

A G E N D A

DATE: OCTOBER 21, 1996
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN PAUL LAMBERT
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

A). REPRESENTATIVE OF MASSILLON COMMUNITY HOSPITAL TO PRESENT PETITIONS.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 188 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985, rezoning certain tracts of land from I-2 General Industrial to B-3 General Business, and declaring an emergency.

ORDINANCE NO. 189 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Catholic Community Service of Stark County, Inc., to provide funding for operating assistance for the Family Living Center and rehabilitation work at the Center, and declaring an emergency.

ORDINANCE NO. 190 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

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

ORDINANCE NO. 191 - 1996 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

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

ORDINANCE NO. 192 - 1996 BY: SEWER AND WASTE DISPOSAL COMMITTEE

AN ORDINANCE amending the agreement with Fiber-Corr to authorize the installation and maintenance of the West Massillon Trunk Sewer, and declaring an emergency.

ORDINANCE NO. 193 - 1996 BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to execute a grant of easement and right-of-way for and on behalf of the City of Massillon, to Power Resources Co., Inc., and declaring an emergency.

ORDINANCE NO. 194 - 1996 BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with George Waikem Ford Inc. for the purchase of six (6) vehicles to be used by the Police Department, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 195 - 1996 BY: FINANCE COMMITTEE

AN ORDINANCE reducing the appropriated balance of the Massillon Rental Rehab, Street M&R Fund, Bond Retirement Fund and Clerk of Court Computing Fund, of the City of Massillon, Ohio, for the year ending December 31, 1996, and declaring an emergency.

ORDINANCE NO. 196 - 1996 BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Wastewater Treatment Fund, Police Pension Fund, and Garage Fund, of the City of Massillon, Ohio, for the year ending December 31, 1996, and declaring an emergency.

ORDINANCE NO. 197 - 1996

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 1996 appropriation from within the Capital Improvement Fund to Lincoln Center Bond Retirement Fund, General Fund to the Garage Fund, Fire Damage Structure Fund to the Community Development Block Grant Program Fund, and Bond Retirement Fund to the Lincoln Center Bond Retirement Fund, of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 198 - 1996

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 1996 appropriation from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 199 - 1996

BY: COMMITTEE OF THE WHOLE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to extend the length of the current Collective Bargaining Agreement with the Massillon Professional Firefighters I.A.F.F. Local 251 for thirty (30) days, or until December 24, 1996, and declaring an emergency.

RESOLUTION NO. 19 - 1996

BY: FINANCE COMMITTEE

A RESOLUTION accepting the amount and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO DEPARTMENT OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM FRANKS FAMILY RESTAURANT INC., 1731 LINCOLN WAY E. FIRST FLOOR, MASSILLON, OHIO, 44646 TO KATRINA RANA LTD. LLC DBA GRINDERS & SUCH, 155 LINCOLN WAY E. FIRST FLOOR, MASSILLON, OHIO 44646.

9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 1996
B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 1996
C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 1996

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

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

THERE ARE NO PUBLIC HEARINGS THIS EVENING

SHARON HOWELL
CLERK OF COUNCIL

PAGE: October 21, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 188 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from I-2 General Industrial to B-3 General Business, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from I-2 General Industrial to B-3 General Business. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 9, 1996 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and hereby is amended to show the following described area as B-3 General Business.

Being known as Out Lot 580 and Part of Out Lots 579 and 581, a 60.57 acre parcel located on the west side of State Route 21, between U.S. 30 and Warmington Road S.W.

Section 3:

That this Ordinance is declared to be an emergency measure in that the owner desires to construct a retail shopping center on this land 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.

