

**MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
GLENN E. GAMBER, PRESIDENT**

AGENDA

**DATE: MONDAY, JANUARY 5, 2009
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.**

**THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 147 – 2008 AT 7:00PM REZONING**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN DONNIE PETERS**
- 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. 1 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Tuscarawas Township, and declaring an emergency.

ORDINANCE NO. 2 – 2009

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Muni. Motor Vehicle License Plate Fund and the Street Construction Fund, for the year ending December 31, 2009, 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 DECEMBER 2008**
 - B). AUDITOR SUBMITS MONTHLY REPORT FOR DECEMBER 2008**
 - C). MAYOR SUBMITS MONTHLY REPORT FOR NOVEMBER 2008**
 - D). MAYOR GIVES STATE OF THE CITY ADDRESS TO COUNCIL**
- 11. REPORTS OF COMMITTEES**
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER**
- 13. CALL OF THE CALENDAR**

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 147 – 2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

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 P-1 Vehicular Parking.

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: JANUARY 5, 2009

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 1 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Tuscarawas Township, and declaring an emergency.

WHEREAS, a petition to annex certain land in Tuscarawas Township to the corporation limits of the City of Massillon, Stark County, Ohio, was approved by the Board of County Commissioners on April 16, 2008 and the Stark County Court of Common Pleas on October 22, 2008, and

WHEREAS, the corporation limits of the City of Massillon, Ohio, have been enlarged since the approval of the Board of County Commissioners through the annexation of 9.977 acres of land comprising a part of Tuscarawas Township, and

WHEREAS, these annexed lands are still shown as a part of Tuscarawas Township and the County Commissioners must amend the boundaries.

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 the corporation limits of the City of Massillon includes 9.977 acres of land which is part of Tuscarawas Township, Stark County, Ohio, and that it will be in the public interest of the City to have the boundaries of said Tuscarawas Township changed by excluding this 9.977 acres of land from said Tuscarawas Township and adding this 9.977 acres of land to the City of Massillon within the corporation limits of the City.

Section 2:

The Board of County Commissioners of Stark County, Ohio, are hereby petitioned under authority of Section 503.07 Ohio Revised Code, to change the Township boundaries of Tuscarawas Township and the City of Massillon, all in Stark County, Ohio, by excluding from said Tuscarawas Township by adding to said City of Massillon the respective areas thereof which are presently located within the corporation limits of the City of Massillon, Ohio, which areas are described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 3:

That attached hereto and made a part of this ordinance is one (1) map covering the tract of land described in Section 2 of this ordinance.

Section 4:

That the Board of County Commissioners of Stark County, Ohio, are hereby petitioned under the authority of Section 503.07, Ohio Revised Code, to add the 9.977 acres of land described in Section 2 of this ordinance to the City of Massillon, Stark County, Ohio.

Section 5:

That upon passage of this ordinance the Clerk of Council is directed to forward a certified copy thereof and the attached map, together with an authenticated copy of the proceedings relating thereto, to the Board of County Commissioners of Stark County, Ohio.

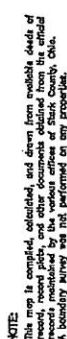
Section 6:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of this community and for the further reason that the timely resolution of its subject matter is essential for making the boundary lines of Tuscarawas Township conform with the corporation lines of the City of Massillon, Ohio. 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 _____ 2009

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR



**PETITION
BY CITIZENS FOR THE MANSON ANNEXATION
TO THE CITY OF MASSILLON, OHIO**

TO THE COMMISSIONERS OF STARK COUNTY, STATE OF OHIO:

We, the undersigned, being a majority of the adult owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Massillon, Massillon Township, County of Stark, State of Ohio:

Situated in the Township of Tuscarawas, County of Stark, and State of Ohio and known as and being part of the Northwest Quarter of Section 12; T-12, R-10, and further described as follows:

Beginning at a county monument at the northeast corner of the Northwest Quarter of Section 12, Tuscarawas Township; thence southwesterly along said quarter section line S 02° 11' 28" W, 762.86 feet to a point, which is the southerly line of a parcel formerly known as the Wheeling and Lake Erie Railroad line, and currently owned by the City of Massillon, and being the True Place of Beginning for the land hereinafter described;

Thence southwesterly along said quarter section line, also being the corporation line of the City of Massillon, S 02° 11' 28" W, 750.29 feet to a point;

Thence southwesterly along said corporation line, S 84° 57' 40" W, 632.58 feet to a point, said point also being on the centerline of Bison Avenue NW (TR 344);

Thence northeasterly along said centerline, N 15° 39' 57" E, 914.44 feet to a point;

Thence northeasterly continuing along said centerline, N 09° 18' 52" E, 40.81 feet to a point, said point being the southerly line of a parcel of land formerly owned by the Wheeling and Lake Erie Railroad and currently owned by the City of Massillon;

Thence southwesterly along the southerly line of said City of Massillon parcel, said line also being the corporation line for the City of Massillon, S 74° 06' 05" E, 421.42 feet to the True Place of Beginning for the land hereinbefore described and containing 9.977 acres more or less, subject to all legal highways.

The bearings of the above description are based on the east line of the Northwest Quarter Section 12, Tuscarawas Township, S 02° 11' 28" W, as recorded in Instrument # 200706270035186 of the Stark County Official Records.

Jason Haines, 6141 Shepler Church Avenue, S.W., Navarre, Ohio, 44662 is hereby appointed agent for the undersigned petitioners as required by ORC 709.02 with full power and authority hereby granted to said agent to amend, alter, change, withdraw, refile, substitute, and to take any action necessary for obtaining the granting of this petition. Said amendment, compromise, increase or deletion, or other things for granting this petition shall be made in the petition, description, and/or plat by said agent without further expressed consent of the petitioners.

DATE: JANUARY 5, 2009

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
GLENN GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 2- 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Muni Motor Vehicle License Plate Fund and the Street Construction Fund, for the year ending December 31, 2009, 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 Muni Motor Vehicle Plate Fund, for the year ending December 31, 2009, the following:

\$24,000.00 to an account entitled "Storm Sewer Repairs" 1206.425.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Street Construction Fund, for the year ending December 31, 2009, the following:

\$7,200.00 to an account entitled "Intersection Backups" 1201.435.2515

Section 3:

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.