

A G E N D A

DATE: JANUARY 6, 1997
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN TIM BRYAN
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
- 5a. COUNCIL PRESIDENT DAVE SMITH TO APPOINT COUNCILWOMAN NANCY HALTER TO COMMITTEES FOR 1997-98 TERM.
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 1 - 1997 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE amending the agreement between the City of Massillon and Washington Steel Corporation, under the Ohio Urban Jobs and Enterprise Zone program, by the assignment by Washington Steel Corporation to Lukens Steel Company, of its interest, rights, and duties under the original Enterprise Zone Agreement, and declaring an emergency.

ORDINANCE NO. 2 - 1997 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE authorizing the sale of a 12.2333 acre parcel of City owned land between Veterans Boulevard and the Ashland University site, to W.G. Lockhart Construction Company. Said property is owned by the City, and is not needed for any municipal purpose, and declaring an emergency.

ORDINANCE NO. 3 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

AN ORDINANCE enacted by the City of Massillon, Stark County, Ohio, in the matter of the hereinafter described improvement and to request cooperation by the Ohio Director of Transportation and declaring an emergency.

ORDINANCE NO. 4 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

AN ORDINANCE enacted by the City of Massillon, Stark County, Ohio, in the matter of the hereinafter described improvement and to request cooperation by the Ohio Director of Transportation and declaring an emergency.

ORDINANCE NO. 5 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with Ohio Department of Public Safety to receive a grant for upgrading regulatory signs, and declaring an emergency.

ORDINANCE NO. 6 - 1997 BY: SEWER AND WASTE DISPOSAL COMMITTEE

AN ORDINANCE authorizing and directing the Mayor and Director of Public Service and Safety to enter into a Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, and declaring an emergency.

ORDINANCE NO. 7 - 1997 BY: HEALTH, WELFARE & BUILDING REGULATIONS

AN ORDINANCE amending CHAPTER 557 "WEEDS AND TREES" of the Codified Ordinances of the City of Massillon, by repealing existing Section 557.04(a) "REMOVAL OF TREES" and enacting a new Section 557.04(a) "REMOVAL OF TREES" OF CHAPTER 557, and declaring an emergency.

ORDINANCE NO. 8 - 1997 BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 1997 appropriation from within the Capital Improvement Fund, of the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 1 - 1997 BY: COMMITTEE OF THE WHOLE

A RESOLUTION commending John H. Frieg as President of Council for the City of Massillon, Ohio.

RESOLUTION NO. 2 - 1997 BY: COMMITTEE OF THE WHOLE

A RESOLUTION supporting the RTA Board to resubmit a quarter percent sales tax on the May 1997 Primary ballot.

JANUARY 6, 1997

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 DECEMBER 1996
 - B). AUDITOR SUBMITS MONTHLY REPORT FOR DECEMBER 1996
 - C). MAYOR TO GIVE STATE OF THE CITY ADDRESS FOR 1997
 - D). ACCEPTANCE OF MAYORS APPOINTMENTS TO BOARDS AND COMMISSIONS FOR 1997
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

DATE: January 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 1 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon and Washington Steel Corporation, under the Ohio Urban Jobs and Enterprise Zone Program, by the assignment by Washington Steel Corporation to Lukens Steel Company, of its interest, rights, and duties under the original Enterprise Zone Agreement, 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 Washington Steel Corporation, under the Ohio Urban Jobs and Enterprise Zone Program is hereby amended by the assignment to Lukens Steel Company of Washington Steel Corporation's interest, rights, and duties under the original Enterprise Zone Agreement,

Section 2:

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

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone Agreement to reflect the assignment of Washington Steel Corporation to Lukens Steel Company of all its interests, rights and duties under said agreement. 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 _____ 1997

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: January 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 2 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the sale of a 12.2333 acre parcel of City owned land between Veterans Boulevard and the Ashland University site, to W.G. Lockhart Construction Company. Said property is owned by the City, and is not needed for any municipal purpose, and declaring an emergency.

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

Section 1:

The following described real estate belonging to the City of Massillon, Ohio, is not needed for any municipal purpose, to-wit:

A 12.2333 acre parcel of City owned land located between Veterans Boulevard and the Ashland University site, in the City of Massillon, County of Stark and State of Ohio.