PASSED IN COUNCIL THIS DAY OF , 1996

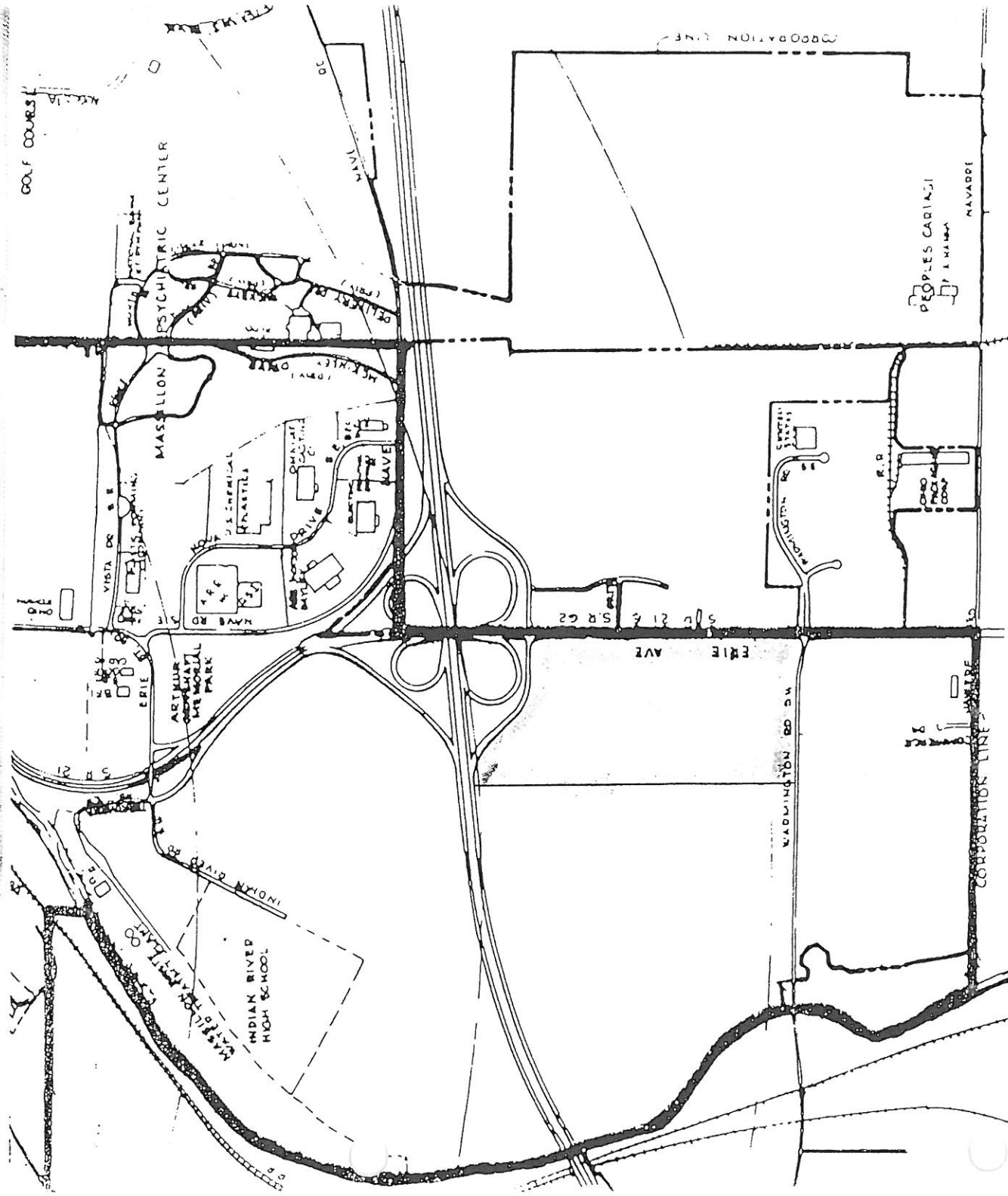
APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

