

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

DATE: TUESDAY, SEPTEMBER 6, 2011
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC MEETINGS TONIGHT

1. ROLL CALL *MANN; CATAZARO-PERRY; MCCUNE; HERSHBER ABSENT*
2. INVOCATION BY COUNCILMAN DAVE MCCUNE
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. 106 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Cincinnati Area Annexation, upon annexation, and declaring an emergency.

ORDINANCE NO. 107 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE establishing the Vacant Land Reutilization Program within the City of Massillon for the purpose of resale or disposition of parcels acquired by the City through an accelerated foreclosure process from Stark County, and declaring an emergency.

ORDINANCE NO. 108 – 2011

BY: PARK AND RECREATION COMMITTEE

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Ohio Department of Natural Resources to stock the Reservoir with free stock for public fishing, and declaring an emergency.

ORDINANCE NO. 109 – 2011

BY: POLICE AND FIRE COMMITTEE

1ST READING

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety to enter into an agreement with the Massillon F.O.P. Henderson Lodge Police Officers Association Collective Bargaining employees extending the current contract for an additional six (6) months, December 31, 2011 through June 30, 2012, and declaring an emergency.

ORDINANCE NO. 110 – 2011

BY: POLICE AND FIRE COMMITTEE

1ST READING

AN ORDINANCE enacting a new CHAPTER 1503 "FIRE PREVENTION BUREAU", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 111 – 2011

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets for the 2011-2012 winter season, and declaring an emergency.

ORDINANCE NO. 112 – 2011

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Project Agreement with the Tuscarawas Township Trustees for the Kenyon Avenue Resurfacing Project, and declaring an emergency.

ORDINANCE NO. 113 – 2011

BY: FINANCE COMMITTEE

1ST READING

AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Veterans Park-Duncan Plaza Fund, Home Health Fund, 1401 Capital Improvement Fund, Insurance Fund and the Local Law Enforcement Trust Fund, for the year ending December 31, 2011, and declaring an emergency.

ORDINANCE NO. 114 – 2011

BY: FINANCE COMMITTEE

1ST READING

AN ORDINANCE making certain transfers in the 2011 appropriations from within the General Fund, for the year ending December 31, 2011, and declaring an emergency.

ORDINANCE NO. 115 – 2011

BY: FINANCE COMMITTEE

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon, and declaring an emergency.

RESOLUTION NO. 11 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

A RESOLUTION adopting the decision of the Tax Incentive Review Committee made on August 9, 2011 wherein they recommended that those certain Enterprise Zone Agreements listed on the attached exhibit "A" be continued, and declaring an emergency.

RESOLUTION NO. 12 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on August 11, 2011 wherein the Zoning Board of Appeals denied a request for variance from the Massillon Zoning Code, Massillon Codified Ordinance Section 1187.08 (a), for a proposed fence at 1632 Amherst Rd NE, on Lot No. 11221 in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 13 – 2011

BY: FINANCE COMMITTEE

1st READING

A RESOLUTION designating public depositories for the deposits of public monies, 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 JULY 2011
- B). AUDITOR SUBMITS MONTHLY REPORT FOR JULY 2011
- C). WARD BOUNDARY COMMITTEE

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

ORDINANCE NO. 91 – 2011

BY: ENVIRONMENTAL COMMITTEE

PASS 5-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with CTI Environmental, Inc., for professional services for Roughing Filter Odor Control Analysis, Phosphorous Removal, and a Facility Plan Update at the Wastewater Treatment Plant, and declaring an emergency.

ORDINANCE NO. 93 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 5-0

AN ORDINANCE amending CHAPTER 517 "GAMBLING" of the Codified Ordinances of the City of Massillon, and enacting new Sections 517.17 "Definitions", 517.18 "Operation; License Required", 517.19 "Application Information", 517.20 "Affidavit Required", 517.21 "License Issuance; Effective Period; Fee". 517.22 "Operation of Arcade" and 517.23 "License Revocation", and declaring an emergency.

ORDINANCE NO. 94 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 5-0

AN ORDINANCE enacting a new CHAPTER 519 "SWEEPSTAKES TERMINAL CAFÉ", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 98 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE indicating what services and zoning conditions the City of Massillon, Ohio, will provide to the Bit of Eden Area Annexation, upon annexation.

TUESDAY, SEPTEMBER 6, 2011

ORDINANCE NO. 100 – 2011

BY: ENVIRONMENTAL COMMITTEE

2ND READING
AN ORDINANCE authorizing the Director of public Service and Safety of the City of Massillon, Ohio, to enter into an agreement wit A J Diana Sons for the disposal of leaves for 2011, and declaring an emergency.

ORDINANCE NO. 102 – 2011

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

2ND 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 a contract, upon award and approval of the Board of Control, with the lowest and best bidder for various street improvements in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 104 – 2011

BY: FINANCE COMMITTEE

2ND READING
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to submit an application for financial assistance to the Muskingum Watershed Conservancy District for the Levee Infrastructure Improvement Project and to execute all necessary document needed to secure the funding for the project, and declaring an emergency.

ORDINANCE NO. 105 – 2011

BY: FINANCE COMMITTEE

2ND READING
AN ORDINANCE repealing SubSection 965.09 (j) of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordnances of the City of Massillon, and enacting a new SubSection 965.09 (j) of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION: 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: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 106 - 2011

*1st read
passed 10/3*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Cincinnati Area Annexation, upon annexation, and declaring an emergency.

WHEREAS, certain property owners have filed a petition requesting the Cincinnati Area be annexed to the City of Massillon, Ohio, pursuant to the Ohio Revised Code Section 709.02, and

WHEREAS, Ohio Revised Code Section 709.03(D) requires that upon receiving notice, the Municipal Legislative Authority, shall by Ordinance or Resolution, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation, and

WHEREAS, this Ordinance is intended to comply with the requirements of the Ohio Revised Code section 709.03(D), and

WHEREAS, it is required by Section 709.033 (A) (6) of the Ohio Revised Code, that no street or highway will be segmented by municipal/township boundary line as to create a maintenance problem; and if a street or highway is divided, the municipality agrees to assume all maintenance of such street or highway as part of the annexation.

