DATE: MONDAY, MARCH 1, 2010

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3 Plants Of Albertain

PLACE: COUNCIL CHAMBERS

7:30 P.M.

1. POLL CALL

THERE IS ONE PUBLIC HEARING TONIGHT ORDINANCE NO. 12 - 2010 AT 7:00PM REZONING

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. ATROCUCTION OF CHARLES

ORDINANCE NO. 28 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

ST PRADING AN ORDINANCE amending CHAPTER 1121 "CONSTRUCTION OF LANGUAGE; DEFINITIONS", CHAPTER 1153 "R-1 Through R-4 ONE FAMILY RESIDENTIAL DISTRICTS" and CHAPTER 1163 "B-1 LOCAL BUSINESS DISTRICT" of the Codified Ordinances of the TCity of Massillon, by enacting new SubSections 1121.02(89) and (90) "DEFINITIONS" SubSections 1153.03(f)(4) "PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS" and 1163.02(k) "PRINCIPAL USES PERMITTED", and declaring an emergency.

ORDINANCE NO. 29 - 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - HEALTH DEPARTMENT of Ordinance No. 127 - 1997 by amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - HEALTH DEPARTMENT, and adding a 12S position classification under said section, in the City of Massillon, Ohio, and declaring an emergency

ORDINANCE NO. 30 - 2010 GT READ IN/S

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with B & B Restaurants, Ltd., to purchase the food and beverage service and related items, and declaring an emergency. Cilian Colar Borr Demin Sale dura proprie a un lun problem de la Colar dispeteración.

ORDINANCE NO. 31 - 2010 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY in a service service in appears with the passence for the transfer and

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 9th Street SW.... Resurfacing Project in the City of Massillon, and declaring an emergency

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ORDINANCE NO. 32 - 2010 BY: STREETS HIGHWAYS TRAFFIC & SAFETY

ST PERDING

AN ORDINANCE accepting the replatting of Lots 9563, 9564, 9565, 9566, 9567, 9568/16cated on the north side of Lincoln Way East, just west of Wales Road, and including the dedication of a small portion of right-of-way for Lincoln Way East, 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. 33 – 2010 BY: FINANCE COMMITTEE

ST PRADING.

AN ORDINANCE making certain transfers in the 2010 appropriations from within the Park & Recreation Fund, for the year ending December 31, 2010, and declaring an emergency

- St. Carrier Land

ORDINANCE NO. 34 - 2010 BY: FINANCE COMMITTEE

ISOUT GEODONOMILIES TREADING IS THE SECTION -Z - THASSIS SO IS AN ORDINANCE making certain appropriations from the unappropriated balance of the Park & Recreation: Fund and the Law Enforcement Trust Fund, for the year ending December 31 20 10 and being the market of the spanger of 2010 and declaring an emergency.

ORDINANCE NO. 35 - 2010 BY FINANCE COMMITTEE

AN ORDINANCE authorizing the Auditor to pay various 2009 bills that have been received and that will be received by her office between January 1, 2010 and March 31, 2010, out of the 2010 appropriations within the various departments of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 36 – 2010

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial to the transfer was been as the analysis of the conservices, 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 FEBRUARY 2010 24 12 2 2 2

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- 14. REPORTS OF COMMITTEES
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

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13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO 12 - 2010 BY COMMUNITY DEVELORMENT COMMITTEEN 30 PARLED TO 3 1 5 10

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to I-1 Light Industrial

ORDINANCE NO. 21 - 2010

BY: FINANCE COMMITTIES

VASS S-4 (MNA, RIGHS, MCCOWE, MANSON, HERSHETZ)

AN ORDINANCE appropriating money for current and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2010 and declaring an

emergency.

- O REASECOND READING ORDINANCES AND RESOLUTIONS SECOND PHADING OFFICE AND RESOLUTIONS SECOND PHADING PHADING OFFICE AND RESOLUTIONS SECOND PHADING PHADING
- 16. NEW AND MISCELEANEOUS BUSINESS
- REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA OF THE
- 18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

TO A PERSONAL PROPERTY OF THE PROPERTY OF THE

DATE: MARCH 1, 2010

CLERK:

MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 28 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1121 "CONSTRUCTION OF LANGUAGE; DEFINITIONS", CHAPTER 1153 "R-1 Through R-4 ONE FAMILY RESIDENTIAL DISTRICTS" and CHAPTER 1163 "B-1 LOCAL BUSINESS DISTRICT" of the Codified Ordinance of the City of Massillon, by enacting new SubSections 1121.02 (89) and (90) "DEFINITIONS", SubSections 1153.03 (f)(4) "PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS and 1163.02(k) "PRINCIPAL USES PERMITTED", and declaring an emergency.