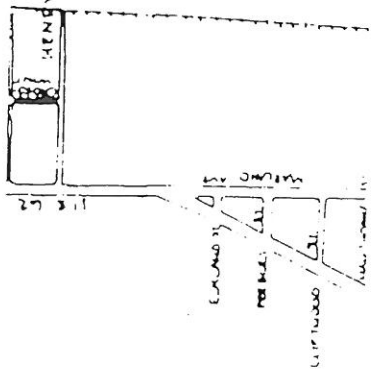
JOHN H. FRIEG, PRESIDENT

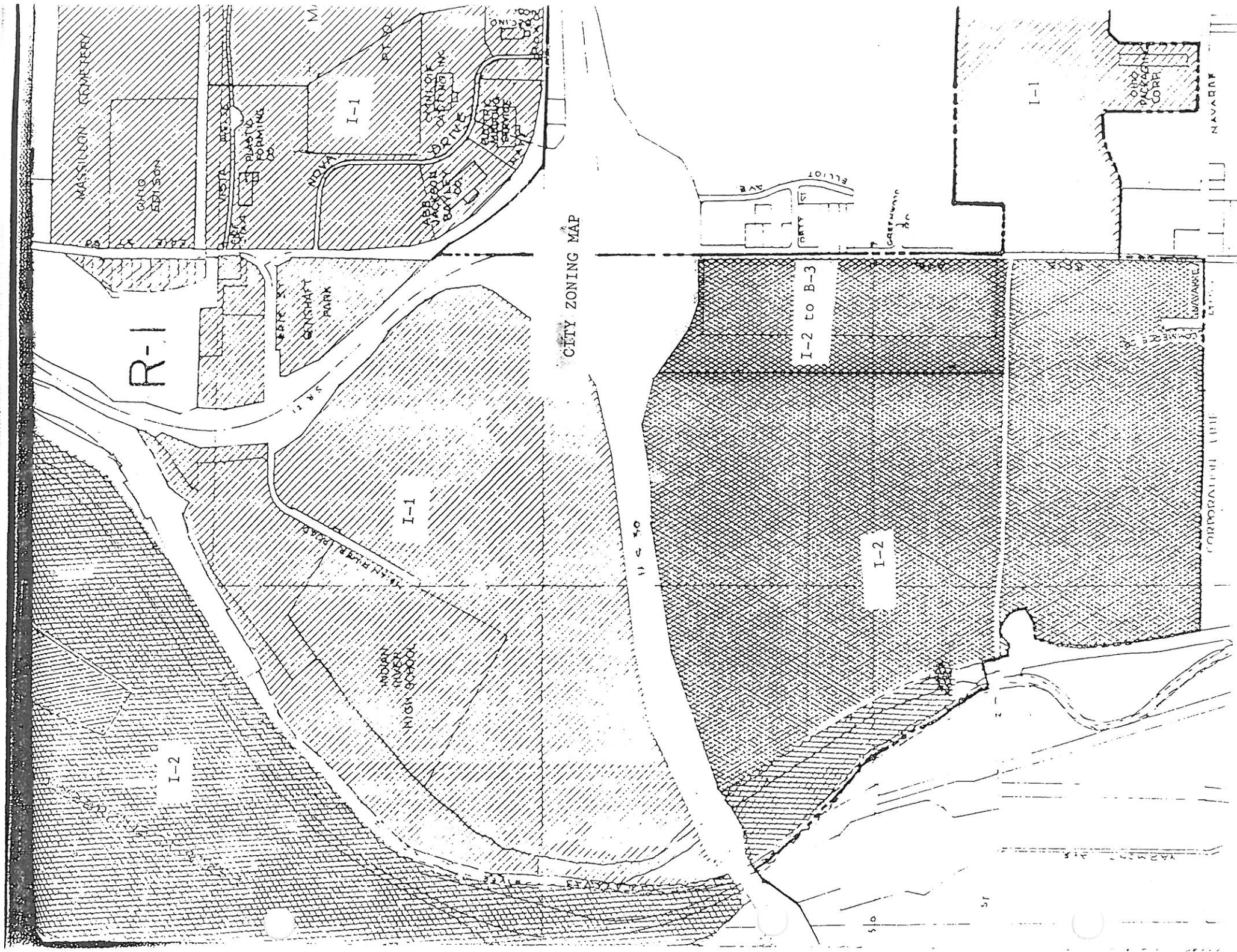
ATTEST:

FRANCIS H. CICCINELLI, JR., MAYOR



PROPOSED REZONING REQUEST
From: I-2 General Industrial
To: B-3 General Business





DATE: October 21, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 189 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with Catholic Community Services of Stark County Inc. to provide funding for operating assistance for the Family Living Center and rehabilitation work at the Center, 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 contract agreement with Catholic Community Services of Stark County Inc. to provide funding for operating assistance for the Family Living Center and rehabilitation work at the Center. The contract for services shall not exceed Twenty Thousand Dollars (\$20,000.00).

Section 2:

That the Mayor and the Director of Public Service and Safety of the City of Massillon be and is hereby authorized to enter into a contract agreement with Catholic Community Services of Stark County Inc. to provide funding for operating assistance for the Family Living Center and rehabilitation work at the Center.

Section 3:

Upon delivery of the aforesaid agreement, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for said agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

That this Ordinance is 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 it is necessary to implement the 1996 Community Development Block Grant Program. 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 DAY OF , 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICHINELLI, JR., MAYOR

DATE: October 21, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 190 - 1996

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

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

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

WHEREAS, The Ohio Revised Code Section 709.031 (B) requires;

Upon receiving this 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 709.031 (B), and

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

WHEREAS, the Stark County Commissioners have scheduled a public hearing, to be held in the Tuscarawas Township Administrative Offices located at 956 Manchester Road S.W. on December 12, 1996 at 7:00 P.M.

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, services of the Municipal Fire Department, services of the 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 services of the City of Massillon Administration.

Section 2:

That this Ordinance is hereby adopted and shall be immediately effective. Further, this ordinance shall be considered as an official statement of the Council of the City of Massillon, Ohio.

PASSED IN COUNCIL THIS DAY OF 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: October 21, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 191 - 1996

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

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

WHEREAS, Massillon Township was erected to conform with the corporation limits of the City of Massillon, Stark County, Ohio by the Board of County Commissioners on August 19, 1963, and

WHEREAS, the corporation limits of the City of Massillon, Ohio, have been enlarged since the erection of said Massillon Township, through the annexation of one (1) tract of land comprising a part of Perry Township, and

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

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that the corporation limits of the City of Massillon includes one (1) tract of land which is part of Perry Township, Stark County, Ohio, and that it will be in the public interest of the City to have the boundaries of said Perry Township changed by excluding this one (1) tract of land from said Perry Township and adding this one (1) tract of land to Massillon Township within the corporation limits of the City.