WHEREAS, the legislative authority of the City of Massillon, Ohio, is supportive of the annexation proposal, and

WHEREAS, the Stark County Commissioners will scheduled a date and time for the public hearing.

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

Section 1:

The City of Massillon, Ohio, will extend to the proposed area, upon annexation, the availability of all municipal services extended to all of the current citizens, residents and property owners of the City of Massillon, Ohio, including, but not limited, to the services of the Municipal Police Department, Municipal Fire Department, Municipal Service Department, services of the Engineering Department, services of the Building Department, services of the Street Department, services of the Safety Department, services of the Planning Department, services of the Health Department, services of the Sewer Department, and the services of the City of Massillon Administration within approximately one year of the annexation. The City of Massillon will also maintain the full width sections of Cincinnati Street SW and U.S. Route 30 and Nave Street SW as required by the State of Ohio and as shown on the Cincinnati Area Annexation map.

Section 2:

This Ordinance is hereby declared to be an emergency measure for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to indicate what services the City of Massillon will provide to the area upon annexation prior to the Stark County Commissioners hearing which will be scheduled in the Stark County Commissioners Office. 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 _____ 2011

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

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

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 107 - 2011

1st read

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE establishing the Vacant Land Reutilization Program within the City of Massillon for the purpose of resale or disposition of parcels acquired by the City through an accelerated foreclosure process from Stark County, 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 establish the Vacant Land Reutilization Program within the City of Massillon for the purpose of resale or disposition of parcels acquired by the City through an accelerated foreclosure process from Stark County. City Council will authorize and approve each separate property sale under the Vacant Land Reutilization Program.

Section 2:

The Director of Community Development will be responsible for administration of the Massillon Vacant Land Reutilization Program. The program shall be administered pursuant to the rules and regulations attached hereto as exhibit "A".

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 further reason that the Vacant Land Reutilization Program will help to redevelopment vacant and foreclosed parcels within 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2011

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

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

MASSILLON VACANT LAND RE-UTILIZATION PROGRAM

1. There is hereby established the City of Massillon Vacant Land Re-Utilization Program, the purpose of which is to:
 - A. Identify tax delinquent, vacant parcels of land which serve no economic purpose and which further cause eyesore, blight, weed and vermin infestation, as well as areas for litter, trash, and garbage to collect.
 - B. Acquire, through the assistance of the Stark County Treasurer, certain vacant, abandoned, or tax delinquent parcels of land.
 - C. Establish a procedure for the subsequent sale of these properties to return them to productive use.
2. The Director of Community Development shall be responsible for administration of the Massillon Vacant Land Re-Utilization Program. All parcels of real property owned by the City of Massillon which the City determines are no longer needed for municipal purposes and which have no potential use by virtue of their size and location, shall be designated for the program. The Director shall maintain a list of all such parcels, which shall be updated at least annually.
3. The Director shall select parcels from said list and make disposition of them in accordance with the terms of this program. Alternately, a parcel may be requested for disposition by an abutting property owner. The Director may provide notice of available lots to abutting property owners. (Please see Attachment A.)
4. Disposition of Vacant Land to Abutting Property Owners for Yard Expansion.

Property Owners wishing to purchase vacant lots adjacent to properties they already own may make application to the City under this section. (Please see Attachment B.) The following provisions shall apply:

- The applicant must own property which abuts the parcel being offered for sale. "Abutting property" means a property which has a common property line with the parcel. Properties which touch the parcel only at a corner or which are across a street or alley are not abutting.
- The applicant's intention is to acquire property in order to expand their existing yard area, to expand their existing dwelling or other building, or to add any needed accessory uses. The applicant shall describe their plans for the proposed use of this property.
- For homeowners seeking to purchase a vacant lot adjacent to their property, the price of the lot shall be the lesser of \$1,000 or the market value of the property as determined below.

- In all other cases, the cost of each lot shall be the market value of the property, as determined by the county auditor's appraised value or other professional appraisal accepted by city staff.
- An application will not be approved unless the applicant has sufficient funds to purchase the property. Evidence of funding is required.
- A non-refundable application fee of \$50.00 shall be submitted by check or money order made payable to the City of Massillon.
- The applicant shall have maintained their property in compliance with all applicable building and zoning codes and not be subject to any pending notices from the City of Massillon.
- The City reserves the right to require that adjacent lots be combined into one lot.
- The applicant shall be current with all real estate taxes.
- All transactions must be approved by Massillon City Council.
- The City of Massillon reserves the absolute right to accept or reject any and all applications/offers to purchase.
- All personal information submitted to the City of Massillon shall be confidential.
- In the event that two or more directly adjacent property owners are interested in acquiring the same parcel, all abutting property owners who respond to the notice shall be given an opportunity to bid upon the parcel, by sealed bid, deliverable by a date and time to be established by the Director. Said parcel may then be sold to the highest and best bidder, subject to review and approval by City Council.
- The successful bidder shall be responsible for replatting of the lot, which shall be done contemporaneously with the closing of the real estate.

5. Disposition of Vacant Land for New Construction/Development

If no abutting land owner has submitted an application to the City of Massillon within sixty days of notice, or if no abutting land owner applicant has satisfied the conditions of the foregoing section, the Director may offer such parcels for sale to non-abutting property owners, commercial business owners, developers, and non-profit organizations and shall prepare a notice advertising the availability of such parcels for such purchase, subject to the following conditions:

- Parcels shall be sold for no less than the fair market value as established by the Stark County Auditor's appraised value or other professional appraisal accepted by the City.
- Parcels shall be sold for the specific purpose of constructing a structure or improving the parcel. Proposed purchasers shall state the proposed use of parcels to be acquired as well as provide evidence of financial means for the proposed development. The City will not sell property to

investors intending to hold property for resale. Applicants will have six months to begin construction and another 18 months for completion.

