

A G E N D A

DATE: NOVEMBER 18, 1996
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

ROLL CALL

INVOCATION - COUNCILMAN JAMES ROHR

PLEDGE OF ALLEGIANCE

READING OF THE JOURNAL

REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 207 - 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 contract with the F.O.P. Henderson Lodge #105 for thirty (30) days, and declaring an emergency. *fire fight 8's*

ORDINANCE NO. 208 - 1996

BY: SEWER AND WASTE DISPOSAL COMMITTEE *P.O.C.*

AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with CTI Environmental Inc., for professional engineering services for the design of a disinfection/dechlorination facility at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 209 - 1996

BY: SEWER AND WASTE DISPOSAL COMMITTEE

AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, by repealing existing Section 912.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE." and enacting a new Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE." of CHAPTER 925, and declaring an emergency.

ORDINANCE NO. 210 - 1996

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE accepting the replatting of part of Out Lot No. 562 and Out Lot 563, located on the north side of Nave Road S.E. east of Veterans Blvd., and accepting the dedication of University Drive, S.E. as well as the dedication of that portion of Nave Road, S.E. abutting this property in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer and designated as File No. SD-511 and Acc No. 3337, and declaring an emergency.

ORDINANCE NO. 211 - 1996

BY: STREETS, HIGHWAY, TRAFFIC & SAFETY COMM

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to execute a grant of easement on a portion of Lot No. 10880 and Lot No. 9294 for and on behalf of the City of Massillon, to Mark A. and Sonya M.Dulabahn for access to property located at 610 Lincoln Way East, and declaring an emergency.

ORDINANCE NO. 212 - 1996

BY: COMMITTEE OF THE WHOLE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety to hold in abeyance the enforcing of the City employee drug policy for the Massillon Police Department pending contract negotiations, and declaring an emergency.

ORDINANCE NO. 213 - 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. 214 - 1996

BY: FINANCE COMMITTEE

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

ORDINANCE NO. 215 - 1996

BY: SEWER AND WASTE DISPOSAL COMMITTEE *P.O.C.*

AN ORDINANCE authorizing the Director of Public Service and Safety to amend the contract, with Finkbeiner, Pettis & Strout, Ltd., to add engineering services through the bidding and construction phases of the West Massillon Trunk Sewer Project, and declaring an emergency.

NOVEMBER 18, 1996

ORDINANCE NO. 216 - 1996

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Fund, Parks and Recreation Fund, Emergency Home Repair Fund, Legends Golf Course Fund, Unclaimed Money Fund, and the General Fund, of the City of Massillon, Ohio, for the year ending December 31, 1996, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

Added Appointment to Board

A). MAYOR SUBMITS MONTHLY REPORT FOR OCTOBER 1996

B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR OCTOBER 1996

C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR OCTOBER 1996

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING 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. *- Conditional Zoning*

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. 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 eight (8) vehicles to be used by the Police Department, in the City of Massillon, Ohio, and declaring an emergency.

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 IS A PUBLIC HEARINGS THIS EVENING AT 6:45 P.M.
REGARDING ORDINANCE NO. 188 - 1996

SHARON HOWELL
CLERK OF COUNCIL

DATE: November 18, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 207 - 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 contract with the F.O.P. Henderson Lodge #105 for thirty (30) days, 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 contract with F.O.P. Henderson Lodge #105 for thirty (30) days.

Section 2:

That the contract agreement between parties will be retroactive to the expiration date of the F.O.P. Henderson Lodge #105 and Massillon Professional Firefighters I.A.F.F. Local 251 Collective Bargaining Units.

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 it is necessary to extend the agreement in that the City and the union were 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. CICHINELLI, JR., MAYOR

DATE: November 18, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 208 - 1996

BY: SEWER AND WASTE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with CTI Environmental, Inc., for professional engineering services for the design of a disinfection/dechlorination facility at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

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

Section 1:

The City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract, without competitive bidding, with CTI Environmental, Inc., for professional engineering services for the design of a disinfection/dechlorination facility at the Wastewater Treatment Plant in the City of Massillon.

Section 2:

That the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract, without competitive bidding, with CTI Environmental, Inc., for professional engineering services for the design of a disinfection/dechlorination facility at the Wastewater Treatment Plant in the City of Massillon.