Section 2:

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

Known as and being Part of the Northwest Quarter Section 33 of Perry Township, Stark County, Ohio and being further described as follows:

Beginning at the Southwest corner of the Northwest Quarter Section 33, Perry Township; Thence N 01°38'30" W along the west line of said Quarter Section, a distance of 1452.40' to a point;

Thence N 87°28'26" E along a north line of a parcel currently or previously owned by L. Miller as recorded in Volume 3835 Page 847 a distance of 39.60' to a point;

Thence following said west line of the Wheeling and Lake Erie Rail Road tract the following courses:

N 02°11'00" E a distance of 100.00' to a point;
Thence, N 07°05'00" E a distance of 70.26' to a point;
Thence, N 13°30'00" E a distance of 10.20' to a point;
Thence, N 02°11'00" E a distance of 224.30' to a point;
along a curve to the left through a central angle of 09°09'49" an arc distance of 179.33' a chord bearing of N 02°24'54" W a distance of 179.14' to a point;

Thence N 06°48'53" W a distance of 660.28' to a point said point being in the centerline of Navarre Road;

Thence N 87°28'13" E along the centerline of Navarre Road a distance of 1304.26' to a point;

Thence S 02°14'36" E along the west line of a tract of land currently of presently owned by R. & B. Lillo as recorded in Volume 1143 Page 531 in Stark County, Ohio a distance of 213.75' to a point;

Thence N 87°28'28" E along the south line of said Lillo Tract a distance of 251.05' to a point;

Thence N 02°31'32" W along the east line of said Lilly Tract a distance of 213.74' to a point, said point being in the centerline of Navarre Road;

Thence N 87°28'28" E along the centerline of Navarre Road a distance of 476.69' to a point;

Thence S 02°14'44" E along a tract of land previously or presently owned by M. Pertican Trust as recorded in Volume 174 Page 194 in Stark County, Ohio a distance of 465.60' to a point;

Thence N 87°14'59" E along the south side of said Pertican tract a distance of 200.01' to a point;

Thence N 02°11'29" W continuing along the east side of said Pertican tract a distance of 412.10' to a point;

Thence following around a curve to the left through a central angle of 68°32'40" an arc distance of 35.89' a chord bearing of N 49°11'50" W a distance of 33.79' to a point

Thence N 01°19'48" W a distance of 28.75' to a point, said point being in the centerline of Navarre Road;

Thence N 87°45'47" E along the centerline of Navarre Road a distance of 502.30' to a point, said point also being the northeast corner of a parcel of land owned currently or previously by G. & V. Stahl as recorded in Volume 854 Page 631 in Stark County, Ohio;

Thence S 02°14'44" E along the east line of said Stahl Parcel distance of 330.28' to a point;

Thence N 87°28'28" E a distance of 68.27' to a point, said point being on the quarter section line between the Northwest and Northeast Quarter Sections 33 Perry Township, Stark County, Ohio;

Thence S 00°06'31" W along said quarter section line a distance of 332.81' to a point;

Thence S 87°28'28" W a distance of 733.07' to a point;

Thence S 02°14'44" E a distance of 2039.16' to a point, said point being on the south quarter section line of the Northwest Quarter Section 33 Perry Township, Stark County, Ohio;

Thence S 87°50'03" W along said quarter section line a distance of 2071.91' to a point, said point also being the true place of beginning containing 133.4672 acres, more or less, in the Northwest quarter Section 33 Perry Township.

Section 3:

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

Section 4:

That the Board of County Commissioners of Stark County, Ohio, are hereby petitioned under the authority of Section 503.07, Ohio Revised Code, to add the one (1) tract of land described in Section 2 of this ordinance to Massillon Township, Stark County, Ohio.

Section 5:

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

Section 6:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of this community and for the further reason that the timely resolution of its subject matter is essential for making the boundary lines of Massillon Township conform with the corporation lines of the City of Massillon, Ohio. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: October 21, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 192 - 1996

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE amending the agreement with Fiber-Corr to authorize the installation and maintenance of the West Massillon Trunk Sewer, and declaring an emergency.

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

Section 1:

The agreement between the City of Massillon and Fiber-Corr, dated November 10, 1995, be amended to authorize the installation and maintenance of the West Massillon Trunk Sewer.

Section 2:

The Mayor and the Director of Public Service and Safety are hereby authorized to sign the amended agreement with Fiber-Corr, dated November 10, 1995, for the installation and maintenance of the West Massillon Trunk Sewer.

Section 3:

A copy of said amendment is attached hereto and made part of this ordinance.

