

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

DATE: MONDAY, JULY 16, 2012
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN MILAN CHOVAN
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. 76 – 2012

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an amended agreement with Habitat for Humanity of Greater Stark & Carroll Counties to utilize Neighborhood Stabilization Program (NSP) funding to build three new single family homes in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 77 – 2012

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1207 NSP Fund, Summer Concert Fund, Insurance Fund and the Safety Forces Improvement Fund, for the year ending December 31, 2012, and declaring an emergency.

RESOLUTION NO. 13 – 2012

BY: FINANCE COMMITTEE

A RESOLUTION providing for the submitting to the electors of the City of Massillon at a General Election to be held on November 6, 2012, the question of the approval of the issue of a renewal of a one (1) mill operating levy to provide funding for the Massillon Museum which is operated by the Massillon Museum, Inc., a non-profit corporation, and declaring an emergency.

RESOLUTION NO. 14 – 2012

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on June 14, 2012 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a proposed in-ground pool at 1721 Coventry Rd NE., on Parcel No. 605610 in the City of Massillon, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM TAMMY S BIEHL DBA AMERICAN PATRIOTS CLUB 1316 TREMONT AVE SW 1ST FL & BSMT MASSILLON OHIO 44647 TO PATRICK W BAGLEY DBA OLD TIMERS BAR & GRILL 1316 TREMONT AVE SW 1ST FL & BSMT MASSILLON OHIO 44647

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). TREASURER SUBMITS MONTHLY REPORT FOR JUNE 2012
- B). MAYOR SUBMITS MONTHLY REPORT FOR MAY 2012
- C). MAYOR'S APPOINTMENT TO THE INCOME TAX REVIEW BOARD

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

Ind
ORDINANCE NO. 48 – 2012

BY: HEALTH, WELFARE & BLDG REGULATIONS

Ind
AN ORDINANCE enacting a new CHAPTER 1331 "REGISTRATION OF VACANT BUILDINGS", of the Codified Ordinances of the City of Massillon.

ORDINANCE NO. 49 – 2012

BY: HEALTH, WELFARE & BLDG REGULATIONS

AN ORDINANCE enacting a new CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED" the Codified Ordinances of the City of Massillon.

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 16, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 76 - 2012

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an amended agreement with Habitat for Humanity of Greater Stark & Carroll Counties to utilize Neighborhood Stabilization Program (NSP) funding to build three new single family homes in the City of Massillon, and declaring an emergency.

Section 1:

This Council hereby authorizes the Mayor to enter into an amended agreement with Habitat for Humanity of Greater Stark & Carroll Counties to utilize Neighborhood Stabilization Program (NSP) funding to build three new single family homes in the City of Massillon.

Section 2:

The Mayor of the City of Massillon is hereby authorized to enter into an amended agreement with Habitat for Humanity of Greater Stark & Carroll Counties to utilize Neighborhood Stabilization Program (NSP) funding to build three new single family homes in the City at a cost of \$189,000.00 (One Hundred Eighty-Nine Thousand Dollars) for the project. Ordinance No. 42 – 2012 which was passed on April 16, 2012 authorized the agreement for the construction of four new homes with a total estimated project cost for the four new homes is \$255,000.00 (Two Hundred Fifty-Five Thousand Dollars). All proceeds from the sale of these homes will be used for additional housing projects in the City of Massillon. The homes to be constructed with NSP funding will be located at 1119 Fourth St SW, 1203 Fourth St SW and 1215 Fourth St SW.

Section 3:

All prior ordinances inconsistent or contrary to this ordinance, including but not limited to Ordinance No. 42 – 2012, are hereby amended to reflect the intent of this ordinance.

Section 4:

This Ordinance 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 additional reason that these dollars will be used to improve blighted areas in 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.

