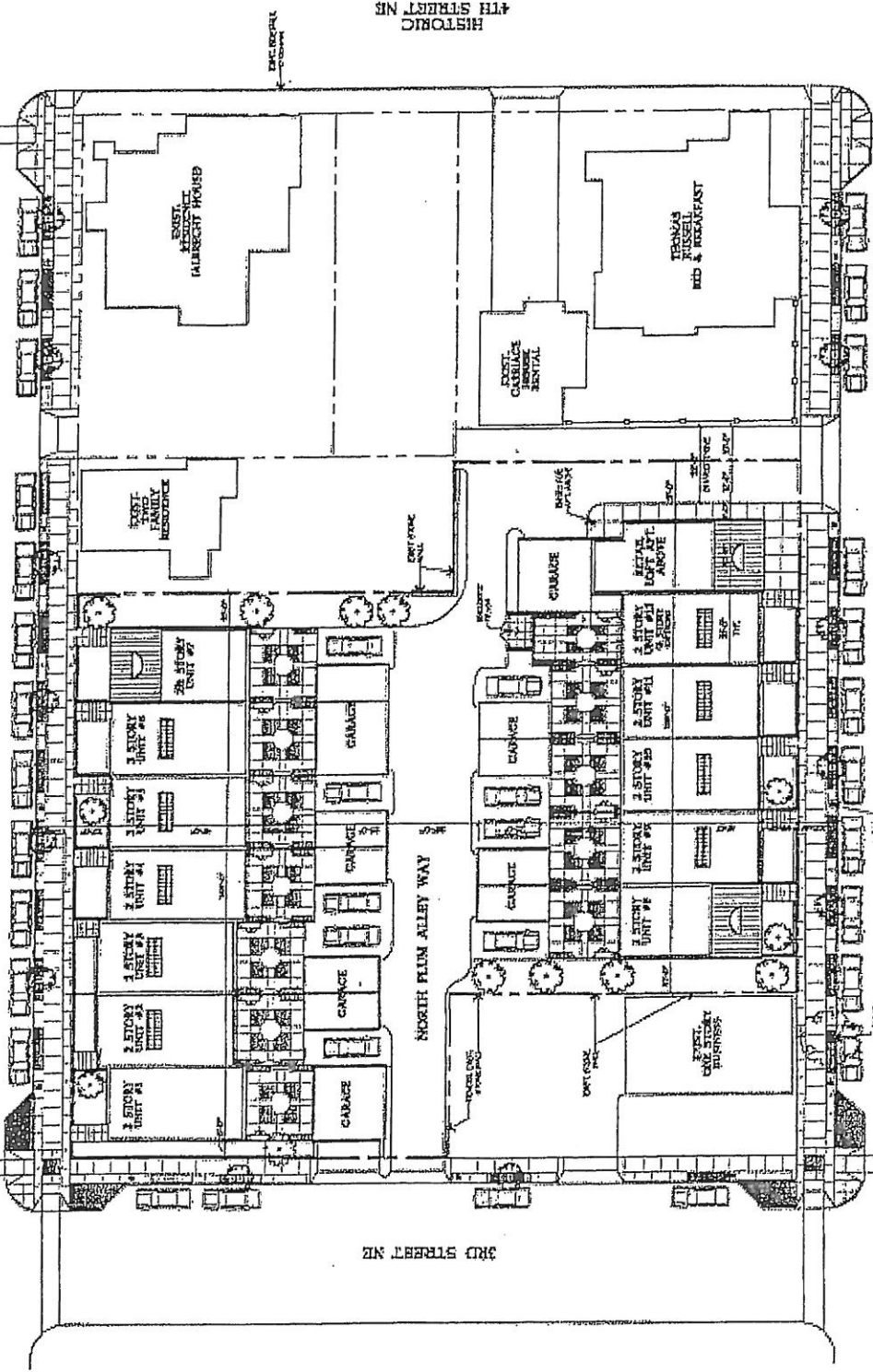
*2<sup>nd</sup> page is the signature page*