Section 4:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the various departments of the City of Massillon, Ohio, and for the additional reason that it is necessary for the installation and maintenance of the West Massillon Trunk Sewer. 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 _____ 1996

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCINELLI, JR., MAYOR

5:sgtl00796sw

AMENDMENT TO AGREEMENT

THIS AGREEMENT made this day of October, 1996, by and between FiberCorr, Inc. fka Cleaners Hanger Co. (herein "Company") and the City of Massillon, Ohio (herein "City"):

WHEREAS, the parties entered into an Agreement dated November 10, 1995, said Agreement incorporated by reference as if fully rewritten herein;

WHEREAS, the parties desire to amend said Agreement with regard to the rights of the parties;

NOW, THEREFORE, in consideration thereof, the parties do hereby agree to amend paragraph 2 of said Agreement to include the following language:

1. Company and City agree that said real estate may also be used by City for the installation and maintenance of a sewer line, provided, that the installation and maintenance of the sewer line shall not interfere with Company's installation and maintenance of its ten-foot wide easement and right-of-way used by Company for the future installation of a pipeline for the transmission of oil, gas, and petroleum products and their constituents. The parties hereto agree to consult with each other as to the exact placement of said sewer line and agree as to the exact location of the same.

IN WITNESS WHEREOF, the parties hereto have set their hands on this day of October, 1996, and further by said

signatures, do hereby agree to abide to and be bound by the terms of the Agreement set forth herein.

signed in the presence of:

**FIBERCORR, INC. FKA CLEANERS
HANGER CO.**

By: C. FRANK SHEW, President

By: SCOTT F. SHEW
General Manager

CITY OF MASSILLON, OHIO

By: FRANCIS H. CICCINELLI, JR.
Mayor

By: ALAN W. CLIMER
Safety Service Director

STATE OF OHIO SS:
STARK COUNTY

Before me, a Notary Public in and for said County and State personally appeared the above named **FiberCorr, Inc. fka Cleaners Hanger Co.**, by **C. Frank Shew**, its President, and **Scott F. Shew**, its General Manager; that said instrument was signed on behalf of said corporation and that said instrument is their free act and deed individually and the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Massillon, Ohio, this _____ day of October, 1996.

Notary Public

STATE OF OHIO
SS:
STARK COUNTY

Before me, a Notary Public in and for said County and State personally appeared the above named City of Massillon, Ohio, by **Francis H. Cicchinelli, Jr.**, its Mayor, and **Alan W. Climer**, its Safety Service Director; that said instrument was signed on behalf of said corporation and that said instrument is their free act and deed individually and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Massillon, Ohio, this ____ day of October, 1996.

Notary Public

DATE: October 21, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 193 - 1996

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to execute a grant of easement and right-of-way for and on behalf of the City of Massillon, to Power Resources Co., Inc., and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety is hereby authorized to sign on behalf of the City of Massillon, Ohio, a grant of easement and right-of-way for and on behalf of the City of Massillon, granting to Power Resources Co., Inc., its successors and assigns, certain rights as more fully set forth in Section 2 hereof.

Section 2:

The grant of an easement and right-of-way referred to in Section 1 hereof shall be in the following form and shall contain the following terms and conditions:

(SEE ATTACHED)

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the further reason that said easement is necessary to provide construction and installation of a gas line for Power Resources Co., Inc. Provided it receives the affirmative vote of two-thirds of the members elected 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 at the earliest period allowed by law.

PASSED IN COUNCIL THIS DAY OF 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICHINELLI, JR., MAYOR

PIPELINE RIGHT-OF-WAY GRANT

This day of , 199 , the CITY OF MASSILLON hereinafter called "Grantor"), for and in consideration of the sum of ONE DOLLAR (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, and further consideration, does hereby grant unto POWER RESOURCES OPERATING COMPANY, INC., 4051 Whipple Avenue, N.W., Canton, Ohio 44718, (hereinafter called "Grantee"), its successors and assigns, the rights and rights-of-way, from time to time to lay, construct, reconstruct, replace, renew, maintain, repair, operate, change the size of and remove pipes and pipelines, and needed appurtenances for the transportation and measurement of natural gas together with the right to erect, maintain, at such location or locations as the Grantee shall select, on, over, and through a certain tract of land situated in the city of Massillon, Stark County, Ohio.

Said right of way shall be on the southern edge of the Oberlin Avenue, S.W. road easement, starting at a point approximately 254' east of 9th street, S.W. and continuing west to 9th Street, S.W.

Grantor does hereby also grant unto the Grantee the right of ingress and egress over the lands of Grantor to and from said line being constructed for the purposes of construction, inspection, repairing, renewing, operating, changing the size of or removing the same, together with the right of removal of such at will, in whole or in part; the Grantee, its successors, and assigns to elect the way of ingress and egress.