Section 3:

That the cost of this professional service will not exceed the amount of Thirty Thousand Dollars (\$30,000.00)

Section 4:

That 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 that CTI Environmental, Inc., has the experience and technology to perform the required services. 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. CICCHINELLI, JR., MAYOR

DATE: November 18, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 209 - 1996

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinance of the City of Massillon, by repealing existing Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE." and enacting a new Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE." of CHAPTER 925, and declaring an emergency.

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

Section 1:

Existing Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE." of CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon be and hereby is repealed.

Section 2:

That there be and hereby is enacted a new Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE." of CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon be and hereby is enacted and shall read as follows:

925.12 SEWER CONNECTION PERMIT REQUIRED; FEE.

(b) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee of Fifty Dollars (\$50.00) for a residential building sewer permit and One Hundred Dollars (\$100.00) for a commercial building sewer permit and for an industrial waste permit shall be paid to the City Engineer at the time application is filed. A permit fee for the repair of an existing sewer shall be Twenty-five Dollars (\$25.00).

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is needed so that the permit fees are increased to stay in line with the rising cost to administer the department, and for the additional reason 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: November 18, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 210 - 1996

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the replatting of part of Out Lot No. 562 and Out Lot 563, located on the north side of Nave Road S.E. east of Veterans Blvd., and accepting the dedication of University Drive, S.E. as well as the dedication of that portion of Nave Road, S.E. abutting this property, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer and designated as File No. SD-511 and Acc No.3337, and declaring an emergency.

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

Section 1:

The replatting of part of Out Lot No. 562 and Out Lot 563, located on the north side of Nave Road S.E. east of Veterans Blvd., and accepting the dedication of University Drive, S.E. as well as the dedication of that portion of Nave Road, S.E. abutting this property, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer and designated as File No. SD-511 and Acc No. 3337, be and the same is approved and accepted that the replatting of part of Out Lot No. 562 and Out Lot 563 thereon shown, be and the same is hereby accepted and confirmed. This replatting and dedication was approved by the Planning Commission at the meeting held November 13, 1996. That the City Engineer has requested that the dedication of University Drive, S.E. as well as that portion of Nave Road S.E. that abuts said property be formally dedicated by the City and now on file with the City Engineer is approved as heretofore described:

A part of Out Lot No. 562 and Out Lot 563 located on the north side of Nave Road, S.E., east of Veterans Boulevard, S.E. be replatted into three separate parcels: 1). a 19.822 acre parcel that will be sold to Ashland University; 2) a 12.096 acre parcel that is proposed to be sold by the City for residential development; and 3) a 4.724 acre parcel that will be retained by the City. Also included in this plat is the dedication of a new road, University Drive, S.E. as well as the dedication of that portion of Nave Road, S.E. abutting this property.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said dedication is urgently needed for proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by Law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 1996

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCINELLI, JR., MAYOR

DATE: November 18, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 211 - 1996

BY: STREETS, HIGHWAY, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to execute a grant of easement on a portion of Lot No. 10880 and Lot No. 9294 for and on behalf of the City of Massillon, to Mark A. and Sonya M. Dulabahn for access to property located at 610 Lincoln Way East, 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 Director of Public Service and Safety are authorized to sign on behalf of the City of Massillon, Ohio, to execute a grant of easement on a portion of Lot No. 10880 and Lot No. 9294 for and on behalf of the City of Massillon, to Mark A. and Sonya M. Dulabahn for access to property located at 610 Lincoln Way East, granting certain rights as more fully set forth in Section 2 hereof.

Section 2:

The easement referred in Section 1 hereof shall be in the following form and shall contain the following terms and conditions:

Said easement covers the premises known as and being a portion of Lot No. 10880 and Lot No. 9294 for and on behalf of the City of Massillon, to Mark A. and Sonya M. Dulabahn for access to property located at 610 Lincoln Way East

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. 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. CICCHINELLI, JR., MAYORS

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF MASSILLON, OHIO, hereinafter referred to as "Grantor," for the sum of One Dollar and other valuable consideration (\$1.00 and O.V.C.) paid by MARK A. DULABAHN and SONYA M. DULABAHN, hereinafter collectively referred to as "Grantee," do hereby grant and convey unto Grantee, their heirs and assigns, a non exclusive easement and right of way upon and across a portion of Lot Number 10880 in the City of Massillon and Lot Number 9294 in the City of Massillon. Said easement area is specifically depicted on the survey prepared by Buckeye Surveying Services, Inc., dated September 17, 1996, which is attached hereto as Exhibit "A" and specifically incorporated herein.