Rezoning Request  
From RM-1 to B-2

3RD

NORTH AVENUE NE



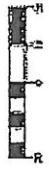
4TH STREET NE  
HISTORIC

3RD STREET NE

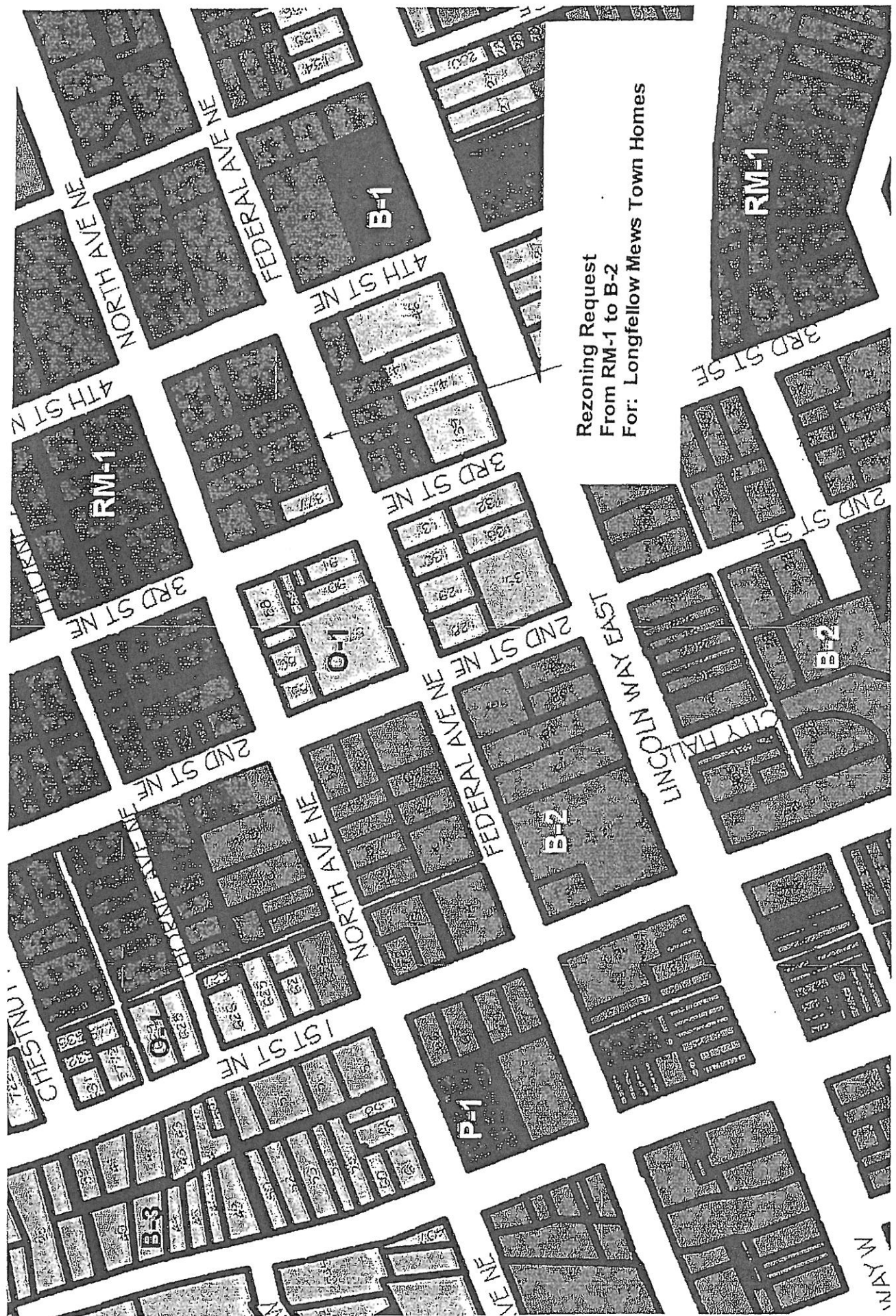
FEDERAL AVENUE NE

# LONGFELLOW MEADOWS

SITE PLAN  
SCALE 1" = 20'







DATE: MAY 7, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 52 - 2007

*1st reading*  
LEGISLATIVE DEPARTMENT

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from RM-1 Multiple Family Residential to B-1 Local Business.

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 overturn and modify the recommendation of the Planning Commission and change the designation of the area set forth in Section 2 hereof from RM-1 Multiple Family Residential to B-1 Local Business. Said rezoning was denied by the Planning Commission of the City of Massillon, Ohio, on April 11<sup>th</sup>, 2007 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 B-2 Local Business.