- All applicants shall submit an application to City Council. (Please see Attachment C.) A non-refundable application fee of \$75.00 shall accompany the application and be paid to the City of Massillon by either check or money order.
- Proposed purchasers shall have maintained any/all property within the City of Massillon in compliance with all applicable building and zoning codes, and not be subject to any pending notices from any City Department or official.
- Proposed purchasers shall not be delinquent on any real estate taxes on any/all properties located within the City of Massillon.
- Proposed purchasers must have sufficient funds to purchase the land. Evidence of funding is required.
- All transactions must be reviewed and authorized by Massillon City Council.
- The City reserves the absolute right to accept or reject any and all land use/development proposals and offers for purchase.
- The applicant shall be responsible for conducting any environmental assessment that may be required prior to purchase or the commencement of construction.
- All personal information submitted to the City of Massillon shall be confidential.
- In the event that two or more non-abutting property owners, commercial business owners, developers, or non-profit organizations are interested in acquiring the same parcel, all prospective purchasers who respond to the notice shall be given an opportunity to bid upon the parcel, by sealed bid, deliverable by a date and time to be established by the Director. Said parcel may then be sold to the highest and best bidder, subject to review and approval by City Council.

6. Purchase Agreement. Upon approval and authorization by City Council, the City of Massillon, either itself or through the Community Improvement Corporation, shall execute a Purchase Agreement with the successful bidder, which shall outline the following terms and conditions of ownership:

- The property owner shall agree to maintain the parcel in a condition free from weeds and debris, and in a neat and clean condition, including growing and maintaining a lawn;
- The owner shall keep the property in compliance with all City residential and building codes, and other codes as applicable.

- The owner may construct on said parcel any structure permitted by law, upon obtaining all required site plan approvals and building permits;
 - The property owner shall keep current on all taxes and assessments due and owing on said property;
 - The above conditions shall be set forth in the deed of conveyance running with the land.
7. Conveyance of all properties shall be in "as is" condition and by Quit Claim Deed. Any title evidence desired by the purchaser shall be obtained by purchaser at purchaser's sole expense. Recording costs shall be paid by purchaser to City and City shall be responsible for recording the deed.

Attachment A: Form Letter to Abutting Property Owners of Vacant Lots

Date:

To:

Dear :

The City of Massillon has established a Vacant Land Reutilization Program. The purpose of this program is to acquire vacant, tax delinquent parcels of land from the County and subsequently sell these parcels in order to return them to productive use in the community.

The City has recently acquired several vacant, tax delinquent parcels under this program. As a property owner who abuts one or more of these parcels, you have previously expressed an interest in acquiring this property from the City.

I am enclosing a copy of an application form for you to complete and return if you are interested in acquiring one or more of these adjoining properties. The specific parcel that adjoins your property is known as Parcel No . _____, located on _____. Please read the application carefully and contact me if you have any questions. Please note that there is a \$50.00 application fee that must be submitted to the City, along with evidence that you have sufficient funds to purchase this property.

The cost to purchase this parcel will be Fair Market Value as determined by the Stark County Auditor's appraised value, which for this parcel is \$ _____. However, if you are an adjoining homeowner seeking only to increase your yard area, the purchase price shall not exceed \$1,000.

Once your application to purchase this property has been received and accepted by the City, it will be submitted to Massillon City Council for final authorization and approval. Thank you for your interest in this property. If you have any questions, please contact me at your convenience at 330-830-1721.

Very truly yours,

Aane Aaby
Community Development Director
City of Massillon
AA:aa
Enc.

Attachment B: Application for Abutting Property Owners

**Massillon Land Reutilization Program
Application for Yard Expansion**

Who should complete this application?

This form is for persons wishing to purchase vacant lots adjacent to properties that they already own. Often, interested parties are homeowners who wish to have larger yards.

Please note: If a property that you are interested in does not touch property that you own, this is NOT the application for you. Please refer to the application titled "Application to Purchase Vacant Property for New Construction."

What will it cost me to acquire the property?

- For homeowners seeking to purchase a vacant lot adjacent to their property, the price of the lot shall be the lesser of \$1,000 or the market value of the property as determined below.
 - In all other cases, the cost of each lot shall be the market value of the property, as determined by the county auditor's appraised value or other professional appraisal accepted by city staff.
-

What else do I need to know before getting started?

It is in your best interest to read and understand the material in this section before proceeding with the application. Please read the following, then sign and date at the bottom of the page.

- An application will not be approved unless the applicant has sufficient funds to purchase the property. Evidence of funding is required.
- All transactions must be authorized by Massillon City Council.
- The City reserves the right to condition the sale on the buyer's acceptance of deed restrictions.
- The City reserves the right to require that adjacent lots be combined into one lot.
- The City reserves the absolute right to accept or reject any and all land use/development proposals and offers for purchase.
- All personal information submitted to the City of Massillon Community Development Department is confidential.

Signature (Required)

I have read and understand the information provided in this section.

X _____ Date _____
Applicant (Please Print)

Applicant Information

Name:
Address:
Phone Number(s):
Email(s):

Please Respond to the Following Statements:

1. The property that I am interested in is adjacent to (i.e. touches) a property that I already own.

☐ Yes

☐ No

2. Are you current on your real estate taxes?

☐ Yes, taxes are current

☐ No, but applicant is on an approved payment plan to pay back taxes currently owed.

☐ No, taxes are delinquent

3. Have you ever received a notice from the City indicating that you are in violation of the city code?

☐ Yes

☐ No

If you responded "Yes" to questions 2 or 3, please explain:

Property Information

Parcel ID Number:
Location: Address or (if vacant) Lot Number:

Why do you want to acquire this property?
(Please describe your plans for the property here.)

