

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

AGENDA

DATE: MONDAY, JULY 6, 2009  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN KATHY CATAZARO-PERRY
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. 83 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE amending CHAPTER 1113 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Section 1113 "FEES" and enacting a new Section 1113 "FEES".

ORDINANCE NO. 84 – 2009

BY: ENVIRONMENTAL COMMITTEE

PASS 9-0

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 the Neocom Sanitary Sewer Interceptor Project, and declaring an emergency.

ORDINANCE NO. 85 – 2009

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1ST READING

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 the 2008 CDBG-R Target Neighborhood Street Resurfacing Project, and declaring an emergency.

ORDINANCE NO. 86 – 2009

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1ST READING

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 the 2009 Street Resurfacing Project, and declaring an emergency.

**ORDINANCE NO. 87 – 2009**

**BY: FINANCE COMMITTEE**

*PASS 9-0*

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the WWT Capital Improvement Fund, Fire Damage Structures Fund and the General Fund, for the year ending December 31, 2009, and declaring an emergency.

**RESOLUTION NO. 9 – 2009**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*1ST READING*

**A RESOLUTION** reversing the decision of the Massillon Zoning Board of Appeals made on June 11, 2009, wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a proposed fence at 735 1<sup>st</sup> Street NE, on Lot No. 9241 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 JUNE 2009
- B). AUDITOR SUBMITS MONTHLY REPORT FOR JUNE 2009
- C). MAYOR SUBMITS MONTHLY REPORT FOR MAY 2009

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. 79 – 2009**

**BY: PUBLIC UTILITIES COMMITTEE**

*7-2 PASS (McCUNE, TOWNSEND)*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems, Corp., for one (1) parcel owned by the City of Massillon, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. 82 – 2009**

**BY: FINANCE COMMITTEE**

*2ND READING*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell to the highest bidder, according to law, various vehicles and/or equipment which is no longer needed for any municipal purpose, 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: JULY 6, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 83 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1113 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1113.06 "FEES" and enacting a new Section 1113.06 "FEES".

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

Section I:

Existing Section 1113.06 "FEES" is hereby repealed and there be and is hereby enacted a new Sections 1113.06 "FEES", of CHAPTER 1113 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon. Said newly enacted Sections shall read as follows:

1113.06 FEES.

(a) Filing fees in the amount fixed as follows shall be paid when the application is submitted.

- (1) Preliminary plat fees: 100.00 plus \$4.00 per lot
- (2) Final plat fees: 100.00 plus \$4.00 per lot
- (3) Preliminary plan time extension fee: \$25.00
- (4) Preliminary plat resubmitted fee: Where the approved preliminary plan has not been changed but the approval period has expired, the fee shall be one-half the preliminary plan fees.

The filing fee shall be paid in local tender or by check or money order made payable to the City of Massillon and deposited with the Planning Department.

No plat shall be considered filed until the above fees have been so deposited.

(b) Plan Checking and Field Inspection Fees. At the time such plans, profiles, and specifications are submitted for review, the City Engineer shall prepare an estimate of cost for office checking of all improvement plans. The subdivider shall thereupon deposit with the City an amount of money equal to such estimated cost. All work done by the Engineer in connection with checking, computing and correcting such plans for improvements shall be charged against such deposit. Plan checking fee shall be based upon the following schedule:

\$200.00 plus \$50.00 per Acre for the initial review.  
\$200.00 for each additional review. Major field changes involving extra work or material may require a recalculation of the fees at the discretion of the City Engineer.

The subdivider shall also pay to the City a fee to defray the cost of field inspection of the improvements. The inspection fee shall be determined by the City Engineer based upon the following schedule:

Flat fee of 1% of the estimated construction cost. Said fee shall be calculated using the engineer's itemized cost estimate and shall be the same cost estimate used in calculating the performance bond amount as required in Section 1113.02. Major field changes involving extra work or material may require a recalculation of the fees at the discretion of the City Engineer. Said additional extra work shall be billed to the developer at \$45.00/hr.

The subdivider is held responsible for inspection fees which will be payable upon commencement of improvements. The performance bond posted by the subdivider guarantees the payment of all inspection fees and no bonds will be released until all inspection fees have been paid in full.

(c) Recording Fees: The developer shall be responsible for any and all fees charged to the Stark County Auditor and Stark County Recorder regarding the recording and transfer of the final plat and related documents.

Section 2:

This ordinance 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

DATE: JULY 6, 2009

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 84 - 2009

BY: ENVIRONMENTAL 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 the Neocom Sanitary Sewer Interceptor Project, and declaring an emergency..