Being known as Lots 4332 thru 4339, located on the south side of Lincoln Way East between 22<sup>nd</sup> Street SE and 23<sup>rd</sup> Street SE. The applicant is Carl Oser. The applicant proposes a commercial development. The total project site is 1.81 acres.

Section 3:

Provided it receives the affirmative vote of seven of the elected members of Council, this ordinance 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*

213 AC

The map displays several streets and their associated lots:

- 21ST ST SE**: Lots 4328, 4329, 4330, 4331, 4344, 4345, 4346, 4347, 4348, 4349, 4350, 4351.
- 22ND ST SE**: Lots 4332, 4333, 4334, 4335, 4336, 4337, 4338, 4339, 4359, 4360, 4361, 4362, 4363, 4364, 4365, 4366, 4367.
- 23RD ST SE**: Lots 4340, 4341, 4342, 4343, 4375, 4374, 4373, 4372, 4371, 4370, 4369.

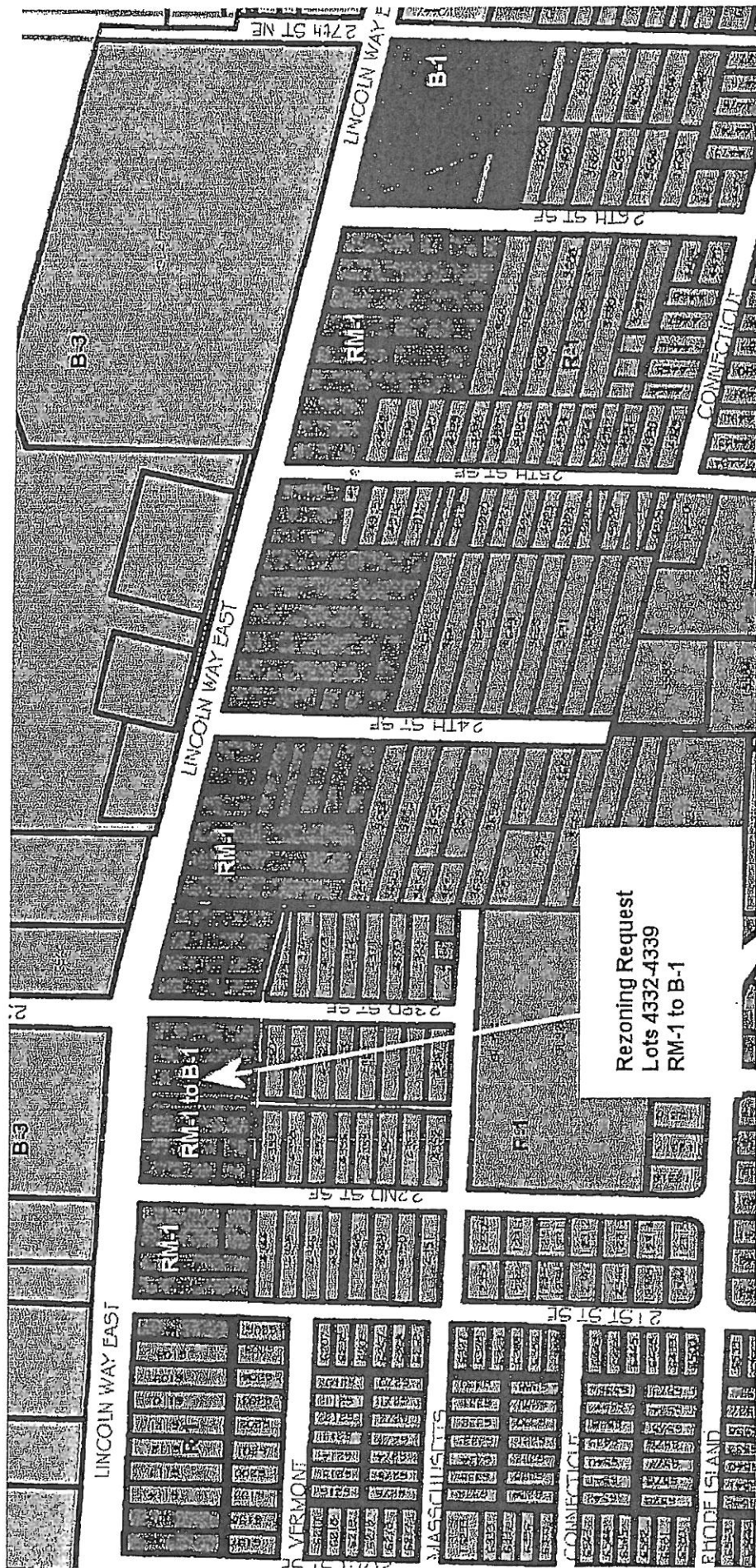
A specific parcel, located between 22nd St SE and 23rd St SE, is highlighted with a thick black border. An arrow points to this parcel from the right side of the map. This parcel is labeled with the number 4334 and has dimensions of 160 by 100 feet.