The Grantee hereby agrees to pay for all damage done to Grantor's property while laying, repairing, or removing said lines; and further that the amount of said damages, if not mutually agreed upon, shall be ascertained and determined by three disinterested persons, one thereof to be appointed by the Grantor and one by the Grantee, and the third by the two so appointed, and the award of such three persons, or any two of them, shall be final and conclusive. Grantee further agrees to proceed with due diligence and good workmanship and to recover the property as near as possible to its original condition, and abide by all the rules and requirements set forth by the Massillon City Engineers Office.

All of the rights granted and the duties imposed upon the Grantor and the Grantee, respectively, shall inure to and be binding upon the respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this instrument as of the day and year of their signature as set forth below.

Signed and acknowledged in the presence of:

Grantor

STATE OF OHIO)
) SS:
COUNTY OF STARK)

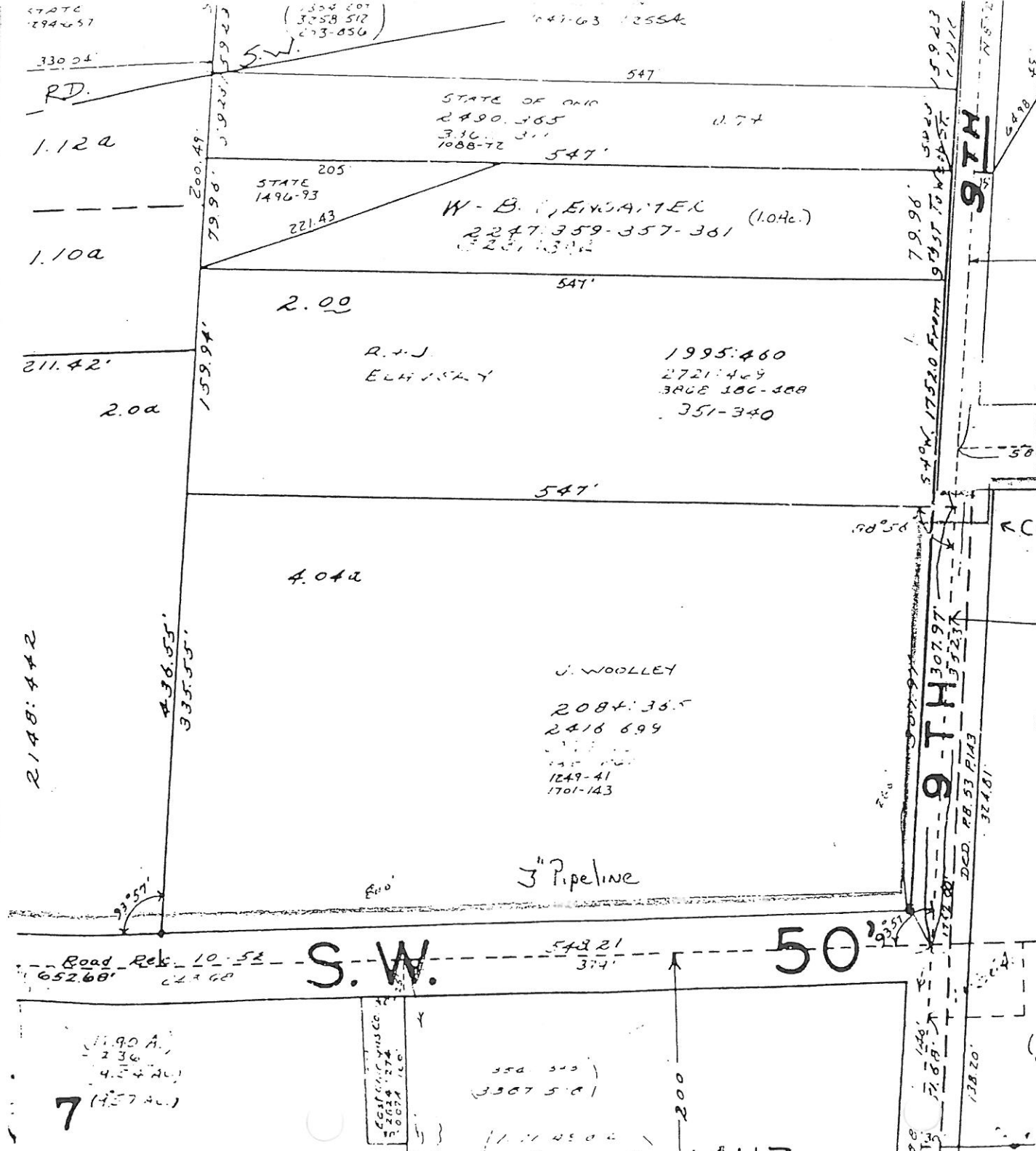
Before me, a Notary Public in and for said County and State, personally appeared the above named City of Massillon who acknowledged that it did sign the foregoing instrument the same is its free and voluntary act and deed.

In testimony whereof, I have hereunto set my hand and official seal this _____ day of _____, 199__.