Section 2:

That the Director of Public Service and Safety be and hereby is authorized to sell said real estate to W.G. Lockhart Construction Company, and that said Director of Public Service and Safety and the Mayor of the City of Massillon, Ohio, are hereby authorized to convey said real estate by deed to W.G. Lockhart Construction Company.

Section 3:

W.G. Lockhart Construction Company agrees to construct the proposed University Drive, which has an estimated cost of \$500,000.00. The City agrees to pay \$200,000.00 to W.G. Lockhart Construction Company and the transfer of the 12.2333 acre parcel in exchange for the construction of said University Drive by W.G. Lockhart Construction Company.

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason of such emergency arising out of the necessity to dispose of real estate no longer needed for any municipal purpose for the best price obtainable and for the development of the land located near the Legends Golf Course. 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 _____ 1997

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 3 - 1997

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE enacted by the City of Massillon, Stark County, Ohio, in the matter of the hereinafter described improvement and to request cooperation by the Ohio Director of Transportation and declaring an emergency.

WHEREAS, the City has identified the need for and proposes the improvement of a portion of the public highway which is described as follows:

Install blunt-end guardrail and unconnected bridge approach guardrail.
(STATE RT. 21)

said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement, and

WHEREAS, the City further desires cooperation from the Ohio Director of Transportation in the planning, design and construction of said improvement.

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

Section 1:

The City of Massillon hereby requests the cooperation of the Ohio Director of Transportation in the cost of the above described improvement as follows:

Consent is given for the above improvement, and further the City will assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement, as determined by the State and the Federal Highway Administration.

Section 2:

It is declared to be in the public interest that the consent of said City be and such consent is hereby given to the Director of Transportation to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

Section 3:

The Director of Public Service and Safety of the City of Massillon, is hereby empowered and directed on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

Section 4:

The traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

Section 5:

Upon completion of said improvement, said City, will thereafter keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provision for such maintenance; and
- (b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

- (c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.
- (d) Regulate parking in the following manner:

Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

Section 6:

The following is further required to be in the said agreement:

- (a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State will acquire any additional right-of-way required for the construction of the aforesaid improvement.
- (c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose line or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by said City or the Department of Transportation.
- (d) That it is hereby agreed that the City shall at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provision of Directive H-P-508 inside or outside the corporate limits as may be necessary to conform to the said improvement and rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.
- (f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4 "Utilities Relocations and Adjustments" and the Department of Transportation's rules on Utility Accommodation.
- (g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Section (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, the State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove.

Section VII

This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, and 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 from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 1997

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

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

CERTIFICATE OF COPY

STATE OF OHIO

City of Massillon SS

County Stark

I, Sharon Howell, as Clerk of the City of Massillon, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No.3 - 1997, adopted by the legislative authority of the said City on the _____ day of _____, 1997, that the publications of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in Ordinance Record No. 3 - 1997.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____ day of _____, 1997.

(SEAL)

CLERK

City of Massillon, Ohio.

The foregoing is accepted as a basis for proceeding with the improvement herein described.

For the City of _____, Ohio

Attest: _____

_____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Transportation

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 4 - 1997

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE enacted by the City of Massillon, Stark County, Ohio, in the matter of the hereinafter described improvement and to request cooperation by the Ohio Director of Transportation and declaring an emergency.

WHEREAS, the City has identified the need for and proposes the improvement of a portion of the public highway which is described as follows:

Micro surfacing of roadway. (U.S. 30)

said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement, and

WHEREAS, the City further desires cooperation from the Ohio Director of Transportation in the planning, design and construction of said improvement.

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

Section 1:

The City of Massillon hereby requests the cooperation of the Ohio Director of Transportation in the cost of the above described improvement as follows:

Consent is given for the above improvement, and further the City will assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement, as determined by the State and the Federal Highway Administration.