MASSACHUSETTS AVE SE

Rezoning Request - Lots No. 4332 - 4339  
From RM-1 to B-1

05.02 12350	05.03 12309
05.07 12349	05.07 12310
05.07 12348	05.07 12311





Rezoning Request  
Lots 4332-4339  
RM-1 to B-1

DATE: MAY 7, 2007 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 53- 2007

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE accepting the replatting of Lots 17112, 17113, 17114, 17115, 17116 and 17117, located on the north side of Hankins Road NE, west of Valerie Avenue, and including the dedication of a 20 foot drainage easement, 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:

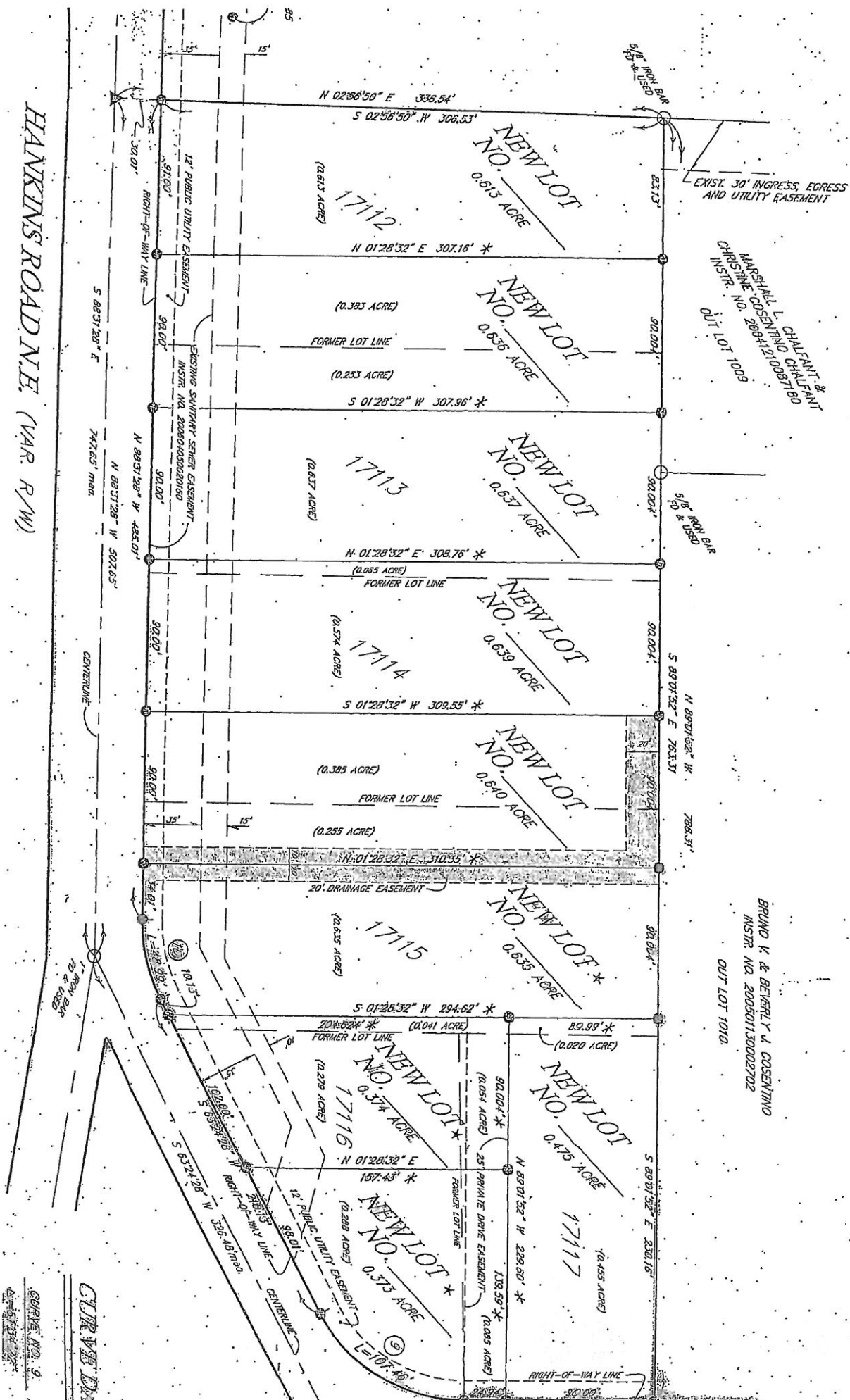
The replatting of Lots 17112, 17113, 17114, 17115, 17116 and 17117, located on the north side of Hankins Road NE, west of Valerie Avenue, is hereby accepted and including the dedication of a 20 foot drainage easement, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, is hereby accepted and confirmed. This replatting and dedication was approved by the Planning Commission at the meeting held March 14, 2007. The property being replatted is described as follows:

Being known as Lots 17112, 17113, 17114, 17115, 17116 and 17117, located on the north side of Hankins Road NE, west of Valerie Avenue, and including the dedication of a 20 foot drainage easement. The request is to replat the six (6) existing lots into nine (9) new residential lots. The applicant is Debbie Ferrante/Gino & Louisa Perciballi.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said replatting and dedication of the drainage easement are necessary and needed for the development of the area of Hankins Road NE and Valerie Avenue NE. The replatting is for property 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.

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



RECEIVED

MAY 01 2007

MB Bailey



DATE: MAY 7, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 54 - 2007

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to vacate the existing 10 foot wide sanitary sewer easement and dedicate a new 25 foot wide easement located on Parts of Out Lot 378, between 16<sup>th</sup> Street SE and 20<sup>th</sup> Street SE, north of Harsh Avenue, 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 vacate the existing 10 foot wide sanitary sewer easement and dedicate a new 25 foot wide easement located on Parts of Out Lot 378, between 16<sup>th</sup> Street SE and 20<sup>th</sup> Street SE, north of Harsh Avenue.

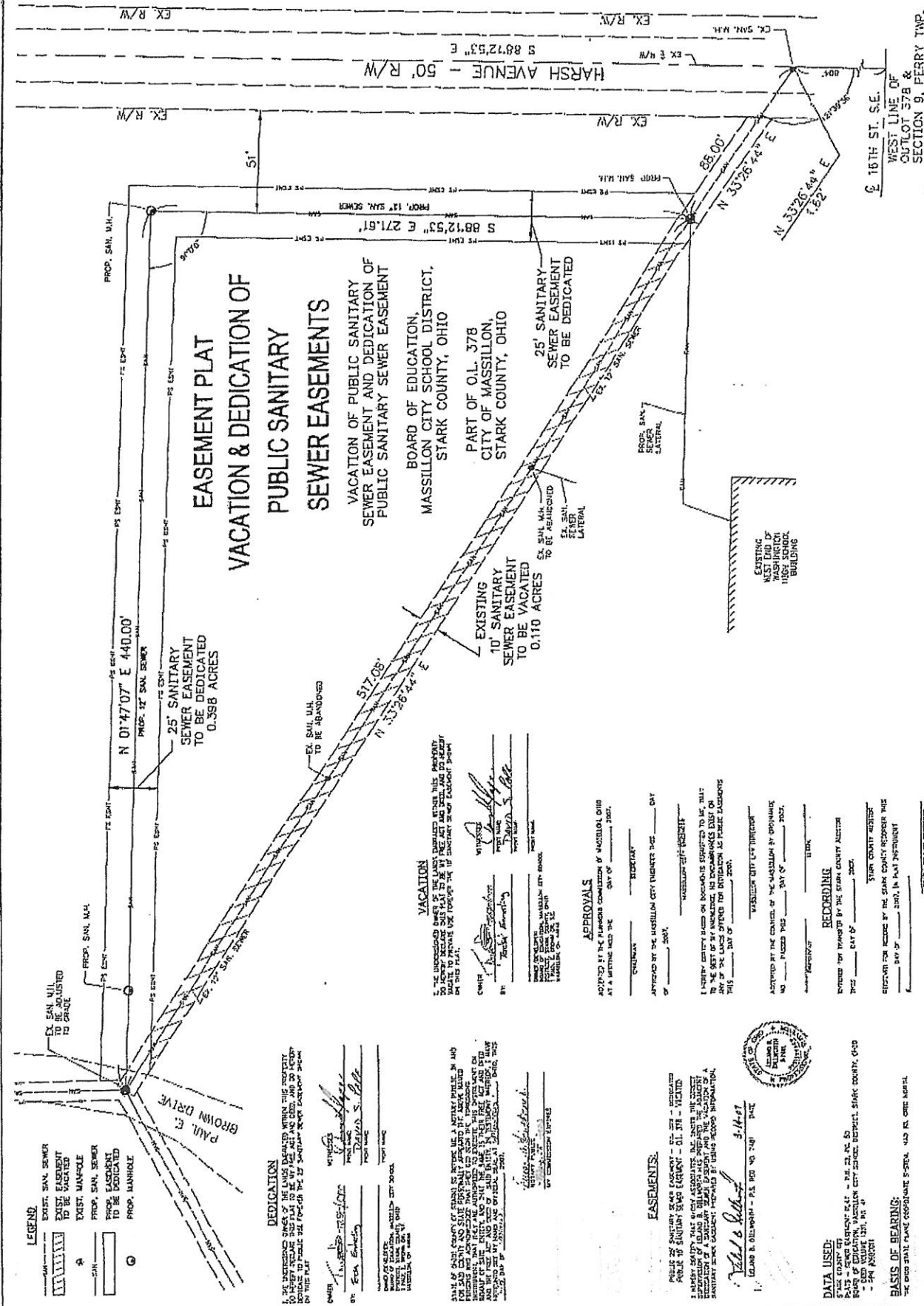
Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to vacate the existing 10 foot wide sanitary sewer easement and dedicate a new 25 foot wide easement located on Parts of Out Lot 378, between 16<sup>th</sup> Street SE and 20<sup>th</sup> Street SE, north of Harsh Avenue. The applicant is Massillon City Board of Education/City of Massillon. The property is zoned R-1 Single Family Residential.

Section 3:

That this Ordinance is hereby declared to be an emergency measure for the reason that this easement is needed to complete the conveyance of the former Armory property to the Massillon City Board of Education from the City of Massillon. 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: MAY 7, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 55 - 2007