Attachments:

The following information **must** be attached to this document before your application will be processed. The application will be considered incomplete if it is not submitted with all parts.

- Documentation to verify the funding necessary to purchase the lot. This can be in the form of a **commitment letter from a financial institution or a personal bank statement.**
- Application Fee of \$50.00. Checks or money orders should be made payable to "City of Massillon."

Signature (Required)

I hereby authorize the City of Massillon to obtain any credit, criminal, or other information necessary to:

- 1) Determine my ability, or the ability of the party that I represent, to complete the proposed project.
- 2) Verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge.

X _____ Date _____

Please return completed Application to:

Community Development Department
151 Lincoln Way East
Massillon, Ohio 44646 (330)-830-1721

Attachment C: Application for Non-Abutting Land Owners

Massillon Land Reutilization Program
Application to Purchase Vacant Property for New Construction

Who should complete this application?

This form is for persons wishing to purchase vacant lots in order to construct new housing or other structures (commercial, industrial, or multi-family) upon them.

Note: If you are interested in purchasing vacant property that is adjacent to property you already own, such as a homeowner who wishes to have a larger yard, this is NOT the application for you. Please refer to the application titled "Application for Yard Expansion."

What will it cost me to acquire the property?

The cost is the market value of the property, as determined by the county auditor's appraised value or other professional appraisal accepted by city staff.

What else do I need to know before getting started?

It is in your best interest to read and understand the material in this section before proceeding with the application. Please read the following, then sign and date at the bottom of the page.

- An application will not be approved unless the applicant has sufficient funds to purchase the property and to perform all proposed improvements. Evidence of funding is required.
- The City will not sell property to investors intending to hold property for resale. Applicants will have six months to begin construction. All construction shall be completed within 18 months.
- The City reserves the right to condition the sale on the buyer's acceptance of deed restrictions and/or other agreements.
- All transactions must be reviewed and authorized by Massillon City Council.
- The City reserves the absolute right to accept or reject any and all land use/development proposals and offers for purchase.
- All personal information submitted to the City of Massillon is confidential.
- The applicant shall be responsible for conducting any environmental assessment that may be required prior to purchase or the commencement of construction.

Signature (Required)

I have read and understand the information provided in this section.

X _____ Date _____
Applicant (Please Print)

Applicant Information

Name:
Company/Organization:
Address:
Phone Number(s):
Email(s):

Please Respond to the Following Statements:

1. Are you (or your company or organization) current on your real estate taxes?

☐ Yes, taxes are current

☐ No, but applicant is on an approved payment plan to pay back taxes currently owed.

☐ No, taxes are delinquent

2. Have you (or your company or organization) ever received a notice from the City indicating that you are in violation of the city code?

☐ Yes

☐ No

If you responded "Yes" to questions 2 or 3, please explain:

Property Information

Parcel ID Number:
Location: Address or (if vacant) Lot Number:
Purchase Price (County Auditor Appraised Value)

Please Respond to the Following Questions:

1. What type of structure will this be upon completion of construction?

☐ Residential

☐ Commercial

☐ Other

2. Following construction, will the applicant occupy the building?

☐ Yes

☐ No

3. If this is a residential structure, will the dwelling be a homeowner or a rental property?

☐ Owner-Occupied

☐ Rental Property

ATTACHMENTS:

The following information must be attached to this document before your application will be processed. The application will be considered incomplete if it is not submitted with all parts.

Project Information:

- A description of the project (no more than one page in length.)
- A detailed breakdown of project costs
- A marketing plan (a plan on how to sell the completed units, if applicable.)
- Building elevations & construction drawings
- A site plan, including: (1) the building footprint (how the building will be positioned on the lot); (2) accessory buildings and their placement; (3) landscaping.

Project Financing:

Submit documentation to verify the funding necessary to purchase the lot and to complete construction. This typically includes:

- Letters from all banks or other lending institutions approving any financing proposed for the project. The letters should contain the amount, term, and all requirements of the financing; it should state that the financing can be used for the proposed project. The amount of financing must equal or exceed the amount contained in the development project costs.
- Personal or business bank statements and a letter from the applicant if the applicant proposes to use existing cash. The amount of the statements must equal or exceed the amount contained in the development project costs.
- Specific information on any other proposed source of project funding.

Experience:

- Submit specific information on two prior projects, including: description of projects, before and after photos, development costs and market values, addresses and parcel numbers, and any additional information that would assist the City in determining the applicant's ability to complete the proposed project.

Application Fee:

- Application Fee of \$75.00. Checks or money orders should be made payable to "City of Massillon."

Signature (Required)

I hereby authorize the City of Massillon to obtain any credit, criminal, or other information necessary to:

- 1) Determine my ability, or the ability of the party that I represent, to complete the proposed project.
- 2) Verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge.

X _____ Date _____

Please return completed Application to:

Community Development Department
151 Lincoln Way East
Massillon, Ohio 44646
(330)-830-1721