DATE: JULY 16, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 77 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1207 NSP Fund, Summer Concert Fund, Insurance Fund and the Safety Forces Improvement Fund, for the year ending December 31, 2012, 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 1207 NSP Fund, for the year ending December 31, 2012 the following:

\$189,000.00 to an account entitled "NSP Housing Activities" 1207.845.2802

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Summer Concert Fund, for the year ending December 31, 2012 the following:

\$9,000.00 to an account entitled "Summer Concert Series Entertainment" 1212.505.2392

\$1,000.00 to an account entitled "Summer Concert Series Supplies" 1212.505.2410

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Insurance Fund, for the year ending December 31, 2012 the following:

\$9,681.00 to an account entitled "Employees Insurance" 2202.905.2310

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Safety Forces Improvement Fund, for the year ending December 31, 2012 the following:

\$5,000.00 to an account entitled "Supplies & Materials" 1205.125.2410

Section 5:

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 _____ 2012

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

APPROVED: _____
KATHERINE CATAZARO-PERRY, MAYOR

DATE: JULY 16, 2012

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 13 - 2012

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION providing for the submitting to the electors of the City of Massillon at a General Election to be held on November 6, 2012, the question of the approval of the issue of a renewal of a one (1) mill operating levy to provide funding for the Massillon Museum which is operated by the Massillon Museum, Inc., a non-profit corporation, and declaring an emergency.

WHEREAS, the amount of revenues which will be raised by the City of Massillon, Ohio, within the ten mill limitation by levies on the current tax duplicate of the City of Massillon will be insufficient to provide adequate funds for the City of Massillon, to provide for a free Museum of Art, Science, or History that is maintained and operated by a private, non-profit organization as authorized by Section 5705.19 (AA) of the Ohio Revised Code; and

WHEREAS, it is necessary to levy a renewal of a tax in excess of the ten mill limitation for the purpose of providing funds to provide for a free Museum of Art, Science, or History that is maintained and operated by a private, non-profit organization.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, OHIO, IN REGULAR SESSION SITTING, TWO-THIRDS OF THE MEMBERS CONCURRING:

Section 1:

There shall be submitted to the electors of the City of Massillon at a General Election on November 6, 2012; the question of the approval of issues providing for the renewal levy of a tax in the amount of one (1) mill for each One Dollar (\$1.00) of valuation which amounts to Ten Cents (\$0.10) for each One Hundred Dollars (\$100.00) of valuation for a period of five (5) years, commencing in 2013, first due in calendar year 2014 for the purpose of providing a free Museum of Art, Science, or History that is maintained and operated by a private, non-profit organization as authorized by Section 5705.19 (AA) of the Ohio Revised Code.

Section 2:

The Clerk of Council is hereby directed to certify to the Board of Elections of Stark County a copy of this Resolution upon the enactment of this Resolution for its submission to the electors of the City of Massillon, Ohio, for the question of its passage at the General Election to be held on November 6, 2012. The Clerk of Council is directed to request the Board of Elections to provide notice of election on the question of levying said renewal of the tax as required by law. The Clerk shall also provide the Board of Elections with a proposed sample ballot which is attached to this Resolution.

Section 3:

This Resolution is hereby declared to be an emergency measure that shall take effect and be in force from and after its passage and approval by the Mayor. The reason for the emergency lies in the fact that the immediate enactment of this Resolution is necessary to provide for the orderly submission of the proposed levy to the electors of the City of Massillon in the interest of the public welfare and for the levy of a tax as provided in this Resolution in order to obtain sufficient revenue for the operation of a free Museum of Art, Science, or History.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2012

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

APPROVED: _____
KATHY CATAZARO-PERRY, MAYOR

SAMPLE BALLOT

MASSILLON CITY

A Majority Affirmative Vote is Necessary For Passage

"A renewal of a tax for the benefit of the City of Massillon, Stark County, Ohio, for the purpose of THE MAINTANENCE AND OPERATION OF THE MASSILLON MUSEUM A FREE PUBLIC MUSEUM OF ART, SCIENCE OR HISTORY at a rate not exceeding one (1.0) mill for each One Dollar (\$1.00) of valuation, WHICH AMOUNTS TO TEN CENTS (\$.10) FOR EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION, for a period of five (5) years, commencing in 2013, first due in calendar year 2014.

FOR THE TAX LEVY

AGAINST THE TAX LEVY

DATE: JULY 16, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 14 - 2012

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on June 14, 2012 wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a proposed in-ground pool at 1721 Coventry Rd NE, on Parcel No. 605610 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on June 14, 2012 approved a variance from the Massillon Zoning Code in Case No. 1986; and

WHEREAS, on June 14, 2012, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Gene E. Custer, appealing the decision in Case No. 1986 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 14, 2012 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. Provided it receives Two-Thirds (6) votes of Council, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.