Notary Public
My Commission Expires:

This instrument prepared by:

POWER RESOURCES OPERATING COMPANY, INC.
4051 Whipple Avenue, N.W.
Canton, Ohio 44718



DATE: October 21, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 194 - 1996

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with George Waikem Ford Inc. for the purchase of eight (8) vehicles to be used by the Police Department, in the City of Massillon, Ohio, and declaring an emergency.

NOW, THEREFORE, BE 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 contract with George Waikem Ford Inc. for the purchase of eight (8) vehicles to be used by the Massillon Police Department.

Section 2:

The Director of Public Service and Safety be and is hereby authorized to enter into contract with George Waikem Ford Inc. for the purchase of eight (8) vehicles to be used by the Massillon Police Department. The cost of said vehicles shall not exceed One Hundred Fifty-Four Thousand Five Hundred Dollars (\$154,500.00)

Section 3:

That this Ordinance is 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 new vehicles are needed for the Police Department so as to secure the safety of the citizens of 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 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: October 21, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 195 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriated balance of the Massillon Rental Rehab, Street M&R Fund, Bond Retirement Fund and Clerk of Court Computing Fund, of the City of Massillon, Ohio, for the year ending December 31, 1996, and declaring an emergency.

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

Section 1:

The appropriated balance of the Massillon Rental Rehab of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1996, as follows:

\$ 67,500.00 "Rental Rehab Program" 1213.820.2390

Section 2:

The appropriated balance of the Street M&R Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1996, as follows:

\$ 50,000.00 "1996 Street Resurfacing" 1201.435.2515

Section 3:

The appropriated balance of the Bond Retirement Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1996, as follows:

\$ 49,949.11 "Bond Payment" 1301.940.2620

Section 4:

The appropriated balance of the Clerk of Court Computing Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1996, as follows:

\$ 3,000.00 "Computer Equipment/Supplies" 1232.130.2520

Section 5:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the various departments of the City of Massillon, Ohio, 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 _____ 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: October 21, 1996 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 196 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Wastewater Treatment Fund, Police Pension Fund, and the Garage Fund, of the City of Massillon, Ohio, for the year ending December 31, 1996, 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 Community Development Block Grant Program Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 76,477.00 to an account entitled "EMS Paramedic Vehicle" 1402.845.2852
\$ 20,000.00 to an account entitled "Family Living Center" 1402.845.2841

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 47,000.00 to an account entitled "Sludge Hauling" 2101.610.2390
\$ 4,000.00 to an account entitled "P.E.R.S." 2101.610.2230
\$ 1,500.00 to an account entitled "City Share Medicare" 2101.610.2231

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Police Pension Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 23,700.00 to an account entitled "Police Pension" 3101.330.2240

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Garage Fund of the City of Massillon, Ohio, for the year ending December 31, 1996, the following:

\$ 10,000.00 to an account entitled "Garage Salary" 2201.440.2110
\$ 1,172.00 to an account entitled "P.E.R.S." 2201.440.2230

Section 5:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the aforesaid departments of the City of Massillon, Ohio, 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 _____, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: October 21, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 197 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1996 appropriation from within the Capital Improvement Fund to Lincoln Center Bond Retirement Fund, General Fund to the Garage Fund, Fire Damage Structure Fund to the Community Development Block Grant Program Fund, and Bond Retirement Fund to the Lincoln Center Bond Retirement Fund, 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 hereby is transferred from the 1996 appropriation from within the Capital Improvement Fund of the City of Massillon to the Lincoln Center Bond Retirement Fund, the following:

\$216,171.00 from "Transfer To Bond Retirement Lincoln Center Phase II"
1401.410.2711
to "Transfer In" 1303.410.1860

Section 2:

There be and hereby is transferred from the 1996 appropriation from within the General Fund of the City of Massillon to the Garage Fund, the following:

\$ 17,000.00 from "Transfer To Garage Fund 1100.905.2710 to
to "Transfer In" 2201.440.1860

Section 3:

There be and hereby is transferred from the 1996 appropriation from within the Fire Damage Structure Fund of the City of Massillon to the Community Development Block Grant Program Fund, the following:

\$ 2,250.00 from "Transfer Out" 3107.905.2710
to "Transfer In" 1402.845.1860

Section 4:

There be and hereby is transferred from the 1996 appropriation from within the Bond Retirement Fund to Lincoln Center Bond Retirement Fund, the following:

\$ 50.89 from "Transfer To" 1301.940.2710
to "Transfer In" 1303.410.1860

Section 5:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the aforementioned 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 _____ 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: October 21, 1996

CLERK: SHARON HOWELL,

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 198 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1996 appropriation from within the General Fund, of 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 1:

There be and hereby is transferred from the 1996 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$28,000.00	from "Street Lighting"	1100.905.2480
\$12,000.00	from "Health Salary"	1100.705.2110
\$10,800.00	from "Muni Clerks Salary"	1100.125.2111
\$ 9,000.00	from "Building Salary"	1100.415.2110
\$ 4,910.00	from "Courthouse Security Salary"	1100.125.2115
\$ 1,100.00	from "Referee Salary"	1100.125.2114
\$25,000.00	to "City hall Utilities"	1100.410.2340
\$14,731.00	to "Fire Salary"	1100.325.2110
\$10,100.00	to "P.E.R.S. Clerk of Courts"	1100.130.2230
\$ 5,610.00	to "P.E.R.S. Auditors"	1100.205.2230
\$ 4,748.00	to "Police P.E.R.S."	1100.305.2230
\$ 3,000.00	to "Street Utilities"	1100.435.2340
\$ 1,100.00	to "Salary Clerks"	1100.305.2111
\$ 676.00	to "Income Tax P.E.R.S."	1100.210.2230
\$ 336.00	to "Civil Service P.E.R.S."	1100.150.2230
\$ 290.00	to "City Hall Janitorial Serv. P.E.R.S."	1100.410.2230
\$ 219.00	to "Treasurer P.E.R.S."	1100.215.2230

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the aforementioned 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 _____, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICHINELLI, JR., MAYOR

DATE: October 19, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 199 - 1996

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to extend the length of the current Collective Bargaining Agreement with the Massillon Professional Firefighters I.A.F.F. Local 251 for thirty (30) days, or until December 24, 1996, and declaring an emergency.

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

Section 1:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, be and hereby are authorized to enter into an extension for the current Collective Bargaining Agreement with the Massillon Professional Firefighters I.A.F.F. Local 251 for thirty (30) days or until December 24, 1996.

Section 2:

That this Ordinance is 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 it is necessary to extend the agreement in that the City and the union are not able to discuss economic issues because of the pending income tax repeal issue. Provided it receives the affirmative vote of two-thirds of the elected members of 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 _____ 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICCINELLI, JR., MAYOR

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(CITY COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the City of Massillon, Stark
County, Ohio, met in session on the day of
19, at the office of with the following members
present:

Mr. moved the adoption of the following Resolution:
WHEREAS, This Council in accordance with the provisions of law has previously
adopted a Tax Budget for the next succeeding fiscal year commencing January 1st,
19; and

WHEREAS, The Budget Commission of County, Ohio, has
certified its action thereon to this Council together with an estimate by the County Auditor
of the rate of each tax necessary to be levied by this Council, and what part thereof is
without, and what part within the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the City of,
County, Ohio, that the amounts and rates, as determined by the Budget Commission in
its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City
the rate of each tax necessary to be levied within and without the ten mill limitation as
follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount to Be Derived from Levies Outside 10 Mill Limitation	Column II	Amount Approved by Budget Com- mission Inside 10 Mill Limitation			County Auditor's Estimate of Tax Rate to be Levied	
			Column IV	V	VI	Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund			908	074	7.10		
General Bond Retirement Fund							
Park Fund							
Recreation Fund							
Police Pension Fund			97	763	.30		
Firemen Pension Fund			97	763	.30		
Museum Fund	277	581				1.00	

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column II)
General Fund:		
Current expense levy authorized by voters on , 19 ,		
for not to exceed years.		
Current expense levy authorized by voters on , 19 ,		
for not to exceed years.		
Total General Fund outside 10 m. Limitation.		
Park Fund: Levy authorized by voters on , 19 ,		
for not to exceed years.		
Creation Fund: Levy authorized by voters on , 19 ,		
for not to exceed years.		
Museum Fund: Levy authorized by voters on 5/4 , 1993 ,	1.00	277 581
for not to exceed 5 years.		
Fund: Levy authorized by voters on		

19 , for not to exceed years.

Fund: Levy authorized by voters on

19 , for not to exceed years.

and be it further

RESOLVED, That the Clerk of this Council be, and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr.,

Mr.,

Mr.,

Mr.,

Mr.,

Mr.,

Mr.,

Adopted the day of , 19

Attest:

.....
President of Council

.....
Clerk of Council

CERTIFICATE TO COPY

ORIGINAL ON FILE

The State of Ohio, County, ss.

I, Clerk of the Council of the City of , within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original

now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this day of , 19

Clerk of Council

County, Ohio
RESOLUTION
ACCEPTTING THE AMOUNTS AND RATES AS DE-
TERMINED BY THE BUDGET COMMISSION
AND AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE
COUNTY AUDITOR.
(City Council)

Adopted , 19
Clerk of Council
Filed , 19
County Auditor
By Deputy

COUNCIL OF THE CITY OF

1. A copy of this Resolution must be certified to the County Auditor before the first day of October in each year, or at such later date as may be approved by the Board of Tax Appeals.