MASSILLON VACANT LAND RE-UTILIZATION PROGRAM

List of Available Properties

Parcel No.	Routing No.	Location	Value	Size	Area SF	Zoning	Lot No.
6002586	06 043 0500700	Erie St S	\$2,400	51 x 66	3,366	B-1	2287
600128	06 043 0500800	Erie St S	\$4,300	62 x 60.25	3,720	B-1	2287
600896	06 051 1601700	Bernard SW	\$7,800	47 x 142.75	6,721	R-1	4651
607702	06 052 0200200	8th St SW	\$7,900	50 x 129	6,450	R-1	3472
600818	06 068 1301200	Cleveland SW	\$3,200	50 x 75	3,750	I-1	4131 - 75' ES
606191	06 063 1301400	Cleveland SW	\$8,700	50 x 150	7,500	I-1	4153
609424	06 054 1401700	14th SE	\$4,100	50 x 130	6,500	R-1	10083
602943	06 064B 22 00800	Erie St S	\$8,400	54 x 180	9,720	RM-1	3849
601982	06 058 0400300	Maple SE	\$8,500	51 x 100	5,100	IR-1	2397
608274	06 054 10700	Walnut SE	\$6,500	52 x 85	4,420	R-1	10062
609437	06 054 160500	14th SE	\$9,000	50 x 152	7,600	R-1	10091
607613	06 034 080600	Independence SE	\$10,400	50 x 125 IRR	6,250	R-1	3454
611421	06 034 080700	Independence SE	\$6,900	50 x 150 IRR	7,500	R-1	3455
611422	06 034 080800	Independence SE	\$6,900	50 x 180 IRR	9,324	R-1	3456
611423	06 024 080900	Independence SE	\$7,000	50 x 194 IRR	9,700	R-1	3457
609187	06 053 013000	Erie St S	\$9,900	59 x 132	7,788	RM-1	9929 - 59'SE
609426	06 054 111800	14th SE	\$4,100	50 x 130	6,500	R-1	10082

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 108 - 2011

1st read

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Ohio Department of Natural Resources to stock the Reservoir with free stock for public fishing, 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 an agreement with the Ohio Department of Natural Resources to stock the Reservoir with free stock for public fishing.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with the Ohio Department of Natural Resources to stock the Reservoir with free stock for public fishing. See attached agreement 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 it is necessary to sign agreement so the Reservoir can be stocked free for public fishing. 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

Submit
Four
Copies

Division of Wildlife
Ohio Department of Natural Resources

Form 136
(R710)

FISHING AGREEMENT

Agreement No. _____

In consideration of the mutual benefits this agreement is entered into by the State of Ohio, Department of Natural Resources, Division of Wildlife, hereinafter known as the Division and _____
hereinafter known as the Owner, this _____ day of _____, 20____, and expiring on
the _____ day of _____, 20____; a period of _____ years.

It is the intent of this agreement to provide free public fishing in the body of water commonly known as _____
_____ which is located in _____ Township, _____ County
and more completely described in a deed to the Owner filed in deed book number _____, page _____
of the _____ County Recorder's Office consisting of _____ acres more or less of land and water.

It is mutually agreed between the Division and the Owner as follows:

1. The State shall provide a fisheries management program including the enforcement of fish and wildlife laws and all orders of the Division of Wildlife.
2. The State and the Owner shall enforce the provisions of Section 1531.29 of the Revised Code.
3. The Owner shall permit free public fishing and reasonable access at all times.
4. Free public fishing shall include, but not be limited to, fishing from watercraft with horsepower limits agreeable to both parties.
5. The State shall have the right to remove all of its property or improvements at any time.
6. Obligations of the State are subject to the provisions of Section 126.07 of the Revised Code.
7. The State or its designee will be permitted to use gasoline-powered outboard motors on boats used to perform routine duties including surveys, research, and law enforcement.

In witness, the parties hereafter have caused this instrument to be executed this day and year above written.

Witness to Owner

Owner

Witness to Owner

STATE OF OHIO

County, ss:

Before me, a Notary Public in and for said County and State, personally appeared the above named
_____ who acknowledged that _____ he _____ did
sign the foregoing instrument and that the same is _____ free act and deed.
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal,
at _____, this _____ day of _____, 20____.

Notary Public

State of Ohio, Department of Natural Resources, Division of Wildlife

By: _____

Chief, Division of Wildlife

APPROVED:

Assistant Attorney General

Director, Department of Natural Resources

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 109 - 2011

*1st read
passed 10/3*

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety to enter into an agreement with the Massillon F.O.P. Henderson Lodge Police Officers Association Collective Bargaining employees extending the current contract for an additional six (6) months, December 31, 2011 through June 30, 2012, 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 enter into an agreement with the Massillon F.O.P. Henderson Lodge Police Officers Association Collective Bargaining employees extending the current contract for an additional six (6) months, December 31, 2011 through June 30, 2012, upon the terms and conditions.

Section 2:

The Mayor and the Director of Public Service and Safety are hereby authorized to enter into an agreement with the Massillon F.O.P. Henderson Lodge Police Officers Association Collective Bargaining employees extending the current contract for an additional six (6) months, December 31, 2011 through June 30, 2012, upon the terms and conditions.

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 to extend the current contract agreement with the Massillon F.O.P. Henderson Lodge Police Officers Association for an additional six (6) months. 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.

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 110 - 2011

1st read

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE enacting a new CHAPTER 1503 "FIRE PREVENTION BUREAU", of the Codified Ordinances of 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:

There be and is hereby enacted a new CHAPTER 1503 "FIRE PREVENTION BUREAU", of the Codified Ordinances of the City of Massillon. Said newly created Chapter shall read as follows:

(SEE ATTACHED EXHIBIT "A")

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2011

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

Part Fifteen Fire Prevention Code
Chapter 1503 Fire Prevention Bureau

1503.01 Establishment

A Bureau of Fire Prevention in the Massillon Fire Department is hereby established which shall be operated under the supervision of the Fire Chief. The Fire Chief shall be the senior member of the Fire Prevention Bureau.

1503.02 Superintendent of Buildings (Fire Marshal)

The Fire Chief may designate an officer of the Fire Department as the Superintendent of Buildings (Fire Marshal), who shall hold such office at the pleasure of the Fire Chief.

1503.03 Appointment of Inspectors and/or Investigators

- a. The Fire Chief may detail other members of the Fire Department as inspectors and/or investigators as shall be necessary from time to time. Inspectors must be certified as per the terms of Chapter 1501.04 Section (a).
- b. The Fire Chief shall recommend to the Safety Director the temporary employment of technical inspectors who, when such authorization is made, may be selected and utilized for a specified term to assist Fire Inspectors and/or Investigators.