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

Section I:

The existing Sections 1121.02 "DEFINITIONS", Sections 1153.03 "PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS and 1163.02 "PRINCIPAL USES PERMITTED" of CHAPTER 1121, CHAPTER 1153 and CHAPTER 1163 of the Codified Ordinances of the City of Massillon be and hereby are amended by the addition of additional SubSections specified below.

Section 2:

That there be and hereby is enacted new SubSections1121.02 (89) and (90) "DEFINITIONS", SubSections 1153.03(f)(4) "PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS and 1163.02(k) "PRINCIPAL USES PERMITTED" of CHAPTER 1121, CHAPTER 1153 and CHAPTER 1163 of the Codified Ordinances of the City of Massillon be and amended as follows:

(NEW AMENDED PROVISIONS ARE ATTACHED HERETO) TO THE PROVISIONS ARE ATTACHED HERETO

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 additional reason that these changes are needed in order for the city to have the ability to enforce various provisions of the zoning code. 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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PROPOSED AMENDMENTS TO MASSILLON CITY ZONING CODE

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SECTION 1121.02 DEFINITIONS

Add the following:

(89) "Golf Course" means a tract of land laid out for playing the game of golf and consisting of a minimum of nine (9) holes situated on said land. The land would also be improved with tees, greens, fairways, and hazards. Further, a golf course must be comprised of real estate in excess of five (5) acres of land. A "Miniature Golf Facility" or "Miniature Golf Course" is not a golf course as defined under this paragraph.

SIGNIFICATION SHOWS

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William Hally Berger

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(90) "Miniature Golf Course" is a miniature version of the sport of golf.

Miniature Golf Course is also known by the names: Mini Golf,
Midget Golf, Goofy Golf, Extreme Golf, Mini Putt, Putt Putt, and
other similar variations. Miniature Golf Course typically is built on a
parcel of real estate less than five (5) acres in size, is composed of
fake or artificial surfaces, grass, miniature obstacles, including
windmills, castles and wishing wells, and miniature hazards. A
Miniature Golf Course typically involves the use of one (1) club per
player and is played by putting on a series of artificial surfaces, golf
holes that are one-tenth (1/10) of the size of regular golf course
holes, and man made obstacles as part of the miniature golf course.

SECTION 1153.03 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS (R-1 through R-4)

1153.03(f) to be amended by adding a new subsection (4):

(4) A Miniature Golf Course is not a Golf Course and as such a Miniature Golf Course is not a principle use permitted subject to special conditions as defined herein.

SECTION 1163.02 PRINCIPAL USES PERMITTED (B-1 Local Business District)

Add the following:

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(k) Miniature Golf Courses

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CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

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LEGISLATIVE DEPARTMENT

ORDINANCE NO. 29 - 2010

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATIONELIST OF CLASS TITLES—
HEALTH DEPARTMENT of Ordinance No. 127 - 1997 by amending Section 2(D) OCCUPATION
LIST OF CLASS TITLES – HEALTH DEPARTMENT, and adding a 12S position classification under said section, in the City of Massillon, Ohio, and declaring an emergency.

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

Section I:

Section 2(D) OCCUPATION LIST OF CLASS TITLES – HEALTH DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby amended.

Section 2:

That a new 12S position is hereby created under OCCUPATION LIST OF CLASS TITLES – HEALTH DEPARTMENT of Ordinance No. 127 - 1997 and shall read as follows:

(SEE ATTACHMENT 'A' PAGE 1; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community that the establishment of the 12S position in the health department will allow for the hiring a licensed dietician in the WIC Division. This position will be funding solely through grant dollars with no general fund monies being used. 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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	148	CL	WIC Clinic Supervisor	.5
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	98	CL	WIC Clinic Assistant	
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	9S	UN	Code Enforcement Officer	1324
	8S - 10S		Youth Center Coordinator	
	6S	UN	Clerk Typist II	•

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 30 - 2010

passed 3/15

BY PARKS AND RECREATION COMMITTEE

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TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of the Massillon, Ohio, to enter into contract with B & B Restaurants; Ltd., to purchase the food and beverage service and related items, and declaring an emergency.

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

Section I:

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 B & B Restaurants, Ltd., to purchase the food and beverage service and all other operations at The Legends Golf Course currently operated by B & B Restaurants, Ltd.