The easement and right of way is for the benefit of Lot Number 447 in the City of Massillon, and shall be deemed to run with the land.

To have and to hold unto said Grantee, the easement and right of way as appurtenant to Lot Number 447 in the City of Massillon for the use and benefit of Grantee, their heirs, assigns, agents, employees, tenants, visitors, licensees, and all persons using the same for the benefit of the Grantee to freely pass and repass on foot or with vehicles for all lawful purposes incident and proper to the enjoyment of Grantees land.

It is further agreed that the Grantor shall not obstruct or permit obstruction of said easement and right of way in any manner whatsoever.

Grantor further grants unto Grantee an Easement for the specific purpose of allowing a portion of a frame shed which is now in existence on Lot 10880 to remain on said Lot 10880.

The conveyances and covenants contained herein shall be binding upon and shall inure to the benefit of the heirs and assigns of the parties hereto.

IN WITNESS WHEREOF, we have hereunto set our hands this ____ day of _____, 1996.

SIGNED IN THE PRESENCE OF:

GRANTOR:

CITY OF MASSILLON

By: _____

By: _____

STATE OF OHIO, COUNTY OF STARK, SS:

BEFORE ME, a Notary Public in and for said county and state, personally appeared _____ and _____ of the CITY OF MASSILLON, who acknowledged that _____ signed the foregoing instrument as the fully authorized officers of said City of Massillon, a Municipal Corporation of the State of Ohio, and that the same is its free act and deed and their free act and deed, respectively, as such officers and individually.

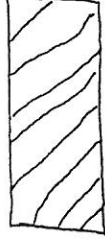
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Canton, Ohio, this ____ day of _____, 1996.

Notary

This instrument prepared by:
David M. Thomas, Attorney at Law
Day, Ketterer, Raley, Wright & Rybolt, Ltd.
800 William R. Day Building
121 Cleveland Avenue South
P.O. Box 24213
Canton, Ohio 44701-4213

Exhibit "A"

67 St. N.W.
BALL DOGS



THIS PROPERTY LIES IN FLOOD ZONE C,
AREA OF MINIMAL FLOODING, AS DEFINED
BY NATIONAL FLOOD INSURANCE PROGRAM,
FLOOD INSURANCE RATE MAP.
PANEL NO. 390517 0005 C
7-5-82

0
0
0

DATE: November 18, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

UNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 212 - 1996

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety to hold in abeyance the enforcing of the City employee drug policy for the Massillon Police Department pending contract negotiations, 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 hereby authorizes the Mayor and the Director of Public Service and Safety to hold in abeyance the enforcing of the City employee drug police for the Massillon Police Department pending contract negotiations.

Section 2:

That 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 City must hold in abeyance the enforcement of the City's Drug Police for the Massillon Police Department pending contract negotiations pursuant to the order of the Ohio State Employees Relations Board. 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. CICHINELLI, JR., MAYOR

DATE: November 18, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 213 - 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:

\$22,000.00 from "Transfer To" 1100.325.2710
\$18,692.00 from "Special Council Arb. Fees" 1100.115.2395
\$11,985.00 from "Police Medicare" 1100.305.2231
\$ 5,000.00 from "Law Director - Clerks Salary" 1100.115.2111
\$ 4,918.00 from "Misc. Claims" 1100.115.2392
\$ 4,000.00 from "Bailiff-Salary" 1100.135.2111
\$ 2,999.00 from "Law Director Salary" 1100.115.2110
\$ 2,000.00 from "Street M&R Salary" 1100.435.2110
\$ 931.00 from "Misc. Accum. Sick Leave" 1100.905.2150

\$33,700.00 to "Refunds - Income Tax" 1100.210.2720
\$25,295.00 to "State Examination" 1100.905.2395
\$10,400.00 to "Claims" 1100.905.239N
\$ 1,510.00 to "Fire Medical" 1100.325.2231
\$ 526.00 to "Court Medicare" 1100.125.2231
\$ 504.00 to "Clerk of Courts Medicare" 100.130.2231
\$ 300.00 to "Auditors Medicare" 1100.205.2231
\$ 200.00 to "Engineering Medicare: 1100.405.2231
\$ 100.00 to "City Hall & Pub. Bldg. Medicare" 1100.410.2231