1503.04 Duties of the Fire Prevention Bureau

- a. It shall be the duty of the members of the Fire Prevention Bureau to enforce all laws and ordinances covering the following:
 1. The Ohio Fire Code;
 2. The prevention of fires;
 3. The storage of explosives and flammables;
 4. The installation and maintenance of automatic and other private fire alarm systems and fire extinguishing equipment;
 5. The maintenance and regulation of fire escapes;
 6. The means and adequacy of egress in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters and all other places in which numbers of persons work, live, or congregate;
 7. Fire safety at events within the city limits and fireworks displays;
 8. The investigation of the cause, origin and circumstance of fires in accordance with ORC 737.27 Investigation of Fires.
- b. Pursuant to the authority provided in ORC 737.27, the Fire Chief is hereby authorized to assign members of the Fire Prevention Bureau as arson investigators, who shall have the authority, power, and duty to investigate all fires, examine witnesses, compel the attendance of witnesses and the production of books and papers, and to do and perform all other acts necessary to the effective discharge of such duties. Such officer may administer oaths, make arrests, and enter, for the purpose of examination, any building which, in his opinion, is in danger from fire.

- c. Qualified arson investigators appointed pursuant to this section shall be empowered to carry a firearm which may be used for the purpose of self defense. Arson investigators shall obtain training in police investigation and arrest techniques, use of force for self defense purposes, and firearms training as established by the Fire Chief and the Safety Director in consultation with the Police Chief.

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 111 - 2011

1st read

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets for the 2011-2012 winter season, 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 an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on city streets for the 2011-2012 winter season.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on city streets for the 2011-2012 winter season.

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, participating in the cooperative purchase program saves the city money in its salt purchases and for the additional reason for the more efficient operation of the Street Department in the City of Massillon during the winter months of 2011-2012. 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.

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 112 - 2011

1st read

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Project Agreement with the Tuscarawas Township Trustees for the Kenyon Avenue Resurfacing 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 finds that it is necessary to enter into a Project Agreement with the Tuscarawas Township Trustees for the Kenyon Avenue Resurfacing Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a Project Agreement with the Tuscarawas Township Trustees for the Kenyon Avenue Resurfacing Project. The Tuscarawas Township Trustees are requesting the City of Massillon participate in the project since approximately 2200' x 10.5' of the area is within the corporation limits of the City.

(SEE ATTACHED EXHIBIT "A")

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 to enter into the Project Agreement with the Tuscarawas Township Trustees so work may begin in a timely manner for the Kenyon Avenue 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.

AGREEMENT

Kenyon Avenue

This Agreement is made and entered into this _____ day of _____, 2011, by and between the City of Massillon, hereinafter referred to as the CITY, duly authorized by Ordinance _____ passed on the _____ day of _____, 2011, and the Tuscarawas Township Trustees, hereinafter referred to as the TOWNSHIP, duly authorized by a Resolution adopted on the _____ day of _____, 2011.

WHEREAS, there is currently located at KENYON AVENUE in the City of Massillon and Tuscarawas Township, Ohio, a highway which the parties believe is in need of improvement; and

WHEREAS, the CITY and TOWNSHIP and wish to improve this highway; and

WHEREAS, inasmuch as the project currently lies within the CITY and within the TOWNSHIP, and the CITY and the TOWNSHIP will each have certain responsibilities toward the project which will need to be agreed upon between them; and

WHEREAS, the parties wish to resolve their respective liabilities and obligations with respect to the design and construction of this project at said location; and

WHEREAS, it is in the best interests of the CITY and the TOWNSHIP to cooperate in the improvement of KENYON AVENUE; and

WHEREAS, pursuant to ORC 715.02 and 5557.02, and 5557.03, the CITY and the TOWNSHIP have the authority to enter into said Agreement and the CITY may pay its portion of the above-described improvement to the TOWNSHIP; and

NOW THEREFORE, in consideration of the covenants and agreements contained herein, it is mutually agreed by and between the parties as follows:

1. The TOWNSHIP shall prepare plans and/or specifications and bid out the project for resurfacing on KENYON AVENUE;
2. The TOWNSHIP will supervise and/or provide for the Construction Supervision of the project;
3. The TOWNSHIP will provide funds to pay for the portion of the construction of the project with the CITY as a joint participant.

4. Project limits on Kenyon Avenue are between Lincoln Way (SR 172) and Wooster Street with the total area of the project being 7,080 LF by 21 LF which includes the area within the City of Massillon being 2,200 LF by 10.5 LF or constituting 15.5% of the project. The funds provided for construction of this project by the City of Massillon shall be based on said percentage.
5. Any change orders to the project that would constitute an increase in the project cost must be approved by both the CITY and TOWNSHIP before the extra work is completed.
6. The CITY will reimburse the TOWNSHIP by payment into the TOWNSHIP treasury for the CITY'S share of the construction costs within thirty (30) days of receipt of an invoice from the TOWNSHIP.

Nothing in this agreement shall supercede or otherwise alter the statutory obligation of each party to maintain, cause to be maintained, or to control the portion of roadway situated within their respective territory.

This agreement shall be in effect until the project is complete. This Agreement contains the entire Agreement by and between the parties and the terms contained herein are contractual and are not a mere recital.

IN WITNESS WHEREOF, we have hereunto set our hands to this instrument this _____ day of _____, 2011.

CITY OF MASSILLON, OHIO

BY: _____
Michael J. Loudiana
Director of Public Service and Safety

Approved as to form
and legal sufficiency:

Law Director
City of Massillon, Ohio

TUSCARAWAS TOWNSHIP TRUSTEES

John Speicher, Trustee

Terrence Hemperly, Trustee

Gerald Hollinger, Trustee

Approved as to form
and legal sufficiency:

Law Director
Tuscarawas Township, Ohio

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.113 – 2011

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Veterans Park-Duncan Plaza Fund, Home Health Fund, 1401 Capital Improvement Fund, Insurance Fund and the Local Law Enforcement Trust Fund, for the year ending December 31, 2011, and declaring an emergency.