Section 2:

It is declared to be in the public interest that the consent of said City be and such consent is hereby given to the Director of Transportation to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

Section 3:

The Director of Public Service and Safety of the City of Massillon, is hereby empowered and directed on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

Section 4:

The traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

Section 5:

Upon completion of said improvement, said City, will thereafter keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provision for such maintenance; and
- (b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

- (c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.
- (d) Regulate parking in the following manner:

Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

Section 6:

The following is further required to be in the said agreement:

- (a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State will acquire any additional right-of-way required for the construction of the aforesaid improvement.
- (c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose line or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by said City or the Department of Transportation.
- (d) That it is hereby agreed that the City shall at its own expense, make all rearrangements of sanitary sewers or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provision of Directive H-P-508 inside or outside the corporate limits as may be necessary to conform to the said improvement and rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.
- (f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4 "Utilities Relocations and Adjustments" and the Department of Transportation's rules on Utility Accommodation.
- (g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Section (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, the State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove.

Section VII

This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, and 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 from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 1997

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

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

CERTIFICATE OF COPY

STATE OF OHIO

City of Massillon SS

County Stark

I, Sharon Howell, as Clerk of the City of Massillon, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No.3 - 1997, adopted by the legislative authority of the said City on the _____ day of _____, 1997, that the publications of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in Ordinance Record No. 3 - 1997.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____ day of _____, 1997.

(SEAL)

CLERK

City of Massillon, Ohio.

The foregoing is accepted as a basis for proceeding with the improvement herein described.

For the City of _____, Ohio

Attest: _____

_____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Transportation

DATE: January 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 5 - 1997

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with Ohio Department of Public Safety to receive a grant for upgrading regulatory signs, 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 of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with Ohio Department of Public Safety to receive a grant for upgrading regulatory signs. The grant shall be awarded in the amount of Ten Thousand Dollars (\$10,000.00).

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 additional reason that it is necessary for the City of Massillon to enter into an agreement with the Ohio Department of Public Safety to receive a grant for upgrading regulatory signs. 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 _____, 1997

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DAVID A. SMITH, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: January 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 6 - 1997

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and Director of Public Service and Safety to enter into a Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, 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 of the City of Massillon, Ohio, are hereby authorized and directed to enter into a Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District.

Section 2:

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

Section 3:

That the cost of said grant agreement shall be Twenty-Six Thousand Dollars (\$26,000.00).

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 to enter into the agreement to continue the efficient operation of the recycling 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 THIS 6th DAY OF January 1997

APPROVED: Sharon Howell
SHARON HOWELL, CLERK OF COUNCIL

David A. Smith
DAVID A. SMITH, PRESIDENT

APPROVED: January 6, 1997

Francis H. Cicchinelli, Jr.
FRANCIS H. CICCHINELLI, JR., MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon:

Sharon Howell
Clerk of Council

Date 1/6/97

RECYCLING PROGRAM GRANT AGREEMENT
STARK-TUSCARAWAS-WAYNE
JOINT SOLID WASTE MANAGEMENT DISTRICT

THIS AGREEMENT is made and entered into this _____ day of _____, 199____ by and between the Stark-Tuscarawas-Wayne Joint Solid Waste Management District (the District), acting by and through its Board of Directors (the Board), and the City of Massillon (the Grantee), under the circumstances summarized in the following recitals:

WHEREAS, the Grantee has submitted an application in the form attached as Exhibit A (the Application) to the District for a grant (the Grant) to provide funding for the recycling program described therein (the Program); and

WHEREAS, the Board has determined , based upon its review of the Application, that the Grant should be awarded in the amount of \$ 26,000.00 to provide funding for portions of the Program, and that fees levied under Division (B) of Section 3734.57 of the Revised Code and appropriated by the Board for the purpose of funding recycling programs in connection with implementation of the District's Solid Waste Management Plan, should be expended to fund the Grant in the amount of \$ 26,000.00; and

WHEREAS, the Board has authorized its Chairman and Secretary to execute and deliver this Agreement with the Grantee relating to the administration of the Grant; and

WHEREAS, the Grantee has been authorized by its governing body to enter into this Agreement;

NOW THEREFORE, in consideration of the premises and mutual covenants hereinafter contained, the District and the Grantee agree as follows:

Section 1. Grant Award Disbursements to the Grantee, and Use of Disbursements

1.01 The District hereby awards to the Grantee the Grant in an amount not exceeding \$ 26,000.00 for the purpose of providing financial assistance for the Program Activities specified (as Items I, II and III, the Approved Activities), that are in accordance with its form attached as Exhibit B (Fundable Expenses) in the Program Budget included in the Application. The District agrees to disburse Grant funds to the Grantee for Approved Activities in an amount not exceeding the amount set forth above. The Grantee hereby acknowledges and agrees that the amounts payable to the Grantee under this Agreement are and shall be payable solely from any moneys on deposit from time to time in the fund into which fees levied by the District under Division (B) of Section 3734.57 of the Revised Code are required to be deposited, and that amount payable to the Grantee under this Agreement are not payable from any other moneys of the District, the Board or the Solid Waste Management Policy Committee of the District (the Policy Committee) or from any moneys of Stark County, Tuscarawas County or Wayne County (the Counties). This Agreement does not and shall not constitute a general obligation of the District, the Board, the Policy Committee or any of the Counties.

1.02 Disbursements to the Grantee. Grantee shall prepare and submit quarterly invoices, the form attached hereto as Exhibit C (the Quarterly Invoice), for the expenses incurred for Approved Activities of the Program to the Board on each of the following dates:

- 1) April 15, 1997
- 2) July 15, 1997

penalties, damages, settlements, costs or liabilities of every kind and character arising out of or in connection with any acts or omissions of the Grantee, negligent or otherwise, and its employees, officers, agents or independent contractors. Grantee agrees, to the extent permitted by law, to pay all damages, costs and expenses of the District, the Board, the Policy Committee, any committee or subcommittee thereof and their officers, employees and agents, in defending any action arising out of the aforementioned acts or omissions.

Section 5. Miscellaneous

5.01 Notices: All notices, certificates, requests or other communications hereunder shall be in writing and shall be deemed to be given when mailed, postage prepaid, addressed as follows:

if to the District: Board of Directors
Stark-Tuscarawas-Wayne Joint Solid Waste Management District
10804 Wilkshire Blvd NE, Suite B
Bolivar, OH 44612
Attn: Mr. Phillip F. Palumbo
Executive Director/Treasurer

if to the Grantee:

Either may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

5.02 Extent of Covenants; No Personal Liability. All covenants, stipulations, obligations and agreements of the District contained in this Agreement are and shall be deemed to be covenants, stipulations, obligations and agreements to the full extent authorized by law and permitted by the Constitution of the State. No covenant, stipulation, obligation or agreement of the District contained in this Agreement shall be deemed to be a covenant, stipulation, obligation or

agreement of any present or future member, officer, agent or employee of the District, the Board, the Policy Committee or any committee or subcommittee thereof, in other than that person's official capacity.

5.03 Binding Effect. This agreement shall inure to the benefit of and shall be binding upon the District and Grantee and their respective successors and assigns, provided that this Agreement shall not be assigned by either party without the consent of the other party.

5.04 Amendments, Changes and Modifications. This Agreement may not be effectively amended, changed, modified or added to except by an instrument executed in the same manner as this Agreement approved by the Board and the governing body of the Grantee.

5.05 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.

5.06 Severability. In case any section or provision of this Agreement, or any covenant, stipulation, obligation, agreement, act, or action, or part thereof made, assumed, entered into, or taken thereunder or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other section or provision thereof or any other covenant, stipulation, obligation, agreement, act, action or part thereof, made, assumed, entered into, or taken thereunder (except to the extent that such remainder, section, provision or other covenant, stipulation, obligation, agreement, act, action or part thereof is wholly dependent for its operation on the provision determined to be invalid), which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or

invalidity of any application thereof affect any legal and valid application thereof, and each such section, provision, covenant, stipulation, obligation, agreement, act, action, or part thereof shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

- 5.07 Construction. The terms used in this Agreement shall be construed so as to be consistent with, and to give effect to, any applicable state or federal laws or regulations issued thereunder, but otherwise so as to confer the fullest possible authority upon the District and the Grantee to accomplish the purposes of this Agreement.
- 5.08 Captions and Headings. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.
- 5.09 Laws of State Govern. This Agreement shall be deemed to be an agreement made under the laws of the State of Ohio and for all purposes shall be governed by and construed in accordance with those laws.
- 5.10 Termination of Agreement. This Agreement shall terminate on January 15, 1997, or at such earlier date as may be elected by the District if the Board hereafter determines in its sole discretion that the conduct of the Program by the Grantee is not specified in the Application, or the Grantee has not complied in any respect with the terms of this Agreement. In the event of such termination, the Grantee shall be paid only for any non cancelable obligation properly incurred by the Grantee prior to termination.