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 B & B Restaurants, Ltd., to purchase the operations. The said contract is attached hereto as Exhibit "A".

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 contract be signed with B & B Restaurants, Ltd., as soon as possible once approved by the Recreation Board on February 24th, 2010 before the 2010 golf season begins. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be inforce 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.

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 31 - 2010

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 9th Street SW Control, 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 I:

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 9th Street SW 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 to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the 9th Street SW Resurfacing Project in the City of Massillon. The total estimated cost of the project is Two Hundred Nineteen Thousand Dollars (\$219,000.00), 50% will be funded through OPWC and the remaining 50% is anticipated through the Stark County Municipal Road 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 completed on the 9th Street SW 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.

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CLERK:

MARY BETH BAILEY

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

COUNCIL CHAMBERS

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LEGISLATIVE DEPARTMENT

ORDINANCE NO. 32 - 2010.

Assel 3/15

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEETREETS: MIGHWAYS, TRAPER

TITLE: AN ORDINANCE accepting the replatting of Lots 9563, 9564, 9565, 9566, 9567, 9568, located on the north side of Lincoln Way East, just west of Wales Road, and including the dedication of a small portion of right-of-way for Lincoln Way East, 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.

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

Section 1:

The replatting of Lots 9563, 9564, 9565, 9566, 9567, 9568, located on the north side of Lincoln Way East, just west of Wales Road, and including the dedication of a small portion of right-of-way for Lincoln Way East, 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 10, 2010. The property being replatted is described as follows:

Being known as Lots 9563, 9564, 9565, 9566, 9567, 9568, located on the north side of Lincoln Way East, just west of Wales Road, including the dedication of a small portion of right-of-way for Lincoln Way East, The request is to combine these parcels to create (1) new lot approximately 1.585.

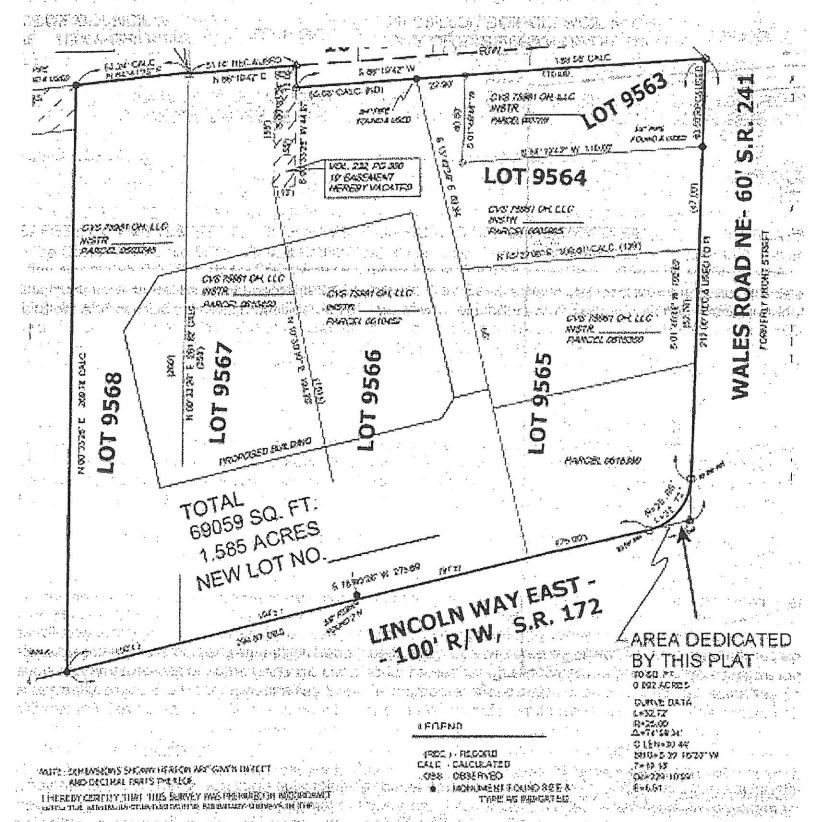
acres: Also included is the dedication of a small portion of right-of-way for Lincoln Way East. The property is currently zoned B-3 General Business.