*1st read
Passed 9/12
except Sec 4*

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 General Fund, for the year ending December 31, 2011, the following:

\$150,000.00 to an account entitled "Salary – Police" 1100.305.2110

\$145,000.00 to an account entitled "Salary - Fire" 1100.325.2110

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Veterans Park-Duncan Plaza Fund, for the year ending December 31, 2011, the following:

\$20,000.00 to an account entitled "Services & Contracts" 1240.125.2392

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Home Health Fund, for the year ending December 31, 2011, the following:

\$20,000.00 to an account entitled "Home Health Services & Contracts" 1235.705.2392

Section 4:

There be and hereby is appropriated from the unappropriated balance of the 1401 Capital Improvement Fund, for the year ending December 31, 2011, the following:

\$12,600.00 to an account entitled "Street Resurfacing" 1401.435.2510

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Insurance Fund, for the year ending December 31, 2011, the following:

\$10,000.00 to an account entitled "Employees insurance" 2202.905.2310

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Local Law Enforcement Trust Fund, for the year ending December 31, 2011, the following:

\$1,000.00 to an account entitled "Supplies/Materials" 1215.305.2410

Section 7:

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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2011

ATTEST: _____

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

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 114 - 2011

BY: FINANCE COMMITTEE

*1st read
passed 9/2*

TITLE: AN ORDINANCE making certain transfers in the 2011 appropriations from within the General Fund, for the year ending December 31, 2011, 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 transferred from the 2011 appropriation from within the General Fund, for the year ending December 31, 2011, the following:

FROM:	Council – Medicare	1100.105.2231	\$ 300.00
	Council – Services	1100.105.2392	\$ 1,997.00
	Council - Supplies	1100.105.2410	\$ 700.00
	Law Staff – Salary	1100.115.2111	\$72,000.00
	Domestic Violence - Supplies	1100.116.2410	\$ 750.00
	Benefits – Contracted Services	1100.155.2392	\$ 2,309.00
	EEO Travel & Seminar	1100.175.2389	\$ 50.00
	EEO – Supplies	1100.175.2410	\$ 478.00
	Deputy Auditor	1100.205.2111	\$13,000.00
	Auditor – Travel & Seminar	1100.205.2389	\$ 1,000.00
	Auditor – Services & Contracts	1100.205.2392	\$10,338.47
	Auditor – Supplies	1100.205.2410	\$ 1,610.53
	Income Tax – Gas & Oil	1100.210.2430	\$ 150.00
	Income Tax Web Page	1100.210.2391	\$ 1,733.33
	Income Tax – Contract Service	1100.210.2392	\$ 7,594.00
	SD Revenue Sharing	1100.210.2721	\$46,000.00
	Income Tax – Hosp/Eye	1100.210.2210	\$ 2,177.00
	Treasurer – Supplies/Materials	1100.215.2410	\$ 572.48
	Engineer – Hosp/Eye	1100.405.2210	\$ 989.00
	Engineer – Services/Contracts	1100.405.2392	\$ 4,842.29
	Engineer – Supplies/Materials	1100.405.2410	\$ 1,056.17
	Engineer – Gas & Oil	1100.405.2430	\$ 975.00
	Energy Saving Lease	1100.410.2333	\$10,000.00
	Utilities	1100.410.2340	\$ 696.95
	City Hall Contract Service	1100.410.2392	\$ 4,650.00
	City Hall - Supplies	1100.410.2410	\$ 6,021.99

	Building – Hosp/Eye	1100.415.2210	\$ 695.00
	Building – Services/Contracts	1100.415.2392	\$ 4,300.00
	Building – Supplies	1100.415.2410	\$ 1,749.15
	Garage – Services/Contracts	1100.440.2392	\$17,848.64
	Accumulated Sick Leave	1100.905.2150	\$40,472.31
	Real Property Tax	1100.905.2391	\$ 5,508.23
TO	Police – Salary	1100.305.2110	\$131,282.27
	Fire – Salary	1100.325.2110	\$131,282.27

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 2011. 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 _____ 2011

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 115 - 2011

*1st read
passed 9/12*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for 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 and in the public health, safety and welfare to enter into contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Public Entities Pool of Ohio (PEP) for the vehicle, property, general and public official liability, and law enforcement coverage for the City of Massillon.

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 it is necessary to enter into a contract with Public Entities Pool of Ohio (PEP) as the previous policies are about to expire and the renewal is due in September 14, 2011. In addition it is necessary to maintain insurance coverage for the City. 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

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 11 - 2011

*1st read
passed 10/3*

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION designating public depositories for the deposits of public monies, and declaring an emergency.

WHEREAS, the Council of the City of Massillon, Ohio, finds that the notice for applications for deposit of City monies was duly published as required by law and the hour heretofore named having arrived the Council proceeded, in open session, to consider said written application: and

WHEREAS, it is estimated the probable amount of active deposits to be deposited during the period of designation shall be an average of Two Million Dollars per month, and the probable maximum amount to be so deposited at any time, during such period shall be an average of Two Hundred Thousand Dollars per month, and

WHEREAS, written applications have been received as follows:

FOR ACTIVE DEPOSITS

<u>Name of Bank</u>	<u>AMOUNT</u>
First Merit	ALL
Key Bank	ALL
Huntington Bank	ALL
Charter Bank	ALL
Chase Bank	ALL
Fifth Third Bank	ALL
National City Bank	

FOR INTERIM/INACTIVE DEPOSITS

<u>Name of Bank</u>	<u>AMOUNT</u>
First Merit	ALL
Key Bank	ALL
Huntington Bank	ALL
Charter Bank	ALL
Chase Bank	ALL
Fifth Third	ALL
National City Bank	ALL

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 finds that seven banking institutions have applied for ACTIVE DEPOSITS and seven for INTERIM/INACTIVE deposits, and that the securities tendered are proper. Now, therefore, be it resolved that the deposit of monies for the City of Massillon, Ohio, be awarded to the said banks in accordance with the provisions of the Ohio Revised Code No. 135.08 and No. 135.09

ACTIVE DEPOSITS:

First Merit-Citizens National has been designated as the public depository for ACTIVE deposits for said monies for the City for a period of five (5) years. Said Institution must have a Depository Agreement that is satisfactory to the City of Massillon, along with a signed copy of Massillon's Investment Policy.