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. CICCINELLI, JR., MAYOR

DATE: November 18, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 214 - 1996

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1996 appropriation from the Unclaimed Money Fund to 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 the Unclaimed Money Fund to the General Fund the following:

\$ 6,025.94 FROM: "Transfer To" 3108.905.2710
TO: "Transfer From Unclaimed Money" 1100.905.1861

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are being transferred from the Unclaimed Money Fund to the General Fund, 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: November 18, 1996

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 215 - 1996

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to amend the contract, with Finkbeiner, Pettis & Strout, Ltd., to add engineering services through the bidding and construction phases of the West Massillon Trunk Sewer 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 amend the contract, with Finkbeiner, Pettis & Strout, Ltd., to add engineering services through the bidding and construction phases of the West Massillon Trunk Sewer Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to amend the contract, with Finkbeiner, Pettis & Strout, Ltd., to add engineering services through the bidding and construction phases of the West Massillon Trunk Sewer Project.

Section 3:

That 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 that the professional services be preformed to complete the West Massillon Trunk Sewer 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.

PASSED IN COUNCIL THIS DAY OF 1996

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED:

FRANCIS H. CICCINELLI, JR., MAYOR

ADDENDUM NO. 1 TO AGREEMENT FOR ENGINEERING SERVICES

WHEREAS, an Agreement was entered into on April 17, 1996, by and between the CITY OF MASSILLON, OHIO, hereinafter called the "OWNER", and FINKBEINER, PETTIS & STROUT, INC., Consulting Engineers, of Akron, Ohio, their successors or assigns, hereinafter called the "ENGINEER";

WHEREAS, under said Agreement, the OWNER agreed to employ said ENGINEER to render engineering services for improvements related to the West Massillon Trunk Sewer Project of the OWNER; and

WHEREAS, it is necessary to expand the Scope of Services to include additional Bidding and Construction Phase services and Geotechnical Subconsultant Services as described in Exhibits C and D; and

WHEREAS, the Agreement must, therefore, be amended to authorize the additional \$25,594.00 payment to the ENGINEER for said additional bidding and construction services,

NOW THEREFORE, this _____ day of _____, 1996 the OWNER hereby agrees to amend said Agreement with said ENGINEER as follows:

Delete Section 2.3. Bidding or Negotiation Phase and Section 2.4. Construction Phase, on Pages 3, 4, 5, 6 and 7 of the AGREEMENT FOR ENGINEERING SERVICES and add the following:

"2.3. Bidding and Construction Phases.

After acceptance by the OWNER of the ENGINEER's Drawings, Specifications and other Final Design Phase documentation (including the most recent opinion of probable Construction Cost), and upon authorization to proceed, ENGINEER shall perform the services described in Exhibit C - B/C Phase Letter Proposal dated July 18, 1996, consisting of four pages.

The ENGINEER shall also furnish additional geotechnical services as described in Exhibit D - August 14, 1996 Letter Proposal from Timmerman Geotechnical Group, Inc., consisting of four pages."

Add to Section 6.1.1 on Page 13 of the AGREEMENT FOR ENGINEERING SERVICES following the seventh line the following:

"Paragraph 2.3. Bidding and Construction Phases - \$25,594.00**."

Add to Section 6.1.1 on Page 13 of the AGREEMENT FOR ENGINEERING SERVICES following the eighth line the following:

"**Includes an allowance of \$7,744.00 for geotechnical services as outlined in Exhibit D - Letter of August 14, 1996 describing additional geotechnical services during construction."

Add to Section 9 on Page 19 of the AGREEMENT FOR ENGINEERING SERVICES the following:

"9.1.3. Exhibit C - Letter of July 18, 1996 describing additional Bidding and Construction Phase Services.

9.1.4. Exhibit D - Letter of August 14, 1996 describing additional geotechnical services during construction."

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

APPROVED AS TO FORM

CITY OF MASSILLON, OHIO
(OWNER)

Law Director

By

Safety-Service Director

CERTIFICATION OF AVAILABILITY
OF FUNDS

I hereby certify that the \$25,594 required for this contract has been lawfully appropriated and is in the treasury or is in the process of collection to the credit of the appropriate fund, free from prior encumbrance.

City Auditor

Date

FINKBEINER, PETTIS & STROUT, INC.
(ENGINEER)

By

William E. Hunt

&

Thomas J. Hunt

2nd Vice President

Dele Wallhouse 11-12-96