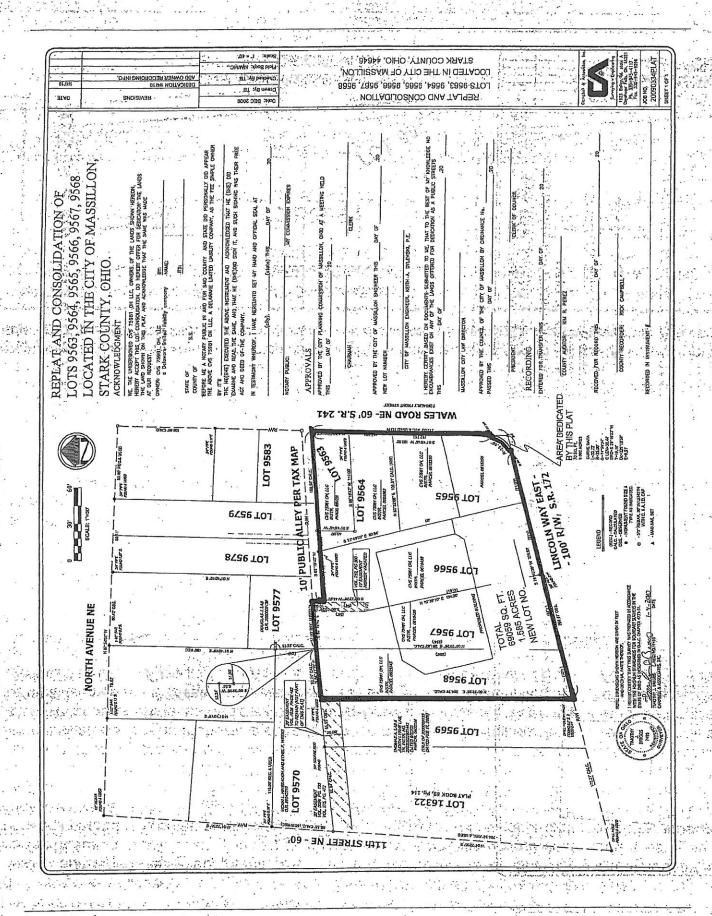
The applicant is Mary Ann Wervey/Zaremba Development.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said replatting is needed for the development of this area. 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.

2nd page is the signature page





COUNCIL	CHAMBERS
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LEGISLATIVE DEPARTMENT

ORDINANCE NO. 33 - 2010

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2010 appropriations from within the Park & Recreation Fund, for the year ending December 31, 2010, and declaring an emergency

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLONG

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Section 1:

There be and hereby is transferred from the 2010 appropriation from within the Park & Recreation Fund, for the year ending December 31, 2010, the following:

FROM:

Advance To

1234.505.2750

\$70,000.00

Return on Advance

1100.905.1865

\$70,000.00

Section 2

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2010. Provided it receives the affirmative vote of twothirds 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: Brown San Britania Lempakin Languaria Bilancia Bilancia Languaria

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	DATE:_	MARCH 1	, 2010				ETH BAILEY	<u> </u>
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DATE: MARCH 1, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 35 - 2010

BY: FINANCE COMMITT

TITLE: AN ORDINANCE authorizing the Auditor to pay various 2009 bills that have been received and that will be received by her office between January 1, 2010 and March 31, 2010, out of the 2010 appropriations within the various departments of the City of Massillon, Ohio, and declaring an emergency.

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

Section I:

The Council of the City of Massillon, Ohio, hereby finds it necessary to authorize the City Auditor to pay various 2009 bills that have been received and that will be received by her office between January 1, 2010 and March 31, 2010, out of the 2010 appropriations within the various departments of the City of Massillon, Ohio,

Section 2:

The City Auditor is hereby authorized and directed to pay various 2009 bills that have been received and that will be received by her office between January 1, 2010 and March 31, 2010, out of the 2010 appropriations within the various departments of the City of Massillon, Ohio.

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This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to pay various 2009 bills that will be submitted to the City Auditors office between January 1, 2010 and March 31, 2010 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 soforce form and after the earliest period allowed by law.

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COUNCIL CHAMBERS

CLEGISLATIVE DEPARTMENT

ORDINANCE NO. 36 - 2010

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to enterinto a one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary for the Director of Law of the City of Massillon, Ohio, to enter into a one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to enter into a one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services. The City of Canal Fulton shall pay the sum of Twenty-Five Thousand Two Hundred Dollars (\$25,200.00) under the terms of the contract. The said contract will be from February 1, 2010 through January 31, 2011.

Section 2:

Section 2:

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 additional reason the City of Canal Fulton has requested the Director of Law of the City of Massillon, Ohio, to prosecute all criminal and traffic cases that come before the Massillon Municipal Court. 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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