INTERIM/INACTIVE DEPOSITS:

All bids were accepted as INTERIM/INACTIVE depositories, including Star Ohio. Monies may be distributed for deposit in the institutions as deemed favorable to the City of Massillon with compliance to Massillon's Investment Policy. These shall also become depositories for said monies for the City for a period of five (5) years. All institutions must have a Depository Agreement that is satisfactory to the City of Massillon, along with a signed copy of Massillon's Investment Policy.

Section 2:

This Resolution is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community, and for the further reason that pursuant to Ohio Law it is necessary to enter into a depository contract in the manners hereinbefore provided in order to safeguard the deposit of public funds.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2011

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

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

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 12 - 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1st read
passed 9/3*

TITLE: A RESOLUTION adopting the decision of the Tax Incentive Review Committee made on August 9, 2011 wherein they recommended that those certain Enterprise Zone Agreements listed on the attached exhibit "A" be continued, and declaring an emergency.

WHEREAS, the Tax Incentive Review Committee recommended on August 9, 2011 that those certain Enterprise Zone Agreements listed on the attached exhibit "A" be continued.

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 proper to adopt the decision of the Tax Incentive Review Committee made on August 9, 2011 continuing the Enterprise Zone Agreements listed on exhibit "A" which the Committee has recommended to be continued.

Section 2:

This Resolution is declared to be an emergency measure in that the adoption of the decision of the Tax Incentive Review Committee 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2011

APPROVED: _____
MARY BETH BAILEY CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

MASSILLON ENTERPRISE ZONE PROGRAM - TAX INCENTIVE REVIEW COMMITTEE MEETING					
COMPANY	SCHOOL DISTRICT	DATE OF AGREEMENT	INVESTMENT LEVELS	EMPLOYMENT LEVELS	COMMENTS / COMMITTEE RECOMMENDATION
OHIO DRILLING COMPANY	Tuslaw	9/11/2002	101%	68%	Continue Abatement
E-B DISPLAY COMPANY, INC.	Tuslaw	9/13/2006	108%	136%	Continue Abatement
M.A. HANNA RESIN DISTRIBUTION (POLYONE)	Perry	11/4/1999	100%	0%	Expired
STERILITE CORPORATION	Perry	4/10/2000	105%	127%	Expired
INTERNATIONAL ENTERPRISES, INC.	Perry	5/9/2000	104%	75%	Expired
ROBERT J. MATTHEWS CO.	Perry	2/21/2001	107%	100%	Continue Abatement
CLOVERLEAF COLD STORAGE COMPANY	Perry	8/9/2001	72%	47%	Continue Abatement
INTERNATIONAL ENTERPRISES, INC.	Perry	8/20/2001	74%	62%	Continue Abatement
VASCO ASPHALT COMPANY	Perry	5/15/2002	109%	113%	Continue Abatement
KENDEL WELDING & FABRICATION	Perry	4/29/2003	92%	50%	Continue Abatement
CLOVERLEAF COLD STORAGE COMPANY	Perry	5/29/2003	138%	120%	Continue Abatement
E-TANK LTD	Perry	9/16/2004	108%	109%	Continue Abatement
GENCO	Perry	12/9/2005	106%	122%	Continue Abatement
CLOVERLEAF COLD STORAGE COMPANY	Perry	9/1/2005	195%	80%	Continue Abatement
POLYMER PACKAGING, INC.	Perry	5/31/2006	84%	36%	No current Abatement
INTEGRITY CRANE SERVICES LTD	Perry	6/28/2006	99%	71%	Continue Abatement
BILL HAWK INC	Perry	7/11/2007	100%	122%	Continue Abatement
KRAFT POWER CORP.	Perry	7/18/2007	139%	109%	Continue Abatement
CASE FARMS LLC	Perry	3/18/2008	109%	78%	Continue Abatement
SHEARER'S FOODS INC.	Perry	10/8/2008	134%	213%	Continue Abatement
HEINZ FROZEN FOOD CO.	Massillon	5/19/1999	109%	296%	Continue Abatement
PEPSI COLA GENERAL BOTTLERS	Massillon	5/9/2002	104%	186%	Continue Abatement
ALCO INDUSTRIES DBA US CHEMICAL & PLASTICS	Massillon	8/2/2006	70%	260%	Continue Abatement

DATE: SEPTEMBER 6, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 13 – 2011

*1st read
passed 9/12*

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on August 11, 2011 wherein the Zoning Board of Appeals denied a request for variance from the Massillon Zoning Code, Massillon Codified Ordinance Section 1187.08 (a), for a proposed fence at 1632 Amherst Rd NE, on Lot No. 11221 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on August 11, 2011 denied a request for variance from the Massillon Zoning Code; and

WHEREAS, on August 12, 2011, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by David Frost appealing the decision in Case No. 1972 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 August 11, 2011 and hereby determines that the request for a variance should be approved, and the 6' chain link fence as proposed by David Frost be permitted.

Section 2:

This Resolution is declared to be an emergency measure in 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 by the vote of two-thirds (6) six members of Council and approval by the Mayor.