IN WITNESS WHEREOF, the District, acting by and through the Board, and the Grantee, have caused this Agreement to be executed and to be effective on the date set forth above.

THE CITY OF MASSILLON

STARK-TUSCARAWAS-WAYNE JOINT
SOLID WASTE MANAGEMENT DISTRICT

By: _____ By: _____
Title Chairman, Board of Directors

And By: _____ Attest: _____
Title Secretary, Board of Directors

DATE: January 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 7 - 1997

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 557 "WEEDS AND TREES" of the Codified Ordinance of the City of Massillon, by repealing existing Section 557.04(a) "REMOVAL OF TREES" and enacting a new Section 557.04(a) "REMOVAL OF TREES" of CHAPTER 557, 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 557.04(a) "REMOVAL OF TREES" of CHAPTER 557 "WEEDS AND TREES" 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 557.04(a) "REMOVAL OF TREES" of CHAPTER 557 "WEEDS AND TREES" of the Codified Ordinances of the City of Massillon and which shall read as follows:

557.04 REMOVAL OF TREES

(a) Any tree on City property on or along any sidewalk or street which is decayed, mutilated or damaged may be declared by the Safety-Service Director to be a public hazard and nuisance. The Director is hereby authorized and directed to notify the owner of the property abutting such sidewalk or street on which such tree is located to remove the same forthwith. The notice shall be sent by certified mail. If any person neglects or refuses to comply with the notice within fifteen (15) days of receipt of the notice, it shall be the duty of the Director to cause the removal of such tree. The cost of such removal shall be certified to the County Auditor who shall place the same on the owner's tax duplicate for collection in the same manner as other taxes are collected. Such remedy shall be in addition to the penalty provided in subsection (b) hereof.

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 cost to remove trees that are a nuisance or public hazard should be accessed against the property owners, 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 _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

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

DATE: January 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 8 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1997 appropriation from within the Capital Improvement 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 1997 appropriation from within the Capital Improvement Fund of the City of Massillon, Ohio, the following:

\$19,044.39 from "1996 Street Resurfacing" 1401.435.2515 to
"Storm Sewer" 1401.405.2512

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 to be transferred to the Storm Sewer Account, 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 _____ 1997

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DAVID A. SMITH, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: January 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 1 - 1997

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending John H. Frieg as President of Council for the City of Massillon, Ohio.

WHEREAS, on December 31, 1996 JOHN H. FRIEG completed one (1) year as President of the Council of the City of Massillon, Ohio, and

WHEREAS, JOHN H. FRIEG, has fully cooperated with all members of City Council regardless of political affiliation and has devoted himself to his responsibilities and duties as President of Massillon City Council, and

WHEREAS, MR. FRIEG, during his term of office as President of City Council has given outstanding service to the Citizens for the betterment of Massillon, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to MR. JOHN H. FRIEG for the excellent service he has rendered to the people and the City of Massillon during his term of office.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the Council commends JOHN H. FRIEG for the efficient, energetic and capable manner in which he has discharged his duties and for the lasting contribution he has made to our City during his term of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

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

DATE: January 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 2 - 1997

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION supporting the RTA Board to resubmit a quarter percent sales tax on the May 1997 Primary ballot.

WHEREAS, it is vital that public transportation operate throughout Stark County including the City of Massillon, and

WHEREAS, Stark County is among the fastest growing in the State of Ohio, and

WHEREAS, with the loss of Regional Transit Authority's (RTA) Grant of federal funds, the passage of a county wide quarter percent sales tax is crucial to the continued existence of the RTA and to its ability to meet the necessary needs of the community, and

WHEREAS, the Council supports the efforts of the Board of Trustees of the RTA in their endeavor to bring all of Stark County into its area of service and the passage of the sales tax needed to fund that expansion,

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

Section 1:

This Council hereby supports the RTA Board to resubmit a quarter percent sales tax on the May 1997 Primary ballot.

Section 2:

That this resolution shall be immediately effective.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1997

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

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