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Waikem Auto Group for the lease/purchase of six (6) 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 enter into contract with Waikem Auto Group for the lease/purchase of six (6) 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 enter into contract with Waikem Auto Group for the purchase of six (6) police cruisers for the Massillon City Police Department. The total cost of the six (6) police cruisers will be Fifty-Seven Thousand Four Hundred Ninety-One Dollars and Five Cents (\$57,491.05) per year for three years with first payment due after June 4<sup>th</sup>, 2007.

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 much needed police cruisers can be purchased. 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: MAY 7, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 56 - 2007

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the replatting of Parts of Out Lots 344, located on the south side of Hankins Road NE, east of Phillips Road and dedicate the existing right-of-way for Hankins 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 Parts of Out Lots 334, located on the south side of Hankins Road NE, east of Phillips Road and dedicate the existing right-of-way for Hankins Road, 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 April 11, 2007. The property being replatted is described as follows:

Being known as Parts of Out Lots 344, located on the south side of Hankins Road NE, east of Phillips Road. The request is to split a 0.031 acre tract and combine it with the neighboring lot; replat both lots with new lots numbers and dedicate the existing right-of-way for Hankins Road. The applicant is Victoria Spuhler/John and Patricia Racin. The property is zoned R-1 Single Family Residential.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said replatting is needed to adjust the side lot line between the two lots due to an existing garage found to be over the current lot line. 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*