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

Section 1:

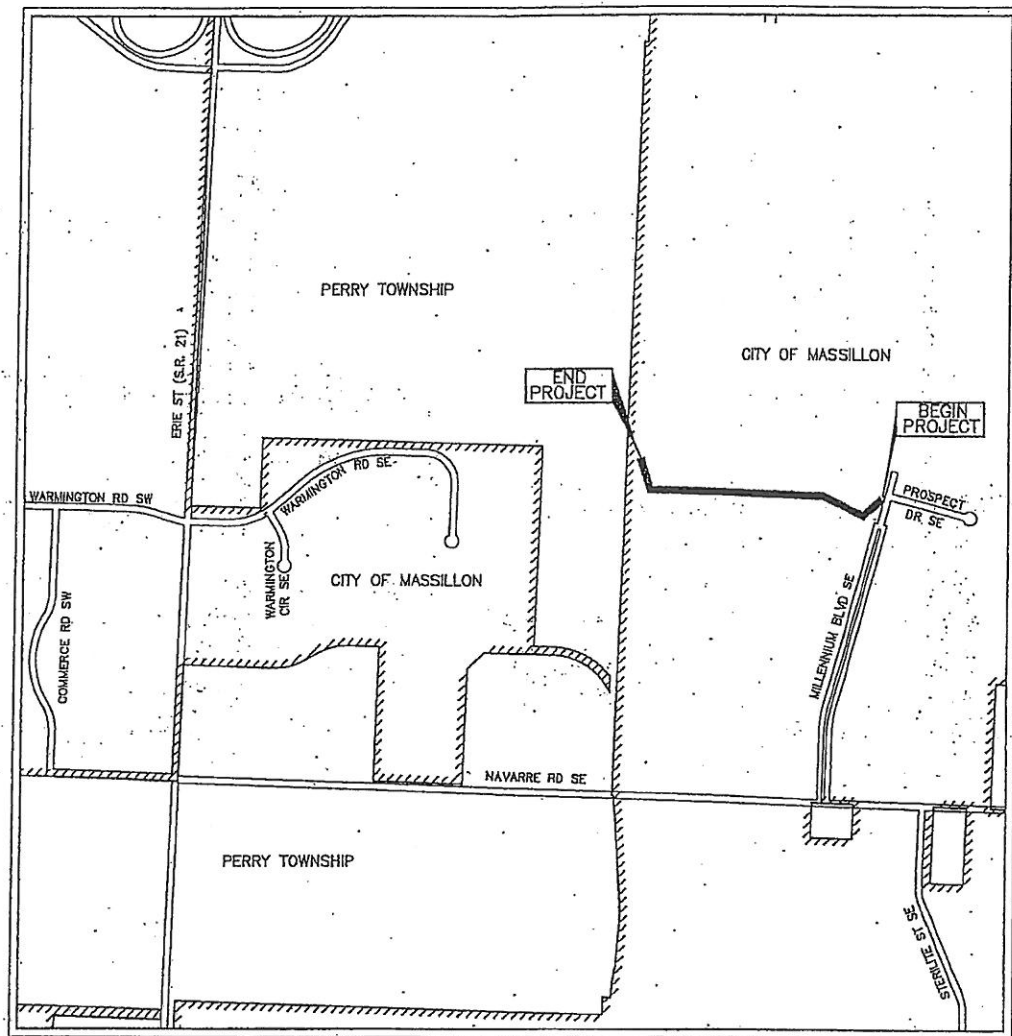
The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into contract with the lowest and best bidder, upon the approval of the Board of Control for the Neocom Sanitary Sewer Interceptor Project.

Section 2:

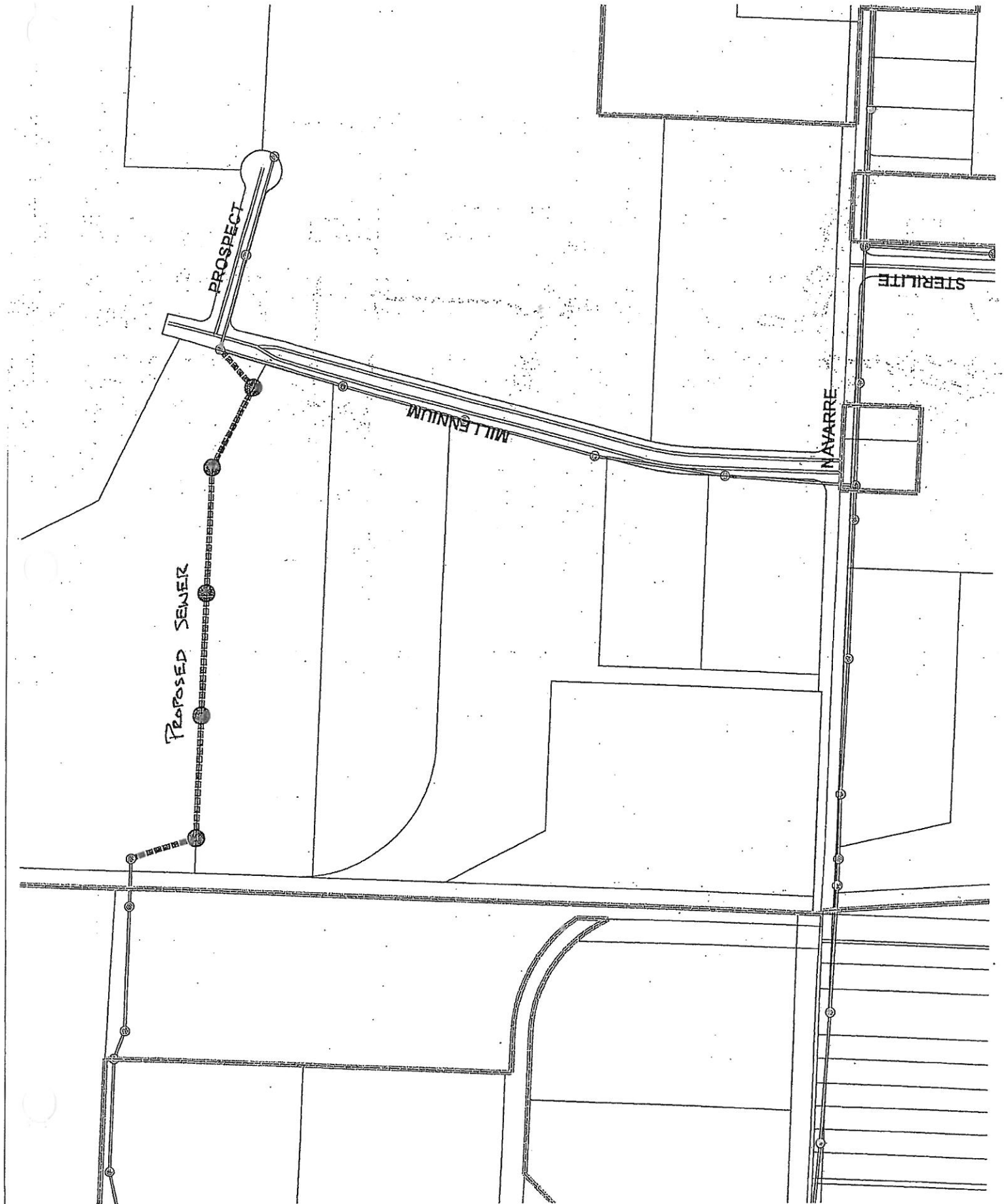
The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, with the lowest and best bidder and enter into contract with the lowest and best bidder, upon the approval of the Board of Control for the Neocom Sanitary Sewer Interceptor Project. The estimated cost is \$191,209.00. The city will be receiving \$95,000.00 in stimulus money to apply to this project with remaining monies coming from the Wastewater Capital Improvement Fund.

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 the Neocom Sanitary Sewer Interceptor 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.



LOCATION MAP



DATE: JULY 6, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st Reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 85 - 2008

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY 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 a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2008 CDBG-R Target Neighborhood Street Resurfacing Project in 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 in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2008 CDBG-R Target Neighborhood Street Resurfacing Project in the City of Massillon.

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, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2008 CDBG-R Target Neighborhood Street Resurfacing Project in the City of Massillon.

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 completed on the 2008 CDBG-R Target Neighborhood Street Resurfacing 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.

## 2008 TARGET STREET RESURFACING PROGRAM

WARD	STREET NAME	FROM	TO
2	Burton Ave NE	1st St NE	West of Erie Street
3	Massachusetts SE	16th St SE	19th St SE
3	Wallace Ave SE	10th St SE	Pine Ave SE
4	Beckman Av SE	3rd St SE	11th St SE
4	Fay St SE	Walnut Rd SE	Beckman SE
4	Marion Ave SE	Erie St	14th St SE
<b>Various Street Repairs</b>			
4	Johnson Ave SE	Walnut Rd SE	End
4	13th St SE	Walnut Rd SE	End

DATE: JULY 6, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 86 - 2009

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY 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 a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2009 Street Resurfacing Project in 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 in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2009 Street Resurfacing Project in the City of Massillon.

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, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2009 Street Resurfacing Project in the City of Massillon.

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 completed on the 2009 Street Resurfacing 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.

## 2009 STREET RESURFACING PROGRAM

WARD	STREET NAME	FROM	TO
1	Medill Avenue NE	Amherst Road NE	11 <sup>th</sup> Street NE
1	Parkview Street NE	State Avenue NE	Williams Avenue NE
1	Rotch Avenue NE	Wales Road NE	10 <sup>th</sup> Street NE

DATE: JULY 6, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO.87 – 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the WWT Capital Improvement Fund, Fire Damage Structures Fund and the General 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 WWT Capital Improvement Fund, for the year ending December 31, 2009, the following:

\$96,500.00 to an account entitled "Services/Contracts" 1406.615.2392

\$ 650.00 to an account entitled "Fees" 1406.610.2393

Section 2:

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

\$49,000.00 to an account entitled "Fire Damage Structures" 3107.905.2390

\$ 5,571.73 to an account entitled "Fire Disability & Pension Tr" 1100.325.2710

Section 3:

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

\$5,000.00 to an account entitled "Arbitration Services/Contracts" 1100.905.239A

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.

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

DATE: JULY 6, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 9 - 2009

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on June 11, 2009 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a proposed fence at 735 1<sup>st</sup> Street NE, on Lot No. 9241 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on June 11, 2009 approved a variance from the Massillon Zoning Code in Case No. 1238; and

WHEREAS, on June 15, 2009, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Raymond and Mary Lytle, appealing the decision in Case No. 1239 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 June 11, 2009 and hereby determines that the request for a variance 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 construction, 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.